

Pacific Women's Parliamentary Partnerships Submission to the Pacific Plan Review 2013

INTRODUCTION

1. This submission has been prepared by the Pacific Women's Parliamentary Partnerships (PWPP) Reference Group. The PWPP was mandated by the current Pacific women Members of Parliament, who participated in the PWPP Forum held in Sydney, Australia in February 2013, to write this submission on their behalf.
2. The PWPP supports the Pacific Plan Review and views it as a timely opportunity for Pacific leaders to:
 - recommit to the four key areas of the Pacific Plan endorsed in Madang in 2005;
 - consider the current status of women in the Pacific region and identify where women do not share equal opportunities or standing;
 - refine the key areas of the Pacific Plan to include actions and indicators to actively address these inequalities.

Gender Equality and the Status of Women in the Pacific Region

3. There is substantial evidence confirming that globally, women are underrepresented in decision-making and political leadership mechanisms at all levels. Data indicates that as at January 2013, women only represented over a fifth of the world's parliamentarians.
4. The Pacific region has the world's lowest proportion of women parliamentarians. In the parliaments of Pacific Islands Forum (PIF) members, women represent a mere 4.5% of all members.¹ Women are completely absent from the parliaments of Nauru, the Federated States of Micronesia, Vanuatu and the lower house of Palau.
5. There has been little positive change in women's political representation in the Pacific region in the past decade. Increasing women's participation in democratic processes, at both central and local government levels, is crucial to their democratic development and sustainability. Systemic, institutional and cultural barriers inhibiting participation must be removed if gender equality in the Pacific region is to be achieved.

2 PACIFIC PLAN KEY AREA - GOOD GOVERNANCE

6. The PWPP would like the Review Team to refine the success indicators for monitoring progress on good governance. We believe the indicators are too broad and require further specificity so that an accurate picture of gender equality can be gathered across the Pacific region. Although the PWPP's focus is on parliament, we believe the Pacific Plan's indicators and measures should be extended to include good governance at the judicial and local government levels, within government agencies and the public/civil service, as well as within political parties.

PWPP Priorities

7. At the February 2013 meeting the PWPP reached consensus on priorities to address the paucity of women in Pacific parliaments, and the capacity of those parliaments to

¹ See UNDP Pacific Centre, <http://www.pacwip.org/women-mps/national-women-mps/>.

address gender equality issues. These priorities and indicators should be recognised and supported by the Pacific Plan.²

Proportional Representation within Parliament

8. Governments throughout the Pacific region have already signed or made commitments to targets to improve political participation within their own countries.³ The PWPP therefore recommends that the Review Team include the Beijing +5 participation targets of 50% representation for women for Australia and New Zealand, and 30% representation for women (eventually rising to 50%) for other PIF member parliaments in the Pacific Plan.

Networking Opportunities for Women Parliamentarians

9. With regards to networking opportunities for women parliamentarians, the Pacific Plan should support:
- an annual forum, to sustain networks and momentum on gender equality issues for women, possibly hosted by a different Pacific nation each time;
 - mentoring opportunities between women parliamentarians, both within the Pacific and with Australian and New Zealand parliamentarians, and ensuring gender balance in all twinning programmes and delegations between Pacific nations, Australia and New Zealand;
 - the development of an on-going relationship between the PWPP and the

3 CAPACITY DEVELOPMENT

10. The Pacific Plan should also include:
- regional and in-country gender-sensitive training workshops for parliamentarians and parliamentary staff to improve the effectiveness of work within cultural contexts and parliamentary accountability;
 - the identification, training and support of male champions of gender equality within Pacific parliaments.

Gender Equality Resources

11. The PWPP recognises there are limitations on existing resources to support gender equality in Pacific parliaments. Priority should be given to the development of information technology infrastructures that facilitate participation, while still maintaining traditional mechanisms to keep all parliamentarians connected and informed.
12. Existing and alternate media sources should promote the work (and issues) regarding women in parliaments in the Pacific region. The Review Team should also note the findings of Professor Pippa Norris's report, *Gender Equality in Elected*

² The complete list is outlined in the Outcomes Statement, available at www.pacificparliaments.net/pwpp.html.

