REVIEW OF THE CHILD PROTECTION SYSTEM IN NAURU
This review of the child protection system in Nauru was commissioned through a joint collaboration between the Ministry of Home Affairs and UNICEF Pacific. Child Frontiers (www.childfrontiers.com), an international consulting company focused on child protection issues, was responsible for designing the review methodology and drafting the report. The Child Frontiers team included Guy Thompstone (Director) and Carmela Tassone (Associate and lead researcher).

Report was finalized by UNICEF Pacific and Ministry of Home Affairs, Nauru.

A national team conducted discussion groups in communities: Bernadette Aliklik, Fraulein Itaian, Manfred Depaune, Isabella Dageag, Lynn Detabene and Cynthia Dekarube.
REVIEW OF THE CHILD PROTECTION SYSTEM IN NAURU
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# ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ADB</td>
<td>Asian Development Bank</td>
</tr>
<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
</tr>
<tr>
<td>DIBP</td>
<td>Australian Department of Immigration and Border Protection</td>
</tr>
<tr>
<td>FHS</td>
<td>Family Health and Support study</td>
</tr>
<tr>
<td>GDP</td>
<td>Gross domestic product</td>
</tr>
<tr>
<td>ICCC</td>
<td>Integrated Case Coordination Committee</td>
</tr>
<tr>
<td>ICM</td>
<td>Integrated case management</td>
</tr>
<tr>
<td>MOE</td>
<td>Ministry of Education</td>
</tr>
<tr>
<td>MOH</td>
<td>Ministry of Health</td>
</tr>
<tr>
<td>MOHA</td>
<td>Ministry of Home Affairs</td>
</tr>
<tr>
<td>MOJ</td>
<td>Ministry of Justice</td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>WHO</td>
<td>World Health Organization</td>
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As Minister for Home Affairs, I am pleased to provide a foreword for this important milestone achieved. The review of the Child Protection system in Nauru has come at a timely manner particularly as we embark on developing strategies for the protection of children in Nauru. The ratification of the Convention on the Rights of the Child on 27 July, 1994 by the Government of Nauru is indicative of the GON commitment to ensuring that children’s rights and welfare are at the forefront of government planning and actions. The GON is committed to providing a safe environment for all children and this includes their care, welfare, wellbeing and development to realise their full potential.

The Republic of Nauru through the Ministry of Home Affairs and with support from UNICEF Pacific conducted a “Review of the Child Protection System in Nauru” in 2015. As follow-up to this review, the need for development of a comprehensive Child Protection legislation to ensure domestication of the Convention on the Rights of the Child, contextual to Nauru, and to address the legal gaps identified during the review, is important. The linkages between the CRC and the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of all forms of Discrimination against Women has also been taken into consideration.

The Republic of Nauru recognizes the need for legal and policy reform. It acknowledges that some laws date back to colonial times and urgently require revision based on changing circumstances and conditions, including the need to accommodate human rights concessions. The review of the Child Protection system here in Nauru, has assisted the Government to better address the care and protection needs of children by developing a national child protection policy and associated systems framework. This report is a valid representation of discussions held with key stakeholders from various government agencies, districts and partners.

In October 2013 the Minister of Home Affairs established a Family and Community Services Division within the Ministry of Home Affairs. This included establishment of a family welfare function, community development and a child protection response mechanism. In order to ensure a strong focus on children and young people, in 2015, the Government of Nauru established a dedicated Division of Child Protection Services staffed by a Director, Child Protection Officers and a Children’s Counsellor. The role of the Division is to have lead responsibility in Nauru for the care and protection of children, and to establish systems and processes to respond to cases of child abuse and neglect.

The creation of the new Division of Child Protection however, indicates the Nauru Government’s commitment to the care and protection of children, and a shared responsibility across key government
departments, and with civil society groups to protect all children. As such the Government in February 2015 endorsed the Integrated Model for Family Violence and Child Protection, with the Minister of Home Affairs, as the responsible Minister for the function. Two Integrated Case Coordination Committees, one dealing with case management and systemic family violence issues and the other child protection issues have been established, and are responsible with an overarching governance committee which reports to the Minister, Home Affairs. The principles underpinning the approach are:

a. the safety of the victim/s is paramount;
b. there is a shared responsibility across departments to work together to identify needs and effective solutions and responses;
c. acknowledge that no single service can address all of the needs of an individual or family;
d. confidentiality is respected and information is shared only within agreed protocols;
e. assist families by providing early intervention aimed at preventing further violence and abuse;
f. Provide education to service providers and the broader community about child abuse and neglect and family violence and its impact on victims.

The ICCC has a role in serious and/or cases of reported child abuse and neglect, which require a whole of government response to manage risk and safety concerns. It is not convened to deal with each and every child protection matter, as that is the function of the newly created Division of Children’s Services, but to ensure that information is shared across relevant key stakeholders, in cases where ongoing risk issues need to be managed through the development of shared goals, interventions and coordinated strategies. In addition, in 2015, Cabinet endorsed a mandatory reporting policy which requires several occupational groups employed by the Government of Nauru, including external service providers, to report cases of family violence and child protection matters to Child Protection Services. The Cabinet also endorsed a No Drop policy, which audits current legislative provisions which cause criminal matters to be dropped, and to draft and implement the necessary amendments that reported cases of family violence and sexual assault proceed through the criminal justice system without being withdrawn by either the complainant, or the legal process.

The Division is supported in its role to protect children by the Domestic Violence Unit of the Nauru Police Force, whose role it is to investigate and respond to violence against victims of domestic violence and to child abuse. The Government of Nauru is currently embarking towards the development of a standalone legislation that is aimed at protecting children in Nauru from abuse in all forms and manner. This proposed legislation is the first law in the Republic of Nauru to make comprehensive provision for issues related to the rights, protection and welfare of children in accordance with the principles and provisions of the UN Convention on the Rights of the Child (CRC). The proposed law will empower and enable the government to take action to ensure that children are protected whenever necessary. The provisions of this new law will promote the welfare of all children in Nauru. It also guarantees that the laws of Nauru will be applied in the best interests of children. This new Act is a milestone step towards ensuring that Nauru maintains good international standing for the way it treats and protects its children.

The Government of Nauru through the Ministry of Home Affairs wishes to thank the Representative of UNICEF Pacific, Ms Karen Allen; Chief of Child Protection, Ms Amanda Bissex; Child Protection Specialist Ms Salote Kaimacuata; Legislative Specialist, Graham Powell; Department of Finance; Department of Justice and Border Control; and the Department of Home Affairs for assisting us in this initiative. Our Children are our Future, they are to be cherished, protected, nurtured and educated in knowing what is their inherited right as a Nauruan; they demand and deserve nothing less than Our Best. For our children, our greatest legacy is ensuring that laws are set in place to ensure their protection and safety of their rights is an inherent part of the social system.

Tubwa

Ms. Charmaine Scotty
Minister for Home Affairs
Government of Nauru
EXECUTIVE SUMMARY

This report details the findings of a review of the child protection system in Nauru, commissioned by the Ministry of Home Affairs (MOHA) and UNICEF Pacific. Children are deemed especially important in Nauruan society, and the Government of Nauru has committed to better addressing the care and protection needs of children by developing a national child protection policy and associated system framework. Understanding what is in place already and how communities care and protect children is the first step towards realizing that commitment. This review gives an overview of the child protection system, its components and functions and the legal framework. It includes, to the extent possible, an analysis of the informal care practices as well as formal protection strategies. The review focuses primarily on the protection situation of local Nauruan children: access (physical and linguistic) proved too challenging to include children living in the Regional Processing Centre and other children living in the community who have applied for refugee status as well as non-Nauruan children from non-English speaking backgrounds (for example Chinese). As all children are under the legal jurisdiction of the Government of Nauru, the legal review by its nature encompasses all children. Data for the review was collected through (i) a desk review, (ii) interviews and (iii) group discussions with community members, including parents, children and young people.

Family and community care

The review of the child protection system reveals a broad spectrum of opportunities and challenges for promoting and guaranteeing the care and protection of children in Nauru. In line with findings from similar studies in other Pacific Island countries, this review points to a strong sense of community and widespread concern for the well-being of children. The family has remained the core unit of Nauruan society, and family relationships are central to caring for and protecting children. Families continue to respond to concerns about a child’s welfare by ensuring that some part of the extended family takes the child into their household. However, the review found that there are pressing child protection issues in Nauru, including parental neglect, corporal punishment, sexual abuse and emotional and psychological abuse arising from witnessing family violence. Such issues affect children in all settings, especially in the home and in schools. Future strategies to protect Nauruan children must reflect and harness the positive values of kinship and promote healthy, caring families. To this end and acknowledging the budgetary constraints of the government sector, national initiatives to strengthen families and community-based projects that prevent and/or reduce the vulnerability of children and their families to violence should be a first priority.

Formal Child Protection system

The findings provide the evidence base that national decision makers and stakeholders require to begin a constructive dialogue on the policy vision and the central pillars for a system that protects all children living in Nauru whilst acknowledging the complex and profound challenges to developing a culturally relevant and viable national system.

Welcomed recent initiatives include the creation of the Child Protection Directorate within the MOHA. To support the MOHA there is a need to develop a policy to guide the child protection system and a national strategy to support implementation of the system in an incremental and sustainable. The MOHA and its various divisions, including Family and Community Services and the Child Protection Directorate, have a stated purpose of unifying and strengthening families and communities but no formal legal mandate or strategy for the protection of children. Policy and legal developments will need to consider for example, whether MOHA is designated principally as a direct service provider, an interagency coordination mechanism, an oversight and advocacy function or a combination of these.

There are developments underway to strengthen coordination. For prevention and early intervention measures to be effective, it is evident that a range of individuals and organizations, including civil society and faith-based groups, will need to be brought into the realm of the new protection system.

Within an overarching strategy for investing in the national child protection system, there will need to be real consideration about the balance between (i) programmes to prevent violence, abuse, neglect and exploitation and (ii) mechanisms to respond to actual cases. The determination of such system priorities is especially important when decisions are shaped by limited resources and strong traditional customs.

Initiatives to develop a child protection system have tended to focus on formal response systems, such as the integrated case management model, to deal with cases of violence, abuse, neglect and exploitation of children. The reality is, however, that the vast majority of cases are not brought to the attention of government authorities. Most cases of violence, abuse, neglect or exploitation are dealt with in the family and, even with awareness programmes it is unlikely that this social norm will change greatly in the immediate term. There appears to be no expectation that government officers would interfere in ‘family business’; rather, the legitimacy of the response would be questioned. In this sense, it is essential that the mechanisms being designed become contextually appropriate and adapted and tailored to the Nauru setting. The response system represents an option for dealing only with the most serious cases that cannot be resolved either within the family or by important persons at the community level; whilst a complementary system to support families and communities for prevention and response will also be beneficial.

Refugee Children

Since asylum-seeking children have been transferred and held in the Refugee Processing Centre, a number of reports have raised significant concerns about the impact of detention on children as well as the conditions of the centre. Other reports have raised specific allegations of abuse of children by staff and detainees in the processing centre.

Although the focus of this review was on the care and protection of local Nauruan children, there is also a need for a considered and appropriate set of measures to prevent and respond to allegations and incidences of abuse of children in the Regional Processing Centre and of children living in Nauruan communities as refugees or unaccompanied minors. An inclusive national system must be designed, capable of integrating and responding to the needs of this group of vulnerable children.

Conclusions

The vision of the National Sustainable Development Strategy offers a starting point for contextualizing the child protection system in Nauru. Captured in the phrase “partnership for quality of life”, emphasis is on sustainable improvements in the quality of life experienced by all Nauruans whilst stressing the importance of partnerships at all levels. In essence, the Nauruan child protection system, while drawing inspiration from external models and maximizing the financial aid available, must nonetheless be designed to be both culturally and financially sustainable.

The child protection system in Nauru requires an overarching national vision or plan to prevent and respond to children at risk of violence, abuse, neglect and exploitation. With the commitment to establish a specialized Child Protection Directorate, there is now opportunity to expand the dialogue and build a strong concept of a system that is contextually and culturally appropriate as well as realistic and sustainable, given the likely human and financial resources available in Nauru.

2The central message as captured in the vision set out in the National Sustainable Development Strategy 2005–2025.
Recommendations

Specific recommendations to prevent violence, abuse, neglect and exploitation of children:

i. Develop a comprehensive legal framework to ensure domestication of the Convention on the Rights of the child and to address the legal gaps identified in this review.

ii. Finalize the child protection policy framework and strategy with a comprehensive implementation plan including an associated monitoring and evaluation framework.

iii. Develop a financial or budgeting strategy to ensure that sufficient funds are available to implement the new policy. This would be projected over a multi-year time frame and cover all operational and staffing costs as well as the funds for essential services.

iv. Develop a capacity building strategy for the social welfare sector including a programme of education and learning on child well-being, welfare and protection for MOHA and its divisions. This capacity building will help position MOHA as a more informed and professional leader for the longer-term development of the sector.

v. Make the reporting of cases of child abuse mandatory for professionals working in the health, education, justice and social welfare sectors.

vi. Develop comprehensive referral and case management protocol for coordination of services to children including social welfare, health, education, policy, and justice sectors.

vii. Develop health services guidelines to support health workers to promote children’s protection and safety, recognise and appropriately respond to cases of violence, abuse and neglect, and refer cases.

viii. Develop child protection policy in schools for all ECE through to secondary schools and the school for the disabled, to ensure child safeguarding and a framework for protection, identification, managing and reporting of incidents of child abuse in schools.

ix. Develop a community facilitation package that promotes positive social norms, addressing harmful practices and promotes positive parenting practices that can be implemented by both government and non-government service providers and engages community leader, youth, faith-based organizations in the promotion of community responses to protection of children.

x. Facilitate a joint programme between the health authority and the police to enhance community awareness of the dangers of alcohol abuse and to implement more consistent and forceful measures for perpetrators of alcohol-induced violence.

xi. Develop and deliver positive parenting skills training for families, including young people who represent the next generation of parents; and positive discipline training for parents, family members, teachers and other professionals/workers who work with children.

xii. Increase the capacity of the Self-Help Ending Violence programme officer (or a team of workers) to work with men and boys on the issue of safe and respectful relationships with women and girls as well as matters of violence, especially sexual violence, towards women and children.

xiii. Ensure integrated programming approach to addressing gender based violence and violence against children and implement the recommendations of the Family Health and Support Study (2014).
INTRODUCTION

Background to the review

This report details the findings of a review of the child protection system in Nauru that was undertaken by the Ministry of Home Affairs (MOHA) and UNICEF Pacific. The Government of Nauru has committed to better address the care and protection needs of children by developing a national child protection policy and associated system framework. The establishment of the Family and Community Services division in 2013 and the Child Protection Directorate in 2015 is demonstration of that commitment. The Family and Community Services Division assisted in the design and implementation of this review including the field work. The Child Protection Directorate has subsequently taken responsibility for finalization of the review, and implementation of its findings.

Rationale for the review

The ways in which individual societies understand, perceive and approach the care and protection of their children develop over time and are rooted in particular traditions and sociopolitical, economic and cultural contexts. The approaches to care and protection typically change as traditions, culture, the economy and other factors evolve and transform.

Violence, abuse and neglect of children are phenomenon that occur in every country and cut across socio-economic boundries. Nauru is no exception. The Nauru Family Health and Support (FHS) study on family violence, indicate that children are at risk of and suffer various forms of violence, abuse, neglect and exploitation in a range of settings including the home, schools and community. The study found that 48 per cent of women surveyed who ever had an intimate relationship experienced physical and/or sexual violence by a partner at least once in their lifetime. Given that many families in Nauru live in collective housing, children’s exposure to violence is high. The study also found that over 30 per cent of women surveyed reported having been sexually abused in childhood.

Furthermore, the Nauru Government’s signing of an agreement with the Australian Government to participate in the offshore regional processing of asylum seekers in 2012 has introduced new groups of vulnerable children and families into the country with specific protection vulnerabilities.

Responding to the increasing need to support the care and protection of children, Nauru has developed a draft Child Protection Strategy based on the principals of the Convention on the Rights of the Child, to which Nauru is a signatory, and building on the Protective Environment.
Framework developed by UNICEF. A range of tools are under development for strengthening of child protection service delivery in line with the draft strategy. The specialized Child Protection Division within the MOHA was established to support the development and implementation of the Strategy as well as a policy framework that will guide services to meet the welfare needs of children, families and communities.

This report gives an overview of the child protection system as it currently exists and documents the system components and functions. It includes, to the extent possible, an analysis of the informal care practices as well as formal protection strategies. It is anticipated that the findings will provide the evidence base that national decision makers and stakeholders require to begin a constructive dialogue on the policy vision and its central pillars. The report proposes recommendations for strengthening the child protection system that are tailored to the Nauruan cultural, social and economic context.

**Aims of the review**

The aims of the review as set out in the terms of reference:

1. Review the current situation in terms of legislation, policy, services and community attitudes and knowledge on child protection. This includes acknowledgement of existing work on and strengths for providing baseline data against which to measure progress towards building a child protection system for children and families.

2. Develop recommendations to help shape government plans, in particular the development of a policy response.

3. Further promote capacity building, networking and interagency collaboration, with a focus on ownership and sustainability of recommendations.

**Scope of the review**

This review focuses primarily on the protection situation of Nauruan children. Access (physical and linguistic) proved too challenging to include children living in the camps within the Regional Processing Centre and children living in a Nauru community as a refugee or whose application for refugee status had yet to be determined. The various reports available on child protection issues facing asylum seeking and refugee children were considered as part of the desk review including the Physical and Mental Health Subcommittee of the Australian Joint Advisory Committee for Nauru Regional Processing Arrangement (2014), the Australian Human Rights Commission (2014) and Philip Moss (2015). A comprehensive review and documenting of the existing national child protection system was deemed essential before assessing how the system might reach different populations of children, both Nauruan and children with refugee status. From the outset, there was strong acknowledgement by the MOHA and UNICEF that, based upon the conclusions of this report, efforts would be made to establish a holistic child protection system to ensure the accessibility of all children living in Nauru, regardless of origin and including those within the Regional Processing Centre, children from non-Nauruan families and children with disabilities.

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6Physical and Mental Health Subcommittee of the Joint Advisory Committee for Nauru Regional Processing Arrangement of a Nauru site visit, 16–19 February 2014; Australian Human Rights Commission, 2014; Moss, 2015
Review methodology and respondents

The review commenced in January 2015, with data collected in Nauru between February and April 2015. The review is not intended to provide a quantitative statistical analysis of the prevalence and incidence of violence, abuse, neglect and exploitation of children. Rather, it provides a qualitative snapshot of the behaviours, attitudes and values that impact the care and protection of children. It also describes and analyses the legal and regulatory framework for child protection as well as the State, community and family measures, including traditional practices, to prevent and respond to violence, abuse, neglect and exploitation.

