

Committee Secretary
Joint Standing Committee on Foreign Affairs, Defence and Trade
PO Box 6021
Parliament House
Canberra ACT 2600

17 July 2020

Dear Officer,

RE: Inquiry into the Human Rights of Women and Girls in the Pacific

The Australian National University Law Reform and Social Justice Research Hub ('ANU LRSJ Research Hub') welcomes the opportunity to provide this submission to the inquiry into the human rights of women and girls in the Pacific, responding to terms of reference 1-4.

The ANU LRSJ Research Hub falls within the ANU College of Law's Law Reform and Social Justice program, which supports the integration of law reform and principles of social justice into teaching, research and study across the College. Members of the group are students of the ANU College of Law, who are engaged with a range of projects with the aim of exploring the law's complex role in society, and the part that lawyers play in using and improving law to promote both social justice and social stability.

Summary of Recommendations:

1. Focus Pacific Step-Up support towards programs that empower and educate women and men about human rights issues affecting women and girls through utilising pre-existing, local, religious and customary structures that are familiar to Pacific Island communities.
2. State actors and NGOs should be focused on increasing engagement with local community and church groups.
3. Continue ensuring governmental support for economic empowerment of women, both at a state and local level, through legal reform of discriminatory laws with the Asian Development Bank.
4. Ensure access to pre-existing local domestic violence support for women engaging with economic entrepreneurship programs financed by the Pacific Step-Up.
5. Australian Overseas Development Assistance ('ODA') programs must be based in actual infrastructural understandings of the area targeted and should encompass long and short-term policies so as to effect enduring change for women and girls.
6. Australian ODA programs should continue to engage heavily in what are deemed female-centric issues, excluding discussion of policy that is decidedly not female.
7. Policy makers and development officials must work to mainstream gender concerns and include women in discussions across all areas and at all levels, not only when the issues overtly concern women.

If further information is required, please contact us at anulrsjresearchhub@gmail.com.

On behalf of the ANU LRSJ Research Hub,

Authors: Ariella Bucci, Becca Crisp, Bella Dimattina, Kriti Mahajan, Nabeela Maricar

Editor: Jessica Hodgson

We are also grateful for comments provided by Dr Miranda Forsyth from the ANU College of Law who reviewed the submission.

Introduction

This submission addresses Australia's role in improving social, health and safety outcomes for women in the Pacific region. The Pacific Step-Up provides a useful guide to implement initiatives tailored to individual communities within the Asia Pacific region.

1. Practical response of civil society groups in Pacific Islands to domestic, family and sexual violence, and other human rights issues such as gender equality

Term of Reference 1: The role of civil society groups in Pacific Islands in responding practically to domestic, family and sexual violence, and other human rights issues such as gender equality

Civil society groups (CSGs) in the Pacific Islands play a major role in responding to human rights issues faced by women and girls such as gender equality and gender-based violence.¹ The United Nations Development Program (UNDP) has found that CSGs also provide basic services, such as primary education, health care, clean water and sanitation which impact the rights of women.²

A sub-category of CSGs in the Pacific are church and faith-based organisations which can advocate for social change in human rights for women because they deliver services such as health care and organise village life. They are central to and have prominent standings in many Pacific communities.³ Due to this provision of essential service and prominence in local communities, CSGs may be a first point-of-contact for many women and girls in the Pacific for their standards and attitudes towards human rights issues, which can be shaped by the education and attitudes of CSGs.

An opportunity to improve the status of human rights of women and girls in the Pacific is to establish and maintain CSGs as role models to men and boys, to support males advocating for women's rights. For example, in 2002 the Fiji Women's Crisis Centre initiated a Male Advocacy Program in partnership with the Ministry of Women which was based in a human rights framework.⁴ One reason such programs have been successful is that they are more easily accepted in communities where male heads of religious organisations or customary systems dominate discussions about human rights and those which may use religious texts to justify gender-based violence. This is despite the fact that the UNDP's "Capacity Assessment of CSOs in the Pacific" found that women in Pacific nations such as Fiji and the Cook Islands have significant power in the governing bodies of CSGs which is particularly key to their work in combatting human rights issues women face.⁵ While some faith-based CSGs do hold anti-human rights interpretations of the Bible and other religious texts, many use the widely held beliefs in Pacific Island communities to make human rights seem less foreign and

¹ United Nations Development Programme, United Nations, 'United Nations A Capacity Assessment of CSOs in the Pacific Six Country Profiles,' (17 June 2015) 1.