³ See for example the United Nations Declaration on the Elimination of Discrimination against Women; Beijing +5 Women's Political Participation Targets; United Nations Millennium Development Goal 3 to promote gender equality and empower women and the Gender Equality Declaration signed by the 16 members of the Pacific Islands Forum in August 2012.

Office in Asia Pacific,⁴ produced for the UNDP in September 2012. In particular, the Review Team should note the six step action plan promoting gender equality in elected office which covers constitutional rights; electoral systems; legal quotas; party rules and recruitment procedures; capacity development; and parliamentary reforms.

Gender Equality Mechanisms

13. The Pacific Plan should include:
- the creation of a Cross-Party Parliamentary body (including both male and female representation) responsible for ensuring gender equality issues are considered in parliamentary mechanisms such as the development and implementation of legislation and policies;
 - a report, through the PIF or other meeting mechanism, on progress by each country on outcomes they signed up to in the 2012 *PIF Declaration on Gender Equality*. The forum or meeting, where the report is presented, should also include in its agenda, time to debate and review the findings from the report.

4 CONCLUSION

14. Promoting gender equality is a human rights issue and it is also a means to other critical ends. It is about improving both the lives and status of women and as new research indicates, meaningful economic and social change can only occur when women and girls have the opportunity to participate equally in their societies. It is critical that women in the Pacific region are provided equal opportunities to actively participate in their communities and societies. This includes at critical leadership and decision-making levels, such as Parliament.
15. Pacific nations currently have the lowest rates of women's representation of any region in the world. This must change. Moreover, this change can only occur within the Pacific region if it is embedded within the context of the *PIF Declaration on Gender Equality* – a collective and dedicated commitment to equality between men and women within the context of parliamentary participation.

Ms Louisa Wall MP
(New Zealand)

Hon Fiame Naomi Mataafa
(Samoa)

on behalf of
Pacific Women's Parliamentary Partnerships
Reference Group

⁴ This report can be downloaded from <http://www.undp.mn/publications/DG-2012-GenderEquality.pdf>.

REGIONAL INITIATIVE TEMPLATE

Please complete each section below.

1. Contact Details

Please provide the following contact details:

<i>Name of individual or group submitting initiative</i>	Commonwealth Women Parliamentarians New Zealand Group (CWP NZ)
<i>Name and position of primary contact</i>	Louisa Wall MP and Joanne Hayes MP Co-Chairpersons of the CWP NZ

2. Name of Initiative

Establishment of a Regional Human Rights Forum for the Pacific Region

3. Background and Rationale

You may consider: What is the issue being addressed by this initiative? What are the causes of this issue? Are there relevant studies that have been carried out to support the issue? Are there links to national, regional or international goals/policies?

Please limit your response to no more than 750 words.

As stated by the United Nations Office of the High Commissioner for Human Rights, National Human Rights Institutions (NHRIs) that comply with the principles relating to the status of national institutions (the Paris Principles) play a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level, a role which is increasingly recognised by the international community.

It appears that only five Pacific Island countries, of the member states of the Pacific Islands Forum, have NHRIs or similar bodies set up to protect or monitor human rights. These are Australia, New Zealand, Samoa, Fiji, and Timor-Leste (the latter being an observer country of PIF, not a full member). Of these only three (Australia, New Zealand and Timor-Leste) have been accredited with "A" status by the International Coordinating Committee of NHRIs (ICC). This means that they are fully in compliance with the Paris Principles. (Source: Accreditation status as of 28 January 2014, ICC).

The Commonwealth Women Parliamentarians New Zealand Group (CWP NZ) hold a particular interest in promoting gender equity, by supporting parliaments in enhancing their oversight of governments for effective implementation of the Convention on the

Elimination of All Forms of Discrimination against Women (CEDAW) and taking action on discriminatory legislation and violence against women. We see that the participation of women in politics is essential to the reduction of poverty, the promotion of sustainable development and strengthening good governance. The CWP and Pacific Women's Parliamentary Partnerships (PWPP) Reference Group submitted to the 2013 Pacific Plan Review asking for a stronger commitment to gender equity (attached).

