

Corporal Punishment of Children Women's Access to Water in

*Submission for the UN Universal Periodic Review
51st Session of the UPR Working Group (19-30 January 2026)*

A. INTRODUCTION

1. The Helena Kennedy Centre for International Justice is a human rights centre based at Sheffield Hallam University in the UK.¹ The Centre supports a range of research and scholarship activity including supervised work by our students. This submission is the product of undergraduate students engaging with the UN UPR Human Rights Project.
2. Corporal punishment of children and women's access to clean water are severe human rights issues in Nauru. This report critically analyses the developments since the completion of the 3rd UPR cycle. On that occasion, Nauru accepted a number of specific recommendations made in the last UPR report and related to corporal punishment and women's rights to water. This report examines the steps the Nauru government has taken to implement these recommendations. The report depicts the current situation, and our own recommendations are provided on how Nauru can further protect the rights of children and women with regard to corporal punishment and access to clean water respectively.

¹ See <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects>

B. CORPORAL PUNISHMENT OF CHILDREN

Corporal Punishment of Children and the Convention on the Rights of the Child (CRC)

3. Fully prohibiting all forms of corporal punishment against children in every setting is an essential obligation for all states under the Convention on the Rights of the Child (CRC).² Nauru acceded to the CRC in 1994. Any legislation that allows for a defence of corporal punishment of children therefore directly violates the CRC.

Previous UPR Report

4. During the 3rd cycle of the Universal Periodic Review (UPR) in 2021, Nauru was presented with recommendations from multiple states surrounding violence and corporal punishment against children. These include:
 - a. **“Continue to take positive steps to eliminate corporal punishment in all settings especially against children” (99.77);³**
 - b. **“[I]mprove data collection on violence against minors, and enact laws that explicitly prohibit corporal punishment of all children in all settings, including the home” (99.139);⁴**
 - c. **“Establish measures to guarantee the protection of children from all forms of violence and abuse” (99.140).⁵**
5. All three of these recommendations were accepted by Nauru.⁶

Situation Prior to the 3rd UPR Cycle

6. Preceding the 3rd cycle of the UPR, Nauru had already implemented several acts and laws to help protect the children living there as a whole, whether that be permanent citizens or those in detention centres. Most notably, the Child Protection and Welfare Act 2016 which came into effect on June 10th, 2016, which was a major step in Nauru’s

² Committee on the Rights of the Child (2007). *General comment No. 8 (2006): The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (Arts. 19; 28, Para. 2; and 37, inter alia)*, CRC/C/GC/8. <https://www.refworld.org/legal/general/crc/2007/en/41020>

³ Human Rights Council (2021). *Report of the Working Group on the Universal Periodic Review (3rd cycle): Nauru*, A/HRC/47/17. <https://docs.un.org/en/A/HRC/47/17>.

⁴ Ibid.

⁵ Ibid.

⁶ Human Rights Council (2021). *Report of the Working Group on the Universal Periodic Review (3rd cycle): Nauru – Addendum*, A/HRC/47/17/Add.1 (paras. 22 and 36). <https://docs.un.org/en/A/HRC/47/17/Add.1>

efforts to improve the lives of children in general.

7. Corporal punishment had already been banned in a number of settings under different acts, such as Article 37 of the Education Act 2011 which bans it in schools with an AU\$500 penalty, as well as Article 33 of the Correctional Service Act 2009 which bans corporal punishment in penal institutions. While there are parts of existing acts that could be seen as prohibiting the punishment in the home, they are ambiguous to the point they could be construed as justification for it - namely Article 78 (2) of the Crimes Act 2016 which states that “conduct that is within the limits of what would be acceptable to a reasonable person as incidental to social interaction or community life cannot amount to an offence under this section”.⁷
8. There was no law that explicitly prohibited corporal punishment in the home.
9. In a 2016 report to the Committee on the Rights of the Child, the Nauruan Government referred to corporal punishment as still being “an accepted and expected parental obligation”,⁸ which is confirmed by data published in Nauru’s 2024 Multiple Indicator Cluster Survey (MICS) which concluded that 34% of caregivers believed physical punishment was necessary in order to raise and educate a child. The MICS also found that 81% of interviewed children aged 1-14 experienced some form of violent discipline in the month prior to the survey. Only 7% received ‘only non-violent discipline’.⁹

