

Introduction

The Nauru National Women's Council is a Non-Government Organization formed to assist the Nauruan women in their development through the provision of assistance in domestic, religious, health or financial assistance. The NNWC is providing this report following a NGO UPR workshop in Nauru facilitated by Mr. Romulo Nayacalevu of the SPC/RRRT with Nauru Justice Department from 2nd March 2015 till 7th March 2015.

1. Scope of International Obligation

The NNWC congratulates the government of Nauru for its bold decision and leadership in ratifying the CEDAW.

Recommendation

The NNWC calls upon the government of Nauru to domesticate CEDAW at its earliest and ensure that it consults women's groups in Nauru on the process of domestication of CEDAW.

Violence against Women

NNWC notes with concern that violence against women is not adequately and protected in Nauru's domestic laws. While Nauru uses the old Criminal Code of Queensland of 1898 which is still under review, the current legal protection for women are not adequate. These include laws around domestic violence, rape laws and related provisions that are often discriminatory towards women.

Recommendations;

1. The Nauru government to enact a Domestic Violence legislations to ensure that women survivors of violence have legal protection from domestic violence
2. That Nauru government holds national consultations in partnering with women NGOs including NNWC in doing a legal analysis of laws etc to see which ones are not compatible with CEDAW.

2. Right to Health and the Right to Life

- (a) **Health-** NNWC recognizes the submission of the Aiwo District Committee in the 2011 UPR submission, noting that Aiwo has the *highest rate of lung/respiratory ailments, asthma and tuberculosis, trachoma and other eye diseases, skin diseases and a history of cancer victims*. This is still the situation in Nauru as there has been no strong intervention by the government to address this issue. Also cancer is increasing drastically. The diseases are linked to the phosphate emissions from the phosphate mines located in this district. NNWC notes with concern that the women on Nauru have

suffered many forms of cancerous diseases and there is a lack of specialized and general cancer treatment in Nauru. Patients are seen by doctors here and specimens are sent to Australia for analysis of which the results are not known for about two/ three weeks. Depending on the diagnosis, patients are referred to Australia, Fiji, India and Thailand depending on a range of factors that are determined by the Health Department. The process for referrals is often lengthy and often patients give up hope or have died waiting for the Minister of Health's approval.

Recommendations

- i. The Government of Nauru to ensure that information relating to overseas medical treatments is open and available for people to know how to access such emergency life treatment.
- ii. The government of Nauru provides accessible medical services in Nauru for women especially the provision of facilities such as mammogram machines which can diagnose breast cancer and equipments for early detection and appropriate intervention.

b) Access to professional medical expertise.

NNWC congratulates the Nauruan government for ratifying CEDAW however Nauruan women still face enormous challenges, to women's health rights particularly access to health¹. In this regard, the NNWC strongly notes that the shortage of skilled medical staff on these range of medical and health issues for women such as cancer specialists, gynecology, etc. There is generally a lack of suitably qualified local medical expertise in Nauru and it is important that the government of Nauru provide for up skilling or scholarship for Nauruans to further their education on medicine and specialist areas. Nauruan currently has one female doctor with 8 expatriate doctors (2 Fijian gynecologists, 1 Ikiribati surgeon, 2 couples from Burma, 1 Tongan dentist). There are only few expatriate nursing sisters and often Nauruan nurses have very little up skilling and/or training.

Recommendations

- i. Nauru government to ensure that more scholarship opportunities are available to ensure that local Nauruans are trained or up skilled in these areas with medical shortages.

c) Hospital Infrastructure and access to medical Service

There is currently one government hospital serving the population of about 16,000 people in Nauru. As such the strain caused on the hospital facilities, equipments and service is causing challenges to access to health service and rights. The RON hospital often has bed shortages and there is often lack of proper rooms for private

¹ NNWC notes that the Taiwan government provides Taiwanese doctors in Nauru at different interval. These medical personnel provide a range of medical services for diabetes, cardio, kidney, and optometrist, pediatric and liver patients. The Taiwanese doctors are here as locums.

consultations. This impacts on the rights of women to access health services as there is no space available for them to be able to talk about their issues to medical staff. Further the fact that Nauru does not have the specialized services to accommodate women's medical issues including medical facilities to determine breast and cervical cancers amongst others. The cost of these treatments overseas is expensive for ordinary Nauruan women and many are not able to access these services because of the financial cost of medical treatment and specialist treatment.

A fire to the new wing of the hospital in 2014 was burnt down by an electrical fault which left Nauru with no X-ray unit, no pharmacy unit with its stores of drugs and medicines. Discussions for the building of new hospital by 2016 is ongoing but there needs to be closer consultation with the community including awareness on status of equipments, tools, drugs and medicines are included.

