

## **Pacific Islands Human Rights Consultation**

Suva, Fiji Islands, 1-3 June, 2004

### **CONCLUDING STATEMENT AND RECOMMENDATIONS**

#### **Introduction:**

1. Civil society organisations, national human rights institutions and Governments, of the Pacific region met in Suva, Fiji Islands, from 1 to 3 June 2004 to hold a roundtable consultation on the human rights issues affecting the region including the mechanisms required to respect, promote, protect and fulfill human rights.
2. The Consultation was attended by civil society organisations from Australia, the Cook Islands, Fiji, Federated States of Micronesia, Kiribati, Marshall Islands, Samoa, Solomon Islands, Timor Leste, Tonga, Tuvalu, Vanuatu and New Zealand. Governments of the region represented at the Consultation, as observers, included Australia, Fiji, Kiribati, New Zealand, Nauru, Palau, Papua New Guinea, Tonga and Vanuatu.
3. Also participating were representatives from the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Resident Coordinator's Office (Fiji), the UNESCO Office for the Pacific States, UNICEF, the Pacific Islands Forum Secretariat, the Asia Pacific Forum of National Human Rights Institutions (APF), the Human Rights Unit of the Commonwealth Secretariat, and the national human rights institutions of Australia, Fiji and New Zealand.
4. Participants expressed their appreciation to the host, the Fiji Human Rights Commission, and to the organising and financial partners: the APF, the Commonwealth Secretariat, UNDP, OHCHR, the New Zealand Human Rights Commission and NZAID. Participants also thanked the Prime Minister of Fiji, the Hon Laisenia Qarase for addressing the Consultation at the opening reception.

#### **Participants of the Pacific Islands Human Rights Consultation:**

5. *Reaffirm* that the primary focus for the promotion and protection of human rights is at the national level and that therefore it is the primary responsibility of States to ensure that human rights are respected, promoted, protected and fulfilled;

6. **Reaffirm** the universality, indivisibility, interdependence and interrelatedness of all human rights – civil, cultural, economic, political and social – and that democracy, development and respect for human rights are interdependent and mutually reinforcing;
7. **Welcome** the decision by the Pacific Islands Forum Special Leaders' Retreat held in Auckland on 6 April 2004 to encourage the development of national human rights machinery with the engagement of the APF;
8. **Welcome further** the Recommendations of the Eminent Persons' Group Review of the Pacific Islands Forum, April 2004 including its recommendation to “encourage the development of national human rights machinery. This might involve engagement with the Asia Pacific Human Rights Forum”. It was noted that such engagement might also draw in practical assistance from the OHCHR;
9. **Recall** the Conclusions of the United Nations Twelfth Annual Workshop on Regional Frameworks for the Promotion and Protection of Human Rights in the Asia Pacific Region held in Doha, Qatar, from 2 to 4 March 2004<sup>1</sup>, whereby Governments of the Asia and Pacific region recognised “both the financial and human constraints faced by the Pacific Islands States in their efforts to promote and protect human rights and called upon the OHCHR to provide technical assistance, capacity building and training, also through the posting of a sub-regional representative in Fiji, to Pacific Islands Governments and support the Pacific Islands States which have not yet done so to consider establishing a national human rights institution”;
10. **Recall also** the resolutions of the United Nations General Assembly and of the Commission on Human Rights supporting and encouraging the establishment and development of national human rights institutions and regional arrangements in the Asia Pacific region and the strengthening of national protection systems;
11. **Further recall** that Commonwealth Heads of Government in the Aso Rock Declaration in December 2003 recognised that in order for democracy to work better for pro-poor development, committed themselves to promote machinery to protect human rights and the active participation of civil society, including women and youth;
12. **Affirm** that the status and responsibilities of national human rights institutions should be consistent with the Principles Relating to the Status of National Human Rights Institutions adopted by the United Nations General Assembly (Resolution 48/134) commonly referred to as the ‘Paris Principles’. National human rights

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<sup>1</sup> Attended by the Governments of Fiji, Marshall Islands, Palau and Samoa. The Palau Government representative recommended that further consideration be given to the location of the regional representative based on the responsibilities of the position and with input from the other Pacific Islands nations.