Changes

10. The creation of the MICS shows a commitment to a part of recommendation 99.139 on improving data collection on violence against minors, a crucial step in the right direction.
11. However, from the sources available in places such as Nauru’s online legal database (RONLAW), it does not appear that any changes to the laws surrounding corporal punishment in the home have been made since the 3rd cycle.
12. On the 17th of June 2025, Hon. Asterio Appi, M.P. presented a second reading speech of the Education (Amendment) Bill 2025. In it he says the bill will amend Section 37 of the Education Act 2011 to “re-introduce the use of corporal punishment to manage

⁷ Republic of Nauru, Crimes Act 2016, https://www.paclii.org/nr/legis/num_act/ca201682/

⁸ Committee on the Rights of the Child (2016). *Consideration of reports submitted by States parties under article 44 of the Convention, Combined initial to sixth periodic reports of States parties due in 2011: Nauru*. <https://www.refworld.org/reference/statepartiesrep/crc/2016/en/111551>

⁹ MICS. (2024). *Nauru 2023. Snapshot of Key Findings*. <https://mics.unicef.org/sites/mics/files/2024-11/Nauru%20MICS%202023%20Snapshot%20of%20Key%20Findings.pdf>

student's misconduct". Appi goes on to mention the "common" belief that "to spare the rod is to spoil the child".¹⁰

13. The Education (Amendment) Act 2025 was certified and commenced on the 19th of June 2025. In Section 37 subsection (2) the act specifies that corporal punishment shall not be used as a form of discipline in schools. This is followed by subsection (3) which lists five circumstances where an authorised teacher or principal is allowed to use corporal punishment against a student. These are as follows: "(a) to maintain discipline of a student's conduct in the school; (b) to prevent or minimise harm to the student or another person; or (c) to prevent the student from engaging or continuing to engage in misconduct including any criminal conduct; (d) to prevent the student from engaging or continuing to engage in threatening, offensive or disruptive behaviour; or (e) in such other reasonable circumstances which requires the use of corporal punishment."¹¹¹² Point (e) is arguably vague enough to allow a defence for a majority of potential offences.
14. This amendment to the Education Act directly goes against the recommendations accepted by Nauru in the 3rd UPR cycle by actively re-introducing the use of corporal punishment in schools.

Recommendations for Action by the State under Review

15. **Following this report, it is recommended that Nauru:**
 - a. **Repeal changes made in Section 37 of the Education Act 2011 through the Education (Amendment) Act 2025 to fully prohibit corporal punishment in all circumstances;**
 - b. **Enact laws that explicitly prohibit corporal punishment in all settings, including the home;**
 - c. **Introduce an educational scheme on the consequences of corporal punishment and reasonable alternatives.**

¹⁰ Appi, A. (2025). *Republic of Nauru Education (Amendment) Bill 2025 Second Reading Speech*. RONLAW. <https://ronlaw.gov.nr/pdfviewer/docs%252Fbills%252F2025%252FEducation%2520%28Amendment%29%2520Bill%25202025%252FSpeech%20-%20Education%2520%28Amendment%29%2520Bill%25202025.pdf>

¹¹ RONLAW (n.d). *Education (Amendment) Bill 2025 Explanatory Memorandum*. https://ronlaw.gov.nr/pdfviewer/docs%252Fbills%252F2025%252FEducation%2520%28Amendment%29%2520Bill%25202025%252FExplanatory_Memorandum_-_Education%2520%28Amendment%29%2520Bill%25202025.pdf

¹² RONLAW (2025). *Education (Amendment) Act 2025*. [https://ronlaw.gov.nr/pdfviewer/docs%252Ffacts%252F2025%252FEducation%2520%28Amendment%29%2520Act%25202025.pdf](https://ronlaw.gov.nr/pdfviewer/docs%252Facts%252F2025%252FEducation%2520%28Amendment%29%2520Act%25202025.pdf)

C. WOMEN'S ACCESS TO WATER

Women's Access to Clean Water and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

