

Annex A

The Pacific Regional Rights Resource Team (RRRT) - building the capacity of Pacific Island governments and NGOs to promote, respect and fulfill human rights

RRRT, established in 1996, the winner of the UNICEF Maurice Pate Award in 1998 and a highly-cited best practices human rights project, is a groundbreaking capacity building, technical support, training and policy advisory project in the Pacific region. It is a regional project covering 14 Pacific Island countries and consists of Pacific Islanders who are lawyers, trainers and advisors. RRRT advises governments and civil society on promoting human rights based on Pacific constitutional and international standards from UN conventions. It works with Members of Parliament, judges, magistrates, senior decision makers in government, institutions, civil society groups and NGOs. Evaluators of the RRRT project say that RRRT uses a unique combination of persuasive and challenging techniques, and avoids the traditional 'naming, blaming and shaming' methods favoured by most human rights organizations, leading to innovative and successful partnerships with both Governments and NGOs. On a single goal or project RRRT works with three sets of stakeholders in achieving the same goal: the macro level decision makers, duty bearers from government, the meso-level institutions that determine the effectiveness of the new practice, policy or law; and the micro-level rights holders, campaigners, NGOs, community groups, lobbyists and ultimate beneficiaries.

Over the past decade, RRRT and its partners have made significant headway in the promotion and enforcement of human rights by encouraging compliance with local and international human rights standards. During its lifetime, a number of PICs have ratified conventions either due to RRRT assistance or through working in partnership with others, including Solomon Islands, Kiribati, Tuvalu and the Federated States of Micronesia in ratifying CEDAW. RRRT has assisted both States and NGOs with reports to the treaty bodies in Tuvalu, Fiji, Samoa, Cook Islands, Solomon Islands and Vanuatu through the provision of technical advice, assistance in writing or compiling the reports, or through facilitating mock reporting sessions. RRRT has provided technical and financial support to Fiji, Samoa and Vanuatu NGOs in the compilation and presentation of a Parallel Report to the CEDAW Committee and has played a lead role in national legislative reform, including technical input for the Family Law Act 2003 in Fiji, the Family Protection Act 2008 in Vanuatu, and drafting instructions for a new draft Bill of Rights for Solomon Islands. From 1995 to 1998, RRRT, and its Fiji partners, lobbied for the establishment of the Fiji Human Rights Commission and for the inclusion of a comprehensive Bill of Rights and a non-discrimination clause in the 1997 pro-democratic Constitution. RRRT also funded and supported the Women's Coalition for Women's Citizenship Rights (WCWCR) in 1996, spearheaded by RRRT's key NGO partner in Fiji, the Fiji Women's Rights Movement (FWRM), which brought about equal citizenship rights for women in Fiji's new 1997 Constitution. A similar project in Kiribati eventuated in equal evidence laws in rape cases.

RRRT training of the judiciary since 1996 has led to growing support for human rights and a

significant increase in the application of human rights conventions in courts in a number of PICs. This training has produced three regional judicial declarations committing judicial officials to the application of gender equality and human rights in the courts including *The Pacific Island Judges Declaration on Gender Equality in the Courts (1997)*. Judgments in Fiji, Vanuatu, Samoa, Solomon Islands, Tuvalu and Kiribati indicate that lawyers, activists and judges use human rights language more often and as guidance in decision making or as the basis of arguments. A growing number of judgments in the courts have used or referred to conventions in the course of decision making. Major goals for the next 5 years include the passing of violence against women legislation and exploring the possibility of a regional human rights mechanism under *The Pacific Plan*. RRRT continues to provide gender equality and human rights support to PIC governments and NGOs using tried and tested methods of partnerships between both.

Annex B

“ A PACIFIC ISLAND REGIONAL HUMAN RIGHTS COMMISSION

We, the twenty five Members of Parliament, in our individual capacities, from eleven Pacific Island Countries (PICTs) meeting in Auckland to discuss the Pacific Plan and Human Rights Conventions & Standards and their application to domestic law, policy and practice:

Conscious of the urgency for action to implement the Pacific Plan, in particular Initiative 12.5 which calls on PICTs to ratify and implement international human rights conventions,

Therefore agree:

1. To ask RRRT to take a lead role in *setting up* OR *exploring the possibility of setting up* a Pacific Island Regional Human Right Commission to serve the needs of Pacific Island governments and its peoples. This initiative should be driven by an indigenous regional human rights organisation of Pacific Islanders. This is critical for ownership by PIC governments and peoples because of the perception that human rights are alien to Pacific societies. (our emphasis)

2. To ask RRRT, with SPC and PIFS to lead this process. It is recognized that this is a long term process but discussions should begin now with Pacific Island governments and Pacific peoples.
3. That RRRT should if possible do this with technical and financial support from outside agencies such as NZAID, AUSAID, other donors, development agencies, UN OHCHR, NZHRC etc.

Dated this second day of November 2007, Auckland, New Zealand.”

Annex C

ANNEX: REGIONAL HUMAN RIGHTS INSTRUMENTS AND INSTITUTIONS¹

INTER-AMERICAN HUMAN RIGHTS SYSTEM

The inter-American human rights system coexists with the UN treaty-based and non-treaty-based mechanisms.

Main instruments

American Declaration of the Rights and Duties of Man (1948)

¹ United Nations Development Programme, *Human Development Report 2000* (New York: UNDP, 2000) pp46-7

- Has a preamble explicitly linking rights and duties.
- Covers a roster of economic and social rights, most relating to labour, contained in a social charter.
- Links human rights and democracy.
- Is legally non-binding and thus has led to the adoption of the American Convention on Human Rights.