While primarily concerned with the ratification and implementation of the CEDAW, the CWP also sees that a PIF Regional Human Rights Forum would have a positive impact on member states ability to ratify, implement and meet the obligations under other international treaties such as the:

- International Covenant on Civil and Political Rights
- Convention on the Rights of the Child
- Convention on the Elimination of All for Forms of Racial Discrimination
- Convention on the Rights of Persons with Disabilities.

We refer to the SPC Pacific Regional Rights Resource Team Pathways for the Pacific: Regional Human Rights Mechanisms study which outlined that such a mechanism would:

- Empower people from within the region to claim their universal human rights in a way that is sensitive to local cultural and social preferences (due to the geographical proximity of the mechanism, and the fact it is made up of people from the region)
- Assist national governments in the implementation of their international human rights obligations; for example, assisting in the implementation of concluding observations of treaty bodies which national governments are party to, and helping to follow up on recommendations of special procedures
- Help national governments to better address human rights concerns that cross national borders; for example, human rights violations and abuses that come from organised crime (including terrorism, human trafficking, sexual exploitation of migrant workers and children), migration and migrant workers, diseases and pandemics
- Provide regional input to the development of international human rights standards and the improvement of international human rights mechanisms, acting as a bridge between national systems and an international human rights system which can often seem remote and inaccessible;
- Offer people protection from human rights violations when national mechanisms fail;
- Act as a check and balance on national processes
- Provide help to national institutions to strengthen their role in the promotion and protection of human rights at the national level; for example, by providing advisory services to national governments in the administration of justice, legislative reform, human rights education and capacity-building of governmental and non-governmental institutions
- Promote regional peace and security (through the promotion and protection of human rights).

Relevant studies/national, regional or international goals/policies

<http://www.victoria.ac.nz/law/nzaci/PDFS/SPECIAL%20ISSUES/HORS%20SERIE%20VOL%20VIII/14%20Liddicoat.pdf>

<http://www.victoria.ac.nz/law/nzaci/PDFS/SPECIAL%20ISSUES/HORS%20SERIE%20VOL%20VIII/10%20Hay.pdf>

<http://www.spc.int/rrrt/projects/regional-hr-mechanism>

2015 Denarau Declaration on Human Rights and Good Governance, <http://www.spc.int/rrrt/publications-media/publications/item/599-denarau-2015-declaration-on-human-rights-and-good-governance>

<http://www.forumsec.org/pages.cfm/political-governance-security/human-rights/human-rights-update.html>

<http://www.oecd.org/dac/gender-development/POST-2015%20Gender.pdf>

4. Description

Please provide a brief overview of this initiative. Try to address the following: Does this initiative contribute to a positive change to the region? What makes this initiative of importance to the Pacific region as a whole? Who would implement this initiative? Who are the main beneficiaries? Are regulatory or legislative changes required at the national level to implement this initiative? How would the initiative be funded? Has this initiative been carried out previously? What are the key risks in implementing this initiative? Are there any complementary projects and programmes currently active? What is the proposed timeframe for this initiative? How would the initiative be sustained over the proposed timeframe?

Please limit your response to no more than 750 words.

The Commonwealth Women Parliamentarians New Zealand Group proposes that a Regional Human Rights Forum be created under the umbrella of the PIF, and that a formal opportunity for human rights issues to be discussed is included in the annual summit.

This would, in part, be a response to the Pacific region having the lowest ratification rate of international human rights treaties. It would also be a regional approach to pooling resources, technical assistance and sharing best practice across the region. According to Petersen (2011) NHRIs face numerous challenges, not least the tension between maintaining independence from governments, while ensuring sufficient resources to carry out functions.

We acknowledge that this has been explored before, including in 2011/12 when a working group was mandated by the Forum Regional Security Council to investigate a possible regional human rights mechanism in the Pacific. Hurdles included costs, concerns of encroaching on neighbour's sovereignty and internal affairs, and duplication of the work of the SPC Pacific Regional Rights Resource Team. We also note the important work funded by the EU and others to support member countries to ratify and implement treaties.

The creation of a Regional Human Rights Forum would need to be a baseline initiative committed to by Australia and New Zealand. Dedicated funding from New Zealand and Australia to the PIF is proposed to administer and establish a Regional Human Rights Forum. Both New Zealand and Australia have dedicated Human Rights Commissions and our responsibility is to help establish a Regional Forum, that holds us all accountable in the first instance to United Nations convention ratifications and then assists with implementation and addressing recommendations. This would help reinforce not only country membership to the United Nations, but display a regional commitment in being members.