institutions should, as a minimum, conform to the Principles and be independent, pluralistic and based on universal human rights standards, with a broad mandate set forth in a constitutional or legislative text and established following an appropriate and inclusive process of consultation. In this regard, the Consultation also affirmed the value of the Best Practice resource on National Human Rights Institutions developed by the Commonwealth Secretariat;

13. *Also note* the adoption by Governments, including all Pacific countries, of the 2000 Millennium Declaration which included a commitment to strengthen the capacity of all countries to implement the principles of democracy and respect for human rights and the achievement of the millennium development goals;
14. *Welcome* the decision announced by the Government of the Solomon Islands at the APF Eighth Annual Meeting, held from 16 to 18 February 2004 in Nepal, to establish a national human rights institution in compliance with the Paris Principles;
15. *Gave special emphasis* to the need to develop a culture of human rights both among the general public and in the official sector (including the executive, the legislature and the judiciary) through wide dissemination of information about human rights (including through grass-roots work) and about the role of national human rights institutions;
16. *Acknowledge* the important role of civil society organisations in promoting human rights and strongly encourage Governments, national human rights institutions and other relevant bodies to work in cooperation with CSOs in developing and implementing human rights programmes;
17. *Welcome* the increased engagement of regional and international organisations in the Pacific and encouraged them to continue their work in promoting human rights in the Pacific;
18. *Express their strong support* for the Fiji Human Rights Commission and welcome the Fiji Commission's interest in, and support for, the establishment of national human rights commissions in other Pacific countries.

**Participants at the Pacific Islands Human Rights Consultation make the following recommendations.**

19. *Noting* that countries in the Pacific have unique cultures and that there are many similarities between the jurisdictions in the Pacific, *proposes* that greater attention be given to a specific focus on the Pacific region;
20. *Note* the work undertaken by "LawAsia" in the preparation of a draft Pacific Charter of Human Rights and *recommend* progressing the development of a regional convention for the Pacific;

**Recommendations for Governments - Participants of the Pacific Islands Human Rights Consultation:**

21. *Urge* Pacific Islands Governments to note, and address positively, the full range of human rights concerns raised during this consultation;
22. *Urge* Pacific Islands Governments to ratify the core international human rights treaties without reservation, where appropriate to remove reservations and to seek technical assistance where needed;
23. *Further urge* Pacific Islands Governments to ratify core ILO conventions;
24. *Urge* Pacific Islands Governments, even where they have not ratified international human rights treaties, to strive to protect basic human rights through entrenchment in constitutions or through appropriate legislation, through implementing relevant programmes and policies and through education, for example by including human rights in the national school curriculum;
25. *Propose* that Pacific Islands Governments take a rights-based approach to development – that is participatory, accountable, not discriminatory, empowering and based on relevant human rights standards;
26. *Welcome* the decision by the Pacific Islands Forum Leaders' Retreat held in Auckland on the 6<sup>th</sup> April 2004 to strengthen Forum engagement with civil society and look forward to the implementation of this recommendation in consultation with civil society;
27. *Urge* (in light of the decision by the Pacific Islands Forum Special Leaders' Retreat held on 6 April 2004 in Auckland to encourage the development of national human rights machinery) those Pacific Islands Governments which have not yet done so to establish an independent national human rights institution with assistance, where requested, from the Fiji Human Rights Commission and appropriate advisors;
28. *Encourage* Pacific Islands Governments to initiate and build capacity of existing and new human rights CSOs and provide protection for human rights advocates;
29. *Reaffirm* that some traditional and cultural practices and customary rights are unique to the Pacific and acknowledged that some may impact negatively on the enjoyment of human rights. The Consultation *recommends* that a further in-depth study of specific rights be undertaken and that, on this basis, a dialogue be initiated with a view to enhancing understanding of the interaction between traditional and cultural practices and human rights and, eventually, to achieving full compliance with human rights conventions;