Data for the review was collected through (Tables 1 and 2):

1. A desk review of available documents, including policy documents, reports and laws (see Annex IV for list of reviewed documents).
2. Interviews with individuals who have roles, responsibilities or specialist knowledge in relation to child welfare and protection.
3. Group discussions with community members, including parents, children and young people.

To assemble a clear picture of the child protection situation and provide culturally appropriate and realistic recommendations, the review aimed to elicit the views and perspectives of community leaders, church representatives, government officials, parents, young people and children across the island. Organizing group discussions proved challenging and the number of representatives from these different groups were fewer than originally expected. Given the limitations of the participation in group discussions some caution must be exercised when reviewing the results. However, the results provide insightful preliminary information on how child protection is viewed without being statistically representative.

Table 1. People interviewed and group discussions

<table>
<thead>
<tr>
<th>NO.</th>
<th>POSITION OR GROUP</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Family and Community Services Acting Director and staff (child protection officer, community development officer, family support officer and administrative officer)</td>
</tr>
<tr>
<td>2</td>
<td>Acting Secretary, Ministry of Home Affairs</td>
</tr>
<tr>
<td>3</td>
<td>Director Women’s Affairs, Ministry of Home Affairs</td>
</tr>
<tr>
<td>4</td>
<td>Director Youth Affairs, Ministry of Home Affairs</td>
</tr>
<tr>
<td>5</td>
<td>Secretary, Ministry of Education</td>
</tr>
<tr>
<td>6</td>
<td>Gender-based violence specialist and psychologist, Department of Health</td>
</tr>
<tr>
<td>7</td>
<td>Chief school liaison officer</td>
</tr>
<tr>
<td>8</td>
<td>Assistant counsellor, Safe House</td>
</tr>
<tr>
<td>9</td>
<td>Manager, Nauru Public Health</td>
</tr>
<tr>
<td>10</td>
<td>SHED, male project worker</td>
</tr>
<tr>
<td>11</td>
<td>Director/Commissioner of police and senior police executive, including the superintendent in charge of the Domestic Violence Unit; the superintendent in charge of the Community Liaison Officer Pilot Project and the Superintendent in charge of Police Support Services</td>
</tr>
</tbody>
</table>

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*With visits taking place 23 February – 4 March 2015 and 22 March – 1 April 2015.
*The initial desk review was completed in April 2015 and updated in October 2015 following restructure within MOHA and creation of the Child Protection Directorate. Additional documentation reviewed include the draft Child Protection Strategy, draft Nauru Child Protection Framework, and minutes of Nauru Advisory Committee.
REVIEW OF THE CHILD PROTECTION SYSTEM IN NAURU

The group discussions aimed to elicit information on the understanding, perceptions, attitudes and practices of Nauruan parents, families and communities in relation to the care and protection of children. The group discussions were designed to collect illustrative data across Nauru rather than comprehensive statistical or comparative national data. One group discussion was supposed to take place in each of the 14 districts and one in Location (Table 3). Although 15 group discussions were conducted, practical limitations including unavailability of members of the field research team meant that only 11 of the planned 15 districts were covered.

Table 2. Group discussions

<table>
<thead>
<tr>
<th>GROUP</th>
<th>DISTRICT / VENUE</th>
<th>NO. OF PARTICIPANTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adolescent girls age 12–17 (in school)</td>
<td>Nauru College</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Nauru Secondary School</td>
<td>8</td>
</tr>
<tr>
<td><strong>TOTAL: 23 GIRLS IN SCHOOL / 2 GROUP DISCUSSIONS WITH GIRLS IN SCHOOL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adolescent boys aged 12–17 (in school)</td>
<td>Kayser College</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Nauru Secondary School</td>
<td>6</td>
</tr>
<tr>
<td><strong>TOTAL: 15 BOYS IN SCHOOL / 2 GROUP DISCUSSIONS WITH BOYS IN SCHOOL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adolescent girls aged 12–17 (out of school)</td>
<td>Uaboe</td>
<td>10</td>
</tr>
<tr>
<td><strong>TOTAL: 10 GIRLS OUT OF SCHOOL / 1 GROUP DISCUSSION WITH GIRLS OUT OF SCHOOL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adolescent boys aged 12–17 (out of school)</td>
<td>Anabar</td>
<td>10</td>
</tr>
<tr>
<td><strong>TOTAL: 10 BOYS OUT OF SCHOOL / 1 GROUP DISCUSSION WITH BOYS OUT OF SCHOOL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Youth males aged 18–24</td>
<td>Ewa</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>Denig</td>
<td>7</td>
</tr>
<tr>
<td><strong>TOTAL: 24 YOUTH MALE / 2 GROUP DISCUSSIONS WITH MALE YOUTH</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Youth females aged 18–24 (Youth and Adult women)</td>
<td>Location / 8 / Ewa</td>
<td>10</td>
</tr>
<tr>
<td><strong>TOTAL: 18 YOUTH FEMALE / 2 GROUP DISCUSSIONS WITH FEMALE YOUTH</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult females aged 25 or older</td>
<td>Nibok</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Boe</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Ijuw</td>
<td>10</td>
</tr>
</tbody>
</table>

Due to miscommunication, young women aged 18–24 years and older women participated in the same group discussion; the review team considered it appropriate, given the participants’ willingness and the difficulty of rescheduling.
<table>
<thead>
<tr>
<th>GROUP</th>
<th>DISTRICT / VENUE</th>
<th>NO. OF PARTICIPANTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL: 23 ADULT FEMALES / 3 GROUP DISCUSSIONS WITH FEMALE ADULTS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult males aged 25 or older</td>
<td>Buada</td>
<td>9</td>
</tr>
<tr>
<td>Adult males aged 25 or older</td>
<td>Yaren</td>
<td>18</td>
</tr>
<tr>
<td><strong>TOTAL: 27 ADULT MALES / 2 GROUP DISCUSSIONS WITH MALE ADULTS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL: 150 PARTICIPANTS AND 15 GROUP DISCUSSIONS CONDUCTED</strong></td>
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</tbody>
</table>

### Table 3. Districts covered by a group discussion

<table>
<thead>
<tr>
<th>DISTRICT (% POPULATION DISTRIBUTION BY DISTRICT)</th>
<th>COVERED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yaren (8%)</td>
<td>✓</td>
</tr>
<tr>
<td>Boe (9%)</td>
<td>✓</td>
</tr>
<tr>
<td>Aiwo (12%)</td>
<td>✓</td>
</tr>
<tr>
<td>Buada (7%)</td>
<td>✓</td>
</tr>
<tr>
<td>Denigomodu (3%)</td>
<td>✓</td>
</tr>
<tr>
<td>Nibok (5%)</td>
<td>✓</td>
</tr>
<tr>
<td>Uaboe (3%)</td>
<td>✓</td>
</tr>
<tr>
<td>Baitsi (5%)</td>
<td>–</td>
</tr>
<tr>
<td>Ewa (4%)</td>
<td>✓</td>
</tr>
<tr>
<td>Anetan (6%)</td>
<td>–</td>
</tr>
<tr>
<td>Anabar (5%)</td>
<td>✓</td>
</tr>
<tr>
<td>Ijuw (2%)</td>
<td>✓</td>
</tr>
<tr>
<td>Anibare (2%)</td>
<td>–</td>
</tr>
<tr>
<td>Meneng (14%)</td>
<td>–</td>
</tr>
<tr>
<td>Location (15%)</td>
<td>✓</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>11</td>
</tr>
</tbody>
</table>

All interviews were conducted in English by Child Frontiers’ team (the consultant institution contracted to support the study) during two in-country visits. The group discussions were conducted in the Nauruan language by a local team, with support from the review leader. The team consisted of staff from Family and Community Services, MOHA and related government agencies. They were assigned roles as group discussion facilitators and note takers. Each group discussion facilitator followed a Facilitators Guide that was developed in a collaborative process between Child Frontiers and the members of the team. Before the commencement of the community consultations, the Facilitators Guide was translated into Nauruan by the local team members, led by the Acting Director of the Family and Community Services division, with assistance from the MOHA Language and Culture division.

The Facilitators Guide was then iteratively refined and adjusted during the course of the data collection. This was done to address difficulties that were detected during debriefing sessions with the team.

### Group discussion methodology

To help focus the discussion on different aspects of child maltreatment identified through the desk review and interviews as being issues faced by children in Nauru, the group discussions centred on how people inside and outside of the family would respond to certain situations involving fictional children: Peter, Mary and Mark:

**Peter**
Peter is a 10-year-old boy. He lives with his mother, father, grandparents and his four brothers and sisters. His father drinks every night, and it is well known that he often beats his wife when drunk. Neighbours have noticed that Peter is also being beaten and often has bruises and cuts to his body. One day, the father gets drunk and angry and punches Peter in the face. He falls to the ground with a bleeding nose and cut eye.

**Mary**
Would the family or community respond differently in the case in which a stepfather sexually abused Mary, his 10-year-old daughter? Please explain.

**Mark**
Would the family or community respond differently in the case in which a mother leaves her 10-year-old child, Mark, alone unsupervised at night? Please explain.

The group discussions took place predominantly during the second visit, although some were convened a few weeks later. Before commencement of the data collection phase, Child Frontiers conducted a capacity-building session with the local team over seven days during the first visit. This session covered basic child protection principles and concepts, including ethics and a code of conduct, as well as facilitation and note-taking skills.
Review challenges and limitations

A number of limitations and challenges affected the course of research.

1. The initially agreed project proposal envisaged that group discussions would be undertaken by Child Frontiers in English, with assistance of local translators. In the initial meetings with Family and Community Services staff, it became apparent that the consultations needed to be undertaken in Nauruan to give participants an opportunity to voice their opinions and contribute meaningfully to the discussion. This resulted in an additional visit to Nauru to train the team and the development of the Facilitators Guide.

2. To analyse a broad spectrum of children’s experiences in Nauru, the review team had hoped to have discussions with a wide range of groups of children and adults. It was not possible, however, to organize discussions with:

   - Children with disabilities and their caregivers;
   - children from the main non-Nauruan communities (Chinese and Kiribati) living in Nauru due to linguistic challenges;
   - a full range of community leaders; and
   - Representatives from religious groups other than the Nauruan Congregational Church.

   The time frame was one factor in arranging these discussions. As well, local contact points and networks of different groups were not yet established by the new Family and Community Services staff. There were also scheduling conflicts with other activities on the island at the time of the visits.

3. Data collection was undertaken at a time when several other work activities were taking place. This put pressure on some local team members. Some of them were not able to attend the refresher training at the start of the second visit, daily planned debriefs and, in several cases, to attend their scheduled group discussions. The conflicting time commitments also impacted on team members being able to transcribe their notes soon after the completion of a group discussion. This had a significant impact on the quality of the transcripts available for analysis.

4. The unexpected early departure of one of the two male team members impacted on the data collection with adult men. As a result, only two group discussions with adult men were conducted, and one was conducted with a female note-taker. Local team members remarked that having a female present had a significant impact on the general discussion among the male participants.
CHILD PROTECTION CONTEXT

Nauru is a small island state with a population of approximately 10,979\textsuperscript{10}, with women accounting for 49 per cent of the population.

As shown in Table 4, the total population at the last census (2011) was only a slight increase from the population figure in the 2002 census. In 2011, the vast majority (95 per cent) of the population were Nauruan citizens, and the remaining 5 per cent included non-Nauruan citizens from Kiribati and China\textsuperscript{11}.

Table 4. Total population, 2002 and 2011

<table>
<thead>
<tr>
<th>YEAR</th>
<th>MEN</th>
<th>WOMEN</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>5,136</td>
<td>4,929</td>
<td>10,065</td>
</tr>
<tr>
<td>2011</td>
<td>5,105</td>
<td>4,979</td>
<td>10,084</td>
</tr>
</tbody>
</table>


As Table 5 reflects, the proportion of Nauruans increased from 75 to 95 per cent of the population between 2005 and 2011. However, without taking into account the number of people in the Regional Processing Centre and people living as refugees in the community, the main non-Nauruan population groups from Kiribati and China appear to have remained at the same level.\textsuperscript{12}

Table 5. Total population, 2005 and 2011

<table>
<thead>
<tr>
<th>YEAR</th>
<th>NAURUAN (%)</th>
<th>NON-NAURUAN (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>75</td>
<td>25</td>
</tr>
<tr>
<td>2011</td>
<td>95</td>
<td>5</td>
</tr>
</tbody>
</table>


Note: The data for 2005 and 2011 may not be strictly comparable: 2011 figures refer to Nauruan and non-Nauruan citizenship as reported in the 2011 census report, while the 2005 data is as reported in the 2005 situation analysis and is not clearly identified as citizenship data.

The Nauruan population remains relatively young, with 38 per cent younger than 15 years, 59 per cent between 15 and 59 years of age and only 3 per cent older than 60 years (see Figure A4 in Annex II for the population age distribution).

The 2011 population census data do not include the number of asylum seekers and refugees living in Nauru since 2012. Table 6 shows the number of men, women and children held in the Regional Processing Centre during the period of this review, while Table 7 covers the number of people granted refugee status (and who moved into a Nauru community) during the same period.

\textsuperscript{10} Based on population estimates and civil registration data.
\textsuperscript{11} Government of Nauru, 2011.
\textsuperscript{12} The primary change over this time is the decrease in the number of Tuvaluan’s living in Nauru as a result of the Government’s repatriation process in 2006.
Table 6. Men, women, children held in the Regional Processing Centre in Nauru, December 2014 – November 2015

<table>
<thead>
<tr>
<th>Date</th>
<th>MEN</th>
<th>WOMEN</th>
<th>CHILDREN</th>
<th>TOTAL</th>
<th>NET CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>31 December 2014</td>
<td>596</td>
<td>164</td>
<td>135</td>
<td>895</td>
<td>-101</td>
</tr>
<tr>
<td>28 February 2015</td>
<td>509</td>
<td>126</td>
<td>107</td>
<td>742</td>
<td>-60</td>
</tr>
<tr>
<td>31 March 2015</td>
<td>489</td>
<td>126</td>
<td>103</td>
<td>718</td>
<td>-24</td>
</tr>
<tr>
<td>30 November 2015</td>
<td>261</td>
<td>62</td>
<td>58</td>
<td>381</td>
<td>-337</td>
</tr>
</tbody>
</table>

Source: Immigration Detention and Community Statistics Summary, published monthly by the Australian Department of Immigration and Border Protection.

Table 7. Number of refugees living in Nauru

<table>
<thead>
<tr>
<th>Date</th>
<th>ADULT MALES</th>
<th>ADULT FEMALES</th>
<th>PEOPLE LIVING IN FAMILY GROUPS</th>
<th>UNACCOMPANIED MINORS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>31 January 2015a</td>
<td>109</td>
<td>37</td>
<td>253</td>
<td>27</td>
<td>426</td>
</tr>
<tr>
<td>30 November 2015b</td>
<td>325</td>
<td>61</td>
<td>409</td>
<td>11</td>
<td>806</td>
</tr>
</tbody>
</table>


Based on the 2011 country population figure, people living in Nauru as refugees (as of 30 November 2015) represent approximately 8 per cent of the overall population.

Economic growth and prospects

Since independence in 1968, the phenomenal profits Nauru gained from phosphate mining resulted in a boom period in the economy13. The profits were used to operate national and local governance structures, provide social services, purchase overseas investments in various enterprises and invested in the then Nauru Phosphate Royalties Trust. The profits were also meant to sustain the flow of income after the exhaustion of phosphate. But following the collapse of global demand and the price for phosphate in the mid-1990s, an economic crisis descended across the island and the population struggled with poverty and declining infrastructure14. In 2006, 25 per cent of households could not meet their basic needs, and 16 per cent struggled to cover the cost of a diet considered basic by Nauru standards15. During 2000–2005, the education system experienced near collapse, with schools on the island reported as barely functioning. In the aftermath of that crisis, there was a sharp decline in the number of schools operating at all levels, along with the loss of many skilled teachers16.

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13 During the boom period, Nauru is said to have had the world’s second-highest per capita GDP, after Saudi Arabia (Hughes, 2004).
16 ICODE, 2011, p. 73.
The Government of Nauru sought and received assistance from the Pacific Islands Forum through the Pacific Regional Assistance to Nauru initiative to cope with the failing finances and increasing debt. With that assistance, Nauru developed a National Sustainable Development Strategy 2005–2025 (revised in 2009) with the Pacific Islands Forum Secretariat, the Asian Development Bank (ADB) and the Australian Agency for International Development (as it was known at that time) and brought in external expertise in some government positions. Improved financial management and public sector reforms instituted by the Government were successful in stabilizing Nauru’s financial position. In August 2009, lenders agreed with the Government that it had emerged from the crisis, and the Pacific Regional Assistance to Nauru was no longer required. In 2014, however, the ADB noted Nauru’s continuing fragility and that, as a percentage of gross domestic product (GDP), aid receipts are higher in Nauru than in any other Pacific Island country.

Changes to the economy and society have resulted in marked changes in the nature and amount of work engaged in by parents and in employment opportunities for young people. Balancing work and family responsibilities are emerging as a major issue for some families, where both parents (and in many cases grandparents) work outside the home, resulting in long periods in which children are left without appropriate supervision or left at home and tasked with caring for younger children and/or elderly grandparents. This situation provides little opportunity for children and parents to spend time together. Nauru has not built a social infrastructure, either in the private or public sectors, to provide parents with support services, such as child care, to help them balance family and work while caring for their children and elderly family members.

The country’s dramatic swing between affluence and scarcity has resulted in some children not developing a concept of work as a significant aspect of family and community life – a point noted both in the 2005 situation analysis as well as the interviews and group discussions conducted for this review. In the boom times, many parents did not need to engage in paid work. In the subsequent financial crisis, many parents had only intermittent work experience because there was little work available. In such an excessive shift in economic conditions, the Government’s ability to provide adequate social infrastructure and services, especially for the most vulnerable, has been greatly reduced.

Considering that the majority of households have relied on public sector employment for income, the state of the Government’s financial situation has had great effect on a large proportion of families. The continuing extreme challenges to government finances leaves those families highly vulnerable to economic instability.

The working population does not pay income tax. The Government pays some limited pensions and benefits in the form of an old-age pension and a widow’s pension. The Government also provides a limited level of non-cash support, such as free basic health services and education, but with the assistance of development partners. No current data was available to this review to allow analysis of trends in the number of households with children who are reliant on low-income and social welfare payments and households with one or more incomes.