16. In 2021, Nauru acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW stipulates in article 14 (2) (h) the obligation of States parties to ensure to women the right “to enjoy adequate living conditions”, including sanitation and supply of water which, according to General Recommendation No. 34 must be “sufficient, safe, acceptable and physically accessible and affordable [...] for personal and domestic uses.”¹³ As a State party to the Convention on the Rights of the Child, Nauru is obliged to secure children's rights to safe and clean drinking water.¹⁴

Background and Environmental Context

17. Nauru began phosphate mining in the early 1900's, which quickly became the country's main source of income. However, mining stopped by the mid-21st century due to resource depletion and great environmental concerns.¹⁵ The long-term damage to the environment caused by Phosphate extraction has led to issues such as water contamination from heavy metals and chemicals, air pollution and habitat deconstruction.¹⁶ The decline of the natural environment due to climate change is rapidly increasing,¹⁷ causing more than 100 days of flooding each year and threatening

¹³ Committee on the Elimination of Discrimination against Women (2016). *General recommendation No. 34 (2016) on the rights of rural women*, CEDAW/C/GC/34, para. 85 (a). https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=11

¹⁴ Committee on the Rights of the Child (2013). *General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health*, CRC/C/GC/15, para. 48; Committee on the Rights of the Child (2023). *General comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change*, CRC/C/GC/26, para. 45. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11

¹⁵ Foster, S. (2019). Micronesia: History, Capital, Population, Map, & Facts. In *Encyclopedia Britannica*. <https://www.britannica.com/place/Micronesia-republic-Pacific-Ocean>

¹⁶ Wright, N. E. (2024). Phosphate Mining in the South Pacific: Time for Scholars to Pay Attention. *Brown Journal of World Affairs*, 30 (2), 1-8. <https://bjwa.brown.edu/30-2/phosphate-mining-in-the-south-pacific-time-for-scholars-to-pay-attention/>

¹⁷ Clifford, M. J., Ali, S. H., & Matsubae, K. (2018). Mining, land restoration and sustainable development in isolated islands: An industrial ecology perspective on extractive transitions on Nauru. *Ambio*, 48(4), 397–408. <https://doi.org/10.1007/s13280-018-1075-2>

fresh water supply.¹⁸

Gendered Impact of Water Insecurity

18. These effects faced by the people of Nauru are not gender neutral, with women on the island being impacted the most. Women are disproportionately affected due to traditional cultural norms that assign them primary responsibility for domestic duties.¹⁹ As a result, women and girls are 14 times more likely than men to die during a natural disaster, and they are also subject to a number of secondary impacts including increased workload, reduced economic opportunities and gender-based violence.²⁰ Given their primary roles in household caregiving, agriculture, and water management women must spend more time collecting water²¹ and therefore women suffer more from heatstroke and waterborne diseases. The responsibility of managing household tasks like water management while also caring for children and protecting their homes demonstrates the inequality women in Nauru face, highlighting the intersection of environment, health, and gender related challenges.

Evaluating Accepted Recommendations for Nauru from the 3rd cycle of the Universal Periodic Review

19. **“Continue to make robust preparations to mitigate the likely negative impacts of climate change on the lives of Nauruan citizens and their access to clean water” (99.68).**²²

20. Despite efforts made to make preparations to lessen negative impacts of climate change there is still a great need for more robust and lengthy efforts to allow for accessible

¹⁸ Alberti, L., Matteo Antelmi, Oberto, G., Licata, I. L., & Pietro Mazzon (2022). Evaluation of Fresh Groundwater Lens Volume and Its Possible Use in Nauru Island. *Water*, 14(20), 3201–3201. <https://doi.org/10.3390/w14203201>

¹⁹ Howard, E. (2023). Whose Security are We Protecting in a Time of Climate Change? How Gender Bias Affects Human Security for Pacific Women. *Geopolitics*, 1-23. <https://www.tandfonline.com/doi/abs/10.1080/14650045.2023.2273829>

²⁰ UNDP (2021). International Women’s Day 2021 – Women and Climate Security in the Pacific | United Nations Development Programme. UNDP. <https://www.undp.org/pacific/news/international-womens-day-2021-women-and-climate-security-pacific>

²¹ UNDP (2021). *International Women’s Day 2021 – Women and Climate Security in the Pacific | United Nations Development Programme*. UNDP. <https://www.undp.org/pacific/news/international-womens-day-2021-women-and-climate-security-pacific>