² Maureen Penjueli, 'Civil Society and the Political Legitimacy of Regional Institutions: An NGO perspective,' in Sandra Tarte and Greg Fry (eds) *The New Pacific Diplomacy* (ANU Press) 65, 66).

³ Development Asia, Asian Development Bank, 'Participation Tools for the Pacific - Part 1: Engaging Pacific Civil Society Organizations,' (May 2019).

⁴ Aletta Biersack, '7 Human Rights Work in Papua New Guinea, Fiji and Vanuatu,' in Aletta Biersack et al. (eds), *Gender Violence & Human Rights* (ANU Press) 271, 277.

⁵ United Nations Development Programme (n 1) 7.

more approachable. Pacific Step-Up support needs to be focused on the latter type of faith-based CSGs as they can improve the social, health and safety outcomes for women in the Pacific region.

Moreover, CSGs in the Pacific are closely connected with villages, clan-based and customary systems and play the role of working with those systems to practically respond to human rights issues.⁶ CSGs work to engage local communities and because customary systems are present in many Pacific Island countries, they often cannot do this without gaining the support of local chiefs before beginning work in rural areas.⁷ CSGs can act as a bridge between the Pacific Step-up and local customary or traditional systems in the Pacific.

Therefore, we submit the role that CSGs play in Pacific communities could be better utilised in the context of the Pacific Step-Up by supporting advocacy programs which both empower women and educate men to improve human rights, focusing on those which employ the pre-existing religious and customary structures that are familiar to Pacific Island communities.

Recommendation 1: Focus Pacific Step-Up support towards programs that empower and educate women and men about human rights issues affecting women and girls through utilising pre-existing, local, religious and customary structures that are familiar to Pacific Island communities.

2. Diversification of Partnerships

Term of Reference 2: The Committee should engage with a wider range of non-State actors advancing the human rights of women and girls in the Pacific context, specifically within the church and community groups.

The key figures and groups which advance the human rights of women and girls in the Pacific context are NGOs, communities and churches. We recommend increased support to be focused on the community and church groups. Systemic social change to the attitudes which perpetuate gender equality issues can only be achieved by closer collaboration with groups already entrenched in the community.⁸ Community and church groups are underfunded in the Pacific Step-Up. The Pacific Church Partnership Program has a budget of \$2 million over 4 years (2019-2023),⁹ an annual budget of less than 0.15% of total ODA.¹⁰ However, these groups have unparalleled access and effectiveness in promoting change.¹¹

⁶ (Development Asia (n 3).

⁷ Ibid.

⁸ Rachel Cooper, *Faith-Based Organisations and Current Development Debates* (No 624, Institute of Development Studies, 17 June 2019) <<https://opendocs.ids.ac.uk/opendocs/handle/20.500.12413/15397>>.

⁹ *Church Partnerships in the Pacific* (The Pacific, Department of Foreign Affairs and Trade) <<https://www.dfat.gov.au/geo/pacific/people-connections/Pages/church-partnerships-in-the-pacific>>.

¹⁰ *Overview of Australia's Pacific Regional Aid Program* (Department of Foreign Affairs and Trade) <<https://www.dfat.gov.au/GEO/PACIFIC/DEVELOPMENT-ASSISTANCE/Pages/development-assistance-in-the-pacific>>.

¹¹ Gerard Clarke, 'Faith Matters: Faith-Based Organisations, Civil Society and International Development' (2006) 18(6) *Journal of International Development* 835 ('Faith Matters').

NGOs

Key non-government partners include ActionAid Australia, CARE Australia, International Centre for Research on Women, International Committee of the Red Cross, International Planned Parenthood Federation, International Women's Development Agency, Oxfam Australia, Population Services International, Save the Children, UnitingWorld, WaterAid and World Vision.¹² Involvement of charities and NGOs in advancing the human rights of women in the Pacific is important particularly in circumstances in which these groups have a history of in-country involvement and therefore have community-specific understanding of cultural norms and traditions.¹³ This allows these groups to act effectively to bring about structural change.¹⁴

Also relevant are the ways NGOs develop their research and programming methods to better suit the local environment. The Asia-Pacific Forum on Women, Law and Development uses the Feminist Participatory Action Research method to adapt their programs to the local community, through implementing collaborative research projects which involve local women and communities.¹⁵ Through this method, "participants are not subjects on whom research is conducted but rather the subjects of the inquiry who set the agenda, participate in the data collection and analysis, and control the use of the outcomes."¹⁶ This has allowed the group to identify key issues affecting individual communities and develop program strategies accordingly.¹⁷ These kinds of research methods allow NGOs to develop their programming methods to suit a particular socio-cultural environment, and ultimately lead to their increased long-term efficacy.