19 This was an issue raised in at least one adult women’s group discussion and during interviews with Family and Community Services staff and other government workers.
Studies in other countries on the impact of disadvantage and poverty on childhood indicate serious short-­term and long-term implications for the well-being of children and families, including making children more vulnerable to violence, abuse, neglect and exploitation. Many studies elsewhere document the relationship between poverty, economic hardship and other forms of stress and child abuse and neglect – and there is no reason to think that this relationship would be any different in Nauru.

It is very likely that, in the immediate future at least, Nauru will continue to be largely dependent on development assistance or other financial assistance and arrangements with international partners to maintain or improve delivery of basic services. This includes assistance in the development of a national policy as well as the associated legal and service frameworks for the development of an improved child protection system.

**Child Protection issues**

At present, obtaining a full, statistically robust picture of child protection issues for Nauru is difficult. At least three interrelated factors contribute to this:

- Violence, abuse, neglect and exploitation of children are inherently difficult to detect. From work around the world, it is known that most children are maltreated by someone they know, including parents, relatives, guardians, teachers, neighbours or employers. The offending behaviour almost always occurs behind closed doors and is cloaked in secrecy. Children may be unable or unwilling to disclose the harm they are suffering because they are too young to speak, because they do not understand what is happening to them, because they are threatened by their abusers, because they are fearful of the consequences of disclosure and/or because they are ashamed of what is happening to them. In addition, while some forms of child maltreatment may leave scarring or other physical manifestations, other forms are difficult to detect even by trained medical personnel.

- The absence of a universal definition of child maltreatment also contributes to underreporting. Each country must decide for itself where to draw the line between legally permitted behaviours directed at children and unacceptable forms of treatment. In every country, this process is influenced by a complex mix of tradition, social norms or values and enforcement practices. Anecdotal evidence, including from the participants in the group discussions conducted for this review, indicate there is a high threshold for triggering action against the perpetrator and stepping in to protect a child. In Nauru, the limited statistical and other information available from the interviews and group discussions during the course of this review suggest that serious sexual and physical abuse are viewed as reportable offences, while other forms of maltreatment, including child neglect, corporal punishment, emotional abuse and witnessing violence in the home may not be widely understood as harmful to children or may not be viewed as falling outside the boundaries of acceptable child-rearing practices. Other factors that have been cited as impediments to the collection of accurate child protection data in Nauru include police reluctance to investigate child abuse cases and cultural norms against interference in private family matters.

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Nauru does not have a consistent reporting, data collection or monitoring system in relation to child maltreatment. Different ad hoc data sets are held by specific agencies for internal purposes, and these are far from uniform or complete. For example: (i) various officers within the Department of Justice, the Office of Director of Public Prosecutions and the Office of Public Defenders have compiled and kept records to assist them in their specific work; and (ii) the courts occasionally collect and collate basic annual local data for statistical reporting purposes, but such records were not kept (or at least published) for all years before 2014. Additionally, the court data only began to be disaggregated in 2014, to provide insight into the number and type of criminal court matters in which women and children are the complainants. Police who were interviewed for this review said they do not keep data on reported cases of child abuse, at least not in a form that is readily accessible. The extent of data recorded about criminal offences, for example – investigated or charged – by age and sex is not clear. The Ministries of Health and Education, at the time of the review, also did not collect consistent departmental records of suspected or actual cases of violence, abuse, neglect or exploitation involving children.

There has been no systematic empirical study conducted in Nauru to determine the prevalence and incidence of violence, abuse, neglect and exploitation of children. The Nauru FHS study published in 2014, although focused on intimate partner violence, provides insight on the situation faced by many children in their home. As cited earlier the FHS study found that 48 per cent of women surveyed who ever had an intimate relationship experienced physical and/or sexual violence by a partner at least once in their lifetime, exposing many children to violence in the household. The study also found that over 30 per cent of women surveyed reported having been sexually abused in childhood.

The information obtained through the desk review, interviews and group discussions conducted for this review indicate the following four primary protection issues affecting children in Nauru:

- physical abuse in the form of harsh or violent discipline
- neglect
- witnessing family violence
- sexual abuse

Police who were interviewed during the review pointed out that the three most common issues involving children that they had found in the course of their work were: neglect, sexual assault and incest (in that order). The available court data for 2014 presents evidence of violence, including sexual violence against children. The District Court dealt with 215 criminal cases: 167 lodged in 2014 and 48 brought over from 2013. Of the 167 cases, 58 (35 per cent)

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23 District Court and Family Court Report for 2014, complied by the resident magistrate for the Chief Judge.
24 See the table entitled Types of Criminal Offences Registered with the District Court in 2014, p. 3 of the District Court and Family Court Report, which cites a total of 164 cases and not 167 cases, as stated in the narrative of that report and thus the proportions are slightly affected. The report relied on the figures from the Court Data Report.
involved a ‘woman and child’ as the complainant of the criminal offence\textsuperscript{25}. The 167 cases lodged in 2014 ranged from common assault, grievous bodily harm to attempted rape and rape. The two most common categories of offences were:

1. Common assault – 47 (28 per cent) cases; and
2. Serious assaults, aggravated assaults, grievous bodily harm – 27 (16 per cent).

Of the 167 cases, 2 cases involved attempted rape (1.2 per cent) and one case (0.6 per cent) involved rape. The data do not allow calculation of the most common criminal offences, specifically in the subset of 58 cases, with a woman and child as the complainant. The court data are not disaggregated in a way that enables a determination of how many cases involved children as victims or the relationship of the alleged offender to the child.

The Violence against Children in East Asia and the Pacific Regional Review (2014) pointed out that violence against children is widespread across the region; children are neglected, experiencing sexual and emotional abuse and witnessing violence between parents.

**Neglect**

Neglect of children was described by the police officials and others interviewed for this review as most commonly manifesting in the children being left unsupervised and getting into trouble with the law, mainly for stealing. Such neglect was described as affecting both girls and boys in roughly equal numbers. Neglect is also cited as a reason for truancy from school\textsuperscript{26}.

Many community members referred to the number of children, especially young children, out on the streets late at night as evidence of poor parenting and neglect, especially linked with parents drinking and playing bingo\textsuperscript{27}.

**Sexual assault and incest**

Police officials interviewed for this review described sexual assault and incest as predominantly involving the abuse of girls ranging in age from 8 to 15 years, with the alleged offender most often an immediate family or extended family member, including the biological father, the stepfather, a brother, uncle and grandfather. This observation is supported by the results in the 2014 FHS study.

Although the FHS study focused on intimate partner violence, it also explored sexual violence in childhood using retrospective research methodology. Researchers asked women whether anyone had ever touched them sexually or made them do something sexual that they did not want to do before the age of 15. More than 30 per cent of women who participated in the survey reported sexual abuse in childhood. In most cases, the abuse was reported to have happened between the ages of 5 and 14 years – with 11.5 per cent experiencing sexual abuse for the first time between the ages of 10 and 14 years, and 4.7 per cent between the ages of

\textsuperscript{25} The victim of the alleged crime in criminal matters.

\textsuperscript{26} During the initial stakeholder consultation for the study conducted in May 2015 MOE officials cited up to 30\% of children are absent from school at any time (note these are children who are enrolled in school). Children are not attending for reasons including neglect of parents who don’t enforce school attendance, need of older children to look after younger children, and teacher non-attendance.

\textsuperscript{27} Group discussions and interviews.
5 and 9 years. The most commonly mentioned perpetrators were male family members (12.2 per cent) and non-relative males (5.4 per cent). Comparing these rates with other countries in the South Pacific, Nauru has the second-highest rate, at 30 per cent (Solomon Islands 37 per cent; Vanuatu 30 per cent), of girls experiencing sexual abuse before the age of 15 years.

According to the UNICEF situation analysis (2005), indecent assault on males and females younger than 17 years and the offence of rape, as defined under the Criminal Code, accounted for 1.1 per cent of all crime reported to the police. The 2005 situation analysis also noted that Department of Justice statistics for 2003 and 2004 mentioned three prosecutions for rape; other information indicated that there had been two prosecutions for incest. The data available to the 2005 situation analysis did not give the age of victims.

During the course of this review, the participating police officers expressed the view that the successful prosecution of sexual assault and incest offences was difficult due to problems obtaining sufficient evidence to be used in court. They noted that they found it particularly challenging dealing with cases involving children. The public prosecutor and public defender agreed that it is difficult to obtain sufficient evidence that can be used in court to secure a conviction. The public prosecutor also noted that the pressure on women and children complainants and witnesses by family (including extended family members) to not proceed with or cooperate with a prosecution were also factors in sexual assault and other violence matters that prevented prosecution. This is supported by the court data for 2014, which show that (as of 31 December 2014) of the 58 cases involving women and child complainants, only 1 case was finalized at trial and resulted in a conviction and a period of imprisonment. Nineteen cases were withdrawn, terminated or otherwise did not proceed and 26 cases were still pending because summonses had yet to be served on the defendants to appear before the court. Nauru does not have a ‘no drop’ policy in relation to domestic violence or crimes against children.

Reactions from group discussion participants indicated that there is great unease within the community to speak on the issue of sexual abuse of children but that also such cases elicit a strong reaction against the perpetrators. Reasons cited for lack of reporting include fear of household losing the breadwinner, and the fear of bringing shame on the family.

The formation of the Child Protection Services Division seems to be having an impact on reporting with 17 ongoing cases reported between July and November 2015. Of these cases two have been closed with more time is required to determine the outcome of the remaining cases.

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28 Ministry of Home Affairs, 2014, p. 34.
29 UNICEF, 2015. The countries considered in the report were Fiji, Kiribati, Samoa, Solomon Islands and Tonga.
30 Section 347 of the Criminal Code on the offence of rape defines it in a gendered way so that it only covers rape of a woman or girl and only outside of marriage.
32 Interview with the public prosecutor, 3 March 2015; interview with public defender, 3 March 2015.
33 Of the remaining, five matters were waiting for the Director of Public Prosecutions to determine whether they would proceed; four matters were still waiting for bench warrants to be executed; three matters were waiting for trial dates to be set in 2015.
34 As of November 2015 two cases closed; fives cases related to sexual abuse; five cases to physical abuse; and five cases of neglect.
Family violence

The results of the 2014 FHS study point to high levels of family violence in Nauru, which is most commonly understood among locals to mean violence between a husband and wife (or other intimate partners). The FHS study findings estimated that nearly half (48.1 per cent) of women who ever had an intimate relationship with a man experienced physical and/or sexual violence by a partner at least once in their lifetime, and 22.1 per cent in the 12 months prior to the interview. Of these respondents, 50.8 per cent reported having ever been injured, and 17 per cent were hurt enough to need health care. Nearly 29 per cent of the women never disclosed the violence to anyone, and those who did tell, mostly confided in family and/or friends. About 68 per cent of the women never went to a formal service or authority, such as a health centre or the police, for help

In Nauru, many people live in extended families, including in multiple family situations. The 2011 census data indicate that on average there are six people per household; however, one third of all people lived in households with 10 or more people, and 10 per cent lived in households with 15 or more people. With a number of children and families living in the same household, the impact of family violence – even between intimate partners – has a negative impact on many children and not just the children of the couple or people directly involved. The group discussions with adult women identified a perceived increased risk to children arising from living in extended family situations, such as violence between children, excessive discipline by adults other than the parents and heightened risk of sexual abuse for girls.

The police officials interviewed confirmed that alcohol is a significant factor in many of the violent incidences they respond to, including family violence. Information from the police indicates that 100 per cent of calls involve alcohol consumption, with at least 50 per cent including family violence. These figures, however, are not disaggregated to allow a determination of whether the alleged victim was a woman or a child or to determine the relationship to the alleged perpetrator of the family violence. Such prevalence of the involvement of alcohol in family violence is clearly a concern but not surprising in light of alcohol use data from both the Government and the World Health Organization (WHO). In particular, 2010 WHO data point to heavy episodic drinking in 32.7 per cent of the male population aged 15 years or older in Nauru. There was no data for women.

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Nauru Ministry of Home Affairs, 2014, p. 29. Although the FHS study primarily focused on violence against women by intimate partners, the study also explored women’s experiences of violence by perpetrators other than a partner. Non-partner sexual violence since the age of 15 was measured by asking respondents whether they had ever been forced to have sex or had to perform a sexual act when they did not want to by anyone other than an intimate partner. Slightly more than 47 per cent of women who participated in the survey experienced sexual abuse by a non-partner since age 15 and 12.2 per cent experienced such violence in the 12 months preceding the interview. The most common act of sexual abuse by non-partners was attempted intercourse or other unwanted sexual abuse act (41.4 per cent), followed by women who experienced forced intercourse (24.3 per cent) (p. 34).


DFAT, 2014, p. 7 and referred to in Elizabeth, 2015 (a document that was approved by the Cabinet in February 2015). These figures were presented to the police officials when interviewed and were not disputed.

Government of Nauru, 2007, Demographic and Health Survey as reported in DFAT, 2014, p. 6, footnote 12; WHO, 2014 information sheet on alcohol consumption indicate excessive alcohol consumption in the male population. Episodic drinking was defined as having consumed at least 60 grams of pure alcohol on at least one occasion in the past 30 days.
Child exploitation

Information considered in the course of this review points to there being little if any significant evidence that child labour or child trafficking (as these violations are defined and understood in the international law) are prevalent in Nauru39.

Early or forced marriage was not raised as an issue in the group discussions or interviews. Statistical data from the 2011 census, however, point to young women marrying and/or having children before the age of 18 years at a level warranting concern.

In 2011, the teenage fertility rate indicated 81 births per 1,000 females aged 15–19 years with an estimation of an increase to 100 births per 1,000 females during 2011-2013. As shown in Figure A5 (Annex II), the teenage fertility rate trend for Pacific Island countries from 1997 to 2011 remained at a high level. Nauru has – together with the Marshall Islands – by far the highest teenage fertility rate in the Pacific region, with no sign of a decrease (see Figure A6, Annex II). A high teenage fertility rate is a major concern because childbearing at a young age subjects both mother and child to increased health risks40.

Nauruan law provides that females younger than 16 years and males younger than 18 years can marry with parental consent (see Table A3, Annex III)41. As echoed in the 2011 census report, the age at marriage is an important proximate determinant of fertility, with women who marry at an early age often having more children than those marrying later. In 2011, the average age at marriage was 24.4 for males and 22.6 years for females. However, the census findings also estimated that 13 per cent of females and 4 per cent of males aged 15–19 years were already married42. A 2014 study, Violence against Children in the East Asia and Pacific (UNICEF), Nauru was reported in the top-six countries with the largest proportion of children married by age 15 (3 per cent) based on the 2007 DHS43.

Parental discipline

In Nauru, it is lawful for a parent to use physical force to discipline a child as long as such force is considered “reasonable in the circumstances” and is not “excessive”. Neither the Criminal Code nor other policy documents provide guidance as to what such terms mean in practice. There is no specific provision in law to prosecute child abuse including physical violence, and as such cases if prosecuted are classified as assault under the Criminal Code.

Responses during the group discussions indicated that the majority of participants thought strongly that parental discipline is an important part of good care and protection of children so that they grow up to be “good”, “well-behaved” people. However, participants agreed that such discipline should not be “excessive” and thought that discipline of children in the past was overly severe. Several men in one of the adult male groups expressed the view that parents had a right to discipline their children, even “with a rod” as described in the Bible. However, even this group agreed the disciplining of children should not be excessive.

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41 Births, Deaths and Marriage Act, 1957, section 23. The World Policy Analysis Center describes countries such as Nauru, which allow marriage below a specified age with parental consent, as not having a minimum age of marriage on the basis that it does not have a law prohibiting marriage below that stated age. See http://worldpolicyforum.org/countries/nauru/compare-countries (accessed 22 July 2015).
43 UNICEF, 2014, p. 27.
Many adult group discussion participants indicated that because harsh discipline against children was seen as an accepted part of parenting, it was not reported or dealt with by police, even where excessive force was used. Several adults and young people shared stories of being subject to severe punishment or witnessing the harsh punishment of other children by parents, usually fathers.

Many men, in particular younger men, requested assistance through training programmes to help them learn to better care and protect their children, including how to discipline their children without resorting to the harsh practices of previous times.

Other issues

As well as the child protection concerns singled out here, the group discussion and interview participants also cited the following issues of concern in their community:

- Bullying in schools by other students (and, to a lesser extent, teachers), including cyber bullying that continues outside of school. This issue was said to affect both boys and girls.

- Access to online pornography by school children. Some participants described such access as “excessive” and interfering with school attendance, particularly among boys. Risks identified for girls included posting sexually explicit images of themselves on Facebook and limited understanding of the potential dangers of such behaviour.

- Emotional neglect and abuse was mentioned specifically by women and girls during the group discussions. In interviews, many participants explained that it is not part of traditional Nauruan culture for adults to spend a great deal of time talking with children. However, many adult women group discussion participants mentioned the need to speak with and listen to children as an important aspect of caring and protecting for children.

Violence, abuse, neglect and exploitation of children in institutions

(a) Violence in schools

There are a total of 11 schools in Nauru, 5 pre-schools, 3 primary, 2 secondary and 1 special school for children with disabilities. Children with disabilities are not integrated into mainstream schools but attend the special school. Schools are regulated by the Education Act, 2011, which prohibits corporal punishment in schools by teachers and contains various provisions about what is acceptable behaviour by students to ensure a safe and positive learning environment for all. The Act is reinforced by the Teachers Code of Ethics. In the interviews, education officials mentioned cases of bullying and intimidation of students by both teachers and other students, however no statistical records are kept of such incidences. Bullying and other types of abuse in schools appear to be perpetuated by a lack of good enforcement of the regulations rather than a deficiency in the legislation. Currently an anti-bullying policy is being drafted to address the issues of bullying in schools.

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44 Education Act, 2011, sections 37 and 36, respectively.
(b) Violence in correctional services

The Correctional Services Act, 2009 requires juvenile prisoners to be housed separately from adults and for male and female prisoners to be housed separately. Although there are facilities to house young offenders separate from adults, the low rate of custodial sentences handed down to juveniles means that violence against children in correctional services is not considered a significant issue in Nauru. The Director of Correctional Services recollected there being only two juvenile prisoners in Nauru in the past five years and that they were kept separate from adult prisoners. There are facilities to house female prisoners; but given the small numbers of female prisoners – 2 in the past 10 years – the women’s prison has become a storage facility.

(c) Abuse in the Regional Processing Centre

The most obvious institution currently housing children in Nauru that raises significant child protection concerns is the Regional Processing Centre. A number of agencies, including the United Nations High Commissioner for Refugees (UNHCR) and the Australian Human Rights Commission, have referred to the abusive nature of the arbitrary detention of asylum seekers, including children in the Regional Processing Centre, and pointing out how such detention is contrary to international law. Agencies have also described the detention and the conditions in the Regional Processing Centre as contravening the best interest of the children held there.

