

**JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE  
AND TRADE – HUMAN RIGHTS SUB-COMMITTEE**

**Inquiry into human rights mechanisms and the Asia Pacific**

**Supplementary information**

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## **1. Ratification of major human rights instruments by Pacific countries, and related reporting**

The following instruments are the nine core human rights treaties:

- . International Covenant on Civil and Political Rights (ICCPR)
- . International Covenant on Economic, Social and Cultural Rights (ICESCR)
- . Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- . Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- . Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- . Convention on the Rights of the Child (CRC)
- . Convention on the Rights of Persons with Disabilities (CRPD)
- . International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)
- . International Convention for the Protection of All Persons from Enforced Disappearance

For the purpose of responding to this question, Pacific countries are considered to be: Cook Islands; Federated States of Micronesia; Fiji; Kiribati; Nauru; New Zealand; Niue; Palau; Papua New Guinea; Republic of Marshall Islands; Samoa; Solomon Islands; Tonga; Tuvalu; and Vanuatu.

Table 1 on page 4 shows which Pacific states are party to the major human rights treaties.

### *Reporting against human rights treaties*

Each major treaty has its own reporting requirements for States Parties:

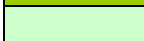
- . ICCPR - States must report initially one year after acceding to the Covenant and then whenever the Committee requests (usually every four years).
- . ICESCR - States must report initially within two years of acceding to the Covenant and thereafter every five years.
- . CERD - States must report initially one year after acceding to the Convention and then every two years.
- . CEDAW – States are expected to report at least every four years.
- . CAT - States must report initially one year after acceding to the Convention and then every four years.
- . CRC - States must report initially two years after acceding to the Convention and then every five years.
- . CPRD - States must report initially within two years of acceding to the Convention and thereafter every four years.

The tables in Annex 1 set out the reporting of each Pacific State Party against the major human rights treaties. (Data sourced from the United Nations Treaty Body Database).

**TABLE 1: Pacific countries – Treaty ratification**

	ICESCR	ICCPR	CERD	CEDAW	CAT	CRC	CRPD	ICRMW	DISAPP.
<b>Australia</b>	10 Dec 75	13 Aug 80	30 Sept 75	28 Jul 83	8 Aug 89	17 Dec 90	17 Jul 08		
<b>Cook Islands</b>				1 Oct 85 (via NZ)		6 Jun 97	9 May 09		
<b>Federated States of Micronesia</b>				1 Sept 04		5 May 93			
<b>Fiji</b>			10 Feb 73	28 Aug 95		13 Aug 93			
<b>Kiribati</b>				17 Apr 04		11 Dec 95			
<b>Marshall Islands</b>				2 Mar 06		4 Oct 93			
<b>Nauru</b>		S: 12 Nov 01	S: 12 Nov 01		S: 12 Nov 01	27 Jul 94			
<b>New Zealand</b>	28 Dec 78	28 Dec 78	22 Nov 72	10 Jan 85	10 Dec 89	6 Apr 93	25 Sept 08		
<b>Niue</b>				1 Oct 85 (via NZ)		20 Dec 95			
<b>Palau</b>						4 Aug 95			
<b>PNG</b>	21 Jul 08	21 Jul 08	27 Jan 82	12 Jan 95		2 Mar 93			
<b>Samoa</b>		15 Feb 08		25 Sept 92		29 Nov 94			S: 6 Feb 07
<b>Solomon Islands</b>	17 Mar 82		17 Mar 82	6 May 02		10 Apr 95	S: 25 Sept 08		
<b>Tonga</b>							S: 15 Nov 07		
<b>Tuvalu</b>				6 Oct 99		22 Sept 95			
<b>Vanuatu</b>		21 Nov 08		8 Sept 95		7 Jul 93	23 Oct 08		S: 6 Feb 07

 Indicates the date of adherence: ratification, accession or succession

 Indicates the date of signature (NB: pending ratification)

Source: UN Office of Legal Affairs, Treaty Section, New York in *Ratification of International Human Rights Treaties: Added value for the Pacific Region*, Discussion Paper July 2009, United Nations Office of the High Commission for Human Rights (OHCHR)

## **2. Office of the High Commissioner for Human Rights (OHCHR) activities: Pilot programs in Vietnam and Pakistan**

### *One UN in Vietnam*

Vietnam is one of eight countries piloting the UN development reform process, recommended by the UN's High Level Panel on System Wide Coherence in 2006. The 'Delivering as One' pilots are testing the UN's capacity to deliver in a more coordinated way at country level, through one program, one budgetary framework, one leader and one office. In mid-2007, the first phase of the pilot began in Vietnam. In June 2008, the Government of Vietnam and the UN system formalised the reform process by signing a 'One UN' plan – known as the 'One Plan'.