The Community

The 'community' refers to organisations which operate as part of any functioning community such as local politicians, labourers, health care workers and teachers. Grass-roots development of these institutions has been shown to effectively change long-term outcomes.¹⁸

For example, sexual and reproductive health ('SHR') is a challenge in the Pacific and specifically relates to the human rights of women and girls in the region.¹⁹ The efficacy of an NGO or government initiative in the community may be hindered by cultural taboos, or the idea that these groups are importing non-traditional and therefore dangerous ideas.²⁰ Educating local health workers on SHR

¹² *Pacific Women Shaping Pacific Development* (Annual Progress Report 2017-2018, Australia Aid, August 2019) <https://pacificwomen.org/wp-content/uploads/2019/12/Pacific-Women_APR_2017-2018_Web.pdf>.

¹³ Williams, Aubrey. *Finance and Development*; Washington, D.C. Vol. 27, Iss. 4, (Dec 1, 1990): 31.

¹⁴ Ian Smillie, 'NGOs and Development Assistance: A Change in Mind-Set?' in Thomas G Weiss (ed), *Beyond UN Subcontracting: Task-Sharing with Regional Security Arrangements and Service-Providing NGOs* (Palgrave Macmillan UK, 1998) 184 <https://doi.org/10.1007/978-1-349-26263-2_9> ('NGOs and Development Assistance').

¹⁵ Admin, 'Our Programmes', *Asia Pacific Forum on Women, Law and Development (APWLD)* <<https://apwld.org/our-programmes/>>.

¹⁶ Admin, 'Feminist Participatory Action Research (FPAR)', *Asia Pacific Forum on Women, Law and Development (APWLD)* <<https://apwld.org/feminist-participatory-action-research-fpar/>>.

¹⁷ Admin (n 8).

¹⁸ Guy Bessette, *Involving the Community: A Guide to Participatory Development Communication* (IDRC, 2004) ('*Involving the Community*').

¹⁹ Julia Smith (2019) Overcoming the 'tyranny of the urgent': integrating gender into disease outbreak preparedness and response, *Gender & Development*, 27:2.

²⁰ Jessica L Morris and Hamid Rushwan, 'Adolescent Sexual and Reproductive Health: The Global Challenges' (2015) 131(S1) *International Journal of Gynecology & Obstetrics* S40 ('Adolescent Sexual and Reproductive Health').

issues allows them to act as intermediaries, more effectively conveying messaging.²¹ Admittedly, this example requires the communities to have existing health care systems to which the majority of the community has access. Where this is the case, different community institutions such as women's groups or the church may be an appropriate alternative.

Change can occur from the legal sector by increasing knowledge and awareness of lawyers. The World Bank has endorsed the Indonesian program "PEKKA Women's Legal Empowerment" as best practice for developing cultural change through law reform, increased access to justice and community education.²² The program trains paralegals to go into communities to support women in bringing cases to court.²³ The success of the program in the Pacific was in its "focus on what the people need and want."²⁴ This program focusses on developing existing frameworks in the local community and training local workers. This focus helps ensure the longevity and sustainability of the program.

The church

The church plays an important role in moulding and sustaining social norms.²⁵ A World Bank study concluded that "religious leaders and institutions were often the most trusted institutions in developing countries",²⁶ a finding confirmed by a 2008 Gallup poll.²⁷ Approximately 95% of Pacific Islanders identify as Christians.²⁸ Partnerships with Faith Based Organisations' (FBOs) should continue to be increased. Effective development through these organisations depends on first identifying and reforming gender inequality within these organisations. This requires a culturally sensitive and inclusive approach involving support for quality theological education. Organisations such as UnitingWorld are working in communities to review patriarchal biblical understandings and support inclusive interpretations.²⁹

UnitingWorld's Pacific Regional Coordinator described the challenge of harnessing the work of FBOs to convey a particular message. He states "human rights are seen by many ordinary Oceanic peoples as foreign, making claims that are seen as overtly individualistic, unbiblical and unchristian".³⁰ Accordingly, overly prescriptive messaging can alienate church leaders.³¹ Further, the delineation between development and proselytisation in a community is often hard to distinguish.³²

The Pacific Council of Churches, the peak Christian body in the region, has been supportive of introducing gender equality education programs for men. General Secretary of the Pacific Conference of Churches (PCC), Reverend James Bhagwan, speaking at the launch of the European Union and

²¹ Ibid.

