

**Australian Joint Standing Committee on Foreign Affairs, Defence and Trade
Inquiries**

**Human Rights Sub-Committee: Human rights issues confronting women and girls in the
Indian Ocean – Asia Pacific**

For the attention of:

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Introduction

1. The Pacific Islands Forum Secretariat received on 14 April 2014 an invitation from the Joint Standing Committee of Foreign Affairs, Defence and Trade Human Rights Sub Committee to prepare a public submission on human rights issues confronting women and girls in the Indian Ocean – Asia Pacific region.
2. The Pacific Islands Forum is a political gathering which was founded in 1971. It brings together 16 Pacific countries: Australia and New Zealand as the two developed countries and the largest economies, and 14 Pacific island countries, all developing country economies: Papua New Guinea, Fiji, Solomon Islands and Vanuatu of the Melanesian cultural grouping; Tonga, Samoa, Tuvalu, Cook Islands and Niue of Polynesia; and the smaller islands of Micronesia, the Federated States of Micronesia, Kiribati, Marshall Islands, Nauru and Palau.
3. In 2004, Forum Leaders adopted a Vision that “the region can, should and will be a region of peace, harmony, security and economic prosperity, so that all its people can lead free and worthwhile lives.” Forum Leaders believe that the Pacific should be a “region that is

respected for the quality of its governance, the sustainable management of its resources, the full observance of democratic values and for its defence and promotion of human rights.”

4. To give effect to this vision, Forum Leaders endorsed the Pacific Plan in 2005 providing the basis for ongoing strengthening of regional cooperation and integration efforts for the benefit of the people of the Pacific. It is a ‘living document’ so that it can adapt to the changing landscape of Pacific regionalism and it is currently undergoing such a review. The four pillars of the Plan however remain important for sharing our region’s experience, particularly around the protection and promotion of women and girl’s human rights.

5. The key objective of the Good Governance Pillar is to support a safe, enabling, inclusive and sustainable environment for economic growth and personal development and human rights. From a practical perspective, this translates into initiatives such as the women’s practice parliament, promoting gender equality measures within state owned boards, violence against women legislation,

6. This submission contains specific areas of work which the Secretariat is currently pursuing in relation to the promotion and protection of women’s human rights, particularly in the area of sexual and gender based violence, women’s economic empowerment and the Pacific Leaders Gender Equality Declaration (‘the Leaders’ Declaration’).

Leaders Gender Equality Declaration 2012

7. The promotion of human rights is a key objective of the Pacific Plan, together with improved gender equality as a strategic objective under the sustainable development pillar of the Pacific Plan.

8. The Pacific Leaders Gender Equality Declaration, adopted by Forum Leaders at their meeting in Rarotonga, Cook Islands in 2012, reaffirms commitment to the norms, standards and principles articulated under the Convention on Elimination of all forms of Discrimination against Women (CEDAW). CEDAW is widely accepted and recognised as a key human rights instrument guiding the work of the Forum Secretariat in advancing gender equality in the Pacific region. Reporting under the Pacific Plan has extended to cover additional priorities set out in the Leaders Declaration enabling therefore the Secretariat to track progress on the promotion and protection of women’s and girls’ human rights in the Pacific region on an annual basis.

9. In their Declaration, Forum Leaders express concern that despite gains in girls’ education and positive initiatives to address violence against women, overall progress in the region towards gender equality remains slow. Leaders were particularly concerned that women’s representation in parliament was among the lowest in the world; that violence against women is quite high and widespread; and that women’s economic opportunities remain limited.

10. The Declaration sets out 6 focal areas: (a) gender responsive government programs and policies; (b) decision making; (c) women’s economic empowerment; (d) ending violence against women; (e) women’s health; and (f) gender parity in education. It also reinforces key international and regional commitments such as the Revised Pacific Platform for Action on the Advancement of Women and Gender Equality.

11. To support the implementation of the Declaration, the Secretariat convenes the Council of Regional Organisation of the Pacific (CROP) Gender Working Group whose aim is to mainstream gender within CROP Agencies and to ensure that quality advice is provided to members in a coordinated manner. Mainstreaming gender within regional CROP Agencies includes adoption of women's human rights-based policies and programmes that would lead to an enhanced quality of life for women and girls. The CROP Gender Working Group also oversees the implementation of Leaders Gender Equality Declaration which is currently undertaken by the Forum Secretariat.

12. The Secretariat continues to play an advisory role to the Women's Triennial and Ministerial Meetings convened by the Secretariat of the Pacific Community. The reports of the Leaders Gender Equality Declaration are presented to Ministers to inform their discussions and consideration of key regional gender issues and priorities.