As shown in Table 6, there were 70 children held in the Regional Processing Centre as of 31 November 2015. Since asylum-seeking children have been transferred and held in the Regional Processing Centre, several reports have not only highlighted concerns about conditions for children but also raised specific allegations of abuse by staff and other detainees. The most recent report is the independent report by the former Head of the Australian Commission for Law Enforcement Integrity, Philip Moss, commissioned by the Australian Government. The Moss report cited, among other things, that there had been 30 child abuse allegations by guards and other asylum seekers and recommended that several issues be referred to the Nauru police for further investigation. The report also encouraged the development of a child protection framework in Nauru to deal with cases of suspected alleged abuse in the Regional Processing Centre.

After consultation with the Nauru Government, the Australian Government accepted the findings of the Moss report, and the Australian Department of Immigration and Boarder Protection recently established a Child Protection Unit to address the Moss report recommendations related to child protection in the processing centre.

45 Nothing in law in Nauru states that incarceration of child offenders is to be used only as a last resort. However, both the resident magistrate and the Director of Correctional Services stated that this is currently the case in practice.
46 Interview with Director of Correctional Services 4 March 2015.
47 For example, see UNHCR submission (27 April 2015) to Senate Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru; UNHCR, 2013; Australian Human Rights Commission, 2014.
48 Moss, 2015.
49 See recommendation 6 in Moss, 2015.
50 The submission by the Department for Immigration and Border Protection, dated May 2015, to the Select Committee on the Recent Allegations Relating to Conditions and Circumstances in Nauru to inquire into and report on the responsibilities of the Commonwealth Government in Connection of the Regional Processing Centre in Nauru (see the following footnote) highlights that both governments discussed and agreed to accept all the recommendations made in the Moss report.
Support has been provided to the Government of Nauru to draft a Child Protection Framework (May 2015) which needs further discussion and refinement to finalize. External bodies are able to access the Regional Processing Center to provide some level of oversight including the ICRC, Ombudsman’s Office, Comcare, and OHCHR. In recent months the Regional Processing Center has become an ‘open center’ allowing residents to move freely in and out of the Center 24 hours a day seven days per week.

(d) Orphanages

Nauru does not have a history of foster care, orphanages or other forms of children’s residential institutions.
CHILD PROTECTION SYSTEM ELEMENTS

This section begins by describing some Nauruan traditional caring practices and community measures that protect children. It then explores the formal government measures that have been established for the protection of children against violence, abuse, neglect and exploitation. The following specific areas are analysed:

- traditional care practices and measures for protecting children
- legal and regulatory framework
- structures, institutions and services for protecting children
- coordination mechanisms
- resources (human and financial).

Traditional practices in caring for and protecting children

This section draws primarily from respondents in interviews and group discussions during the two research visits.

Most Nauruans live in extended families, though living within a nuclear family grouping is becoming increasingly common. Even within the extended family, however, parents (and particularly mothers) are seen as having primary responsibility for caring and protecting children. Children benefit from multiple networks of care and protection within the extended family and clan system, providing opportunities for children to learn from and be cared for by other relatives if their parents cannot meet their immediate needs.

Customary or traditional adoption refers to the practice of giving a child to be raised by a close member of the immediate family, usually a childless couple. In some cases, a member of the extended family or, occasionally, another family may adopt a child. This continues to be an important safety net for children, although the practice seems to occur usually when a mother is unable to care for her child. Such traditional adoption occurs without a formal order of the court, although these adoptions may be formalized by families applying for an order under the Adoption Act, 1965. This appears to be a widely accepted community response to prevent children from being neglected or abused. There is a strong belief in Nauruan culture that all children should be cared for within their own family. Where this is not possible, other community members may intervene informally to help or assume care of the child\(^51\).

Discussion group respondents stated that traditional rules governing interactions between male and female members of the household have long existed. The extent to which these rules have adapted or changed over time and generations is not clear. Adolescent girls said that boys in their families were not permitted to touch girls’ hair or their belongings but that boys no longer adhere to these rules. Participants in two adult women’s group discussions highlighted that there were rules prohibiting boys from touching girls’ towels and preventing boys from sleeping on girls’ mats. These rules to regulate relationships between the sexes seem to be especially important as young people develop into adulthood.

There appears to be considerable expectation that children do not question the authority of their parents (or elders) and abide by rules that reinforce the social fabric and that support family and community harmony. Children must not bring shame upon the family through their poor social behaviour. Along with a strong

\(^51\)Intercultural adoption was illegal under the Adoption Act, 1965. The legislation was amended in March 2015 to allow Nauruans to adopt non-Nauruan children and non-Nauruans to adopt Nauruan children.
adherence to Christianity, perceived bad behaviour seems to be used to justify the strict disciplinary measures meted out to children who transgress such rules. This is reinforced by the adoption of early English law that considered children as the property of the father. These laws still operate essentially unchanged today52.

Provided that family and community harmony are maintained, parents and families are traditionally considered to have the right to bring up their children as they see fit. When parents surpass acceptable norms of physical discipline or neglect (such as not properly supervising children or denying them food), there appears to be little sanction beyond a verbal chastisement by other family members, usually by a grandparent. Sometimes a child may be sent to live with other family members. Based on feedback from the group discussions it is reported that the majority of child protection problems, including extremely serious cases, are resolved within the family; only when all other options have been exhausted do families ask for outside assistance.

In Nauru, traditional resolution appears to have been the role of the tribal chief. The practice today involves turning to other important people in the community. The community is most often understood to mean the district in which a person lives. Important people to whom families would likely turn to for assistance or advice include local church or other community leaders, such as the politician representing the district and people holding important positions in the public sector. In such cases, these people have traditionally acted in an informal support or mediation function, but only when parents or families have been unable to resolve their problems themselves. For example, the principal legal officer for the Government indicated that she had, on a number of occasions, been asked by families to help mediate disputes. Given the primacy of the family unit, it is considered culturally inappropriate for these community leaders to intervene in ‘family matters’ unless requested.

Group discussion responses revealed an expectation that family members would intervene and, further, that people outside the family should intervene to protect children if the family does not. This review was not able to identify triggers for when or at what stage family members would step in to protect a child, for example, from excessively harsh discipline, or at what stage a child would go to live with other family members.

Currently, it would be culturally inappropriate for a government officer to approach a family unless requested directly or had a legal reason to do so. Officials interviewed for this review admitted they would not feel safe to intervene. The primary right of parents (especially fathers) to raise their children as they see fit is unquestioned, and intervention by outsiders is likely to be perceived as confrontational. Showing such perceived disrespect may heighten tensions and exacerbate an already difficult situation. However, the group discussion responses reveal a growing encouragement and expectation that someone outside of the family, including from the Government, would intervene in the most serious cases, especially if such intervention was undertaken in a spirit of respect and negotiation so as to support the family to better care for their children.

52See Annex III.
LEGAL AND REGULATORY FRAMEWORK

Laws relevant to the protection of children from violence, abuse, neglect and exploitation in Nauru do not currently have a national policy or comprehensive law for the protection of children. Rather, the laws relevant to children’s rights to care and protection are found in a number of different statutes.

There is no law in Nauru that assigns legal responsibility for child and family welfare to a particular government agency to intervene to prevent and respond to violence, abuse, neglect and exploitation of children.

The laws most directly relevant to the protection of children from violence, abuse, neglect and exploitation are:

- Constitution,
- Criminal Code, 1899, and

The Asylum Seeker (Regional Processing Centre) Act, 2012 is also relevant but in a more narrow and indirect way.

International Instruments

Nauru has ratified the CRC and other international instruments relevant to the protection of children (see Table A3 in Annex III). Because Nauru’s legal system is based on the British common law system, Parliament must adapt and incorporate the international instruments into the country’s domestic laws. The laws listed above as most relevant to the protection of children in Nauru were in place long before the ratification of the CRC in 1994 and have not been amended subsequently to specifically incorporate the principles and obligations for the protection of children.

The Government more recently established a legal framework for the Regional Processing Centre. The Asylum Seeker (Regional Processing Centre) Act incorporates a reference to an “intention” to be bound by the CRC in its treatment of asylum-seeking children in the processing centre (see details and concerns in relation to this provision in Annex III). No similar provision is found in domestic laws in relation to local Nauruan children.

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53CRIN, undated.
54 The Supreme Court of Nauru made this clear in the decision In re Adoption of "B-R” [2013] NRSC 11, regarding a case from the Family Court relating to the adoption of children.
55 Asylum Seeker (Regional Processing Centre) Act, 2012, Section 14.
Constitution

Part II of the Constitution sets out a number of fundamental rights and freedoms that, subject to the limitations specified in Part I, apply to all people in Nauru, including children. Such rights and freedoms were modelled on the provisions of the European Convention on Human Rights. The Constitution provides that the rights and freedoms set out in Part II are legally enforceable by action brought in the Supreme Court. There are a number of concerns about the robustness of the rights and freedoms set out in Part II in so far as they relate to protecting children (see Annex III for details of those concerns). However, as with the other laws described here, a principal concern is the ability to enforce the law due to the lack of financial and human capacity within both the justice and welfare departments in Nauru.

Criminal Code, 1899

The Criminal Code prohibits a range of acts of violence and other harms against children. As detailed in Annex III, the Code is outdated, both in its language and substantive provisions, when it comes to the protection of children. In practical terms, the Criminal Code is also limited in its ability to protect children because:

- Various parts of the Criminal Code that could be used to better protect children are not known in the general public and to some extent are also not known by the police, such as the provisions making it an offence not to provide the “necessities of life” or the prohibition on using excessive force when disciplining children.

- The Criminal Code is reactive in that it can only be applied once police form a reasonable belief that a criminal offence has taken place. The Criminal Code has little scope for police to intervene to protect a child before an offence has occurred or in cases in which the risk to a child in the home or elsewhere does not constitute a criminal offence. For example, to intervene to protect a child when the parents’ mental health may place that child at risk of abuse or neglect or where it has been assessed that a parent’s use of alcohol poses an unacceptable risk to a child’s safety and well-being.

Guardianship of Children Act, 1975

The Guardianship of Children Act grants power to the Family Court to make orders to protect the welfare of children. This includes provisions for legal guardianship of a child, including the option to vary the guardianship from one parent to another. It also allows for removing guardianship from parents altogether and placing a child under the legal guardianship of another person if the Family Court considers such action is in the interest of the child’s welfare. Under the Guardianship Act, the Family Court has the jurisdiction to make the child a Ward of the Court, which means placing the child under the legal guardianship of the Court.

The Family Court can make guardianship orders under the Guardianship Act in response to an application by (i) a parent, (ii) a near relative, (iii) the child or (iv) any other person with permission of the Court. This final category would allow action to be taken by a government agency, for example the Child Protection Directorate, in the name of the secretary of the relevant department or minister if the circumstances required such an action for the welfare of a child.

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56 Section 25 of the Guardianship Act requires the Family Court to consider “the welfare of the child as the first and paramount consideration” in making guardianship and custody orders in relation to children.

57 Section 10 of the Guardianship Act.
Additionally, the Supreme Court of Nauru has retained its inherited equitable parens patriae jurisdiction, which gives the Supreme Court the power to make a range of protective orders for the protection of children and others in the community who are not able to care for themselves\(^{58}\). This includes people who are incapacitated due to mental health problems. Although orders under the Guardianship Act are readily made in relation to children as a result of applications made by relatives, this review was not able to find any evidence that the Guardianship Act or the parens patriae jurisdiction of the Supreme Court have been used by the State to take action to protect children from violence, abuse, neglect or exploitation.

The laws in Nauru pertaining to the care and protection of children are outdated and require reformulating to become aligned not only with international standards but also changes in Nauruan society. The legal mandate for the Child Protection Directorate needs to be made explicit and enable the agency to carry out its protection functions. A thorough process of updating laws will take time and should include consultation with the general public, including children and their families. In the meantime, consideration should be given to making better use of the current laws. This can be done by educating key people, such as government staff, the police, community leaders, teachers, staff within the justice system and the courts, and the general public on how the existing laws can be used to better protect children from violence, abuse, neglect and exploitation.

\(^{58}\) Parens patriae is Latin for ‘parent of the nation’. In law, it refers to the public policy power of the State to intervene against an abusive or negligent parent, legal guardian or informal caretaker and to act as the parent of any child or individual who is in need of protection; for example, some children, incapacitated individuals and disabled individuals who lack parents who are able and willing to provide adequate care, thus requiring State intervention.
STRUCTURES, INSTITUTIONS AND SERVICES FOR PROTECTING CHILDREN

Ministry of Home Affairs

The MOHA has the lead responsibility for the welfare and protection of children in Nauru. The exact nature and scope of the Ministry’s mandate, however, is not clearly articulated within a legal or policy framework. Neither Family and Community Services, Child Protection Directorate nor Women’s Affairs have legal recognition for their assumed responsibility to provide services and undertake interventions in relation to child protection and/or family violence work.

The divisions and responsibilities within MOHA consist of the following:

- Child Protection
- Family and Community Services
- Women’s Affairs
- Youth Affairs (recently transferred from the Ministry of Education)
- Language and Culture
- Lands and Survey.

Child Protection Directorate

In response to the recognised need to strengthen child protection in Nauru, the MOHA has created the Child Protection Directorate (mid-2015), headed by a Director for Children Protection Services who is accountable to the Secretary for Home Affairs. Functions of the Directorate include: develop policies, programs and plan for the protection of children in line with the Convention on the Rights of the Child and relevant legislation; focal agency within government for all matters relating to the protecting of vulnerable children from any form of harm, neglect and exploitation, including children with disabilities, children of domestic violence, Asylum Seekers and Refugee children; develop services for both prevention and response to child protection.

Services are to include accessible and child-sensitive counseling, complaint and reporting mechanisms established at the governmental level, and coordinated with independent institutions and civil society and community based organizations; establish safe, well-publicized, confidential and accessible mechanisms for children to report; develop an effective and accessible system for reporting, follow-up and support for child victims; provide assistance and support to children charged with criminal offence(s) as required; community outreach programs; and reintegration for child victims and offenders.

All programs are to be available to all children including children with disabilities, children of domestic violence, Asylum Seekers and Refugee children.

Proposed structure for the Directorate includes a Director, two child protection officers, one counselor, one welfare office and an administrative staff (total 6 positions).
Family and Community Services

The Government established the Family and Community Services division at the end of 2013 to provide services that would unify and strengthen families and communities. The division’s priority areas of work include:

- Community development.
- Family support.
- Support for vulnerable groups. Initially this included a special focus on children, especially the care and protection of children, however these responsibilities are now being assumed by the Child Protection Directorate.
- Support for the care of the elderly and people with a disability.

One of the key activities being undertaken by the division in 2015 is overseeing the building of community halls and playgrounds. This was an incomplete project started in 2008 and transferred to the Family and Community Services division to oversee. The community development worker has responsibility for this project. Reports indicate that project implementation proved challenging, not least because some communities did not consider halls and playgrounds a priority for their area.

Women’s Affairs

Women’s Affairs, established as a separate division in 1997, has the lead in relation to promoting the protection of women and children, according to the National Women’s Plan of Action 2005–2015. Under the recent (and first) National Women’s Policy (2014), Women’s Affairs remains focused on addressing family violence and promoting the interest and welfare of women, with less direct reference to the protection of children. The following services and programmes provided or overseen by Women’s Affairs are relevant to the protection of children.

The Safe House: The Safe House was established in 2008 to provide accommodation and counselling services to survivors of family violence. In 2013, the Safe House was relocated to a five-bedroom premise. It is overseen by Women’s Affairs with financial assistance from New Zealand. The Safe House employs a coordinator/counsellor and an assistant counsellor. The service offers short-term stays only because the home is not considered secure enough or equipped for longer-term stays.

Interviews revealed that women experiencing family violence usually seek refuge with other family members; the Safe House is thus largely used in emergency circumstances, especially for women and children with limited family support. Between 2008 and 2014, approximately one person a month sought either refuge or counselling at the Safe House. This included victims of family violence within the refugee community, although there is no record of the length of stay at the house or subsequent outcomes.

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60 Elizabeth, 2015.
Adult women group discussion participants with knowledge of the Safe House raised concerns about its level of safety because its location is well known. Even so, a number of people in the group discussion mentioned the Safe House as a place where children suffering abuse could get help. A number of young men and boys also saw the Safe House as a place where men could (or at least should) be able to go to “settle down” or “cool off” if they were being violent or were troubled. According to respondents, the Safe House has apparently housed refugee men escaping family violence.

Counsellors from the Safe House have had an increase in calls from men concerned about how to manage their relationships without resorting to violence, especially since the inception of the White Ribbon Public Awareness campaign in November 2014. This echoes the openness to seek assistance reported by male participants in the group discussions, particularly younger men, who requested training on parenting skills so that they could better care and protect their children without resorting to the harsh disciplinary ways of their own parents.

**Self-Help Ending Violence:** Under the Nauru National Women’s Plan of Action (2005–2015), the MOHA hired a men’s worker in 2013 to run a Self-Help Ending Violence (SHED) programme. Based on a similar Australian programme, SHED is reportedly an 11-week training programme that works with perpetrators of violence, provides counselling to men and boys and explores strategies aimed at men and boys for the elimination of violence against women. As of February 2015, however, no programs had commenced, and only limited preliminary work had been done with men and boys.

**Youth Affairs**

At the time of the review, the Youth Affairs division had only recently been relocated from the Ministry of Education to the Ministry of Home Affairs. A new director has been appointed and the priorities for programme implementation under the Nauru National Youth Policy (2008–2015) were under review.

The current and previous national policies have focused on providing young people who have dropped out of school with opportunities to gain an education, employment and life skills. The recently appointed director expressed great interest in providing child care and other basic welfare services to respond to the demand from working parents.

**Nauru Police**

When cases of child abuse, neglect and exploitation as well as family violence cannot be resolved within the family, they may be reported to the police. The Police Domestic Violence Unit (DVU) was established in 2007 with a strong mandate to investigate reported cases of family violence. The DVU appears to focus primarily on family violence between adult partners. At the time of the review, the DVU consisted of three specialist police officers.

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61 Elizabeth, 2015.
62 Elizabeth, 2015.
63 The program is based on the SHED programme in Australia.
64 Elizabeth, 2015.
65 According to Elizabeth (2015), the DVU team has received training largely from the Pacific Prevention of Domestic Violence Programme, an initiative of the Pacific Island Chief of Police, New Zealand Police and New Zealand Aid.
The DVU superintendent stated that it is extremely challenging to deal with child protection issues because they have had little training in such matters and because there are limited options for responding to children’s cases, especially where there is insufficient evidence that the alleged abuse constitutes a criminal offence\textsuperscript{66}.