### *Human Rights in One UN*

The One Plan identifies implementation of a human rights-based approach (HRBA) to development as a critical part of the UN's role in assisting Viet Nam to meet its international commitments. The programmatic work and other policy and advocacy initiatives in the area of a HRBA are coordinated by the UN inter-agency Human Rights Technical Working Group. This has resulted in more efficient and effective use of resources and helped avoid programmatic overlaps and duplication. In addition, the rights-based approach is fully integrated in key reform instruments, such as the One Plan Management Plan and joint UN Country Teams (UNCT) trainings.

In 2008, the UN Human Rights Technical Working Group coordinated a number of activities: an internal UN staff survey and needs assessment on human rights knowledge; a training session on human rights and HRBA for UN staff; development of a practical HRBA toolkit specific to Viet Nam; and marking 60 years of the Universal Declaration of Human Rights. One of the main highlights in this area in 2008 was the UNCT's support to the Universal Periodic Review (UPR). The UNCT in Viet Nam was only the second UNCT globally to submit a consolidated UN human rights assessment to the Office of the High Commissioner for Human Rights (OHCHR), while also supporting the national UPR process.

The impact of such a unified approach, which took two years of time and effort, is now yielding tangible results. The close and effective collaboration with the Government has allowed the UN to build a mutual relationship of trust and created new entry points for the UNCT. As a result, the government is increasingly approaching the UNCT for support, especially in helping to build national capacity for reporting on treaty obligations. The UN is able to respond with the resources available within the UNCT and also with Non-Resident Agencies. UN reform has also meant that the UNCT is speaking with one voice and with consistency, which has increased confidence and credibility of the UN with external stakeholders.

### *OHCHR's support to One UN in Vietnam*

OHCHR works through the Bangkok regional office with a small budget managed by the UN Human Rights Technical Working Group in Vietnam that facilitates mainstreaming of human rights into the One UN Program. Technical advice from OHCHR has been mainly on HR treaty reporting and HRBA toolkit development.

*OHCHR's support for One UN in Pakistan*

Pakistan was another pilot country for One UN programs. OHCHR had a human rights adviser deployed in Pakistan at the time One UN programs came into effect in 2007. The human rights adviser was involved in early formative work on mainstreaming human rights work into joint programs. The human rights adviser was withdrawn in February 2008.

Since that time, OHCHR has maintained contact with the UN country team in Pakistan, particularly in the context of the establishment of a new Human Rights Ministry within the Government and in relation to the drafting of new legislation for a new national human rights institution. OHCHR's capacity to provide support for One UN programs in Pakistan is limited.

### **3. Human Rights Technical Cooperation programs: reporting of outcomes**

Australia operates Human Rights Technical Cooperation (HRTC) programs with China and Vietnam. These are linked to the bilateral human rights dialogues. HRTC programs are funded by AusAID and managed by the Australian Human Rights Commission. For the China-Australia HRTC program, Australia provides \$2 million per year in funding. For the Vietnam-Australia HRTC program, Australia provided \$560,000 for Phase I of the program (implemented over an 18 month period between 2006-08), and \$900,000 for Phase II of the program (commencing September 2008).

Outcomes and achievements of the *China-Australia* HRTC are reflected in the AusAID Annual Program Performance Reports for China. These reports are available on the AusAID website. In addition, AusAID occasionally publishes reviews of the HRTC programs which are also available on the AusAID website.

The Australian Human Rights Commission does not comprehensively report on HRTC outcomes in its publications, apart from briefly mentioning some of the activities undertaken in its Annual Reports.

#### **4. Timing of Human Rights Council elections**

Elections for membership of the Human Rights Council are held annually in May.



## **5. Australia's aid program: addressing the needs of people with disability in Asia and the Pacific**

The Australian Government is committed to recognising and advancing the rights of people with disability and to being a regional and international leader in disability inclusive development.

The Government launched its new strategy, "*Development for All: Towards a disability-inclusive Australian aid program 2009-2014*" on 25 November 2008. This is Australia's first explicit strategy to guide the aid program in addressing the needs of people with disability in our partner countries.

*Development for All* reflects the Government's commitment to accelerating progress towards the Millennium Development Goals, is aligned with Australia's national social inclusion agenda and is framed in the context of the United Nations Convention on the Rights of Persons with Disabilities to which Australia is party. Importantly, it was developed in close consultation with people with disability in developing countries.