Our interest as CWP is to promote parliamentary service for women and to represent women parliamentarians' views and concerns across the Pacific. Currently initiatives in this area are largely led by Australia through a dedicated Pacific Women Shaping Development programme - the initiative could be integrated within PIF. We see the work of the Regional Human Rights Forum to monitor and to assist with the implementation of CEDAW specifically as they would have an intimate relationship with the sovereign PIF member countries. We propose, as part of the annual PIF summit, that there is a formal opportunity for human rights issues to be discussed, which would include women's issues and specifically the commitment of PIF members' states to increasing women's parliamentary participation, which has been a CWP focus since its inception. One example, of how a formal space has been created for women under the auspices of a larger entity can be seen in the Meeting of Women Parliamentarians as part of the Inter-Parliamentary Union (<http://www.ipu.org/wmn-e/meeting.htm>).

Not achieving gender equality has inhibited the ability of every country and every society to meet the Millennium Development Goals. We cannot achieve any substantive change (and meet the new proposed Sustainable Development Goals) if women are systematically excluded from being the governors or managers of initiatives that create the changes we are seeking. Advancing gender equality and empowerment of women is key part of the proposed SDGs, as is regional cooperation.

CWP see the formation of a Regional Human Rights Forum as a mechanism that will help create the fundamental changed required in the status of women. As we identified at the last PWPP forum held in Fiji, violence against women and girls is a sign of our status. If we do not improve our status collectively, it limits our ability collectively to stand forward as candidates and to be nominated and selected by political parties, which is then transferred on to the voting public.

Strong women can be, have been and are successful - what we are trying to do is to create systemic change to ensure all women have equal rights and equal opportunities in our respective countries and by that measure, New Zealand and Australia have a lot of work to do too.

5. Alignment to Regional Vision, Values and Objectives

Briefly describe how your initiative supports the vision, values and objectives set out in the Framework for Pacific Regionalism. These can be found in the Framework for Pacific Regionalism document or in the submissions guideline document.

Please limit your response to no more than 500 words

The United Nations has been encouraging the development of a regional human rights mechanism for some time (see Petersen: 2011). The lack has been attributed to the region's vast size, diversity, and a strong commitment to sovereignty and non-interference in our neighbour's internal affairs. The Framework for Pacific Regionalism strengthens the cooperation and integration between the states and territories of the Pacific region. This moves beyond what was articulated at the Pacific Islands Human Rights Consultations 2004 "that the primary focus for the promotion and protection of human right is at the national level and that therefore it is the responsibility of States to ensure that human rights are respected, promoted and fulfilled".

The establishment of a PIF Regional Human Rights Forum would establish shared norms or standards across the region with respect to human rights. Such a forum would be in the spirit of the PIF's mandate to improve cooperation, coordination, and collaboration among the various intergovernmental regional organisations to work toward achieving the common goal of sustainable development in the Pacific region.

The forum would provide a pooled resource and technical assistance - national human rights institutions may be too resource intensive for some smaller Pacific states and therefore a regional mechanism may in fact be more practicable (Hay: 2006). If this is a gap, based on lack of capacity in each member state, the PIF could lead in a regional agenda to ensure a foundation of human rights commitments based on United Nations resolutions and findings.

Other benefits have been cited by previous studies, a regional mechanism might also support the existing legal services within states, provide monitoring assistance for ensuring human rights standards and norms are upheld within the area, and have a promotional and educational role throughout the region (Hay: 2006). A regional institution may be seen to be more effective than global or international human rights mechanisms given its focus on local values and concerns (Hashimoto: 2006). Advantages of regional human rights instruments may include more accessible technical and legal support for individual states especially in regard to the adoption, implementation and monitoring of international human rights conventions, and a pool of local staff and resources that can address human rights concerns particular to the regional context (Peebles:2005).

As Liddicott (2007) notes Pacific states are free to give their own unique expression to both the international standards for national human rights mechanisms and regional mechanisms for promotion and protection of human rights. However, the opportunities to do so exist in relation to an international human rights framework, which needs to more closely consider the particular resource constraints, or the challenges of distance and capability, which are frequently faced by Pacific states.