²² Human Rights Council (2021). *Report of the Working Group on the Universal Periodic Review (3rd cycle): Nauru, A/HRC/47/17*. <https://docs.un.org/en/A/HRC/47/17>. Human Rights Council (2021). *Report of the Working Group on the Universal Periodic Review (3rd cycle): Nauru – Addendum, A/HRC/47/17/Add.1* (para. 20). <https://docs.un.org/en/A/HRC/47/17/Add.1>.

water. In 2022, desalinated water was only reaching 20% of the population. However, when there is a drought, which can last up to 3 years, the reliance on desalinated water increases to 90% of the population,²³ highlighting the lack of preparation that climate events may have on water systems. This greatly impacts women and girls' livelihoods, limiting their economic and educational opportunities, reinforcing gender inequalities. Despite ongoing efforts to mitigate the impacts of climate change, there remains significant need for more comprehensive and sustained strategies to ensure reliable access to clean water in Nauru.

21. **“Continue, in a comprehensive manner, to implement climate change adaptation measures, natural disaster response measures and health crisis management, such as for COVID-19, by prioritising the protection of the most vulnerable sectors of the population” (99.71).**²⁴
22. Despite the efforts to prioritise protection for vulnerable people in Nauru from the impacts of climate change, significant improvement is still needed. Nauru ratified The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2001 and has undergone periodic reviews with the most recent taking place in 2017, revealing that key water and climate programmes still lack gender responsive approaches.
23. Women in Nauru carry the burden of water responsibility and as a result they have a greater knowledge of water systems and management.²⁵ However, this is often overlooked within research, leading to policies and programmes not considering the impact of domestic duties and unpaid care has on women.²⁶ The lack of clean accessible water has a direct and disproportionate impact on the lives of women and girls with 49% of women aged 15-24 not being in education, training or employment compared to 33% of young men, largely due to unpaid care and water responsibilities, emphasising

²³ SPREP (2023). *First drought training for Nauru Hydrology and Meteorology Services*. Sprep.org. <https://www.sprep.org/news/first-drought-training-for-nauru-hydrology-and-meteorology-services>

²⁴ Human Rights Council (2021). *Report of the Working Group on the Universal Periodic Review (3rd cycle): Nauru, A/HRC/47/17*. <https://docs.un.org/en/A/HRC/47/17>. Human Rights Council (2021). *Report of the Working Group on the Universal Periodic Review (3rd cycle): Nauru – Addendum, A/HRC/47/17/Add.1 (para. 20)*. <https://docs.un.org/en/A/HRC/47/17/Add.1>.

²⁵ UNDP (2021). *International Women’s Day 2021 – Women and Climate Security in the Pacific*. United Nations Development Programme. <https://www.undp.org/pacific/news/international-womens-day-2021-women-and-climate-security-pacific>

²⁶ Imburgia, L., Fusi, A., Shiwangni, S., Hoyte, W. S., & Thuy, L. (2025). *The interconnected nature of water, gender and climate: case studies from the Pacific Small Island Developing States*. <https://policycommons.net/artifacts/18123244/the-interconnected-nature-of-water-gender-and-climate/19023617/>

already exacerbated gender inequalities.²⁷

CEDAW's Human Rights Obligations and Nauru's Violations

24. While Nauru has acceded to CEDAW, its failure to acknowledge and adopt gender responsive climate and water policies, despite women facing higher risks of health complications and vulnerability to displacement,²⁸ constitutes a failure to eliminate discrimination in practice.

25. This failure violates:

- a. CEDAW General Recommendation No. 34 (2016), which states in para. 85 (a) that States parties should ensure that rural women have access to “sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses,”²⁹
- b. CEDAW General Recommendations No. 37 (2018), para. 72 (a), obligating States parties to “protect women’s equal rights to food, housing, sanitation, land and natural resources, including adequate drinking water and water for domestic use”;³⁰
- c. CEDAW General Recommendation No. 37 (2018), para. 72 (c), requiring States parties to “develop participatory, gender-responsive development plans to guarantee sustainable access to adequate housing, food, water and sanitation” and ensure, “the accessibility of services for all women”.³¹

