

# **Pacific Islands Human Rights Consultation, Suva, Fiji**

## **1-3 June 2004**

### **Questionnaire Summary**

Following is a compilation of the responses received to the questionnaire distributed in preparation for the Pacific Islands Human Rights Consultation, Suva, 1-3 June 2004. Multiple responses were received from: Australia, Cook Islands, Federated States of Micronesia, Fiji, Marshall Islands, New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands, Timor Leste, Tonga and Vanuatu.

#### **1. What do you see as the most serious or urgent human rights problems facing your country?**

##### **Cook Islands**

- Discrimination against foreign workers
- Lack of knowledge on human rights issues
- Traditional and cultural practice

##### **Federated States of Micronesia**

- Lack of institutional accountability and transparency (governance and leadership)
- Lack of respect for human rights and the rule of law
- Weakened legal and regulatory enforcement and oversight capacity
- Right to development and enjoyment of basic needs

##### **Fiji**

- Lack of commitment to respecting the Constitution and therefore the rule of law
- Racial discrimination by Government against Indo Fijians and lack of concern over the increase in squatter settlements and poverty resulting from land evictions and therefore ethnic tensions
- Lack of resources devoted to AIDS education
- human rights violations especially in the context of armed / political conflict; there needs to be (a) greater understanding of the rights / freedoms and also a stronger emphasis / inclusion of the impact of conflicts on women and children; there needs to be a linkage for example with the peace process and UN SC 1325; there must always be human rights framework in which peace building and other conflict transformation processes are based on
- Thorough investigations and prosecutions of all those who plotted and actively supported the Coup of 2000 are needed
- media and communication rights: not just, but inclusive of conflict situation – what are the rights and freedoms of the media which need to be upheld as well as how do we also protect and enhance the community/people's right to communication and access to information which will then provide a more enabling environment for community groups, especially women and young people to have a voice in the development of their countries; This requires that governments also provide the right environment for all forms of media freedom i.e. being supportive / inclusive of community media which contributes to the strengthening of a democratic society

- women and decision making / the right to access power / women's human rights issues – there needs to be greater support for ensuring women's human rights / women's empowerment takes place within a human rights framework
- Discrimination against people with disabilities in areas like employment, access to public places, transport etc, information, social recreation, healthcare facilities and services, education rehabilitation and training
- Denial of trade union rights

### **Marshall Islands**

- Protection of women against violence. Although supposedly protected by the Constitution, there is no specific legislation to prevent and address violence against women. There are no procedures established for police reporting and recording, nor are there protocols for health workers to base their treatment of related cases.
- Equal pay for equal work for women. While a study has not been conducted to truly assess the situation, the experiences of a number of women leaders can confirm the fact that men and women holding the same jobs tend not to get the same pay.
- Career promotion difficulties for women. It is easily seen that appointments to top Public Service posts are more political and are discriminatory. Since the establishment of the RMI Government in 1979, the highest number of women holding top Public Service posts are: 4 while men 13 (8 Secretaries plus 1 Attorney General, and 1 Chief Secretary and 3 Clerks of Cabinet/parliament/Council of Iroij).
- Lack of opportunities for youth and violence against children

### **New Zealand**

- Respect for rights versus responses to terrorism (eg the Ahmed Zaoui case)
- The Treaty of Waitangi and human rights
- Access to equal opportunities regardless of gender, race, ethnicity, religion or disabilities
- Protection of the environment

### **Palau**

- Foreign Labor
- Palau is generally a tolerant society and the law protects fundamental rights, although some improvements can be made in other areas.

### **Papua New Guinea**

- General disrespect for authorities and State institutions by the general public and counter action by suppression of human rights by individuals in those institutions ie police force
- Transparency and governance issues
- Group rights versus individual rights
- Perception of women's place in society
- Equal distribution of wealth

### **Samoa**

- lack of understanding of the communities (rural) on rights of people to choose their religion - this is evident in the rise of cases in the Lands & Titles Court between the Village Fono Act and the Constitution
- Rights of the child, some church leaders are not supporting this Convention which makes it difficult for the implementing government agency to make people aware of it through information dissemination, especially if it contradicts with the upbringing of our own children in our culture.

### **Solomon Islands**

- Culture of violence
- Lack of knowledge of human rights
- Violence against women and children
- Lack of recognition of situation of victims of the recent conflict

### **Timor Leste**

- Abuse of power by East Timor national police service
- Lack of willingness by government to bring the perpetrators of crimes against humanity to court
- Intervention of the government in court decisions
- Lack of accountability by the government in their implementation of the conventions that have been ratified by East Timor.