6. Additional Information

Please provide or attach additional information in support of this initiative.

Please limit your response to no more than 5 pages.

Pacific Island Countries (PIF) with national human rights institutions (NHRI)

Australia

Australian Human Rights Commission. The Commission was established in 1986 by an act of the federal Parliament. They are an independent statutory organisation and report to the federal Parliament through the Attorney-General.

More information can be located on their website here.

New Zealand

Human Rights Commission. The Human Rights Commission was set up in 1977 and works under the Human Rights Act 1993. They are funded through the Ministry of Justice but operate independently of the New Zealand Government as an independent Crown Entity.

More information can be located on their website here.

Fiji

Fiji Human Rights and Anti-Discrimination Commission “The Fiji Human Rights and Anti-Discrimination Commission is statutory body established under Section 45 of the Constitution of the Republic of the Fiji islands. The roles and functions of the Commission are stipulated in CHAPTER 2 – Bill of Rights, supplemented by the Human Rights Commission Decree 11/09.”

Source and website here.

Samoa

Office of the Ombudsman (Komesina o Sulufaiga): National Human Rights Institution . On 30 May 2013, the Parliament of Samoa passed legislation to amend the Ombudsman Act 1980 to provide for the establishment of an independent National Human Rights Institution (NHRI), which is mandated to monitor, advise and report on human rights issues.

The NHRI is run out of the Office of the Ombudsman (Komesina o Sulufaiga). The Office officially launched its human rights function on 10 December 2013 to coincide with international human rights day.

More information can be located on their website here, and in these media articles.

Timor-Leste

Provedor de Direitos Humanos e Justiça

(The Provedor (sometimes described as Ombudsman) for Human Rights and Justice (PDHJ))

“The Ombudsman for Human Rights and Justice is an independent constitutional authority with a mandate to promote and protect human rights and good governance in Timor-Leste. It serves as a National Human Rights Institution as well as a traditional Ombudsman. It reports to the National Parliament on its activities.” ...

“The PDHJ was established under National Law No. 7/2004 in 2002. It also has competence under Article 50 of the Constitution to make a request to the courts to pronounce on matters related to the constitutionality of any legislative matters.”

Source and website here.

Cook Islands

“In November 2007, Cabinet by way of CM(07)694 appointed the current Ombudsman to “be in charge of the Cook Islands Human Rights Office”. This has been interpreted to mean that Cabinet has issued a directive for the Ombudsman to set up a Human Rights division within the Ombudsman Office.”

Source: Office of the Ombudsman, Cook Islands

However, have not been able to locate any indication that this division has been set up, or any further information about it.

Kiribati

No NHRI identified in Kiribati.

Marshall Islands

No NHRI identified in in the Marshall Islands.

Micronesia

No NHRI identified in Micronesia.

Nauru

No NHRI identified in Nauru. In 2009, the Government of Nauru invited a regional delegation of the Asia Pacific Forum to visit the country to provide advice on the potential establishment of a national human rights mechanism in line with international standards, however no evidence that this has been established.

Source: Nauru to consider options for human rights body

Niue

No NHRI identified in in Niue.

Palau

No NHRI identified in Palau:

Following a visit in April 2011, the APF and the Government of Palau have agreed to work together to explore the potential establishment of a NHRI. Consultations with key stakeholders were held in August 2011.

Source: Advice, Asia Pacific Forum

Papua New Guinea

No NHRI identified in Papua New Guinea. According to a 2011 UN Human Rights Council report:

PNG is committed to progress the status of the establishment of a National Human Rights Commission, as envisaged in the NEC Decision No. 21/1997 and 33/2007 respectively. The National Technical Working Committee and the Legal Working Group have completed the Draft Constitutional Amendment and the Draft Organic Law for the Government to consider endorsing.

Source: National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Papua New Guinea

And according to the Asia Pacific Forum:

The APF provided expert advice at a workshop organised by the Papua New Guinea Government and OHCHR in September 2009 to finalise the legal framework for the proposed NHRI.

Source: Advice, Asia Pacific Forum

No evidence that this draft law has progressed any further.