²² 'Indonesia: Women Headed Household Empowerment Program (PEKKA)', *World Bank* (Text/HTML) <<https://projects.worldbank.org/en/results/2012/04/19/indonesia-women-headed-household-empowerment-program-pekka>> ('Indonesia').

²³ World Bank, *World Development Report 2012: Gender Equality and Development*, p. 32

²⁴ Ms Lister, Family Court of Australia, Committee Hansard, Canberra, 6 May 20139, p. 24.

²⁵ *Case Study: Faith in Gender Equality in the Pacific* (Aid, Department of Foreign Affairs and Trade, 1 December 2016) <<https://www.dfat.gov.au/news/news/Pages/faith-in-gender-equality-in-the-pacific>>.

²⁶ Narayan, D. (2000) 'Voices of the Poor: Can Anyone Hear Us?' Washington, World Bank.

²⁷ Rick James, 'Handle with Care: Engaging with Faith-Based Organisations in Development' (2011) 21(1) *Development in Practice* 109 ('Handle with Care').

²⁸ Ibid.

²⁹ Ibid.

³⁰ *Case Study: Faith in Gender Equality in the Pacific* (n 27).

³¹ James (n 29).

³² Ibid.

United Nations Spotlight Initiative in Apia, Samoa on 26 February 2019, endorsed a “belief in the role of faith communities as agents of social change”.³³ He believes there is “a growing shift by member Churches of PCC from conservative, colonial, fundamentalist and patriarchal theology to one based on more inclusive and contextual biblical interpretation, and strong Christian theological and ethical reflection.”³⁴ He promoted an increase in support for both teaching and pastoral care programs.”³⁵ Awareness programs must begin through high-quality teaching for church leaders. The South Pacific Association of Theological Schools is one such organisation promoting professional development of pastors and church leaders. Without support and guidance from trusted leaders, messaging cannot be clearly conveyed.

This must then be supported by education accessible to the wider church community. An effective campaign was implemented by the Interreligious Collaboration which harnessed social media to convey a message about violence against women.³⁶ The “My faith says no to rape and violence against women campaign” was distributed via hashtag on social media platforms and through videos made by church members.³⁷ Campaigns such as this work to normalise more progressive biblical interpretations and support increased proliferation of anti-inequality messaging. Similarly effective was the *Support for Ecumenical Approaches to Ending Violence against Women*, a project conducted by the House of Sarah, a Polynesian NGO, which conducts workshops aimed at promoting women’s rights through biblical teaching.³⁸ The commonality between these campaigns was their emergence from existing church groups, in collaboration with the NGOs. In both cases, this vernacularised their message and avoided patronising participants.

The Commission on Mission and Theology of the PCC will be convening a Commission on the Status of Women in Pacific Churches in 2020, with a follow up in 2022. Recommendations from this Commission should be discussed and where appropriate, incorporated into Australia’s involvement with FBOs.

Recommendation 2: State actors and NGOs should be focused on increasing engagement with local community and church groups.

³³ ‘The Role of Faith Communities as Agents of Social Change in Ending Violence against Women’, *Pasifika Rising* (27 February 2019) <<https://www.pasifikarising.org/the-role-of-faith-communities-as-agents-of-social-change-in-ending-violence-against-women/>>.

³⁴ Ibid.

³⁵ Ibid.

³⁶ *Case Study: Faith in Gender Equality in the Pacific* (n 27).

³⁷ *Fiji - My Faith Says No to Rape and GBV* (21 November 2018) <https://www.youtube.com/watch?v=aceV6oG_cjs>.

³⁸ Mary Ellsberg, Emma Fulu and Xian Warner, *Ending Violence against Women and Girls* (Office of Development Effectiveness, October 2019) 122.

3. Community, Church & NGO Engagement with Australia's Pacific Step-Up

Term of Reference 3: There is significant engagement of economic groups designed to improve economic empowerment of women, an essential element of both women's rights and the Pacific Step-Up's Pacific Women Program.

The Pacific Private Sector Development Initiative's Stage III aims to empower women with basic legal changes. The Development Initiative is a collaboration of the Australian, New Zealand and the Asian Development Bank. The project aims to improve discriminatory business and competition law, and has enacted many changes significant for women's rights, such as enabling women to own businesses without their husband's name.