The overall goal of the *Development for All* strategy is to integrate eventually disability into all relevant processes and policies that form Australia's aid program so that people with disability share equally in Australia's assistance. The strategy also reflects international best practice by investing in disability-specific initiatives to empower people with disability and decrease the barriers they face. Implementation of the strategy will also strengthen prevention efforts, starting with avoidable blindness and road safety initiatives.

## 6. Radio Australia in the Asia Pacific

Radio Australia broadcasts to the following countries through AM and FM partner stations:

American Samoa	Palau
Australia	Papua New Guinea
Cambodia	Solomon Islands
Cook Islands	Thailand
India	Timor-Leste
Indonesia	Tonga
Laos	Tuvalu
Nauru	Vanuatu
New Zealand	Vietnam

Radio Australia is also available in the Asia-Pacific via shortwave and around the world via its website.

On 12 August 2009, Radio Australia announced plans to reach audiences in Burma, including with a new Burmese language service.

Radio Australia's FM transmitters in Suva and Nadi, Fiji, were shut down on 15 April 2009 by Fiji's Ministry of Information. Radio Australia had broadcast uninterrupted on FM in Fiji since 2004. Radio Australia is still available to listeners in Fiji over shortwave frequencies and online.

## **7. The effectiveness of linking development assistance to human rights**

The Australian Government is strongly committed to the promotion and protection of human rights.

We consider development assistance and human rights to be fundamentally connected and mutually reinforcing and recognise that the Australian aid program contributes to the advancement of all human rights. For development assistance to be sustainable, individuals in developing countries must have secure and long-term access to the resources required to satisfy their basic rights and needs, be they economic, social, cultural, civil or political.

Australia recognises that the Millennium Development Goals (MDGs) are among the most important commitments to human rights that the international community has made since the *Universal Declaration of Human Rights*.

The aid program's focus on the MDGs and on reaching the most marginalised people means that we are targeting those whose human rights are not being met. Australia's approach to good development practice – which includes using participative approaches to aid design and delivery, targeting the most vulnerable, and building the capacity of civil society and government institutions – advances human rights.

Australia's aid program often operates in countries where human rights abuses exist. Some argue the provision or level of aid should depend on a country's respect for human rights and democracy.

This approach, however, can jeopardise the welfare of the poorest and most isolated. Accordingly, linking aid or development assistance to a country's human rights record will only be used in extreme circumstances. Factors such as delivery mechanisms (the ability to deliver aid without benefiting the incumbent government) and in-country verification procedures will be relevant.

**ANNEX 1: Reporting against major human rights treaties by Pacific countries**

**International Covenant on Civil and Political Rights (ICCPR)**

<b>State Party and periodic report number</b>	<b>Date due</b>	<b>Date submitted</b>
<b>NEW ZEALAND</b>		
Initial	27/03/80	11/01/82
2	27/03/85	22/06/88
3	27/03/90	01/04/94
4	27/03/95	07/03/2001
5	01/08/2007	26/12/2007
<b>PNG</b>		
Initial	21/07/2009	-
<b>SAMOA</b>		
Initial	15/02/2009	-
<b>VANUATU</b>		
Initial	21/11/2009	-

**International Covenant on Economic, Social and Cultural Rights (ICESCR)**

<b>Country and periodic report number</b>	<b>Date due</b>	<b>Date submitted</b>
<b>NEW ZEALAND</b>		
Initial	28/03/81	07/08/92
2	30/06/95	30/08/2001
3	30/06/2008	28/04/2009
<b>PNG</b>		
Initial	30/06/2010	-
<b>SOLOMON ISLANDS</b>		
Initial	30/06/90	02/07/2001
2	30/06/2005	-