Regional and National Human Rights Mechanisms

13. There is a need to focus on programs that aim to strengthen and protect the human rights of women and girls such as National Human Rights Institutions (NHRIs) and Regional Human Rights Mechanisms (RHRMs). The Forum Secretariat has undertaken scoping missions for the governments of Palau, Vanuatu and Solomon Islands in relation to the possible establishment of national human rights institutions. Support for this work is jointly facilitated by the Forum Secretariat, the Asia Pacific Forum for National Human Rights Institution (APF), and the Office of the High Commissioner for Human Rights (OHCHR).

14. On the basis of a mandate provided by the Forum Regional Security Committee in 2011, the Forum Secretariat is currently working on pursuing regional interest with regard the establishment of regional human rights mechanisms. A Working Group on the RHRM has been established and is comprised of Forum members¹ and regional² and international organisation³ and a representative from a CSO⁴. There are opportunities to strengthen and protect women and girls from human rights violations through this proposed regional mechanism.

15. The RHRM Working Group agreed that to progress the work on a regional human rights mechanisms, more research was needed. The WG agreed that a Term of Reference (TOR) be developed to include examining current and existing Forum Declarations that could be used potentially as a baseline for a regional charter. It is envisaged that a regional human rights mechanisms can add value to the work of the Secretariat in promoting and protecting the human rights of women and girls.

Universal Periodic Review

16. The Forum Secretariat provides support to Forum member countries as required with their national reports to the Human Rights Council – Universal Periodic Review. Examples of

¹ Representative from the Governments of Samoa, Palau, Tonga and Vanuatu

² Secretariat of the Pacific Community / Regional Rights Resource Team

³ Office of the High Commissioner for Human Rights

⁴ Fiji Women's Crisis Centre

recommendations received by Forum members from the UPR working group, as it relates to the Forum Island Countries, include the need to: (a) ratify CEDAW by countries that have yet to do so⁵; (b) enact specific legislation that protect women⁶; (c) improve the ratio of women in leading positions in the country⁷; (d) guarantee that laws and policies are in conformity with CEDAW;⁸ (e) expand the definition of rape and clearly define domestic violence⁹; (f) prioritise legislation on women's rights, gender equality and domestic violence¹⁰; (g) take measures to promote the participation of women in decision making process¹¹; (h) ensure that the national sustainable development strategy consider in particular, the role of women in national development, including their participation in the political process¹²; (i) revise existing laws identified in the national report as being discriminatory against women¹³; (j) ensure that laws are in place to specifically address domestic violence¹⁴; (k) further enhance national polices to promote the rights of women¹⁵; and (l) develop further and implement policies and legislation aimed at gender equality and the empowerment of women¹⁶. The Secretariat is currently assisting member countries with implementation of the first round of recommendations and more importantly with the preparation for the second round of reporting.

17. In 2012 and 2013, assistance was provided to Tuvalu, Tonga and Vanuatu in respect of their reporting obligations under various international human rights conventions, e. g. Tuvalu's CEDAW report, and ratification of the UN Convention on the Rights of Persons with Disabilities by the government of Tuvalu, Vanuatu, and Palau.

18. In close collaboration with its partners, the Secretariat of the Pacific Community/Regional Rights Resource Team (SPC/RRRT) and OHCHR, the Secretariat has also provided specific national human rights training for the governments of Vanuatu, Palau, Tonga and Niue in 2012 and 2013. The aim of these national human rights trainings is to encourage the ratification of core human rights treaties, and to encourage Forum members to provide more protection for girls and women through the enactment of relevant legislation and policy.

19. The submission acknowledges the efforts of Forum members in improving the promotion and protection of women's human rights in the Pacific region particularly in the area of law reform¹⁷ and policy. However, more needs to be done in ensuring that women's right to political participation, economic empowerment, access to health and services become are reality for women in the Pacific.

⁵ Tonga and Palau

⁶ All Forum Island Countries

⁷ Tonga

⁸ Kiribati

⁹ *ibid*

¹⁰ Republic of Marshall Islands

¹¹ Federated States of Micronesia

¹² Nauru

¹³ Palau

¹⁴ Solomon Islands

¹⁵ Samoa

¹⁶ Papua New Guinea

¹⁷ Vanuatu – Family Protection Act 2008; Kiribati – Family Peace Act 2014; Republic of the Marshall Islands Domestic Violence, Prevention and Protection Act in 2011.

Regional Millennium Development Goal Report 2013

20. The 2013 Pacific Millennium Development Goals (MDG) Regional Report focusing on gender equality reported that legislation and cultural practices continue to discriminate against women (civil, political, economic and social rights), and that the Pacific region has made limited progress towards the greater realisation of MDG3, and therefore, the full realisation of all the MDGs.

21. The Report also notes that although some Pacific island countries have made progress towards realising greater gender equality and the empowerment of women, the pace has been slow and inconsistent, influenced by complex national/domestic and external factors.

22. The submission encourages Australia's continued assistance and support to strengthen target key sectors and domains where options available to women for legal redress remain weak. This includes women in prisons; police custody; violent homes; and in conflict situations.