In cases of suspected child abuse or neglect in which a child is removed from the care of the parents by the police, a placement is usually made with other family members. On some occasions, the police have placed children with other community members or even in the Safe House\textsuperscript{67}.

Constables with a focus on community policing previously existed in each district. In a number of group discussions with adult participants, there was a call for the return of community policing and district constables, recalling how in the past, police would ensure children were not left out late at night unsupervised. Rather, they would return children home or have parents come to collect them from the police station, at which time they would counsel the parents about their children.

In 2014 a pilot programme funded by the Australian Government introduced community liaison officers in each district. They are not police officers but have the role of assisting the community and police with crime prevention and security. In February 2015, special community liaison officers were also introduced to assist asylum seekers in adapting to life in Nauruan communities. However during the group discussions participants had little information or understanding about the exact function of the community liaison officer.

In March 2015, the police and the Department of Education introduced the Adopt a Cop school programme to raise awareness among students of laws and safety issues. The police invited the Family and Community Services staff to participate in the programme to highlight child protection issues. The programme commenced in the Nauru Secondary School and is expected to be rolled out to other secondary schools.

### Justice Agencies

The Ministry of Justice and Border Control has several directorates and agencies with responsibility for ensuring justice and protection for both child victims of abuse and for children in conflict with the law:

- Office of the Director of Public Prosecution
- Office of the Public Defender
- Courts
- Resettlement Team
- Correctional Services

\textsuperscript{66} Interview with senior police officers, including the superintendent responsible for the DVU.

\textsuperscript{67} Elizabeth, 2015.
Offices of the Director of Public Prosecutions and Public Defender

The Office of the Director of Public Prosecutions has responsibility for the prosecution of criminal cases, including those in which a child is an alleged victim of abuse or alleged offender. Other than the Director of the Public Prosecutions, there is one prosecutor handling all prosecutions – a position currently filled by a Fijian national.

Once a criminal matter is filed with the Director of Public Prosecutions, a determination is made as to whether there is sufficient evidence for the matter to proceed to court. There are no specialist lawyers in Nauru to deal with cases involving children. As well, there is no formal support for victims through the judicial process other than that provided by the prosecutor. Although there are no specialist children’s lawyers for either criminal or civil matters, the principal legal officer for the State has in the past appeared in a court matter as amicus curiae, or a friend of the court, in relation to a particular child. In this role, the State provided information and guidance to the court about its consideration of the child’s best interest. Although this was not in the principal legal officer’s usual set of responsibilities, it was cited as an example of the Government’s ability to intervene as required.

There is no government legal aid service in Nauru, nor is there a private legal profession. All alleged offenders, including child offenders, are represented by the public defender in criminal matters. Most criminal matters are heard in the District Court – although matters punishable with a term of imprisonment of more than 10 years must be dealt with by the Supreme Court. If there are associated civil proceedings in the Family Court, for example in relation to guardianship or custody, parties may choose to engage a pleader (for a fee). Otherwise, unless families have their own funds to engage a lawyer from outside of Nauru (who has the right to practise in Nauru), they will be self-represented.

A pleader is a paralegal who has undertaken a course of training (approved by the Chief Judge) and has met the other requirements under the Legal Professional Act, 1973 to be admitted as a legal practitioner in Nauru. The most recent group of 33 pleaders began a six-month training course in January 2015 – the first in three decades to be trained. The current group will also be the first to be trained on family law.

Although laws need updating to domesticate the Convention on the Rights of the Child, Nauru has various laws that, if fully implemented, could be used to better protect children. With a heavy reliance on paralegals who have had little exposure to family law and related legislation relevant to the care and protection of children in Nauru, the lack of qualified lawyers able to apply these laws for the benefit of children is a challenge that will need careful consideration when updating the legal framework for child protection.

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68 The public defender and the Director of Public Prosecutions are often referred to as the ‘legal aid service’.
69 Criminal Procedure Act, 1972, section 4. Section 7 also limits the types of sentences the District Court can impose. For example, the District Court cannot impose the death sentence or a term of imprisonment greater than three years for any one offence. Any criminal matter where the death penalty or a prison term greater than three years for an offence was sought by the prosecutor would need to be dealt with in the Supreme Court.
71 Interview with the resident magistrate, 27 February 2015.
Courts

Because Nauru does not have a specialist children’s court, most matters relating to the care and protection of children are dealt with by the Family Court or the District Court, with the Supreme Court still holding some jurisdiction.

The Family Court under the Family Court Act 1973, entails a panel comprising a chairperson, who is the resident magistrate, and other community members appointed by the President after consultation with the Chief Judge. The panel system is generally viewed as a way of ensuring that people with knowledge of local customs and practices are involved in making decisions. This is especially relevant considering that the Resident Magistrate and other judges appointed to the formal legal system are non-Nauruan.

The Chief Judge is not a Nauru resident. On a day-to-day basis, the courts are presided over by a resident magistrate who sits in both the District and Family Courts. At the time of this review, the resident magistrate was from the Solomon Islands.

Resettlement Team

The Resettlement Team within the Ministry of Justice is responsible for the resettlement of asylum seekers into Nauru society once they are granted refugee status. This includes working with Connect Settlement Services, the NGO that was engaged in early 2015 by the Australian Government on behalf of Nauru to provide settlement services to asylum seekers who have been granted refugee status. The Resettlement Team works with people inside and outside the Regional Processing Centre on addressing various issues, including welfare issues. In particular, they liaise between people resettled in Nauru and Nauruan services and support.

Ministry of Health

The Ministry of Health has no special legal mandate for the protection of children, although the hospital and the Public Health division both serve as entry points for victims of violence and abuse, particularly if there are associated physical injuries.

Public health nurses provide outreach services to the districts on education and support but are not trained to manage family violence or child protection issues. They also provide services from the Public Health Centre, which mostly focuses on preventive health and primary health care issues (pap smears, breastfeeding and baby care). The Public Health Centre also offers a baby health clinic and a young single mother’s support group.

As of January 2014, there were eight medical staff employed at the hospital, comprising four general practitioners and four specialists: a paediatrician, obstetrician/gynaecologist, surgeon and anaesthetist. Visiting overseas specialists continue to be provide additional source of medical care. Mental health services are nurse-led and provided from a single office because there is no specific inpatient mental health facility.

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73 Discussion with the Family and Community Services Acting Director, who is a panel member; the principal legal officer confirmed the information in an interview in March 2015.
All health services are open to the Nauruan population and to people living in the community as refugees. International Health and Medical Services is contracted to provide health services, including mental health services, in the Regional Processing Centre. Some services, particularly mental health services, can be made available to people with refugee status and are available to the Regional Processing Centre local staff. However, they are not available to local Nauran children.

There has been little training for nurses and doctors on how to identify family violence and child abuse cases, and health staff are unclear on where and how to report cases. No mandatory reporting exists for health staff, and workers are reportedly concerned that if they say something there will be retaliation from the family. No statistics are kept at the hospital or at the Public Health Centre on admissions due to suspected family violence or child abuse. According to health officials, generally, victims are treated for injuries with no other support or follow up.

Obtaining reliable forensic evidence is problematic in Nauru due to the lack of trained specialists and the lack of sampling and processing equipment. As part of the criminal investigation of sexual abuse cases, some children undergo a forensic examination at the hospital, although at what stage and which cases are sent for such an examination is not clear\(^74\). The samples are then screened in Australia.

As a means of improving the prosecution rate of sexual assault cases, a working committee was set up with representatives from the Ministry of Justice (including the Director of Public Prosecutions and the courts) and the Ministry of Health. Simple templates and protocols for medical staff to better report medical evidence to the courts were developed. There are no therapeutic interventions for adults or juveniles who sexually offend against children; nor are there any alcohol detoxing and rehabilitation treatment programmes.

**Ministry of Education**

The role of the education system is critical in the protection of children – both in its role in the prevention and response continuum as well as to ensure that schools are safe places, free of violence, abuse, neglect and exploitation.

All schools in Nauru come under the Ministry of Education and provide education from early childhood through the secondary level\(^75\). Education has been compulsory since 1923, and as of 2005, the school-leaving age increased from 16 to 18 years\(^76\). The Education Act, 2011 sets out a regime of fines for parents who fail to send their children to school, though it also provides for various defences against such a penalty\(^77\).

\(^74\)Such examinations appear to only take place for serious sexual abuse cases that are to be prosecuted by the Director of Public Prosecutions.
\(^75\)These include pre-school, infant school, primary and secondary schools; interview with the Secretary of Education 4 March 2015
\(^76\)The Education Act defines a school-age child as someone at least 4 years old up to 18 years old as of 1 January in a year, and sets out a clear prohibition against employing a school aged child (with exceptions), see section 17.
\(^77\)The Education Act, section 8 specifies an initial fine of $50 for a first offence and $250 for subsequent offences. However, interviews for this review indicated that this provision was not being used despite the large number of children of school age not attending school.
The Government provides free education and free transport to and from school, and since 2008, has provided free lunches. Parents are responsible for uniform, excursions and stationery expenses. In his 2015–2016 budget speech, the Minister for Finance announced a School-Age Allowance Scheme as a means of addressing the ongoing high truancy rate in Nauru. The allowance is “based on a district payment to parents of children who regularly attend school” and, although the details are yet to be finalized, the Minister expected payments to commence in 2015.78

Schools are open to all children, including refugee children. Children in the Regional Processing Centre are provided with educational programmes provided by a service provider contracted by the Australian Government. The Australian Department of Immigration and Border Protection has engaged with the Queensland Catholic Education Commission and Brisbane Catholic Education to design and deliver, in consultation with the Nauru Department of Education, both administrative and pedagogical support to the education system to assist with the integration of asylum-seeking children and refugee children.

The Able Disabled Centre caters for students of all ages, including adults. The centre comes under the responsibility of the Ministry of Education. Although there have been some improvements at the centre with financial assistance from the Australian Government, there is a lack of appropriately trained teachers and classroom resources79. This means that teachers are continuing to provide ‘day care’ rather than ‘special education’.

The Education Act incorporated many of the provisions of the CRC in relation to the right to education, including prohibiting the use of corporal punishment in schools. It is unlawful for a person charged with a sexual offence or convicted of a serious offence, whether in Nauru or elsewhere, to work in a school. The issue of school bullying between peers and, to a lesser degree, abuse by teachers was raised as an issue of concern in the group discussions and in various interviews.

School liaison officers operate in each school, with coordination of their roles from the chief liaison officer located in the central office of the Department of Education. The central role of the liaison officers is to follow up school truancy and other student welfare matters. The chief liaison officer has the role of investigating allegations of abuse of pupils either by teachers or other students. The new Adopt a Cop programme entails the assigning of a police officer to secondary schools to provide awareness arising on laws and child safety.

Reports from the Department of Education indicate that teachers and school liaison officers are seeking support and training related to identifying and reporting cases of child abuse and family violence as well as counselling services for children and adolescents who are victims of violence. There are currently no mandatory reporting requirements for teachers to report cases of suspected or actual abuse.

Group discussion participants who also happened to be teachers stated that because of the strong belief in Nauru of not interfering in ‘family matters’ it was difficult for a teacher to raise concerns about possible child protection issues with parents. Having a legal or policy mandate to do so was cited as an action that could give teachers the confidence and protection to address such issues with parents.

78The Honourable David Adeang, Member of Parliament and Minister for Finance, Budget Speech 2015–16, delivered 16 June 2015, pp. 5–6.
79UNICEF, 2005, p. 35.
To better protect children, the Ministry of Education also plans to introduce a Family Life Education programme into secondary schools to enhance social and emotional well-being and will include modules on gender issues, family violence and healthy relationships; however, the extent to which the programme will cover child protection issues, including child protection behaviours, is unclear. Responding to the high rates of teenage pregnancy (75 births per women aged 15-19 years), Ministry of Education is also setting up a special programme to encourage young single mothers to return to school to continue their education and gain other skills to assist them with finding employment.

Civil Society Organizations and Churches

Nauru does not have a history of strong, active civil society organizations. The Government provides most, if not all, social services. With the Regional Processing Centre and the transition of asylum seekers into the population, there are international non-government organizations (NGO) supporting specific services for asylum seeker and refugee populations whose work impacts on the protection of children. At the time of writing this report, Connect Settlement Services, was providing services and support to families who have resettled. Previously, Save the Children provides education, counselling and psychosocial support to children in the Regional Processing Centre with these services now transferred to Transfield International, a commercial company.

Over the years, a number of NGOs and community-based organizations have sprung up for particular purposes only to become inactive over time. One notable exception is the Nauru Persons with Disabilities Organization, although it does not have a specific focus on children. The Nauru Youth Council is an NGO that previously represented the voices of young people in the process of developing national youth policies but then became inactive. At the time of conducting this review, there was mention of the Nauru Youth Council being reactivated to represent the interests of young people.

The role of the church is extremely important in the fabric of Nauruan society, acting as a moral compass in times of family and community difficulty. There are many Christian denominations (see Table A1 in Annex II) but, unlike in many other Pacific Island countries, the churches in Nauru do not appear to have a significant role in welfare service provision and do not provide material assistance. The mission of the churches is pastoral in nature although, in line with other group discussions, church representatives stated that they do not tend to intervene in family matters unless specifically requested. On such occasions, pastors might provide mediation to couples and advise families about good child-rearing. There are many woman and youth choirs who help galvanize a sense of community, and church members give religious instruction to children in schools.

Coordination mechanisms for protecting children

As part of continuing efforts to establish a more robust system for protecting children, the Department of Health (supported by the gender-based violence specialist funded by the Australian Department of Foreign Affairs and Trade) recently took the lead in designing a model for a coordinated case management approach to respond to cases of child abuse and family violence. This Integrated Case Management Model for Responding to Family Violence and Child Protection (ICM model) was endorsed by the Cabinet in February 2015 as part of the overall workplan of the Department of Health.

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80 Nauru Census, 2011.
The ICM model consists of two case coordination committees, both of which report to and are overseen by a Governance Committee:

1. The Family Violence Integrated Case Coordination Committee, responsible for responding to family violence cases, headed by Women’s Affairs (with MOHA); and

2. The Child Protection Integrated Case Coordination Committee, responsible for responding to child protection cases, headed by the Family and Community Services (within MOHA).

Both these coordination committees are relatively new but already a number of cases have been referred to these committees.

The Governance Committee, designed as an oversight mechanism, comprises many of the members of the previous Nauru National Steering Committee on Domestic Violence, an initiative supported by the Pacific Prevention of Domestic Violence Programme. The Governance Committee for the new ICM model, the membership includes:

- Secretaries of the Departments of:
  - Health
  - Education
  - Women’s Affairs (Chair of the Committee)
  - Justice
  - Commissioner of the police
  - Head of human relations
  - Head of immigration
  - Others, as determined appropriate by the Cabinet.

The primary function of the Integrated Case Coordination Committees (ICCC) is to manage and resolve individual cases of violence, abuse, neglect and exploitation. Each committee has responsibility to:

- discuss reported cases of family violence and child abuse and neglect;
- develop and monitor the implementation of a series of agreed goals, interventions and responsibilities for each case; and
- design a safety plan for the protection of victims.

The committees are also tasked with identifying gaps in the system, emerging issues of concern and making recommendations to the Governance Committee. It was deemed important to distinguish the committees to ensure a tailored response in the best interest of victims.
Membership of the Family Violence ICCC is drawn from the following, depending on the nature of the issues in the case at hand:

- Coordinator, Safe House (chair)
- Counsellor, Safe House (case coordinator)
- Representative of Family Violence Unit (police)
- Representative, Department of Education
- Representative, Department of Justice
- Representative, Department of Health
- Representative, Connect Settlement Services
- Representative, Resettlement Services, Department of Justice
- Church leader
- Chair of Nauru Persons with Disabilities Organization
- Others, as determined appropriate by the Cabinet.

Membership of the Child Protection ICCC is drawn from the following, depending on the nature of the case at hand:

- Director, Family and Community Services (chair)
- Child protection officer, Family and Community Services (case coordinator)
- Department of Police Prosecutions
- Representative, Department of Education
- Representative, Department of Justice
- Representative, Department of Health
- Representative, Connect Settlement Services
- Representative, Resettlement Services, Department of Justice
- Church leader
- Chair of Nauru Persons with Disabilities Organization
- Others, as determined appropriate by the Cabinet.

Because there is sufficient intersection between the two committees, overlapping cases are expected to be identified and managed. The chair of each committee is to ensure that meetings are organized and attended, that administrative support is provided and follow-up is conducted in accordance with the agreed actions.

The Governance Committee meets four times a year to consider issues and recommendations from the ICCCs. The ICCCs are to meet more frequently to ensure that cases are managed appropriately and thus protect victims. For example, at the start of a case consideration, meetings are to be weekly or fortnightly.
HUMAN AND FINANCIAL RESOURCES

Human resources

The review aimed to understand the number and capacity of human resources dedicated to the care and protection of children in Nauru. However, the review was unable to determine whether there are professional social workers, community development workers or specialist care staff within the government sector. It is possible that some individuals have qualifications attained from foreign universities or colleges, but there is no record of such professionals or accredited individuals, and the current social welfare workforce does not comprise formally trained child protection workers. There are expatriate social welfare workers described as professionally trained who are employed in the Regional Processing Centre and with Connect Settlement Services.

The Ministry of Health employs primary health workers who conduct outreach to families, but they have not received any training or guidance to enable them to have a child protection or other social welfare role at the community level.

Financial resources

Budgetary planning for each directorate within the MOHA is undertaken annually in May, prior to the start of the financial year on 1 July. A consolidated ministerial plan is created that details proposed expenditures: salaries; training; travel and fuel; logistics; and programme activities. The ministerial annual plan is then submitted to the Ministry of Finance for approval. During the review, many government staff officers noted that ministry budgets are typically developed in isolation and joint planning across sectors remains limited.

At the time of the review, a consolidated, approved annual budgets for the Family and Community Services and the Child Protection Directorate were not available.

Nauru receives significant financial assistance from both Australia and New Zealand for its work on family violence in the health and education sectors. The available financial data did not confirm whether or not these funds are part of development aid, loans or other funding agreements between the Governments. The ADB noted in a 2014 report that most aid is centrally managed by the Ministry of Finance, with project appraisal, monitoring and reporting conducted by the Aid Management division. The ADB also noted that much of the aid is fragmented through government departments dealing directly with donors without a coherent and coordinated framework. Such general funding practices render efforts to design and build a coordinated, effective and sustainable child protection system highly challenging.