30. *Call for* the implementation by Pacific Islands Forum Secretariat of the recommendations, endorsed by Pacific Islands Leaders, set out in the Eminent Person's Group Review of the Pacific Islands Forum on i) human rights; ii) women and gender; iii) youth; and iv) civil society;
31. *Request* Pacific Islands Governments to work in close consultation and cooperation with civil society and national human rights institutions and in collaboration with the APF, the Commonwealth Secretariat, UN bodies and all other appropriate and effective organisations in the establishment of effective human rights machinery and/or expanding the mandate of, and strengthening, existing institutions such as Ombudsman Offices where they exist. Such institutions must be adequately resourced and be able to undertake human rights education, to investigate and conciliate human rights violations and to provide human rights policy advice. They should also develop strong links with CSOs and actively address conflicts between cultural practices and human rights standards;
32. *Acknowledge* that all governmental bodies must play an important role in protecting human rights, *encourage* Pacific Islands Governments to develop appropriate mechanisms to address human rights issues, including national human rights institutions, independent special prosecutors, public auditors, police practices committees, and to ensure that such entities are independent and have appropriate powers to undertake or initiate appropriate remedial action;
33. *Encourage* existing national human rights institutions and new national institutions, once established, to include the human rights of women and the issue of violence against women in their human rights programmes;
34. *Encourage* Pacific Islands Governments to establish an independent Pacific Islands Human Rights mechanism that could undertake such activities as: coordinating the outcome of Pacific Human Rights Consultations; overseeing a Pacific Islands Human Rights Plan of Action; undertaking appraisals of the national legal and political human rights frameworks; and monitoring human rights, particularly in countries which have no independent national human rights institution;
35. *Encourage* Pacific Islands Governments; national human rights institutions and CSOs, to support and contribute to the work of the UN Ad Hoc Committee considering proposals for a, "comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities" and to adopt laws and policies, and review existing laws and policies, to protect the rights of people with disabilities, including women with disabilities, especially to ensure non-discrimination;
36. *Call on* Pacific Islands Governments to implement effective legislation on the right to information and ensure dissemination of information on government, donor and civil society organisations, activities, policies and processes.

**Recommendations for regional and international organisations - Participants of the Pacific Islands Human Rights Consultation:**

37. *Acknowledge* the significant role of civil society organisations in promoting human rights, *call on* the international community and donors to strengthen support for civil society human rights organisations, including regional CSOs;
38. *Recommend* the establishment of a large pool of funding mechanism to which CSOs would have access for human rights work, possibly to be administered by a regional human rights CSO;
39. *Propose* that the international community assist civil society organisations to establish a process for engaging with Governments on human rights issues and that, where appropriate, CSOs are provided with information direct, rather than relying only on Governments for dissemination;
40. *Propose* that, in the human rights field, donors focus on regional as well as bilateral programming where they propose to provide support to CSOs;
41. *Propose* that the international community continue to assist the Regional Rights Resources Team (RRRT), with an extended geographical mandate, to deliver human rights education programmes and legal literacy training in small island states;
42. *Request* assistance from the international community for the establishment of national forums in each Pacific country where human rights issues can be debated and civil society organisations supported;
43. *Request* continued UN and Commonwealth Secretariat support in promoting the ratification and implementation of human rights treaties and in promoting human rights education, especially in small island developing states;
44. *Note* the importance for the treaty reporting process of accurate information, and the limited resources in the Pacific, *encourage* treaty bodies and OHCHR to further streamline reporting systems to ensure that reporting has a focus on enhancing understanding and implementation in the Pacific through: simplification of formats; coordination of information; use of electronic models and databases; provision of previous reports; and practical assistance to CSOs to become involved in the reporting process;
45. *Encourage* the OHCHR to make their website user friendly, provide technical assistance to enable small island states to establish efficient human rights databases and make treaties available in more accessible forms;