Recommendation

- i. The Government of Nauru to ensure that appropriate medical equipments especially mammograms and scanning machines for cervical cancer are available in Nauru to enable women to be able to access these treatment and proper diagnosis.
- ii. The Government of Nauru to seek international assistance including from bilateral partners for the recruitment of professional medical professionals dealing with specialized medical issues especially of women.

3. Right to work and an adequate standard of living

Employment

The disparity of salaries and remunerations of locally engaged staff to those of internationally recruited staff is concerning. Further the demand for suitable conditions of employment means that many local professionals find alternative employment especially with the refugee processing centers managed by the Australian government. The demand for proper remuneration affects also the supply of Nauru's able professionals to staff schools and other services of government.

Recommendation

- i. The Government of Nauru to provide a review of Nauru's employment conditions within the civil services in order to retain suitably qualified Nauruans to civil service positions.

4. Refugees

On 29th Aug.2012, Nauru agreed with Australia for the Transfer to and Assessment of Persons in Nauru and Related Issues but in 2014, another MOU was signed which supersedes the original MOU.

While the government of Nauru has agreed with the Government of Australia to process asylum seekers in Nauru with those deemed refugees now settled here, there has been very little and/or no community discussions around the progress of this very delicate and sensitive issue. The problem with refugees is that many Nauruans are not aware of the political discussions because very little information is made available to the people. Further this is contributing to feelings of animosity and resentment amongst the citizens of Nauru. Nauru people are peace loving and accommodating, however recent activities in the past, including refugees protesting on the island is causing alarm and concern for Nauru citizens who are confronted with these situations of dissent. It is crucial that in order to minimize tension and the spillover of the frustrations of refugee and the local population that the government provides more information for people to be aware of issues around refugees. These community or district consultations should involve women and men and government should be able to provide suitable long term solutions to refugees' issues following consultation and discussions with the people of Nauru. The impact on services such as education, health, utilities, employment and land and women's human rights will remain unless the government addresses these concerns.

Recommendation

- i. The government of Nauru to provide community and national consultations on the issue of refugee resettlement to ensure that people are consulted and aware of refugee issues.

5. Right to Housing

The right to housing is an important right that is often challenged by the lack of regulatory and laws to ensure that people have the right to housing. Overall, many homes are dilapidated because most were built 50/100 years and there being no proper regulations to ensure that homes meet required legal standards. Over-crowding is also a concern and therefore proper regulations of housing standards is crucial to address issues around sanitation, health and a range of other issues.

Recommendation

- i. The Nauru government to properly regulate the housing market and ensure that proper standards to ensure an adequate standard of living for her people are achieved.

6. Resource/Phosphate

The long term damage to the environment and women's health from the phosphate mining continues to cause problems in Nauru. These impacts on women's livelihood and access to health, though information on land ownerships are often difficult to access from government.

7. Access to Justice

The lack of qualified legal professionals in Nauru causes challenges to access to justice and in particular pleaders whose understanding of law is limited. NNCW congratulates the government of Nauru for increasing judicial officers including for the first time the appointment

of a female justice and a female magistrate. There are currently 3 judges of the Supreme Court which has 1 Chief Justice, 2 judges, 1 interpreter for Nauruans and some for the refugees. However people still struggle with access to justice due to the pressures put on the Public Solicitors Office. Further the struggles for access to justice are magnified by women not being able to access justice. In a case in Nauru a woman struggled to have access to justice after being terminated under the Public Service Act because she was married. Under Nauru's laws at the time once a woman got married, she should resign unless the Minister approves her continued employment. The lady's case took over 14 years because she of her struggles to understand the law and legal issues around her matter.

Recommendation

- i. Nauru government to open the legal market in Nauru to allow for more qualified legal firms including from overseas to operate in Nauru.

8. Climate Change

In Nauru, carbon dioxide emissions are small with the energy sector 61%, international air transport 19%, and road transport 14%. Also 70% of Nauru's greenhouse gas emissions can be attributed to energy production and phosphate mining activities. The government has erected a sea-wall to the most affected areas on the western side of the island but it is very expensive to build a sea-wall around the perimeter which is 12 sq. miles. The impact of climate change on women and children is concerning and it is crucial that government conducts community and area consultations including involving women to prepare appropriate mitigation strategies.

Recommendations

- i. Government of Nauru to continue its sea-wall projects around the island especially on low lying areas. In this regard, the government should seek international assistance to build sea walls in Nauru.
- ii. Government to convene national consultations on climate change and involve women and children in these consultations so they become aware of crucial issues around climate change. Mitigation strategies should involve women and children in the process.

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