### **Tonga**

- Constitution revision to provide for peoples' participation in decision making – democracy
- Women and children's rights
- Manipulation of culture by those in power

### **Vanuatu**

- Women do not enjoy the same rights as men. Violence against Women including domestic violence and sexual assault is not recognised as a crime and violation of individual rights. Use of custom by people in power to cover up.
- Discrimination against women
- Traditional practices used to control women and children
- Lack of shared leadership and decision-making
- Low response by the Government's commitment to the Beijing Platform of Action, and International Conventions such as CEDAW and CRC
- Lack of human rights education/curriculum in formal schools throughout the country
- Lack of civic and legal education which would in turn assist citizens (both young and old) to have a knowledge and understanding of their constitution, laws and regulations that govern their lives
- Repressive government policies on land and agricultural development which tend to favour a minority (corporate group) and reluctance of government to review policies and enact laws that enhance holistic human rights conditions in all states

- Lack of or an absence of a national human rights institution. Also reluctance of the government to allocate adequate budgetary resources to the Office of the Ombudsman to carry out education and public awareness on human rights
- Lack of political will and support from government to a few NGOs and community organizations and the churches who promote human rights
- Lack of prioritization of government holistic resources by senior public officials

## **2. What are one or two of the most important responses of civil society or government in the Pacific to recent regional and global developments?**

- Strengthened alliances and coalitions among civil society organizations on common regional and global issues (globalization, trade, justice, governance and citizen's participation) resulting in a stronger Pacific collective platform and voice
- Greater recognition for the role and contribution of civil society in the promotion of democracy and development by civil society organizations, governments, donors and other strategic development partners
- Improved co-ordinate campaigns of NGOs on human rights issues.
- Involvement of NGOs in the consequences of the Regional Trade Agreements such as PICTA and PACER.
- Provision of grants by governments to NGOs (Marshall Islands)
- Oversight by civil society and government organizations
- The deployment of RAMSI to the Solomon Islands at the direct request of the Solomon Islands Government and with the full support and participation of the Pacific Islands and its members. This intervention has made significant progress in restoring law and order.
- The dialogue between NGOs and RAMSI following their arrival in the Solomon Islands
- There has been a definite strengthening of the women and peace advocacy/lobby because of the UN SC 1325 (October 2000); however due to other patriarchal constraints more assistance is needed in this area especially to impact on regional and national security/defense policies which are still defined in a very male-manner
- Country reform programmes (including public sector reform)
- Coalitions and partnerships in regional and international projects combating education/health problems, poverty, AIDS, economic development (eg the Cotonou Agreement, the UN Millennium Declaration, the US Millennium account...)
- Implementation of various country's development programs at sectoral levels with multilateral and bilateral assistance and technical advice and funding support
- Improved dialogue between all stake-holders and key players and partners (churches, local governments, chiefs....) in development action – resulting in the feeling of local ownership and taking into account human rights concerns
- The requirement to carry out impact assessments of development projects and programs
- Strengthening of institutions
- Increased advocacy of rights and obligations through the mass media
- Improved training institutions
- Strengthening of the judicial process

### 3. What are the most serious current or emerging human rights issues that you see as common to countries of the Pacific?

- **Abuse of position and power**, leadership and political **corruption**, power struggles amongst political parties, power relations and check and balances of those in power, political interference in public services, accountability.
- **Women's rights** (including representation in decision making), gender violence and domestic abuse, bride price and polygamy resulting in near slavery of barely literate women, women's role in peace processes and formal nation building
- **Labour rights**: absence of maternity, disability and worker's compensation laws and policies, foreign labour. Weakness in monitoring and enforcing labour rights
- Lack of knowledge and public information about **constitutional rights**
- **Weak human rights legal and regulatory capacity**
- Increasing **poverty and inequality** in wealth, unemployment, lack of public resources for poverty alleviation
- Reduced power of state to respond to the needs of the people, especially the poor
- Increased **population growth**
- **Children's rights** (including right to education)
- **HIV/AIDS** and availability of associated information and drugs. The potential negative impact of HIV/AIDS on the prospects for growth and the potential social and economic impacts
- Discrimination against **ethnic minorities**
- **Media** and communication rights / consider Fiji, Tonga as recent examples; this process must be inclusive of CSO, government and media and inclusive of community media. An independent media is needed to build transparency, encourage public accountability and help create the demand for good governance
- protection of human rights principles in **conflict** situation / post conflict / end to all forms of discrimination by government/institutionalize discrimination including racial discrimination
- The breakdown of law and order in **Solomon Islands** before the regional assistance mission impacting on the security of Pacific Islanders. Continuing weakness of the police services remains a problem
- Increased militarisation of the **police forces**
- Tendency of large countries to **re-colonise** some of the smaller member countries
- Build up of **illegal arms**
- Negative impact of **terrorism legislation** on the rule of law
- Lack of concern for the **desecration of the environment/global warming** which may devastate livelihoods