46. *Acknowledge* that it is more constructive to assist countries in preventing human rights abuses than awaiting tragic consequences which require significant intervention, *call on* the international community to take proactive measures to assist Pacific Islands countries in promoting and protecting human rights;
47. *Given* the importance of distributing human rights information to government and civil society organisations, and of seeking a cost-effective method of distributing such information, *call on* regional organisations to develop a Pacific Human Rights Website which would provide, among other things, (1) information on best human rights practices throughout the region; (2) relevant international instruments; (3) resource documentation; (4) educational materials; (5) appropriate human rights standards; (6) a forum for government and civil society actors to participate in discussions; and (7) a method to communicate with the APF and the UN agencies;
48. *Acknowledge* the importance of implementing basic minimum human rights norms and standards, *call on* donors and regional and international agencies to assist Pacific Islands countries in applying such norms and standards;
49. *Acknowledge* the importance of educating individuals about human rights, consider the cost of sending resource people to countries, and understand the similarities of human rights issues in the Pacific, *call on* the APF or UN agencies to assist in creating training materials appropriate for the Pacific on CDROM, which can be readily modified to fit the particular jurisdiction.
50. *Note* that teaching conflict resolution from a very early age can help improve life skills and reduce criminal behavior and related societal problems, thus diminishing costs to governments and communities, *call on* the APF and UN agencies to develop training materials, which can be incorporated by Pacific Islands Jurisdictions;
51. *Urge* the early ratification of the UN International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families; *acknowledge* that complaints lodged by foreign (migrant) workers against employers may not be sufficiently addressed by government mechanisms, and *note* that there is a minimum of two nations involved in foreign labour issues, *call on* UN agencies to work in consultation with Pacific Island Trade Unions to identify such issues and bring nations together to find appropriate solutions;
52. *Acknowledge* that the criminal justice system does not always address, or seek to improve, issues underlying crime, *propose* that Pacific Islands countries consider using, where appropriate and accountable, the use of alternative dispute resolution such as restorative justice and traditional justice processes consistent with international human rights standards, as alternatives, or an adjunct to, the criminal justice process;

53. *Note* the crucial need for an OHCHR presence in the Pacific region, request the establishment of an OHCHR human rights advisor based in Fiji to provide fulltime technical cooperation and needs assessment in the Pacific, and to assist Pacific Island countries to address and provide effective responses to human rights challenges and problems, including those identified in this Consultation; and in this regard, *note* the Republic of Palau's generous offer to host the OHCHR presence;"
54. *Request* the OHCHR human rights advisor, when appointed, to work with all human rights partners, including the UN country team, Governments, national human rights institutions of the region, civil society organisations, the Commonwealth Secretariat and regional organisations such as the APF and the Pacific Islands Forum;
55. *Request* the UN High Commissioner for Human Rights to actively encourage countries to adhere to the international human rights instruments when engaging with partner governments;
56. *Request* the APF to develop a formal relationship with the Pacific Islands Forum with a view to encouraging the establishment of national human rights machinery in accordance with the decision by the Pacific Islands Forum Special Leaders Retreat in Auckland 6 April 2004, and *call on* the APF to establish, within available resources, a Pacific regional presence;
57. *Request* the Pacific Islands Forum, in accordance with the decision of the Pacific Islands Forum Special Leaders' Retreat held on 6 April 2004, to set up a cross-cutting Human Rights Unit at the Pacific Islands Forum Secretariat;
58. *Request* the APF, in response to the decision of the Pacific Islands Forum Special Leaders' Retreat held in Auckland on 6 April 2004, to provide and coordinate assistance, within available resources, to any Pacific Island countries considering the establishment of a national human rights institution in compliance with the Paris Principles;
59. *Request* the APF to provide assistance, within available resources, to assist the Government of the Solomon Islands to implement its decision to establish a national human rights institution in compliance with the Paris Principles;
60. *Request* the United Nations agencies and the Commonwealth Secretariat to continue to provide assistance improve human rights capacity in Pacific Island countries;
61. *Propose* that the Pacific Islands Forum be invited to participate as observers at the Asia Pacific Forum's next Annual Meeting and the biannual meeting of the



International Coordinating Committee of National Human Rights Institutions to be held in Seoul, South Korea, in September 2004;

62. *Request* regional and international organisations to convene a Roundtable to follow up on the recommendations of this Consultation;
63. *Request* the APF to convene a roundtable on national human rights institutions in twelve months time;

**Recommendations for Civil Society Organisations (CSO / NGO) - Participants of the Pacific Islands Human Rights Consultation:**

64. *Propose*, as a useful first step, the establishment of a Pacific NGO Human Rights Network;
65. *Propose*, subject to the approval of the NGO workshop to be held on Friday 4 June, the establishment of a regional civil society organisations secretariat for all Pacific human rights organisations;
66. *Acknowledge* the importance of access to information, *propose* that civil society organisations undertake, and encourage others to undertake, surveys and collection of relevant human rights data;
67. *Acknowledge* the importance of informing the public and the Government of human rights issues, *propose* that civil society organisations consider utilising the media and the Internet in highlighting human rights issues;
68. *Encourage* CSOs to promote an inclusive, barrier-free and rights-based society in their respective countries.

**Adopted 03 June 2004, 18:05 pm**