## Convention on the Elimination of all forms of Racial Discrimination (CERD)

Country and periodic report number	Date due	Date submitted
<b>FIJI</b>		
Initial	11/01/74	25/10/73
2	11/01/76	13/07/78
3	11/01/78	13/07/78
4	11/01/80	08/06/81
5	11/01/82	25/10/82
6	10/02/84	07/08/2002
7	10/02/86	07/08/2002
8	10/02/88	07/08/2002
9	10/02/90	07/08/2002
10	10/02/92	07/08/2002
11	10/02/94	07/08/2002
12	10/02/96	07/08/2002
13	10/02/98	07/08/2002
14	10/02/2000	07/08/2002
15	10/02/2002	07/08/2002
16-17	10/02/2006 <sup>1</sup>	20/06/2006
18-20	10/02/2012 <sup>2</sup>	-
<b>NEW ZEALAND</b>		
1	22/12/73	22/12/73
2	22/12/75	24/02/76
3	22/12/77	10/05/78
4	22/12/79	26/01/81
5,6	22/12/81	29/07/83
7	22/12/85	05/03/86
8	22/12/87	19/06/90
9	22/12/89	19/06/90
10	22/12/91	19/12/94
11	22/12/93	19/12/94
12	22/12/95	04/10/2001
13	22/12/97	04/10/2001
14	22/12/99	04/10/2001
15,16,17	22/12/2005 <sup>3</sup>	16/05/2006
18,19,20	22/12/2011 <sup>4</sup>	-

<sup>1</sup> In the Concluding Observations of 2 June 2003 on Fiji's sixth to fifteenth periodic reports, the Committee invited Fiji to submit the sixteenth and seventeenth periodic reports as a consolidated report by 10 February 2006.

<sup>2</sup> In the Concluding Observations of 16 May 2008 on Fiji's sixteenth and seventeenth periodic reports, the Committee invited Fiji to submit the eighteenth, nineteenth and twentieth periodic reports as a consolidated report by 10 February 2012.

<sup>3</sup> In the Concluding Observations of 22 August 2002 on New Zealand's twelfth, thirteenth and fourteenth periodic reports, the Committee invited New Zealand to submit the fifteenth, sixteenth and seventeenth periodic reports as a consolidated updating report by 22 December 2005.

<b>PNG</b>		
Initial	26/02/83	16/08/83
2	26/02/85	-
3	26/02/87	-
4	26/02/89	-
5	26/02/91	-
6	26/02/93	-
7	26/02/95	-
8	26/02/97	-
9	26/02/99	-
10	26/02/2001	-
11	26/02/2003	-
12	26/02/2005	-
13	26/02/2007	-
14	26/02/2009	-
<b>SOLOMON ISLANDS</b>		
Initial	16/04/83	02/02/83
2	16/04/85	-
3	16/04/87	-
4	16/04/89	-
5	16/04/91	-
6	16/04/93	-
7	16/04/95	-
8	16/04/97	-
9	16/04/99	-
10	16/04/2001	-
11	16/04/2003	-
12	16/04/2005	-
13	16/04/2007	-
14	16/04/2009	-
<b>TONGA</b>		
Initial	17/03/73	15/11/72
2	17/03/73	28/10/75
3	17/03/75	21/02/78
4,5	17/03/79	07/04/81
6	17/03/83	19/05/83
7	17/03/85	01/03/85
8	17/03/87	26/06/87
9-10	17/03/89	07/01/93
11-13	17/03/93	27/03/97

<sup>4</sup> In the Concluding Observations of 22 August 2002 on New Zealand's fifteenth, sixteenth and seventeenth periodic reports, the Committee invited New Zealand to submit the eighteenth, nineteenth and twentieth periodic reports as a consolidated report by 22 December 2011.

14	17/03/99	17/03/99
15	17/03/2001	-
16	17/03/2003	-
17	17/03/2005	-
18	17/03/2007	-



**Convention on the Elimination of all forms of Discrimination Against Women  
(CEDAW)**

<b>Country and periodic report number</b>	<b>Date due</b>	<b>Date submitted</b>
<b>COOK ISLANDS</b>		
Initial	10/09/2007	18/09/2006
<b>FEDERATED STATES OF MICRONESIA</b>		
Initial	01/10/2005	-
<b>FIJI</b>		
Initial	27/09/96	29/02/2000
2	27/09/2000	14/01/2009
3	27/09/2004	14/01/2009
4	27/09/2008	14/01/2009
<b>KIRIBATI</b>		
Initial	16/04/2005	-
2	16/04/2009	-
<b>MARSHALL ISLANDS</b>		
Initial	02/04/2007	-
<b>NEW ZEALAND</b>		
Initial	09/02/86	03/10/86
2	09/02/90	03/11/92
3	09/02/94	02/03/98
4	09/02/98	02/03/98
5	09/02/2002	07/10/2002
6	09/02/2006	08/05/2006
<b>PNG</b>		
Initial	11/02/96	20/05/2009
2	11/02/2000	20/05/2009
3	11/02/2004	20/05/2009
4	11/02/2008	20/05/2009
<b>SAMOA</b>		
Initial	25/10/93	02/05/2003
2	25/10/97	02/05/2003
3	25/10/2001	02/05/2003
4	25/10/2005	-
5	25/10/2009	-
<b>SOLOMON ISLANDS</b>		
Initial	05/06/2003	-