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CONCLUSIONS

The review represents an important step for the development of a comprehensive, national child protection system. The MOHA has affirmed its commitment to ensuring that all children and young people of Nauru are enabled to reach their full potential and lead happy and protected childhoods. Various policies, including the National Sustainable Development Strategy, indicate that both the community and the Government acknowledge that children today really are – and will determine – the future of Nauru.

The review of the child protection system reveals a broad spectrum of opportunities and challenges for promoting and guaranteeing the care and protection of children in Nauru. In line with findings from similar studies in other Pacific Island countries83, this review points to a strong sense of community and widespread concern for the well-being of children84. Children benefit from multiple networks of care and protection within the extended family and clan system. These family systems provide a safety net for children to be cared for by others if their parents or immediate household members cannot fulfil their caregiver responsibilities. Present-day Nauruan culture is an assimilation of multiple influences and, while some traditional cultural practices have been forgotten, it is evident from this review that the dual themes of strong community ties and valuing of children are prominent, representing critical building blocks for establishing a national child protection system.

There remain, however, complex and profound challenges to develop a culturally relevant and viable national system. These challenges cut across the country’s socioeconomic history and complex political situation. As acknowledged in the recently approved National Women’s Policy (2014), Nauru is currently in an important process of transition as it adapts to a restructuring of both the economy and evolving societal norms and expectations. In doing so, the country faces substantial challenges related to finance and banking, employment in the transitional economy, infrastructure, health and well-being.

Historically, Nauruan people enjoyed a broad welfare system that met the majority of public needs, including housing, education, health care and other services. This declined following the country’s economic crisis. A comprehensive child protection system was not established during the period of prosperity when the Government had the fiscal resources to invest in services for child welfare and protection. Although most children grow up in loving and protective households, it is clear that some are at serious risk of harm and continue to experience abuse and neglect, most often within their family. This may arise due to the wider social circumstances in which the family finds itself or may be due solely to the behaviour of an individual family member. The review found the most immediate child protection issues confronting children in Nauru to be parental neglect, harsh physical discipline, sexual abuse and emotional and psychological abuse arising from witnessing high levels of family violence between parents and/or other family members. These findings are generally corroborated by previous national and regional studies and reports85.

At the same time, the Government is experiencing a real opportunity to mould a tailored child protection system and has demonstrated its commitment to do so through the creation of the Child Protection Directorate and the Family and Community Services Division, both have mandates which support and promote the protection of children. The conclusions presented here highlight some of the major findings of the review, upon which the recommendations are based.

84 UNICEF Pacific, 2009a, 2009b and 2009c.
Care and protection in the community

The review aimed to learn more about Nauruan practices that ensure children are cared for and protected. It appears that, despite the significant economic and social changes experienced over the years, the family has remained the core unit of Nauruan society, and family relationships are central to caring for and protecting children. There is a clear recognition that children and young people thrive when their families and communities are strong and harmonious, with kinship networks forming a safety net for children whose parents and families are unable to care for them.

Many people seem to lament the social changes that continue to impact the way in which families function, including the increased use of alcohol, migration and exposure to ‘foreign’ family arrangements, as well as children’s perceived independence (and ‘bad behaviour’ in early adolescence. On the other hand, there appears to be a general acceptance that the traditional, old ways of raising children need to evolve and begin to reflect standards found in other countries.

At the current time, the right of parents to raise their children as they see fit is rarely questioned, and outside intervention is perceived as confrontational. The discussion groups clearly agreed that, in cases in which parents cannot meet cultural expectations of adequate caregiving, the immediate family, or perhaps the extended family, decide among themselves how to resolve matters pertaining to a child’s well-being.

The primary action taken by communities to respond to concerns about a child’s welfare is for another family or clan member to take the child into their household. Both formal and informal adoptions are common and considered an accepted practice in Nauruan culture. The review found that this practice is not limited to kinship networks: Due to the importance placed on ensuring that children are cared for, Nauruan families may accept and raise children from other families and even other cultures. This represents an important protective aspect of traditional culture that should be recognized and promoted.

The culturally acceptable threshold for external intervention in a case of neglect and abuse appears to be extremely high. Historically, resolution would have been the responsibility of the tribal chief; today, the traditional community leaders have less of a mediation role, and families may turn to religious leaders, elected local politicians or other respected people within the community. Respondents indicated that a case of neglect and abuse would only be reported to the police if a child was beaten badly, sexually abused or perhaps, according to some respondents. The network of community and religious leaders could be tapped to provide further protection for children, providing early intervention and response, and support to statutory functions as these evolve with the planned legal reforms and ongoing development of formal child protection services within government.

Similar studies of other Pacific Island countries also indicate that the role of family and community cannot be underestimated because it provides the front line of support to children. The imperative is not to confront the limitations of traditional practice but to build upon the opportunities and strengths they bring. Future strategies to protect Nauruan children must reflect and harness the positive values of kinship and promote healthy, caring families. To this end and acknowledging the budgetary constraints of the Government, national initiatives to strengthen families and community-based projects that prevent and/or reduce the vulnerability of children – and their families – to violence should be a first priority. The review found that, for example, initiatives to tackle the misuse of alcohol, parenting programmes and financial support for families in need would be welcome by communities.
A relevant and appropriate formal Child Protection system

As with many other Pacific Island countries, there is increasing pressure to develop a more formal system for protecting children, one that promotes statutory authority to prevent and intervene in cases of child abuse or neglect. In Nauru there are already several initiatives to develop a child protection response system or ‘frameworks’ that are underway or being considered.

Although the review focused almost exclusively on the situation of Nauruan children, it is impossible to divorce the dialogue on protection from the broader welfare issues pertaining to refugee children. Welfare and protection services in Nauru, for any child, including refugee children, are extremely limited. The external debate, underscored by the Moss report, about the duty to develop a credible, functioning child protection framework for children in the Regional Processing Centre is impacting the wider national debate on child welfare and protection. This situation offers both opportunities and potential pitfalls.

As well as studying the care and protection practices intrinsic to family and community life, this review documented the formal system elements that have been introduced by the Government. The overall conclusion is that although there are some legal measures and some welfare provision, these are not adequate, cohesive or effective enough to provide a safety net of protection for children facing violence, abuse, neglect and exploitation. There are many reasons for this, and this section will explore some macro findings. However, the report also finds that there is great willingness of the Government of Nauru to strengthen laws and services to better protect children and this offers great opportunity for system development.

Vision of the Child Protection system

Given the stated priority to develop a formal child protection system in Nauru, it is essential to develop an articulated, coherent and sustainable system typology. Specifically, there is a need to develop a policy and/or national strategy to guide the child protection system and support implementation of the system in an incremental and sustainable way.

The more recent efforts to create a child protection system are welcome in many respects. The establishment of a unique directorate for child protection within MOHA, the approval of the Integrated Case Management Model for Responding to Family Violence and Child Protection and the opening of the Safe House are all developments that provide improved justice and welfare outcomes for child victims of abuse and neglect. These initiatives, though, are only component parts, and their contribution to the much broader system’s vision needs to be articulated.

The review revealed the challenge of coordination at all levels: indeed, even between the different divisions of MOHA there are visible coordination problems, ostensibly due to lack of an integrated strategy and planning processes. Interviews revealed a significant disconnect that permeates the planning processes between ministries, resulting in a spectrum of discreet schemes and programmes that do not come together to form a cohesive system. It is therefore critical to ensure intersectoral planning, budgeting and implementation plans to ensure coherence of the developing child protection system.

Structures, mandates and resources

The mandate, role and functions of the different actors within the child protection system needs to be determined, including but not limited to the divisions within MOHA, police, health workers and community leaders. Within MOHA it needs to be determined if the Child Protection Directorate is designated principally as a direct service provider, an interagency coordination mechanism, an oversight and advocacy function or a combination of these. The legal powers and threshold of intervention in specific cases of child and family problems also needs to be determined and laws reformed accordingly.
In turn, a series of core competencies and tailored capacity-building courses should be developed. Only when a clear ministerial and division strategy is developed will it be possible to embark upon a process of costing the child protection system including provision for salaries, operational costs and welfare services. The strategy will of course have to be realistic and incremental, given the limited funds now available.

Prevention initiatives and focus on families

Within an overarching strategy for investing in the national child protection system, there will need to be consideration on the balance between (i) programmes to prevent violence, abuse, neglect and exploitation and (ii) mechanisms to respond to actual cases. The determination of such system priorities is especially important when decisions are shaped by limited resources and strong traditional customs.

Participants in the group discussions thought that many instances of harsh physical discipline, sexual abuse and neglect could be avoided through greater emphasis on community and family support. With the reluctance of families to report violence, abuse and neglect to the authorities, practical early intervention initiatives appear to be the preferred solution for mitigating potential harm to children. For example, given the current economic uncertainty, community members stated that the Government should provide financial support to families who take in children in need of care because the addition of new family members represents a significant financial burden. Community members also recommended reinstituting children’s benefits or cash transfers to parents to enable them to provide them with life’s essentials, especially when educational ‘extras’ are expensive. It was also recommended (especially by children) that safe communal play areas and sports facilities for children would be one additional way to address the issue of children being left unsupervised or neglected.

The review found a real perception of the strong correlation between alcohol misuse and violence within families. As yet, strategies to build healthy families have not adequately addressed these issues, although the Ministry of Health has embarked on a number of initiatives to raise community awareness of the problems, and action is increasingly being taken against perpetrators, usually men, who are violent towards their female partners and children. However, a more concerted and sustainable package of initiatives need to be elaborated if children are to grow up in safe homes and caring families. Many participants emphasized the long-term effects of family violence on children, creating stressful and traumatic childhoods that also impact on them even as adults.

A key message that emerged from the group discussions was that adults want to be good and supportive parents and are open to learning ways to better care and protect their children. There appears to be a growing realization that many of the ways of the past are no longer appropriate or effective in modern-day Nauru. Community members also stated the need for tailored parenting programmes to promote caring attitudes and explore new ways of disciplining children rather than perpetuating the harsh physical punishment they experienced in childhood.

Responding to Child Protection cases

Initiatives to date to develop a child protection system have tended to focus on formal response systems, such as the ICM model, to deal with cases of violence, abuse, neglect or exploitation of children. Referral systems, case management processes and protection services are a current priority.
The review found that the reality is the vast majority of cases are not brought to the attention of government authorities. Most cases of violence, abuse, neglect and exploitation of children are not reported but dealt with in the family and, even with awareness programmes, it is unlikely that this social norm will change greatly in the immediate term. There appears to be no real expectation that government officers would interfere in family matters, and the legitimacy of the response would be questioned. It is thus essential that the mechanisms that are being designed become contextually appropriate and need to be adapted and tailored to the Nauru setting. The response system represents an option for dealing only with the most serious cases that cannot be resolved either within the family or by important persons at the community level; whilst the majority of child protection cases can be dealt with through programmes to strengthen community and family responses particularly parenting skills.

**Contextualization and sustainability of the Child Protection system**

The vision of the National Sustainable Development Strategy offers a starting point for contextualizing the child protection system in Nauru. Captured in the phrase “partnership for quality of life”, emphasize is on sustainable improvements in the quality of life experienced by all Nauruans whilst stressing the importance of partnerships at all levels. In essence, the Nauruan child protection system, while drawing inspiration from external models and maximizing the financial aid available, must nonetheless be designed to be both culturally and financially sustainable.

The evolving system should be tailored to the Nauruan context and able to meet the care and protection needs of the nation’s children. At the same time, the real protection needs (as yet undocumented) of refugee children living in Nauru and other non-indigenous children (such as children of Chinese or Kiribati origin) must also be addressed through the system. Further research is required to better understand the care and protection needs of especially vulnerable groups, such as children with disabilities. The complex demographics in Nauru today make it all the more important that a thoughtful, evidence-based strategic policy vision is agreed, ensuring that resources are used to optimal effect and that the system can evolve in an incremental and sustainable way.

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86The central message as captured in the vision set out in the National Sustainable Development Strategy 2005–2025.
RECOMMENDATIONS

As described in the previous section, a number of initiatives and activities are being undertaken to promote the improved care and protection of children in Nauru, including the rapid creation of government divisions and positions. The child protection system requires an overarching national policy framework to prevent and respond to children at risk of violence, abuse, neglect or exploitation. With establishment of a specialized division – Child Protection Directorate, there is now opportunity to expand the dialogue and build a strong concept of a system that is contextually and culturally appropriate, as well as realistic and sustainable, given the likely human and financial resources available in Nauru.

The ‘building blocks’ of a child protection policy include:

- Defining the mandate of the Government – specifically MOHA and Child Protection Directorate – regarding the protection of children;
- the interlocking mandates, responsibilities and powers of other ministries and divisions responsible variously for children, women, families and communities as well as for welfare, justice and education;
- the scope of issues the system should be designed to address (broad welfare issues or narrower protection issues of violence, abuse, neglect and exploitation) and the prioritization of investment in, for example, primary, secondary and tertiary schemes and interventions;
- the social change the system aims to bring about;
- the inclusivity of the system to ensure that all children in Nauru, regardless of origin and disability, are protected;
- the role and expectations of parents, family, kinship networks and community within the protection system;
- the values and traditional care practices that should be promoted within the system;
- the optimal service partnership between the Government, civil society, religious groups and communities;
- the essential services, designed as a package and established incrementally, that the system needs to provide; and
- the level of financial investment that is available and can be sustained as well as the type of social welfare workforce that the system requires to function.

Specific recommendations to prevent violence, abuse, neglect and exploitation of children:

i. Develop a comprehensive legal framework to ensure domestication of the Convention on the Rights of the child and to address the legal gaps identified in this review.
ii. Finalize the child protection policy framework and strategy with a comprehensive implementation plan including an associated monitoring and evaluation framework.
iii. Develop a financial or budgeting strategy to ensure that sufficient funds are available to implement the new policy. This would be projected over a multi-year time frame and cover all operational and staffing costs as well as the funds for essential services.
iv. Develop a capacity building strategy for the social welfare sector including a programme of education and learning on child well-being, welfare and protection for MOHA and its divisions. This capacity building will help position MOHA as a more informed and professional leader for the longer-term development of the sector.
v. Make the reporting of cases of child abuse mandatory for professionals working in the health, education, justice and social welfare sectors.
vi. Develop comprehensive referral and case management protocol for coordination of services to children including social welfare, health, education, policy, and justice sectors.
vii. Develop health services guidelines to support health workers to promote children’s protection and safety, recognise and appropriately respond to cases of violence, abuse and neglect, and refer cases.
viii. Develop child protection policy in schools for all ECE through to secondary schools and the school for
the disabled, to ensure child safeguarding and a framework for protection, identification, managing and reporting of incidents of child abuse in schools.

ix. Develop and promote inclusive education for children with disabilities in the mainstream school system.

x. Develop a community facilitation package that promotes positive social norms, addressing harmful practices and promotes positive parenting practices that can be implemented by both government and non-government service providers and engages community leaders, adolescents, youth, faith-based organizations in the promotion of community responses to protection of children.

xi. Facilitate a joint programme between the health authority and the police to enhance community awareness of the dangers of alcohol abuse and to implement more consistent and forceful measures for perpetrators of alcohol-induced violence.

xii. Develop and deliver positive parenting skills training for families, including young people who represent the next generation of parents; and positive discipline training for parents, family members, teachers and other professionals/workers who work with children.

xiii. Increase the capacity of the Self-Help Ending Violence programme officer (or a team of workers) to work with men and boys on the issue of safe and respectful relationships with women and girls as well as matters of violence, especially sexual violence, towards women and children.

xiv. Ensure integrated programming approach to addressing gender based violence and violence against children and implement the recommendations of the Family Health and Support Study (2014).
ANNEX I. CONCEPTS AND DEFINITIONS

Throughout this report, a number of terms are used to identify the harm that children suffer at the hands of others. For this report, the comprehensive definitions found in the World Health Organization’s World Report on Violence and Health (2002) have been used as the guiding principles.

The WHO defines child abuse as “all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment, or commercial or other exploitation resulting in actual or potential harm to the child’s health, survival, development or dignity”. For easy reference, this report uses the term “violence, abuse, neglect and exploitation” as a summary of the longer definition.

Within the broad definition of child abuse, five subtypes are distinguished: physical abuse; sexual abuse; neglect and negligent treatment; emotional abuse; and exploitation.

**Physical abuse** of a child is that which results in actual or potential physical harm from an interaction or lack of interaction, which is reasonably within the control of a parent or person in a position of responsibility, power or trust. There may be single or repeated incidents. Examples of child abuse acts include: slapping, hitting with the hand or an object, punching, kicking, pushing, beating and pinching.

**Child sexual abuse** is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, for which the child is not developmentally prepared and cannot give consent, or that violate the laws or social taboos of society. This may include the inducement or coercion of a child to engage in any sexual activity; the use of a child in prostitution or other sexual practices; and the exploitive use of children in pornographic performances and materials.

**Neglect and negligent treatment** is the deliberate inattention or omission on the part of a caregiver to provide for the development of a child in all spheres: health, education, emotional development, nutrition, shelter and safe living conditions, in the context of resources reasonably available to the family, and causes, or has a high probability of causing, harm to the child’s health or physical, mental, spiritual, moral or social development. This includes the failure to properly supervise and protect children from harm as much as is feasible.

(Note: Throughout this report, the term neglect is used solely within the boundaries of this definition. ‘Neglect’ denotes a deliberate inattention or omission and is not inherently linked to issues of poverty. On the basis of this interpretation, the vast majority of poor families do not ‘neglect’ their children. For the purpose of child protection strategic planning and service provision, it is essential to differentiate between the two concepts.)

**Emotional abuse** includes the failure to provide a developmentally appropriate, supportive environment, including the availability of a primary attachment figure, so that a child can develop a stable and full range of emotional and social competencies commensurate with her or his personal potential and in the context of the society in which they dwell. Acts include restriction of movement, patterns of belittling, denigrating, scapegoating, threatening, scaring, discriminating, ridiculing or other non-physical forms of hostile treatment or rejection.

**Exploitation of a child** refers to use of a child in work or other activities for the benefit of others. This includes but is not limited to harmful child labour, child prostitution and the exploitation of children through pornography. These activities are to the detriment of the child’s physical or mental health, education and moral or social-emotional well-being.
Various forms of commercial sexual exploitation of children are further defined under the Optional Protocol of the CRC:

**Sale of children** is any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.

**Child prostitution** is the use of a child in sexual activities for remuneration or any other form of consideration.

**Child pornography** is any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

**Child** refers to a person younger than 18 years, consistent with the United Nations Convention on the Rights of the Child, 1989.

**Child Protection** strives to prevent, respond to and resolve the violence, abuse, neglect and exploitation experienced by children in all settings. It is often a specialist policy and service sector but of necessity works closely and is sometimes integrated with other sectors.