23. The submission also calls for additional funding to support the Secretariat's ongoing work in relation to, *inter alia*, improving economic and employment opportunities for women; and addressing violence against women.

Regionalism and its relevance to women's human rights – addressing Sexual and Gender Based Violence in the Pacific

24. In 2009, Forum Leaders committed to eradicate Sexual and Gender Based Violence (SGBV) and ensure all individuals have equal protection of the law and equal access to justice.

25. The Forum Reference Group to Address SGBV was established in 2010 to guide the Secretariats and support national efforts in implementing the Forum Leaders 2009 decisions. The Forum Reference Group comprises three Forum government representatives from Solomon Islands, Kiribati and Tonga; a representative each from the SPC, UN Women and civil society.

26. The Reference Group undertakes in-country consultations. While each Forum country has unique challenges addressing SGBV and related issues, there have been several common issues identified by the Group so far. These include: (a) general lack of awareness of SGBV and related issues in non line ministries; (b) outdated or inadequate legislation; (c) resource and budgetary constraints; (d) limited capacity in almost all government departments; (e) difficulty attracting (and retaining) qualified personnel; and (f) the difficulties associated with accessing justice and police services in rural areas and outer islands.

27. In addition to its high-level advocacy and awareness raising role, the Forum Reference Group, through the Forum Secretariat, has also financially supported legislative drafting in three Forum Island Countries – Tonga, Kiribati and Tuvalu. In September 2013, the Kingdom of Tonga passed its Family Protection Bill, while the Kiribati legislation was passed by the April 2014 sitting of Parliament. Implementations of these laws are essential for the realisation of efforts to eradicate SGBV, and allow women and girls to have equal protection of the law and access to justice.

28. In response to the growing recognition worldwide that violence against women has severe economic implications the Reference Group commenced in May 2013 a project to identify the economic cost of violence against women in Kiribati and Solomon Islands.

The implications to economic and social development in the Indian Ocean – Asia Pacific region of promoting women and girls’ human rights.

29. At the 2011 Forum Leaders Meeting in Auckland, Forum Leaders made a commitment under the Waiheke Declaration on Sustainable Economic Development to “*increase opportunities for women to participate in the formal labour market and as entrepreneurs.*”

30. In promoting economic empowerment of women, Forum Economic Ministers in 2012 mandated the Forum Secretariat, in collaboration with relevant development partners, to assist Forum Island Countries improve the enabling environment for women’s economic participation, and increase opportunities for women to participate in the formal labour market and as entrepreneurs.¹⁸ Forum Economic Ministers also called for the implementation of affirmative action/equal opportunity employment practices in public sector employment practices, including State Owned Enterprises (SOE) and statutory boards.¹⁹ These decisions were unanimously supported by Leaders through their Gender Equality Declaration.

31. Responding to the decision made by Economic Ministers, the Forum Secretariat in 2013 conducted a survey on Gender Participation in State Owned Enterprise Boards in Forum Island Countries. The survey covered almost all the Forum Island Countries with the aim of identifying factors that hinder women’s equal representation in State Owned Enterprise Boards. The study also looked at identifying factors which hinder women participating effectively in decision making as a board member in SOE boards.

32. Some of the issues that were encountered with the representation and participation of women in SOE boards include: (a) majority of the board members of SOE boards in these countries are appointed by the State or Government compared to those appointed through open recruitment and/or merit; and (b) for many SOE boards there seem to be very low representation of women. Some SOE boards do not have any women representation at all. The study found that women do not apply for SOE board positions as they are not informed or have access to information on available vacancies, or that women are not prepared to take up a decision making role at the board level due to limited experience, lack of qualification and skills.

33. The study also found that there is a need to: (a) strengthen awareness amongst women on the opportunities to serve as a board member in any of the SOE boards; (b) provide appropriate training for women (e.g. in non-traditional fields - various engineering fields etc) through the provision of specifically tailored scholarships; and (c) look into the governance structure of SOE boards and create incentives for women to aspire to these positions.

¹⁸ Forum Economic Action Plan 2012. Forum Economic Ministers Meeting, Tarawa, Kiribati.

¹⁹ Ibid.

Recommendations

34. The submission invites the Australian Joint Standing Committee on Foreign Affairs, Defence and Trade Inquiries to encourage Australia's Parliament to:

- i) **consider** the Pacific Leaders Gender Equality Declaration Reports annually;
- ii) **strongly encourage** regional and national human rights institutions to have clear mandates on the promotion and protection of women's and girls' human rights with adequate funding support;
- iii) **encourage** support for programmes in the Pacific region to support human rights initiatives, particularly those that improve opportunities for the economic empowerment of women; and that address violence against women;
- iv) **encourage** continuing funding support for scholarships and training targeted specifically for women and girls to enhance their leadership skills in commerce and management; and
- v) **support** ongoing work of the Forum Reference Group on SGBV to effectively promote and protect women and girls' human rights.

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