Solomon Islands

No NHRI identified in Solomon Islands. According to the Asia Pacific Forum: The APF visited Solomon Islands at the invitation of Government in January 2012 to discuss the potential establishment of a NHRI. The APF was part of a delegation that also included representatives of OHCHR and PIFS.

Source: Advice, Asia Pacific Forum

Tonga

No NHRI identified in Tonga.

Tuvalu

No NHRI identified in Tuvalu.

Vanuatu

According to the Asia Pacific Forum: Representatives of the APF, OHCHR and PIFS visited Vanuatu in September 2011 to talk with a broad range of stakeholders about the potential establishment of a NHRI.

Source: Advice, Asia Pacific Forum

Pacific Island Forum Countries that are parties to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

This list encompasses the states who have signed and ratified or acceded to the international agreement to prevent discrimination against women.

State:	Deposited:	Method:	States Latest Report:	Next Report due:
Australia	28 July 1983	Ratification	2012	
Cook Islands	1 October 1985 via New Zealand	Accession	See next page	
Fiji	28 August 1995	Accession	See next page	
Kiribati	17 April 2004	Accession	See next page	
Marshall Islands	2 March 2006	Accession	See next page	
Micronesia (Federated States of)	1 September 2004	Accession	See next page	
Nauru	23 June 2011	Accession	See next page	
New Zealand	10 January 1985	Ratification	2014	
Niue	1 October 1985 via New Zealand	Ratification	See next page	
Palau	20 September 2011	Signed but not ratified treaty	See next page	
Papua New Guinea	12 January 1995	Accession	See next page	
Samoa	25 September 1992	Accession	See next page	
Solomon Islands	6 May 2002	Accession	See next page	
Tonga	Not signed ¹		See next page	
Tuvalu	6 October 1999	Accession	See next page	
Vanuatu	8 September 1995	Accession	See next page	

¹ 2nd June 2015 - The Tonga government has temporarily shelved plans to ratify an international women's rights convention until after next month's coronation of King Tupou VI. The Tonga government has temporarily shelved plans to ratify an international women's rights convention until after next month's coronation of King Tupou VI. There has been intense opposition to the ratification of the Convention on the Elimination of all forms of Discrimination Against Women, or CEDAW, led mainly by churches. They fear CEDAW will lead to same sex marriages and abortion. The chief executive of Internal Affairs Lopeti Senituli says the government has met with church leaders and they have agreed to disagree. He says the talks have led to the government putting their plans on hold. *"We just wanted to ensure that His Majesty's coronation gets the highest priority. Not only from government but also from the public as well."* Lopeti Senituli says there is still hope the stalemate will be resolved after the July 4th coronation. From: <http://www.radionz.co.nz/international/pacific-news/275195/tonga-govt-puts-cedaw-ratification-on-hold>

What is the status of CEDAW ratification and reporting in the Pacific?

Pacific Islands Country	CEDAW ratification or accession status (year)	CEDAW Optional Protocol ratification status (year)	State CEDAW report status	Shadow/ alternative report submitted?
Cook Islands	2006	2007	2006 Periodic report due since 2011	Yes
Fiji	1995	-	2002 2009 Periodic report due in 2014	Yes
Kiribati	2004	-	Initial report due since 2005	No
Republic of Marshall Islands	2006	-	Initial report due since 2007	No
Federated States of Micronesia	2004	-	Initial report due since 2005	No
Nauru	2011	-	Initial report due since 2012	No
Palau	-	-	-	-
Samoa	1992	-	2005 2010 Periodic report due in 2016	Yes
Solomon Islands	2002	2002	2013 Periodic report due in 2018	Yes
Tonga	-	-	-	-
Tuvalu	1999	-	2008 2012 Periodic report due in 2018	Yes
Vanuatu	1995	2007	2005 Periodic report due since 2012	Yes

Solomon Islands and Tuvalu are scheduled for a constructive dialogue with the UN CEDAW Committee in October 2014, in Geneva.

From:

http://webcache.googleusercontent.com/search?q=cache:FmOupSvWN2QJ:asiapacific.unwomen.org/~media/field%2520office%2520eseasia/docs/ap/cedaw_lea_flet_13_1_08_2013%2520pdf.ashx+&cd=3&hl=en&ct=clnk&gl=nz