### 4. What should be the United Nations, Asia Pacific Forum and Commonwealth Secretariat do to tackle these human rights issues in the Pacific? How could the UN, AFP and Commonwealth Secretariat approach those issues, especially helping to strengthen the capacity of the government and civil society?

## **Capacity**

- Identifying human rights enhancement needs and develop sub-regional human rights institutional capacity building action plans and allocate financial and technical resources for sub-regional human rights development programs
- Building and strengthen democratic principles and respect for human rights and the rule of laws by Pacific governments, civil society and people
- Ensure that countries have access to human rights resources
- Provide funding for education and awareness - not only for the communities but also for the judiciary to ensure UN Conventions are used when rulings are made
- More UN assistance in conflict prevention strategies to NGOs and other parties and support from the Commonwealth Secretariat to develop conflict prevention policies and regional networks

## **Capacity - government**

- Provision of technical support to the public service and the political authority to encourage a greater understanding of gender equality to ensure men must accept women, as equal partners

## **Capacity - NGO, civil society**

- Facilitating and supporting accreditation processing of these mechanisms as legitimate Pacific human rights NGO organs with international human rights organisations.
- Assist in establishing NGO's in countries that have insufficient resources, or in the alternative regional NGO's
- Increased support of women's human rights issues including, stronger statements, investment in the capacity of women's groups / groups for disabled persons. Focus should not be on gender mainstreaming as the PICs are not ready for this across the board
- Invest in youth empowerment, most PIC youth are totally disempowered because they cannot vote until they are 21. Governments/decision makers must be encouraged to include youth in decision making
- Increased investment in programmes for increased public awareness of human rights

## **Advocacy - civil society**

- Support the inclusion of human rights in every school curriculum at the secondary level for all Pacific countries. This should be monitored by regional and relevant UN bodies

## **Advocacy - government**

- Increased advocacy with the Government to encourage the recognition and respect of international conventions such as the CEDAW. Governments who have ratified conventions should be encouraged and supported to implement these conventions
- The international community should encourage governments to address violence against women and recognize such violence as a violation of human rights. Government budgeting should reflect a commitment to addressing violence against women
- Urge Pacific countries to ratify UN human rights conventions

### **Accountability, checks and balances**

- Commissioning sub-regional human rights laws and regulatory frameworks assessment studies to determine institutional human rights capacities and relevance of human rights programs and services (including setting regional standards and establishing regional frameworks)
- Facilitate and provide financial/technical assistance towards the establishment of an independent high level Pacific Human Rights Commission or Tribunal that will be mandated to enforce and provide oversight on human rights protection.
- Committing to convene a regular high level Pacific Human Rights Forum to review progress and to set future direction and programming on human rights
- Establishment of more human rights commissions in the Pacific Islands

### **Networking**

- Commitment to a designated Pacific Human Rights Secretariat whose role is to coordinate implementation of the outcome of the Pacific Human Rights Consultation and to provide human rights clearinghouse responsibilities for the "proposed" Pacific Regional Human Rights NGO Network.
- UN agencies and international forums should develop and strengthen links with civil society organisations on the ground. They should listen much more to civil society representatives on the ground in terms of early warning signals against abuses and violations of human rights and exchange best practices and experiences with them
- Establishment of an Asia-Pacific Forum Pacific region office
- Support more regional conferences/ workshops on good governance and human rights

### **Other**

- The churches in the Pacific have great influence on the societies of the Pacific. They should be encouraged to promote women's leadership, and protection of women against violence and poverty. The Governments should be open-minded to accept and to promote changes – changes that will promote accountability and transparency and leadership
- It is important that consideration by these organizations be given to the cultural context in which they are working – the Pacific
- Establishing a sub-regional representative of OHCHR ensuring a more detailed understanding of the needs of Pacific Island countries within OHCHR and greater access by Pacific Island countries to OHCHR technical expertise and resources. Consideration needs to be given to the role and relationships of such an adviser
- International organizations should devote time to understanding human rights initiatives already underway in the Pacific
- Supporting and legitimizing the role of civil society