



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the initial report of Nauru\*

#### I. Introduction

1. The Committee considered the initial report of Nauru (CRC/C/NRU/1) at its 2134th and 2135th meetings (see CRC/C/SR.2134 and 2135), held on 13 and 14 September 2016, and adopted the following concluding observations at its 2160th meeting, held on 30 September 2016.
2. The Committee welcomes the submission of the initial report of the State party, which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level multisectoral delegation of the State party.

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

3. The Committee welcomes the ratification of or accession to the following instruments:
  - (a) The Convention on the Elimination of All Forms of Discrimination against Women, in 2011;
  - (b) The Convention on the Rights of Persons with Disabilities, in 2012;
  - (c) The Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, in 2012;
  - (d) The Optional Protocol to the Convention against Torture, in 2013.
4. The Committee also welcomes the adoption of the following legislative measures:
  - (a) The Child Protection and Welfare Act 2016;
  - (b) The Crimes Act 2016;
  - (c) The Education (Amended) Act 2015;

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



- (d) The Cybercrime Act 2015.
- 5. The Committee notes with appreciation the following institutional and policy measures:
  - (a) The adoption of the National Policy on Disability, in 2015;
  - (b) The establishment of the Child Protection Services Division, in 2015;
  - (c) The adoption of the National Youth Policy 2009-2015;
  - (d) The adoption of the Nauru Gender Country Plan 2014.

### **III. Main areas of concern and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

##### **Legislation**

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

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

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

##### **Comprehensive policy**

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

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

- (a) **Develop a comprehensive policy to promote and protect the rights of children and ensure that it is supported with sufficient human, technical and financial resources;**

(b) **Ensure consultations with all relevant stakeholders, including children, to develop the child protection policy and assess the effectiveness of its implementation regularly;**

(c) **Allocate sufficient human, technical and financial resources to the new Child Protection Services Division;**

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

#### **Coordination**

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

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

#### **Allocation of resources**

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

13. **In the light of its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:**

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

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

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

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

#### **Data collection**

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

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

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

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

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

#### **Independent monitoring**

16. The Committee notes as positive the State party's acceptance of the recommendations made during its universal periodic review in 2015 to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including the possibility of establishing an Ombudsman's Office. However, it is concerned that to date no progress has been made and that no specific mechanism for monitoring children's rights is in place.

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

#### **Dissemination, awareness-raising and training**

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

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

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

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

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

(d) **Develop training and operations manuals for child protection and other child welfare officers;**

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

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

#### **Civil society**

20. The Committee is seriously concerned that international civil society organizations and journalists have been restricted in their ability to conduct research into children's rights, particularly in relation to the processing of child asylum seekers and refugees at the Regional Processing Centre. It is also concerned at reports indicating that some international organizations have been subjected to intimidation, and that non-refundable visa application fees for visiting journalists have been increased from US\$ 200 to US\$ 8,000.

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

(a) **Take immediate and concrete steps to give legitimate recognition to children's rights defenders and their work;**

(b) **Build an environment of trust and cooperation with international as well as local non-governmental organizations and journalists;**

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

## **B. General principles (arts. 2, 3, 6 and 12)**

### **Non-discrimination**

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

23. **In the light of general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee urges the State party to:**

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

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

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

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

**Best interests of the child**

24. While the Committee notes that some areas of Nauruan law uphold the principle of the best interests of the child, it regrets that no comprehensive guarantee exists to ensure that right. In particular, the Committee expresses profound concern at reports that asylum-seeking and refugee children have been accepted by the State party from Australia without taking their best interests into account.

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

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

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

**Right to life, survival and development**

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

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

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

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

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

**Respect for the views of the child**

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

29. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee encourages the State party to ensure that children's views are**

given due consideration in the family, at schools, in the courts and in all relevant administrative and other processes concerning them through, among other things, the establishment of specific learning activities at schools, and general awareness-raising. The Committee also encourages the State party to work in collaboration with relevant professionals to strengthen the creation of meaningful spaces through which children can influence public policy.

### **C. Violence against children (arts. 19, 24 (3), 28 (2) 34, 37 (a) and 39)**

#### **Freedom of the child from all forms of violence**

30. The Committee notes the efforts made by the State party to develop a child protection system, in particular through the new Child Protection Services Division, the Child Protection and Welfare Act 2016, and the creation of an integrated case management model for responding to family violence and child protection. Despite that progress, the Committee is deeply concerned about:

(a) The limited capacity of the Nauruan Police to investigate allegations of sexual violence against children;

(b) Investigative and other procedures that fail to provide guarantees of redress and lack a child-friendly approach;

(c) Insufficient cooperation and information sharing among relevant agencies and inadequate follow-up of complaints;

(d) Inhuman and degrading treatment, including physical, psychological and sexual abuse, against asylum-seeking and refugee children living in the Regional Processing Centre, as evidenced by the Moss Review, as well as reports of intimidation, sexual assault, abuse and threats of violence against families living in refugee settlements around the island, all of which has a detrimental impact on the psychological well-being of their children;

(e) The lack of assistance available for the physical and mental recovery of children who have experienced trauma prior to their arrival in Nauru and the subsequent impact of prolonged periods living in detention-like conditions, which has resulted in many cases of attempted suicide, self-immolation, acts of self-harm and depression.

31. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and target 16.2 of the Sustainable Development Goals, to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee urges the State party to:**

(a) **Immediately establish measures to guarantee the protection of children from all forms of violence and abuse, including sexual assault;**

(b) **Ensure that child victims of ill-treatment are provided with care and rehabilitation programmes, and ensure that revictimization of any kind is avoided;**

(c) **Establish compulsory training courses on violence against children for all relevant professionals and make the reporting of child abuse mandatory for professionals working in relevant sectors;**

(d) **Ensure efficient cooperation, coordination and data sharing between relevant ministries and develop a public awareness campaign as a means of changing prevailing attitudes in relation to violence against children and move towards zero tolerance;**

(e) **Take immediate action to independently investigate all allegations of ill-treatment, abuse and sexual assault against asylum-seeking and refugee children, ensure that they have access to a safe and child-friendly complaint process and strengthen the investigative capacity of the police and judicial authorities to ensure that cases of violence against children are properly investigated and perpetrators sanctioned;**

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

(g) **Seek technical cooperation from the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Refugees (UNHCR) as a means of addressing the aforementioned issues.**

#### **Abuse and neglect**

32. The Committee is seriously concerned at:

(a) The information provided by the State party indicating that some 30 per cent of girls have been victims of sexual abuse before the age of 15;

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

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

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

(e) The prevailing societal attitudes that perceive domestic abuse to be a private or family matter.

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

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

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

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

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

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



### **Corporal punishment**

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

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

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

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

35. **In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:**

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

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

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

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

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

## **D. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

### **Children deprived of a family environment**

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

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

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

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

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

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

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

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

#### **Adoption**

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

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

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

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

(c) **Consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, of 29 May 1993.**

### **E. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)**

#### **Children with disabilities**

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

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

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

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

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

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

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

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

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

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

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

#### **Health and health services**

42. The Committee is concerned about:

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

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

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

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

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

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

(a) Allocate sufficient human and financial resources to ensure adequate postnatal care for newborns and mothers and appoint health mediators to conduct home visits;

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

(c) Fully implement the International Code of Marketing of Breast-milk Substitutes, and develop a national programme for the protection, promotion and

support of breastfeeding through comprehensive campaigns. Mothers should be appropriately supported through counselling structures in hospitals, clinics and the community and the Baby-Friendly Hospital Initiative should be implemented throughout the country;

(d) **Conduct a survey to assess household nutrition levels, especially nutrition of newborns and children under 5 years of age and the adequacy of vitamin and micronutrient intakes;**

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

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

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

#### **Mental health**

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

45. **The Committee recommends that the State party make community-based mental health services readily available and that it strengthen preventive work in schools, homes and care centres.**

#### **Adolescent health**

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

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

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

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

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

#### **Standard of living**

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

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

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

(c) Limited access to basic services, including clean and safe drinking water and sanitation, particularly within the Regional Processing Centre where humidity is high, along with reported daily restrictions on individual water intake, leave children and their families vulnerable to dehydration and other serious health problems.

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

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

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

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

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

## **F. Education, leisure and cultural activities (arts. 28-31)**

### **Education, including vocational training and guidance**

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

(a) Despite the truancy policy, the level of school non-attendance is high and early school leaving remains a problem;

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

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

- (a) **Further strengthen its efforts to improve access to quality education for all children, including preschool, secondary and higher education;**
- (b) **Develop programmes, along with monitoring and evaluation of such programmes, to reduce dropout rates;**
- (c) **Ensure the full enjoyment of the right to education by asylum-seeking children on an equal basis with all other children in the country;**
- (d) **Establish campaigns within schools to prevent bullying and violence against all children.**

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

**Asylum-seeking and refugee children**

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

- (a) The fact that overall, the memorandum of understanding between Nauru and Australia on processing asylum cases fails to take into account the best interests of the child;
- (b) Cases of unaccompanied asylum-seeking and refugee children not being expeditiously processed in accordance with the principle of the best interests of the child;
- (c) Living conditions in the Regional Processing Centre which, combined with the lack of certainty for both asylum-seeking and refugee children, is generating and exacerbating mental health issues, leading to feelings of hopelessness and often suicidal ideation;
- (d) The lack of implementation of any integration programme for refugee children or their families;
- (e) The lack of administrative or financial arrangements in place to ensure free legal assistance for asylum seekers, including unaccompanied children;
- (f) Reports of pervasive hostility and hate speech from the local Nauruan community.

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

- (a) **Ensure that the best interests of the child are a primary consideration in all decisions and agreements in relation to the transfer of any asylum-seeking or refugee children from Australia;**
- (b) **Process cases involving unaccompanied asylum-seeking and refugee children in a positive, humane and expeditious manner as a means of identifying durable solutions, in line with article 10 (1) of the Convention.**
- (c) **Prioritize the immediate transfer of asylum-seeking children and their families out of the Regional Processing Centre, adopt permanent and sustainable resettlement options for refugees, particularly children and their families, to ensure that they are given lawful stay and reasonable access to employment and other opportunities;**
- (d) **Facilitate access to the asylum system for children in need of international protection, in line with articles 6, 22 and 37 of the Convention and the Committee's general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin;**

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

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

(g) **Consider acceding to the 1951 Convention relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

#### **Sexual exploitation and trafficking**

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

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

#### **Administration of juvenile justice**

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

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

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

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

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

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

- (e) **Make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice.**

**Child victims and witnesses of crimes**

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

59. **The Committee recommends that the State party develop awareness-raising campaigns to encourage children to report cases of sexual abuse and neglect as a means of removing the social stigma. It also recommends the establishment of child-sensitive procedures and mechanisms to ensure that interviews are conducted in an appropriate manner, in the absence of the accused, and by adequately trained police and other staff to prevent revictimization and traumatization. It further recommends that the judiciary, probation officers, defence advocates and other staff in the judicial process be trained and sensitized to child-friendly procedures.**

**H. Ratification of the Optional Protocol to the Convention on a communications procedure**

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

**I. Ratification of international human rights instruments**

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

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

**IV. Implementation and reporting**

**A. Follow-up and dissemination**

62. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the initial report of the**



State party and the present concluding observations be made widely available in the languages of the country.

## **B. Next report**

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

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

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