26. The absence of gender sensitive measures and the exclusion from decision making in climate action programmes indicates that Nauru is failing to meet its obligations under CEDAW. This is further emphasised by the lack of follow up on its last CEDAW periodic review, which was last conducted in 2017, despite the requirement being every four

²⁷ Asian Development Bank (2024). *Report and Recommendation of the President to the Board of Directors Proposed Grant: Republic of Nauru: Sustainable and Resilient Urban Development Project* (project No. 54377.002) Asian Development Bank. <https://www.adb.org/sites/default/files/project-documents/54377/54377-002-rrp-en.pdf>

²⁸ Howard, E. (2023). Whose Security are We Protecting in a Time of Climate Change? How Gender Bias Affects Human Security for Pacific Women. *Geopolitics*, 1-23. <https://www.tandfonline.com/doi/abs/10.1080/14650045.2023.2273829>

²⁹ Committee on the Elimination of Discrimination against Women (2016). *General recommendation No. 34 (2016) on the rights of rural women* (CEDAW/C/GC/34). https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FGC%2F34&Lang=en

³⁰ Committee on the Elimination of Discrimination against Women (2018). *General recommendation No. 37 (2018) on gender-related dimensions of disaster risk reduction in the context of climate change* (CEDAW/C/GC/37). <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no37-2018-gender-related>

³¹ Ibid.

years.

Regional Examples and Feasible Solutions

27. Based on data from the 2021 census,³² Nauru has a total population of 11,680 with 75 households lacking any form of water storage system. There are 739 households who primarily rely on rainwater as their main source of drinking water, typically using cisterns with a capacity of 3,000-5,000 litres.
28. As a short-term goal the State of Nauru should be to provide accessible rainwater harvesting systems to the 75 household currently lacking water storage systems, with the aim of completing this ahead of the next UPR cycle in four years.
29. 875 households currently have tanks under 5,000 litres as been proven to be insufficient storage.³³ The long-term goal for Nauru should be to upgrade these tanks to 5,000 litre storage before 2030, in line with the United Nations Sustainable Development Goals as this project would help reach five goals: Good health and well-being(SDG 3), Gender equality (SDG 5), Clean water and sanitation (SDG 6), Reduced inequalities (SDG 10) and Climate action (SDG 13).³⁴
30. The UN Development Programme has committed to supporting Pacific Island nations and with the support of the UNDP have improved water security through improving ground water protection and rainwater harvesting systems, helping 15,000 people and increasing water storage capacity to 1.5 million.³⁵ Nauru can follow this model of cooperation, which would give women and girls easy access to clean water.
31. It is essential for the State of Nauru to seek international assistance from the UNDP to ensure the success of this initiative. Support would provide access to critical resources and expertise necessary for effective implementation. Using existing knowledge and partnerships already created through UN supported programmes in Nauru, will reduce training and implementation costs, enhancing the projects costs effectiveness and long-term sustainability.

³² Pacific Community & Nauru Bureau of Statistics (2023). *Nauru 2021 population and housing census: Analytical report*. Pacific Community. https://stats.gov.nr/wpfd_file/nauru-2021-population-and-housing-census-analytical-report/

³³ Ibid.

³⁴ <https://sdgs.un.org/goals>

³⁵ UNDP (2025). *The Importance of Every Drop of Water in the Pacific*. United Nations Development Programme. <https://www.undp.org/pacific/blog/importance-every-drop-water-pacific>

Recommendations for Action by the State under Review

32. Following this report, it is recommended that Nauru:
- a. Take concrete and targeted steps within the maximum of available resources to realise the human rights to water and sanitation;
 - b. Ensure the availability of safe and sufficient water for all women and girls by prioritising public investment in water infrastructure, expanding the installation of private water tanks for the most vulnerable first;
 - c. Strengthen women's participation in water governance and climate adaption planning to ensure their meaningful representation in decision making bodies.
 - d. Ensure all climate change and infrastructure programmes are gender inclusive by requiring gender impact assessments;
 - e. Ratify the International Covenant on Economic, Social and Cultural Rights;
 - f. Consider revising the Constitution and including the human rights to water and sanitation as well as other economic, social and cultural rights which are contemplated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights;
 - g. Continue seeking international assistance, including that from relevant United Nations Agencies such as the UNDP, to improve rainwater harvesting to provide easily accessible water for women and girls in Nauru.

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