<b>TUVALU</b>		
Initial	05/11/2000	02/07/2008
2	05/11/2004	02/07/2008
3	05/11/2008	-
<b>VANUATU</b>		
Initial	08/10/1996	02/03/2005
2	08/10/2000	02/03/2005
3	08/10/2004	02/03/2005
4	08/10/2008	-

**Convention against Torture and Other Cruel, Inhuman or Degrading Treatment  
or Punishment (CAT)**

<b>State Party and periodic report number</b>	<b>Date due</b>	<b>Date submitted</b>
<b>NEW ZEALAND</b>		
Initial	08/01/91	29/07/92
2	08/01/95	25/02/97
3-4	08/01/99	10/01/2002
5	08/01/2007	08/01/2007
6	15/05/2013	-

## Convention on the Rights of the Child (CRC)

Country and periodic report number	Date due	Date submitted
<b>COOK ISLANDS</b>		
Initial	05/06/99	-
<b>FEDERATED STATES OF MICRONESIA</b>		
Initial	03/06/95	16/04/96
2	03/06/2000	-
<b>FIJI</b>		
Initial	11/09/95	12/06/96
2	11/09/2000	-
<b>KIRIBATI</b>		
Initial	09/01/98	15/08/2005
2	09/07/2011 <sup>5</sup>	-
<b>MARSHALL ISLANDS</b>		
Initial	02/11/95	18/03/98
2	02/11/2000	07/12/2004
3-4	02/11/2010 <sup>6</sup>	-
<b>NAURU</b>		
Initial	25/08/96	-
2	25/08/2001	-
<b>NEW ZEALAND</b>		
Initial	05/05/95	22/09/95
2	05/05/2000	19/02/2001
3-4 <sup>7</sup>	05/11/2008	11/11/2008
<b>NIUE</b>		
Initial	18/01/98	-
2	18/01/2003	-

<sup>5</sup> In the Concluding Observations of 29 September 2006 on Kiribati's initial report, the Committee invited Kiribati to submit the second, third and fourth periodic reports as a consolidated report by 9 July 2011.

<sup>6</sup> In the Concluding Observations of 2 February 2007 on the Marshall Islands' second report, the Committee invited the Marshall Islands to submit the third and fourth periodic reports as a consolidated report by 2 November 2010.

<sup>7</sup> In the Concluding Observations of 27 October 2003 on New Zealand's second report, the Committee invited New Zealand to submit the third and fourth periodic reports as a consolidated report by 5 November 2008.

<b>PALAU</b>		
Initial	02/09/97	21/10/98
2	02/09/2002	-
<b>PNG</b>		
Initial	31/03/95	23/04/2003
2-3	30/09/2008 <sup>8</sup>	-
<b>SAMOA</b>		
Initial	28/12/96	01/11/2005
2-4	28/12/2011 <sup>9</sup>	-
<b>SOLOMON ISLANDS</b>		
Initial	09/05/97	27/02/2001
2-3 <sup>10</sup>	09/05/2007	-
<b>TONGA</b>		
Initial	06/12/97	-
2	06/12/2002	-
<b>TUVALU</b>		
Initial	21/12/97	-
2	21/12/2002	-
<b>VANUATU</b>		
Initial	05/08/95	27/10/97
2	05/08/2000	-

<sup>8</sup> In the Concluding Observations of 26 February 2004 on Papua New Guinea's initial report, the Committee invited Papua New Guinea to submit the second and third periodic reports as a consolidated report by 30 September 2008.

<sup>9</sup> In the Concluding Observations of 16 October 2006 on Samoa's initial report, the Committee invited Samoa to submit the second, third and fourth periodic reports as a consolidated report by 28 December 2011.

<sup>10</sup> In the Concluding Observations of 2 July 2003 on the Solomon Island's initial report, the Committee invited the Solomon Islands to submit the second and third periodic reports as a consolidated report by 9 May 2007.

**Convention on the Rights of Persons with Disabilities (CRPD)**

<b>Country and periodic report number</b>	<b>Date due</b>	<b>Date submitted</b>
<b>COOK ISLANDS</b>		
Initial	09/05/2011	-
<b>NEW ZEALAND</b>		
Initial	25/09/2010	-
<b>VANUATU</b>		
Initial	23/10/2010	-