**Child Protection system** in this report is used to refer to a set of concrete measures that work in a systematic and coordinated manner to prevent and respond to incidences of violence, abuse, neglect and exploitation of children. Such measures can be provided by the State or community – often referred to as formal or informal measures, respectively.

According to UNICEF, “a child protection system consists of a set of laws, policies, regulations and services needed across all social sectors – especially social welfare, justice, education, health, and security – as well as community and faith-based groups and other private service providers. It is part of social protection, and also extends beyond it.”

**Formal system** refers to government, international organizations and local NGOs (including community and faith-based organizations) involved in providing child protection, being recognized or endorsed by and subject to supervision and regulation by a government. Some groups, such as traditional leaders, may also have clear roles within both the formal and informal systems.

**Informal and non-formal system** refers to child protection initiatives undertaken by families, communities and children.

**Child and family welfare system** refers to those aspects nested within the social welfare system (or social protection system where applicable) that are aimed at promoting children’s well-being and protection while enhancing the capacity of families and communities to fulfil their responsibilities.

**Social welfare system** refers to a sense of human well-being that exists where “social problems are managed, where human needs are met and when social opportunities are maximized”. A social welfare system is the organization of services and support to promote social welfare. The distinguishing factors of social welfare system for children and families are the specific objectives of promoting children’s well-being and their protection while enhancing the capacity of families and communities to perform their responsibilities.

**Incidence** in relation to violence, abuse, neglect and exploitation refers to the number of new cases in a particular time frame or population.

**Prevalence** in relation to violence, abuse, neglect and exploitation refers to the number of people in a particular population that have been abused.

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88 As defined by Delaney and Krueger, 2008.
ANNEX II. DETAILS OF THE CURRENT LEGAL FRAMEWORK FOR PROTECTING CHILDREN

Introduction

Pursuant to the Convention on the Rights of the Child, national laws should guarantee children’s right to protection from all forms of violence, abuse, neglect and exploitation for all children. These laws should reinforce the primary responsibility of parents for the care, protection and development of children. They should also obligate the State to support families in their child-rearing responsibilities and, in particular, provide child welfare authorities with the power to intervene to support and protect children who have experienced violence, abuse, neglect and exploitation in or outside their home.

Broadly, an effective formal legal framework for child protection has come to be seen as one that: designates a government agency with a clear mandate, authority and accountability for the management and delivery of child and family welfare services, stipulates a continuum of prevention, early intervention and response services to prevent and respond to all forms of violence, abuse, neglect and exploitation (beyond those behaviours that are defined as criminal offences under the law); stipulates the standards, criteria, authority and procedures for making decisions about which interventions are appropriate in individual cases, including the trigger for when the State may intervene to protect a child without the consent of the parents, such as where it is necessary to separate a child from the family as a last resort for their safety and protection. Additionally, the international framework stipulates that such decisions are made by a designated government authority in the best interest of a child and that such decisions should be subject to review by the courts.

Overview

Nauru’s legal system is based on the British common law system and is made up of a complex mix of adopted laws prior to or made by Parliament since independence. In this context the national child protection framework depends broadly upon the laws in force. There are several sources of law in Nauru, which are listed below in order of authority (each higher source overrides all lower sources): 89

1. Constitution
2. Statutes enacted by Parliament
3. Customary law
4. Adopted or applied statutes of the Commonwealth of Australia, State of Queensland, Territory of Papua or the Territory of New Guinea
5. Adopted English statutes

Nauru does not have policy or law that sets out the roles, responsibilities and authority of a particular agency or agencies mandated to step in to support families and protect children from violence, abuse, neglect and exploitation. The following legal instruments are relevant for the care and protection of children:

- International human rights conventions, treaties and related instruments
- Constitution
- Criminal Code

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89 Custom and Adoption of Laws Act, 1971.
International instruments

As indicated in Table A2, Nauru is a State party to the CRC and several other international instruments.

Table A1. Signature and ratification of international instruments

<table>
<thead>
<tr>
<th>TREATY</th>
<th>SIGNATURE DATE</th>
<th>RATIFICATION OR ACCESSSION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment</td>
<td>12 Nov 2001</td>
<td>Ratified 26 Sep 2012</td>
</tr>
<tr>
<td>Optional Protocol of the Convention Against Torture</td>
<td></td>
<td>Acceded 24 Jan 2013</td>
</tr>
<tr>
<td>International Covenant on Civil and Political Rights</td>
<td>12 Nov 2001</td>
<td></td>
</tr>
<tr>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
<td></td>
<td>Acceded 23 Jun 2011</td>
</tr>
<tr>
<td>International Convention on the Elimination of All Forms of Racial Discrimination</td>
<td>12 Nov 2001</td>
<td></td>
</tr>
<tr>
<td>Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict</td>
<td>8 Sep 2000</td>
<td></td>
</tr>
<tr>
<td>Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography</td>
<td>8 Sep 2000</td>
<td></td>
</tr>
<tr>
<td>Convention Relating to the Status of Refugees</td>
<td></td>
<td>Acceded 28 June 2011</td>
</tr>
</tbody>
</table>

As with other common law countries, instruments that have been ratified do not form part of the domestic law unless incorporated into domestic law. This requires Parliament to pass specific statues incorporating the principles and obligations set out in the instrument\(^{91}\). To date, Nauru has not made laws incorporating the principles and obligations of the CRC in relation to the protection of children. The exception to this is the reference to Parliament having an “intention” to be bound by the CRC in section 14 of the Asylum Seeker (Regional Processing Centre) Act, 2012 specifically in relation to the treatment of asylum-seeking children held in Regional Processing Centre (see Table A3 for more details)\(^{92}\).


\(^{91}\) The Supreme Court of Nauru in Decision [2013] NRSC 11 noted this specifically in relation to the CRC. It also noted that as allowed by the Interpretation Act, 2001 the CRC and other international instruments can be used by the courts as an aid to the interpretation of laws made.

\(^{92}\) The Education Act, 2011 incorporates the principles of the CRC in relation to the right to education, including the protection of children in schools.
All the laws relevant to the care and protection of children generally discussed here pre-date the CRC. The Government is mindful of the outdated laws and has made it an item for attention in a number of policy documents, including in the National Sustainable Development Strategy. To date, however, the laws remain substantially unchanged.

**Domestic laws**

**Constitution**

Part II of the Constitution is an important cornerstone of Nauru’s national child protection framework. Article 3 of the Constitution provides that every person in Nauru is entitled to protection of the fundamental rights and freedoms in Part I, subject to the limitations set out in that Part. The fundamental rights and freedoms specified are based largely on the European Convention on Human Rights and apply to children as well as adults.

Article 3 refers to the following rights:

- life, liberty, security of the person, the enjoyment of property and the protection of the law;
- freedom of conscience, of expression and of peaceful assembly and association; and
- respect for private and family life.

The remainder of Part II refers to a number of specific rights, some of which are specifically related to the issue of child protection, including protection of right to life, protection of personal liberty, protection from forced labour and protection from inhuman treatment. The Constitution also provides that the rights in Part II are enforceable by action in the Supreme Court.

There are a number of concerns, however, in relation to Part II of the Constitution potentially impacting on the protection of children and their families and their ability to enforce such rights. In particular, the right to respect private and family life appears only in Article 3 and not elsewhere in Part II. Concerns have been raised about the lack of clarity of enforceability of Article 3 and the right to life exceptions in Part II allow for the death penalty, including for children (see Table A3 for details and other concerns).

Unlike the constitutions of many of its neighbouring Pacific Island countries, the Constitution of Nauru does not refer to the place of custom and tradition, including customary laws. However, the place of customs and traditional practices in the legal system was clarified by the passing of the Custom and Adopted Laws Act, 1971. Section 3(1) of that Act preserved customs “to the extent that they existed immediately before the commencement of this Act” and as long as the custom was not overturned by legislation that expressly or by necessary implication abolished, altered or limited that cultural practice.

Although customs and traditions are strong in relation to land and succession law, for all intent and purposes they no longer have legal effect in relation to the care and protection of children. This situation is illustrated by reference to traditional adoption. As noted earlier in this report, traditional adoption still takes place in Nauruan society.

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93Nauru Constitutional Review Commission, 2007. p 17
94Gad Demauga v NLC & Another [2012] NRSC 17
To have legal effect for example for the purpose of inheritance, the passing of land title or obtaining a passport to travel overseas, the law requires that such traditional adoptions are formalized by applying for an adoption order under the Adoption Act. There is no available data on how many traditional adoptions are formalized in this way.

**Criminal Code**

The Criminal Code is based on the Queensland Criminal Code of 1899, as it existed in the State of Queensland on 1 July 1921 and was subsequently adopted and amended in Nauru\(^5\). The Code prohibits a range of acts of violence against children, including abandonment, assault, sexual assault, rape and incest. The Code is outdated and contains a number of gaps. For example, some behaviours are criminalized as offences against girls but not boys, there are no substantive provisions dealing with the issue of pornography, bullying and family violence. Additionally, there are serious concerns in relation to evidence and sentencing. Each impacts on its effectiveness to protect children. For example, the Code still retains the use of the Corroboration Rule in relation to a number of sexual offences against children as well as specifying extremely short limitation periods for the commencement of prosecutions of some sexual offences against children. These matters do not take in to account what has been learned over the years about sexual and other offences against children and makes it extremely difficult for such matters to be prosecuted in Nauru, even if the offences are reported and investigated.

Family violence matters can only be prosecuted under the provisions of the Code because no separate family violence law currently exists. Given that the attitudes towards family violence were different when the Code was initially drafted, the protection of children from incidences of family violence under the Code is extremely limited. For example, there are no provisions to protect a child from the impact harm (directly or indirectly) of ongoing family violence.

In 2006, provisions were inserted in to the Criminal Procedure Act to allow for a regime of restraining orders, such as the apprehended violence orders. Although it appears these were introduced with the aim of protecting persons experiencing family violence, they are extremely limited as a way of protecting children from such violence. For example, on a reading of the legislation, it appears an apprehended violence order can only be made by application of a parent (and possibly his/her employer). This is clearly problematic in cases where the parent(s) is the perpetrator of the violence or is unwilling or unable to act against the perpetrator (see Table A3 for further analysis of the criminal law).

The Government has been working with the Australian Attorney-General’s Department on updating the Code for some time. A draft updated law has been prepared, but at the time of this review, negotiations on the draft were still ongoing and its status was unclear\(^6\).

As noted, there is no specific child protection legislation that assigns legal responsibility for child and family welfare to a particular government agency to intervene to prevent and respond to violence, abuse, neglect and exploitation of children. The Code criminalizes many violations of children’s rights (physical assault, sexual assault and rape), but the simple classification of

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\(^5\) Criminal Code, 1899 (The version reviewed for this report is that in force as of 3 December 2011).

\(^6\) Interview with the principal legal officer, 2 March 2015.
such violations as crimes is not a substitute for a functioning child and family welfare system and specific authority to address such violations. In many cases, waiting to take action only in response to a reasonable suspicion that a criminal act has occurred will be too late to protect a child from harm\textsuperscript{97}.

Legislation aimed at protecting children focuses on an assessment of risk of harm to a child in a particular situation so that appropriate action can be taken before the actual harm eventuates and where the harm has occurred, to take action to mitigate the harm. Unlike criminal law, with its focus on punishing the perpetrator, child protection legislation allows the mandated agency to take action and, where necessary, for the courts to make a range of orders aimed at the prevention of harm, the recovery of the child and, as appropriate, the support of the family to better care and protect the child.

**Guardianship of Children Act, 1975**

The Guardianship of Children Act, 1975 recognizes that both parents (including adopted parents with an order under the Adoption Act) are the legal guardians of children. The Act applies to children younger than 18 years who are not married. Where the parents are not married at the time a child was born and have never been married or the marriage was dissolved before the child was born, the mother is the sole guardian\textsuperscript{98}. The father can make an application to the court for a declaration that he is also the guardian of the child.

In Nauru, the Minister for Justice is the legal guardian of unaccompanied asylum-seeking children under the Asylum Seeker (Regional Processing Centre) Act, 2012.

The Guardianship Act gives the court the power to make orders removing or changing the guardianship and/or custody for a child from one parent to another or to another person. Nothing in either the Guardianship Act or other laws appears to limit the court power to make guardianship, custody or access orders in relation to children living in Nauru and refugees or children in the Regional Processing Centre.

The Guardianship Act is outdated in its language and description of the responsibility parents have for the upbringing of children. The Act defines guardianship and custody of a child in terms of the “rights of a parent” to “control” and “possession”. These terms are based on the notion that children are the possession and property of their parents (and in particular their fathers), and based on similar laws once in place in England and Australia. Such outdated notions have been replaced in many countries, including in England and Australia, with the concept of ‘parental responsibility’ for the child – the term that is used in the CRC and other international instruments.

In making decisions under the Guardianship Act, including in relation to guardianship and custody, the Act specifies that the court must consider “the welfare of the child as the first and paramount consideration\textsuperscript{99}.” This term is the predecessor of what later came to be referred to as the ‘best interest of the child’ in the CRC and other international instruments and has the same meaning. In making such decisions, the court is to have regard for the wishes of the child.

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\textsuperscript{97} Police can only arrest under the criminal law if they form a reasonable suspicion that a criminal offence has occurred.

\textsuperscript{98} The Guardianship of Children Act, section 6.

\textsuperscript{99} Guardianship of Children Act, section 25
Under the Guardianship Act, the court has a protective jurisdiction and can make an order placing a child under the guardianship of the court. Under such an order, a child is described as a Ward of the Court. In practice, the court delegates the role to a person it considers appropriate. In many other countries where such provisions exist, orders placing a child under the guardianship of the court are usually made in cases where the child needs care and protection and the court determines there is not an appropriate person to provide such care and protection. Often such an order is made on a temporary basis so as to allow the relevant authorities to make appropriate investigations or to take other actions in the interest of the child before the court makes a final order determining the care and protection of the child.

An order for guardianship, custody or access under the Guardianship Act, including an order for a child to be made a Ward of the Court, can only be made on an application from (i) a parent, (ii) near relative, (iii) the child or (iv) any other person with permission of the court. This fourth category would allow action to be taken by a government agency, for example the Family and Community Services, in the name of the secretary of the relevant department or minister.

Actions under the Guardianship Act are brought by an individual to change the guardianship of children on Nauru but it does not appear to be well known or often is used in relation to its protective aspect. It was not possible to determine if any orders had been made in the past for making a child a Ward of the Court or transferring guardianship as part of an overall protective action taken, for example, by a family member or the State.

The Adoption Act, 1965 is also used to change the legal relationship between a parent and child. Unlike a guardianship order under the Guardianship Act, under an adoption order, legal relationships between a child and all relatives are changed in law and the order remains in place for the child’s life unless otherwise revoked by the court. For this reason, in many jurisdictions, an order for guardianship under laws similar to the Guardianship Act rather than an adoption order are seen as least intrusive to a child’s life if protective action needs to be taken.

**Other Legislation**

The Matrimonial Causes Act, 1973 and Maintenance Act, 1959, although not directly related to the protection of children from violence, abuse, neglect or exploitation, enable the court to make orders for suitable arrangements for the care and support of children. This has impact on parents, most commonly the mother’s ability to provide for her children. Anecdotally, it appears that in Nauru there is not a history of using these laws in this way.
### Table A2. Examples of concerns in existing legal provisions that need review to ensure domestication of CRC

<table>
<thead>
<tr>
<th>AREA OF LAW</th>
<th>CURRENT PROVISION</th>
<th>SUGGESTED REFORM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitution</td>
<td>Article 3 provides that every person in Nauru is entitled to protection of the fundamental rights and freedoms in Part II, subject to the limitations contained in the provisions of Part II. However, there is a lack of clarity of enforceability of Article 3 in Part II because of its title Preamble and the operation of Article 82(3). Thus it is not clear if the rights enumerated in Article 3 are protected and enforceable, in particular the right to respect for private and family life. This right appears only in Article 3 and not elsewhere in Part II. All the other rights and freedoms are referred to generally in Article 3 and more specifically in other articles in Part II.</td>
<td>As recommended by the Constitutional Review Commission, amend Article 3 to make its intent clear and guaranteeing equal protection of the law.</td>
</tr>
<tr>
<td></td>
<td>Article 4 (in Part II) offers weak protection of the right to life due to the number and vagueness of the exceptions to that right.</td>
<td>As recommended by the Constitutional Review Commission, this is a fundamental right and should be reframed so it is expressed and affirmed in positive terms. The reference to the death penalty should be deleted from Article 4 in accordance with Nauru’s international obligations.</td>
</tr>
<tr>
<td></td>
<td>Part II does not expressly say whether the listed rights and freedoms can be enforced only against the State or between private individuals, even though it appears that some of the rights provisions do apply to the actions of private persons.</td>
<td>Implement the recommendations to address the problems in relation to the enforceability of the rights as set out in the report of the Constitutional Review Commission.</td>
</tr>
<tr>
<td></td>
<td>Part II, Article 14(1) provides that “a right or freedom conferred by this Part is enforceable by the Supreme Court at the suit of a person having an interest in the enforcement of that right or freedom”. There is concern that the provision may be too narrow to provide adequate access to the Supreme Court in cases of infringement of rights.</td>
<td>Article 14 should be amended to broaden the categories of people who may bring an action for infringement of rights, to include anyone acting on behalf of a person who cannot act in their own name, for example someone acting on behalf of a child or class of children or association acting in the interest of its members.</td>
</tr>
</tbody>
</table>

100 The Criminal Code allows for the death penalty (section 18), see also section 664.
## Constitutional law

<table>
<thead>
<tr>
<th>Area of Law</th>
<th>Current Provision</th>
<th>Suggested Reform</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitution</td>
<td></td>
<td>However, for most Nauruan children, especially children of low socioeconomic background, the real most significant limiting factors in relation to their protection is first, the lack of access and implementation of the law, including the rights set out in the Constitution and second, access to real means of enforcing their rights, given the lack for resources, such as lawyers with significant legal knowledge and skills to bring such a claim in the courts.</td>
</tr>
</tbody>
</table>