The UN Women program does exciting work in empowering women in the Pacific and advancing their rights. Their Fiji Office runs the *Markets for Change* program with the majority of funding coming from the Australian Government. *Markets for Change* encourages participation of women, who make up the majority of vendors, to have greater control over their finances and business decisions. It also encourages local governments to work collaboratively with women vendors. This, and the ADB project above, highlight the essential role of non-discriminatory governance in making women's economic advancement viable.

The *Markets for Change* program is a Fijian approach to the broader Pacific Women Growing Business project. This broader project works in Micronesia with the College of Micronesia to provide business courses, and the Small Business Guarantee and Finance Corporation which provides funding for many of the women's small businesses. The Alternative Communities Trade in Vanuatu is a partner of the Step-Up program and recipient of \$150 000. It recognises the vulnerability of local markets and trains women in fair trade production for international markets.

The 'Do No Harm' research of Melanesia is cited on the 'lessons learned' by the Pacific Women program. Richard Eaves' 'Do No Harm' research into Bougainville sheds light on the pressures women's economic empowerment can have on domestic relationships. "Bringing economic resources into the household may in fact heighten tensions over the expenditure of the resources". This is also reflected in research conducted in the Solomon Islands and Fiji. This displaces the assumption that economic empowerment can be used to enhance women's bargaining power in their social circle.

As evidenced, engagement by local community groups, churches and NGOs proves effective and is essential to improving economic empowerment of women in the Pacific.

Recommendation 3: Continue ensuring governmental support for economic empowerment of women, both at a state and local level, through legal reform of discriminatory laws with the Asian Development Bank.

Recommendation 4: Ensure access to pre-existing local domestic violence support for women engaging with economic entrepreneurship programs financed by the Pacific Step-Up.

4. Applicability and Inclusivity

Term of Reference 4: The effectiveness of Australian Overseas Development Assistance programs in supporting human rights of women and girls

The applicability of policies to particular social and political climates and the inclusivity of women in all areas of life are critical to the success of measures that aim to support and uplift women and girls. Currently, several factors diminish the effectiveness of Australia's Overseas Development Assistance ('ODA') programs.

Efficacy of assistance programs in the Pacific are undermined by the fact that there remains no comprehensive understanding of the infrastructural needs and limitations that Pacific Island women experience.³⁹ Australian ODAs do not prioritise the long-term effectiveness of policies and are concerned with short-term achievements that fail to translate into increased gender parity. ODAs must implement enduring policies and programs to achieve the ultimate goal of gender parity; this involves changing male and female understandings of women's role in society, something that is currently lacking in Australian ODA programs.

Recommendation 5: Australian Overseas Development Assistance ('ODA') programs must be based in actual infrastructural understandings of the area targeted and should encompass long and short-term policies so as to effect enduring change for women and girls.

Recommendation 6: Australian ODA programs should continue to engage heavily in what are deemed female-centric issues, excluding discussion of policy that is decidedly not female.⁴⁰

Supporting human rights of women and girls involves the prioritisation of female centric issues while also engaging in issues that are not necessarily female-only but are also important to enabling women to advance to a more equal social standing. The trend remains the same across all Australia's aid recipients.⁴¹ While it is important to channel assistance in areas that have obviously differing impacts on men and women, Australia's current assistance programs fail to engage with women and girls in areas that are not 'female'.

³⁹ *Enter the Dragon: Australia, China and the New Pacific Development Agenda*.

⁴⁰ See Australian Government Department of Foreign Affairs and Trade, *Australia's Official Development Assistance: Standard Time Series, Table 12* (2017-18).

⁴¹ *Ibid.*

Gender continues to be discussed on the side, rather than embedded into mainstream political and human rights discussions. Discussions regarding defence, particularly security policies stemming from the Step-Up program are entirely divorced from the perspectives and expectations of Pacific women. Exclusive engagement like this does not adhere to United Nation recommendations that policymakers should consult with women on matters related to regional security⁴² and fails to recognise that women and girls often experience immense insecurity accruing from localised and regional violence that is different to what men experience. ODA programs' failure to remove barriers to issues that are not apparently female hinders the advancement of women and girls and the goal of gender equality. We submit that while ODAs have done ample work in decidedly female issues, ODAs do not do enough to remove the structural impediments to female participation across all spheres of life.

Recommendation 7: Policy makers and development officials must work to mainstream gender concerns and include women in discussions across all areas and at all levels, not only when the issues overtly concern women.

Concluding Remarks

Thank you for considering the above research and recommendations; the ANU LRSJ Research Hub would welcome the opportunity to speak with the Committee on the above issues.

⁴² United Nations Security Council Resolution 1325.