

# REGIONAL WORKSHOP ON THE ESTABLISHMENT OF NATIONAL HUMAN RIGHTS MECHANISMS IN THE PACIFIC: AIMS AND OUTCOMES

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## *I INTRODUCTION*

The Regional Workshop on the Establishment of National Human Rights Mechanisms in the Pacific (Workshop) was held in Mulifanua, Samoa, from 27 to 29 April 2009. It was organised by the Office of the High Commissioner for Human Rights (OHCHR), in co-operation with the Asia Pacific Forum of National Human Rights Institutions (APF), and with the support of the Government of Samoa and the Pacific Islands Forum (PIF) Secretariat.

Building on the "Strategies for the Future: Protecting Human Rights in the Pacific" symposium, held in Samoa in April 2008,<sup>1</sup> the Workshop sought to strengthen the capacity of Pacific island States to establish national human rights institutions (NHRIs) that comply with established international standards (the "Principles relating to the status and functioning of national institutions" (Paris Principles)).<sup>2</sup> Particular emphasis was placed on the practical aspects associated with establishing NHRIs in the Pacific context. To this end, the Workshop was guided by resource persons from the NHRIs of Australia, the Maldives, New Zealand, the Philippines and Timor-Leste, each of whom led discussion and spoke to their national experiences.

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1 The aim of the symposium was to identify key human rights challenges in the Pacific, and strategies for strengthening national, regional and international mechanisms for enhanced protection of human rights in the region.

2 Principles Relating to the Status of Functioning of National Institutions for the Protection and Promotion of Human Rights UNGA Res 48/134 (20 December 1993) [Paris Principles].

Invitations were extended to representatives of the Governments and Parliaments of the Pacific Islands states that are yet to establish an NHRI, namely: the Cook Islands, the Federated States of Micronesia, Kiribati, Nauru, Niue, Palau, Papua New Guinea, the Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu. Seven of these states were represented at the Workshop: Nauru, Niue, Palau, the Republic of the Marshall Islands, Samoa, Solomon Islands, and Vanuatu.

Representatives from civil society organisations (VANGO (Vanuatu) and the Disabilities Council of Samoa), the Pacific Regional Rights Resource Team (RRRT), the New Zealand Agency for International Development (NZAID), the United Nations Development Programme (UNDP), and the United Nations (UN) Resident Co-ordinator's Office in Samoa also participated in the Workshop.

## ***II KEY THEMES***

The Workshop addressed a number of intersecting themes: human rights issues in the Pacific; the various models, mandates and roles of NHRIs; the appropriateness of NHRIs to Pacific Islands States; and the concrete steps that should be taken towards establishing an NHRI.

### ***A Human Rights Issues in Pacific Islands States***

Participants were invited to discuss the human rights situation in their respective countries, including the strengths and weaknesses of their domestic systems. Common themes emerged, including:

- the low level of human rights treaty ratification by Pacific Islands states;
- the absence of domestic human rights mechanisms;
- good governance and the accountability of public officials;
- the prevalence of violence against women; gender equality, including women's political participation;
- children's rights; trafficking in persons;
- the rights of persons with disabilities;
- and economic, social and cultural rights, including the rights to education, housing, employment and the highest attainable standard of health.

### ***B NHRI: Models, Mandates and Roles***

The majority of the discussion was dedicated to NHRIs, including: the different models and their core functions;<sup>3</sup> Paris Principles compliance; NHRI interaction with institutional<sup>4</sup> and non-institutional actors;<sup>5</sup> NHRI interaction with the international human rights system;<sup>6</sup> and regional and international co-operation between NHRIs.<sup>7</sup> Resource persons also introduced practical examples of the human rights work of their institutions with respect to children, gender and disability.

### ***C The Appropriateness of NHRIs to Pacific Island States***

Participants identified a number of perceived obstacles to the establishment of NHRIs in Pacific Islands states. These included: the limited availability of financial and human resources to establish and operate an NHRI; the compatibility of human rights with traditions, customs, and religious beliefs and practices; an absence of significant human rights issues in-country; an absence of political will; and public scepticism around human rights. It was communicated to participants, however, that the Paris Principles' flexible framework allows for NHRIs to be tailored to the legal, political, historical, religious and cultural specificities of each state, and that resource limitations need not be a barrier to establishing an independent and effective NHRI.

### ***D Concrete Steps Towards NHRI Establishment***

A number of participants sought concrete advice on how to promote the establishment of an NHRI in their countries. In response, OHCHR and the APF prepared and distributed a blueprint resource, entitled *Making It Happen*, which set out the preliminary and immediate steps to be taken.

## ***III OUTCOMES***

Both organisers and participants welcomed the Workshop's success, which culminated in the adoption of an outcome statement entitled

the *Samoa Declaration*. Amongst other things, the *Samoa Declaration* recognised: NHRIs as key actors in strengthening human rights promotion and protection; the importance of taking

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3 Particular attention was given to the roles of ombudsmen, human rights commissions, and specialised agencies.

4 Governments, parliaments, and the judiciary.

5 Civil society, the media, and the corporate sector.

6 Including the Human Rights Council, the Special Procedures, the Universal Periodic Review mechanism, and the human rights treaty bodies.

7 Via the International Co-ordinating Committee of National Human Rights Institutions [ICC] and the APF.

necessary measures towards establishing Paris Principles compliant NHRIs; the Workshop's role in empowering participants to promote and explore the establishment of NHRIs in their respective countries; and that assistance, support and advice towards the establishment of NHRIs is available on request, from OHCHR, the APF, PIF and relevant UN and donor agencies.

#### ***IV NEXT STEPS***

The APF received informal requests for technical assistance towards NHRI establishment from representatives of Nauru and Palau at the Workshop. A representative from Solomon Islands also gave a personal undertaking to develop a cabinet paper requesting assistance from UNDP to explore the establishment of an NHRI in Solomon Islands.

Further, the APF welcomed the very positive and concrete steps that the Government of Samoa is taking towards establishing an NHRI and, in particular, the commitment of the Attorney-General of the Government of Samoa, the Hon Aumua Ming Leung Wai, to this process. The APF also hopes to work on Vanuatu's recent request for technical assistance towards the establishment of an NHRI.<sup>8</sup>

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<sup>8</sup> Made during Vanuatu's Universal Periodic Review examination in Geneva on 12 May 2009. Visit <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Highlights12May2009AM.aspx>.