American Convention on Human Rights (1969)

- Is fundamentally a civil and political rights treaty.
- Provides progressive treatment of freedom of expression.
- Makes explicit the conditions under which guaranteed rights can be overridden in times of public danger.
- Has been ratified by 24 of the 35 members of the Organization of American States.

Other instruments

Inter-American Convention on Forced Disappearance (1994)

Inter-American Convention to Prevent and Punish Torture (1985)

Convention on the Prevention, Punishment and Eradication of Violence against Women (1994)

Implementing institutions and mechanisms

Inter-American Commission on Human Rights (1959)

- Is made up of members elected by the General Assembly of the Organization of American States.
- Combines promotion and adjudication functions.
- Advises governments on legislation affecting human rights.

Inter-American Court of Human Rights (1979)

- Has two types of jurisdiction – advisory and contentious.
- Issues advisory opinions on correct interpretation of treaty obligations.
- Contentious jurisdiction encompasses cases submitted by the commission against states parties and vice versa.

EUROPEAN HUMAN RIGHTS SYSTEM

The European human rights system is by far the most developed of the regional systems. Distinguished by its preference for judicial approaches, it has gone the furthest in developing judicial processes. The European system also enjoys the highest rate of state compliance with its decisions.

Main instruments

European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)

- Convention provides for collective enforcement of certain civil and political rights.

- European Court of Human Rights rules in cases alleging that individuals have been denied their human rights.
- Contracting states undertake to secure the rights defined by the convention for all.
- Subsequent protocols have extended the initial set of rights.
- Most countries that have ratified the convention have incorporated the provisions into their own national law.

European Social Charter (1961, revised in 1996)

- Guarantees a series of rights relating to conditions of employment and social cohesion.
- Has a system of supervision that includes the Committee of Independent Experts, the Governmental Committee and the Committee of Ministers.
- Provides for collective complaints.

Other instruments

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)

Framework Convention on National Minorities (1995)

Implementing institutions and mechanisms

European Court of Human Rights (1959)

- Has as many judges as there are contracting states.
- Hears cases from individuals and contracting states.
- Uses a procedure that is adversarial and public.
- Issues advisory opinions on legal issues relating to conventions and protocols.

AFRICAN HUMAN RIGHTS SYSTEM

The African system of human rights is relatively recent. It prefers judicial and quasi-judicial approaches.

Instrument

African Charter on Human and Peoples' Rights (1981)

- Covers both civil and political and economic, social and cultural rights.
- Provides for collective rights and for state and individual duties.
- Includes claw-back clauses restricting human rights to the maximum extent allowed by domestic law.

Implementation institutions and mechanisms

African Human Rights Commission (1987)

- Serves more promotional and less protective functions.
- Examines state reports.
- Considers communications alleging violations.
- Expounds the African charter.

African Human Rights Court

(decision to establish it made in 1998; court has yet to start functioning)

- Consists of 11 judges appointed in their personal capacity.
- Complements the work of the African Human Rights Commission.
- Serves more protective and less promotional functions.
- Has a jurisdiction not limited to cases or disputes arising out of the African charter.

ARAB HUMAN RIGHTS SYSTEM

The Arab human rights system came into formal existence with the adoption in 1994 of the Arab Charter of Human Rights by the Arab League. The charter:

- Provides for a Committee of Human Rights Experts to examine reports submitted by the states parties and to report on them to the Permanent Commission of Human Rights of the Arab League.
- Prohibits denial of any of the fundamental human rights, but provides for limitations and restrictions on all rights for reasons of national security, the economy, public order, the rights of others and the like.
- Includes no requirements for a valid declaration of a state of emergency, and during a state of emergency provides for only a few rights, such as prohibition of torture and safeguards for a fair trial.
- Provides for no right to political organization and participation.

Annex D

Pacific Island Table of Treaty Ratification

The following chart of states shows which are a party (indicated by the date of adherence: ratification, accession or succession) or signatory (indicated by an "s" and the date of signature) to the United Nations human rights treaties listed below. Self-governing territories that have ratified any of the treaties are also included in the chart.

	ICESCR	ICCPR	CERD	CEDAW	CAT	CRC	CMW	CRPD
COOK ISLANDS				1-Oct-85 via NZ & 11-Aug-06		6-Jun-97		
FIJI			11-Jan-73	28-Aug-95		13-Aug-93		
KIRIBATI				17-Mar-04		11-Dec-95		
MARSHALL ISLANDS				2-Mar-06		4-Oct-93		
FEDERATED STATES OF MICRONESIA				1-Sep-04		5-May-93		
NAURU		S:12-Nov-01	S:12-Nov-01		S:12-Nov-01	27-Jul-94		
NIUE				1/10/1985 via NZ		20-Dec-95		
PALAU						4-Aug-95		
PAPUA NEW GUINEA	21-Jul-08	21-July-08	27-Jan-82	12-Jan-95		2-Mar-93		
SAMOA		15-Feb-08		25-Sep-92		29-Nov-94		
SOLOMON ISLANDS	17-Mar-82		17-Mar-82	6-May-02		10-Apr-95		10-Apr-95
TONGA			16-Feb-72			6-Nov-95		S:15-Nov-07
TUVALU				6-Oct-99		22-Sep-95		
VANUATU		21-Nov-08		8-Sep-95		7-Jul-93		S:17-May-07
KEY:								
	Indicates the date of adherence: ratification, accession or succession							
	Indicates the date of signature							
ICESCR	International Covenant on Economic, Social and Cultural Rights							
ICCPR	International Covenant on Civil and Political Rights							
CERD	Convention on the Elimination of All Forms of Racial Discrimination							
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women							
CAT	Convention Against Torture and Other Cruel, In human or Degrading Treatment or Punishment							
CRC	Convention on the Rights of the Child							
CMW	Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families							
CRPD	Convention on the Rights of Persons Living with a Disability							