## Criminal law

<table>
<thead>
<tr>
<th>Area of Law</th>
<th>Current Provision</th>
<th>Suggested Reform</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Code, 1899(^{102})</td>
<td>The Code contains highly gendered language that perpetuates its historical bias towards protecting female victims of sexually abusive behaviours and criminalizing only male offenders.</td>
<td>Gendered language should be replaced. For example, amendments should ensure gender-specific terminologies, such as ‘girl’ is replaced with gender-neutral alternatives, such as ‘child’, for a number of offences, including indecent treatment, abuse of children on premises, abuse of intellectually impaired persons, taking a child for immoral purposes, procuration and indecent assaults.</td>
</tr>
<tr>
<td>As well as gendered language, the Code also contains dated and pejorative language in relation to a person with an intellectual impairment, such as “idiot” and “imbecile”.</td>
<td>Amend to use more appropriate, neutral and person-centred language, such as ‘person with an intellectual impairment’ or similar neutral term.</td>
<td></td>
</tr>
<tr>
<td>Section 18 of the Code allows for the death penalty (see also section 664) as well as a number of other formal punishments. Nothing explicitly exists that excludes the use of the death penalty for children or stating that incarceration for children is to apply only as a last resort.</td>
<td>Remove the death penalty in accordance with Nauru’s international obligations.</td>
<td></td>
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</tbody>
</table>

\(^{102}\) The Criminal Code came into force as of 3 December 2011.
<table>
<thead>
<tr>
<th>AREA OF LAW</th>
<th>CURRENT PROVISION</th>
<th>SUGGESTED REFORM</th>
</tr>
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<tbody>
<tr>
<td>There is no juvenile justice-specific legislation dealing with sentencing or other matters relating to juvenile offenders103.</td>
<td>Ensure that the criminal laws (and/or related laws) make it clear that incarceration is only used as a punishment for children as a last resort.</td>
<td></td>
</tr>
<tr>
<td>Section 28 allows “intoxication” to be taken into account in relation to offences where an intention to commit an offence is an element of the offence. This is problematic in relation to both family violence and child abuse because the available evidence in Nauru is that they are often both committed by people who are intoxicated.</td>
<td>Remove or amend the provision so that ‘intoxication’ cannot be taken into account in relation to offences generally or at least in relation to children.</td>
<td></td>
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<tr>
<td>Section 29 sets the minimum age of criminal responsibility at 7 years but the age at which a child is presumed to be incapable of a crime is 14 years.</td>
<td>Increase the minimum age of criminal responsibility to at least 12 years, in line with the comments of the Committee on the CRC.</td>
<td></td>
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<tr>
<td>Under section 29, a male person younger than 14 years is presumed to be incapable of having carnal knowledge.</td>
<td>Ensure the community, police, prosecution and other legal officers understand that this presumption does not mean that a male person younger than 14 years cannot be charged with a sex offence against another.</td>
<td></td>
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<tr>
<td>Rape in section 347 is defined in relation to carnal knowledge of women or girls but not a wife and has a maximum sentence of hard labour for life.</td>
<td>As well as amending the gendered language in relation to rape, amend section 347 to remove exception of rape in marriage.</td>
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<tr>
<td>Some sexual offences against girls have short time limits for commencing a prosecution from the time the offence was committed. For example, statutory limits to section 212 (Defilement of Girls Younger Than 12 years), section 215 (Defilement of Girls Under Fourteen and of Idiots) are two and six months, respectively.</td>
<td>Amend to make abduction of a child, whether a boy or girl, unlawful. Remove the child being married – as an exception to the offence of abduction.</td>
<td></td>
</tr>
<tr>
<td>As well as gendered language, the Code also contains dated and pejorative language in relation to a person with an intellectual impairment, such as “idiot” and “imbecile”.</td>
<td>Amend to use more appropriate, neutral and person-centred language, such as ‘person with an intellectual impairment’ or similar neutral term.</td>
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</table>

103 A Juvenile Justice Act was passed but due to technical reasons has never been brought into force: Interview with Principal Legal Officer 4 March 2015A copy of the Act was not available for review.
### AREA OF LAW

<table>
<thead>
<tr>
<th>CURRENT PROVISION</th>
<th>SUGGESTED REFORM</th>
</tr>
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<tbody>
<tr>
<td>A number of sexual offences against young girls specify that there cannot be a</td>
<td>Remove the corroboration rule in general or at least to where it applies</td>
</tr>
<tr>
<td>conviction on the uncorroborated evidence of one witness, such as the victim.</td>
<td>specifically to sexual offences.</td>
</tr>
<tr>
<td>This is extremely difficult and related to sexual offences generally in sexual</td>
<td>Examine the change to the corroboration rule in other common law countries in the</td>
</tr>
<tr>
<td>offences against children in particular, given the nature of the crime means that</td>
<td>region, such as Fiji.</td>
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<td>the only witnesses are the victim and the perpetrator.</td>
<td>Ensure that police, pleaders, the Director of Public Prosecutions, the public</td>
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<td></td>
<td>defenders, the courts and others are trained on the changes. In the meantime,</td>
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<td></td>
<td>ensure that they are trained on what the current rule actually means and does not</td>
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<td></td>
<td>mean in practice.</td>
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<tr>
<td>Definition of various sex offences against girls is defined in terms of having,</td>
<td>Remove the reference to carnal knowledge or broaden the definition generally.</td>
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<tr>
<td>procuring or attempting to have ‘carnal knowledge’. This term is narrowly defined</td>
<td>Alternatively, for example, as has been done elsewhere, expand the definition of</td>
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<td>in section 6 to penetration. We know that sexual abuse of a child can take place</td>
<td>indecent assault to include acts involving the penetration of the victim’s vagina,</td>
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<td>and is very damaging, even if it does not involve penile penetration (but it</td>
<td>vulva or anus to any extent with a thing or a part of the person’s body that is</td>
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<td>involves penetration with other objects).</td>
<td>not a penis. Therefore acts that do not involve penile penetration are also</td>
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<tr>
<td></td>
<td>prohibited.</td>
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<tr>
<td>There is a disparity in sentencing in relation to sexual offences against boys</td>
<td>Amend to ensure there is sentence parity.</td>
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<td>and girls. For example, section 210 (Indecent Treatment of Boys under Fourteen)</td>
<td></td>
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<tr>
<td>and section 215 (Defilement of Girls Under Fourteen and of Idiots) have maximum</td>
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<td>sentences of “imprisonment with hard labour for seven years” and “guilty of a</td>
<td></td>
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<tr>
<td>misdemeanour, and is liable to imprisonment with hard labour for two years”</td>
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<tr>
<td>respectively.</td>
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<tr>
<td>Sexual offence legislation does not include specific provisions criminalizing</td>
<td>Amend to ensure definition of ‘person who has care of a child’ includes a parent,</td>
</tr>
<tr>
<td>sexual contact between a child and a person who at the time of the offence (or</td>
<td>stepparent, guardian “or other adult in charge of the child, whether or not the</td>
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<tr>
<td>generally) was responsible for their care or supervision or was in a position of</td>
<td>person has lawful custody of the child”. A related amendment could also be to</td>
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<tr>
<td>authority relative to the child.</td>
<td>broaden the definition of consent so as to mean that there is no consent if</td>
</tr>
<tr>
<td></td>
<td>obtained by someone having authority over another – even if not ‘forced’, as</td>
</tr>
<tr>
<td></td>
<td>specified in the current definition of rape at section 347.</td>
</tr>
</tbody>
</table>

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104 The term “uncorroborated testimony” is defined as “testimony which is not   | 105 Section 6 on carnal knowledge, “When the term ‘carnal knowledge’ or the |
<p>| corroborated in some material particular by other evidence implicating the accused | term ‘carnal connection’ is used in defining an offence, it is implied that   |
| person”; section 1 of the Criminal Code.                                            | the offence, so far as regards that element of it, is complete upon penetration”.|
| 105 Section 6 on carnal knowledge, “When the term ‘carnal knowledge’ or the term    | Carnal knowledge thus is understood to mean sexual intercourse.                   |
| ‘carnal connection’ is used in defining an offence, it is implied that the offence,  | 106 Including in Queensland, from where the Criminal Code was adopted. |
| so far as regards that element of it, is complete upon penetration”. Carnal          |                                                                                   |
| knowledge thus is understood to mean sexual intercourse.                             |                                                                                   |
| 106 Including in Queensland, from where the Criminal Code was adopted. |                                                                                   |</p>
<table>
<thead>
<tr>
<th>AREA OF LAW</th>
<th>CURRENT PROVISION</th>
<th>SUGGESTED REFORM</th>
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<tbody>
<tr>
<td>of the offence (or generally) was responsible for their care or supervision or was in a position of authority relative to the child.</td>
<td>other adult in charge of the child, whether or not the person has lawful custody of the child.</td>
<td>A related amendment could also be to broaden the definition of consent so as to mean that there is no consent if obtained by someone having authority over another – even if not ‘forced’, as specified in the current definition of rape at section 347.</td>
</tr>
<tr>
<td>There are no current laws prohibiting pornography, including child pornography or child abuse material/child exploitation material – other than exposing such material in public, as in section 228 (Obscene Publications and Exhibitions).</td>
<td>Introduce specific amendments prohibiting the unlawful possession, production and distribution of child pornography or child abuse material or child exploitation material.</td>
<td></td>
</tr>
<tr>
<td>Section 269 sets out that provocation assault is not unlawful “provided that the force used is not disproportionate to the provocation, and is not intended, and is not such as is likely, to cause death or grievous bodily harm”. Section 268 defines ‘provocation’ in relation to assault by reference to the relationship between victim and perpetrator – including parental relationship and married partners. This in combination with the exception to assault for “disciplinary purposes” in section 280 can be argued provides a loophole to allow for justification of much of the violence against children (and women).</td>
<td>Review whether provocation as a complete defence to assault should be abolished or whether it should be recast to reflect community expectations.</td>
<td></td>
</tr>
<tr>
<td>Section 280 (Domestic Discipline) allows the lawful use of reasonable force by “a parent or a person in the place of a parent, or for a schoolmaster or master” to correct or discipline and “a child, pupil or apprentice”. Section 283 specifies that such force cannot be excessive in the circumstances.</td>
<td>If community attitudes are against total removal of section 280, amend it and section 283 to provide greater guidance on what would constitute ‘excessive force’. In the meantime, ensure that there is better awareness and understanding of the limits in section 283 and that this limit is enforced.</td>
<td></td>
</tr>
</tbody>
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107 Section 269 sets out that provocation assault is not unlawful “provided that the force used is not disproportionate to the provocation, and is not intended, and is not such as is likely, to cause death or grievous bodily harm”. Section 268 defined provocation to assault in relation to “when done to an ordinary person or in the presence of an ordinary person to another person who is under his presence immediate care, or to whom he stands in a conjugal, parental, filial or fraternal, relation or in the relation of master or servant, to deprive him of the power of self-control and to induce him to assault the person by whom the act or insult is done or offered.”
### Family law

**Guardianship of Children Act, 1973**

Language is outdated and perpetuates notion of children being property of their parents.

Amend language to be in line with the CRC. For example, the ability to make an interim order for guardianship.

The Act does allow for the making of protective orders, for example, section 10 allows for making a child a Ward of the Court if it is in the child’s best interest – thus allowing for further investigation or other actions to be undertaken by the relevant child protection authority or the police.

Ensure the protective aspect of the Act is better known and applied.

Either by way of amendment to this Act or inclusion in a standalone child protection law, to introduce a provision that allows the secretary of the MOHA an automatic right to bring an application for guardianship, custody or access as a protective action if there is significant concern a child is at risk of violence, abuse, neglect or exploitation.

If no stand-alone child protection law is introduced, consider increasing the range of orders the court can make when exercising its protective jurisdiction under the Act. For example, the ability to make an AVO to protect the child or an order requiring a parent(s) to attend a parenting skills course, anger management course, or alcohol detox programme. This assumes of course that such programs will be available in Nauru.

Currently, the secretary can only bring such an action with leave of the court – which may be problematic in cases of emergency action needing to be taken to protect a child.

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108 See section 27(2) and s 34A of the Criminal Procedure Act, 1972, as amended by the Criminal Procedure (Compensation and Other Orders) Act, 2006.
<table>
<thead>
<tr>
<th>AREA OF LAW</th>
<th>CURRENT PROVISION</th>
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<tr>
<td></td>
<td>Ensure the protective aspect of the Act is better known and applied.</td>
<td>Either by way of amendment to this Act or inclusion in a standalone child protection law, to introduce a provision that allows the secretary of the MOHA an automatic right to bring an application for guardianship, custody or access as a protective action if there is significant concern a child is at risk of violence, abuse, neglect or exploitation.</td>
</tr>
<tr>
<td></td>
<td>If no stand-alone child protection law is introduced, consider increasing the range of orders the court can make when exercising its protective jurisdiction under the Act. For example, the ability to make an AVO to protect the child or an order requiring a parent(s) to attend a parenting skills course, anger management course, or alcohol detox programme. This assumes of course that such programs will be available in Nauru.</td>
<td>Currently, the secretary can only bring such an action with leave of the court – which may be problematic in cases of emergency action needing to be taken to protect a child.</td>
</tr>
<tr>
<td>Maintenance Act, 1959</td>
<td>The Act contains very dated language that perpetuates the notion of children being the property of parents and as such is not line with Nauru’s international obligations.</td>
<td>Update the language and substance of the Act in line with Nauru’s international obligations.</td>
</tr>
<tr>
<td>Matrimonial Causes, Act 1973</td>
<td>The Act contains very dated language that perpetuates the notion of children being the property of parents and as such is not line with Nauru’s international obligations.</td>
<td>Update the language and substance of the Act in line with Nauru’s international obligations.</td>
</tr>
<tr>
<td>Birth Death and Marriage Act, 1957</td>
<td>Section 23 allows for marriage of a female younger than 16 years and a male younger than 18 years with parents’ consent.</td>
<td>Review and amend to ensure parity for marriage age so that the new Act sets the minimum age for marriage at 18 years for both boys and girls without exceptions in lines with CEDAW recommendation.</td>
</tr>
<tr>
<td>Asylum Seekers (Regional Processing Centre) Act, 2012</td>
<td>Under Part 3, the Minister for Justice is the legal guardian of unaccompanied asylum-seeking children younger than 18 years while they remain unaccompanied in Nauru. Section 14 of Part 3 applies to all children in the Regional Processing Centre and states that: “It is the intention of Parliament that, in the treatment of a protected person who is a child, regard must be had to the terms of the Convention on the Rights of the Child.” The Act incorporates only an “intention” to have regards to the CRC in relation to the treatment of asylum-seeking children in the Regional Processing Centre. The section would be useful in interpreting the provisions of the legislation; however it does not incorporate the specific principle and obligations set out in the CRC.</td>
<td>Amend to clearly incorporate the specific principle and obligations set out in the CRC in relation to the protection of children in the Regional Processing Centre.</td>
</tr>
</tbody>
</table>
Annex III. Population statistics

All figures are as they appear in the Nauru 2011 census report.

Figure A1. Total population size, Nauru: 1921–2011

Figure A2. Population pyramid by 5-year age groups, Nauru, 2002 and 2011
Figure A3. Population density (number of people per km²), by Pacific Island country, 2012 estimates

Figure A4. Population size and distribution, by district, Nauru, 2011
Figure A5. Teenage fertility rate, Nauru, 1997–2011


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<tr>
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<tbody>
<tr>
<td>Nauruan Congregational</td>
<td>3,563</td>
<td>3,552</td>
<td>36</td>
<td>-11</td>
</tr>
<tr>
<td>Roman Catholic</td>
<td>3,342</td>
<td>3,278</td>
<td>33</td>
<td>-64</td>
</tr>
<tr>
<td>Nauru Independent</td>
<td>1,049</td>
<td>945</td>
<td>10</td>
<td>-104</td>
</tr>
<tr>
<td>Assembly of God</td>
<td></td>
<td>1,291</td>
<td>13</td>
<td>1,291</td>
</tr>
<tr>
<td>Seventh Day Adventist</td>
<td></td>
<td>73</td>
<td>1</td>
<td>73</td>
</tr>
<tr>
<td>Jehovah’s Witness</td>
<td></td>
<td>89</td>
<td>1</td>
<td>89</td>
</tr>
<tr>
<td>Baptist</td>
<td></td>
<td>148</td>
<td>1</td>
<td>148</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>282</td>
<td>3</td>
<td>-1,135</td>
</tr>
<tr>
<td>No religion</td>
<td></td>
<td>178</td>
<td>2</td>
<td>-278</td>
</tr>
<tr>
<td>Not stated</td>
<td></td>
<td>109</td>
<td>1</td>
<td>-129</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>7,954</strong></td>
<td><strong>9,945</strong></td>
<td><strong>101</strong></td>
<td><strong>-120</strong></td>
</tr>
</tbody>
</table>
Figure A6. Teenage fertility rate, Pacific Island countries, latest available year
Annex IV: References and Documents Reviewed


Australian Department of Foreign Affairs and Trade (2014). Mapping of existing legislation, programs and other mechanisms supporting women’s leadership in the Pacific. Canberra.


Nauru–Australia Partnership for Development (undated b). Partnership priority outcome 3: A cost effective health system which delivers improved health outcomes.


Physical and Mental Health Subcommittee of the Joint Advisory Committee for Nauru Regional Processing Arrangement (16-19 February 2014) Nauru Site Visit Report.


UNICEF Pacific (October 2009a). Protect me with love and care: A baseline report for creating a future free from violence, abuse and exploitation of girls and boys in Kiribati. Suva.

UNICEF Pacific (October 2009b). Protect me with love and care: A baseline report for creating a future free from violence, abuse and exploitation of girls and boys in Fiji. Suva.

UNICEF Pacific (November 2009c). Protect me with love and care: A baseline report for creating a future free from violence, abuse and exploitation of girls and boys in the Solomon Islands. Suva.


**Laws and policies**

Nauru Department of Education and Training: Foot Path II Education and Training Strategic Plan 2008–2013
Republic of Nauru Ministry of Health and Medical Service Strategic Plan 2010–2015
Nauru National Women’s Policy 2014
Nauru National Youth Policy 2009–2015
Asylum Seekers (Regional Processing Centre) Act, 2012
Adoption Act, 1965
Births, Deaths and Marriages Act, 1957
Civil Evidence Act, 1972
Constitution of the Republic of Nauru
Correctional Service Act, 2009
Courts Act, 1972
Criminal Code 1899 (As in force from 3 December 2011)
Criminal Justice Act, 1999
Criminal Procedure Act, 1972
Custom and Adopted Laws Act, 1971
Education Act, 2011
Family Court Act, 1973
Guardianship of Children Act, 1975
Interpretation Act, 2011
Legal Professional Act, 1973
Maintenance Wives and Children Act Ordinance, 1959
Matrimonial Causes Act, 1973
Naoero Citizenship Act, 2005
Nauru Police Force Act, 1972
Police Offences Ordinance, 1967
Refugees Convention Act, 2012
Republic Proceedings Act, 1972

In re Adoption of “B-R” [2013] NRSC 11
Gad Demauga v NLC &Another [2012] NRSC 17
In re Lorna Gleeson [2006] NRSC 8