



**UNITED NATIONS OFFICE OF THE
HIGH COMMISSIONER
FOR HUMAN RIGHTS (OHCHR)**
Regional Office for the Pacific



PACIFIC ISLANDS FORUM SECRETARIAT

**ICESCR
ICCPR
ICERD
CAT
CEDAW
CRC
CRPD
ICRMW**

**RATIFICATION OF INTERNATIONAL
HUMAN RIGHTS TREATIES:
ADDED VALUE FOR THE PACIFIC REGION**



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Discussion paper

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ADDED VALUE FOR THE PACIFIC REGION**

July 2009



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“ “ The United Nations has recognized that development, security, peace and justice cannot be fully realized without human rights. Our welfare rests on each and all of these pillars. Each and all of these pillars are undermined when discrimination and inequality—both in blatant and in subtle ways—are allowed to fester and to poison harmonious coexistence. ” ”

Ms. Navanethem Pillay

United Nations High Commissioner for Human Rights

“ “ All rights are fundamental to human development; the right to health is just as critical as the right to freedom of speech; and the right to livelihood is inexorably linked to freedom of movement. These are the essential underpinnings of the right to development. Without support for all human rights, I do not believe we can have real prospect for communities and for Forum member States to achieve sustainable development goals. ” ”

Tuiloma Neroni Slade

Secretary General

Pacific Islands Forum Secretariat



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FOREWORD

In the Pacific, as in some other regions of the world, the human rights discussion often focuses on the narrow question of the relationship between local culture, customs or values and universal human rights. This paper, *Ratification of International Human Rights Treaties: Added Value for the Pacific Region*, one of a series of papers on human rights issues in the Pacific, aims to broaden the discussion by examining the links between human rights and development.

In 2004, leaders of the 16 Member States of the Pacific Islands Forum adopted a vision for the Pacific region, which they defined in the “Pacific Plan for Strengthening Regional Cooperation and Integration.” Leaders of the Pacific agreed that the key goals of the Pacific Islands Forum are economic growth, sustainable development, good governance and security. That same year, United Nations Secretary-General Kofi Annan noted that, “We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed.”

The interdependence among all human rights is indisputable. Political and civil rights cannot be advanced without respect for economic, social and cultural rights, and vice versa. Economic and social justice can best be achieved in an atmosphere of political stability supported by an independent judiciary. An environment in which the rule of law is respected will attract greater economic investment.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) working together with the Pacific Islands Forum Secretariat is pleased to promote and support implementation of the Pacific Plan, and it stands ready to provide technical advice and assistance relating to human rights treaty ratification, one of the Plan’s key objectives. The two organisations hope that this paper offers convincing evidence of the vital importance for all Forum countries to ratify and implement the core international human rights treaties.

July 2009

Ms. Navanethem Pillay
United Nations High Commissioner
for Human Rights

Tuiloma Neroni Slade
Secretary General
Pacific Islands Forum Secretariat



Executive Summary

The Pacific region, compared with other regions of the world, has ratified the fewest number of core international human rights treaties, while at the same time nearly every Pacific Island country guarantees basic civil and political rights through its constitution. Ratification and implementation of those treaties is widely recognized as a basic requirement for promoting and protecting human rights on the national level. The treaties oblige States Parties to take measures to ensure that their domestic legislation and policies conform to international standards. For States Parties in the Pacific region, human rights treaties offer an added value: they provide a legal basis and structure to support internationally agreed development goals, most of which are included in regional and national development strategies.

Over the past two decades, economic growth and development in the Pacific region have been relatively slow. Growing poverty and a lack of sustainable livelihood opportunities are evident in many Pacific countries. Lack of access to the benefits from and control over natural resources is linked to rising disparities in income, social tension and political instability. For small island economies, the result of globalization is all too often human rights violations, particularly in the economic and social sphere.

In October 2005, Pacific Island Forum leaders adopted the Pacific Plan of Action for strengthening Regional Cooperation and Integration (the Pacific Plan). The Pacific Plan aims to develop a region that supports the sustainable management of its resources, democratic values, and respect for human rights. Initiative 12.5 of the Pacific Plan, explicitly promotes the ratification and implementation of international human rights treaties. In addition, all members of the Pacific Island Forum have committed themselves to achieving the eight Millennium Development Goals (MDG) by the year 2015.

The links between the MDGs and the Strategic Objectives of the Pacific Plan are obvious. What might seem less clear is how these development goals are related to international human rights instruments. As UNDP noted in its *Human Development Report 2000*: “a decent standard of living, adequate nutrition, health care, education and decent work and protection against calamities are not just development goals—they are also human rights.” Thus, the poor not only have needs, but they also have rights. Therefore, duty-bearers, that is to say, States, have legal obligations to fulfill. These legal obligations, as set out in the core international human rights instruments, underpin both the MDGs and the Pacific Plan’s Strategic Objectives.

Despite their commitment to these development goals, not all countries in the Pacific region have made a similar commitment to adherence to the essential international treaties on which sustainable development must be built. While the link between human rights and development should now be clear, there are also some less obvious benefits, or added value, for Pacific Island States in ratifying these core human rights treaties.



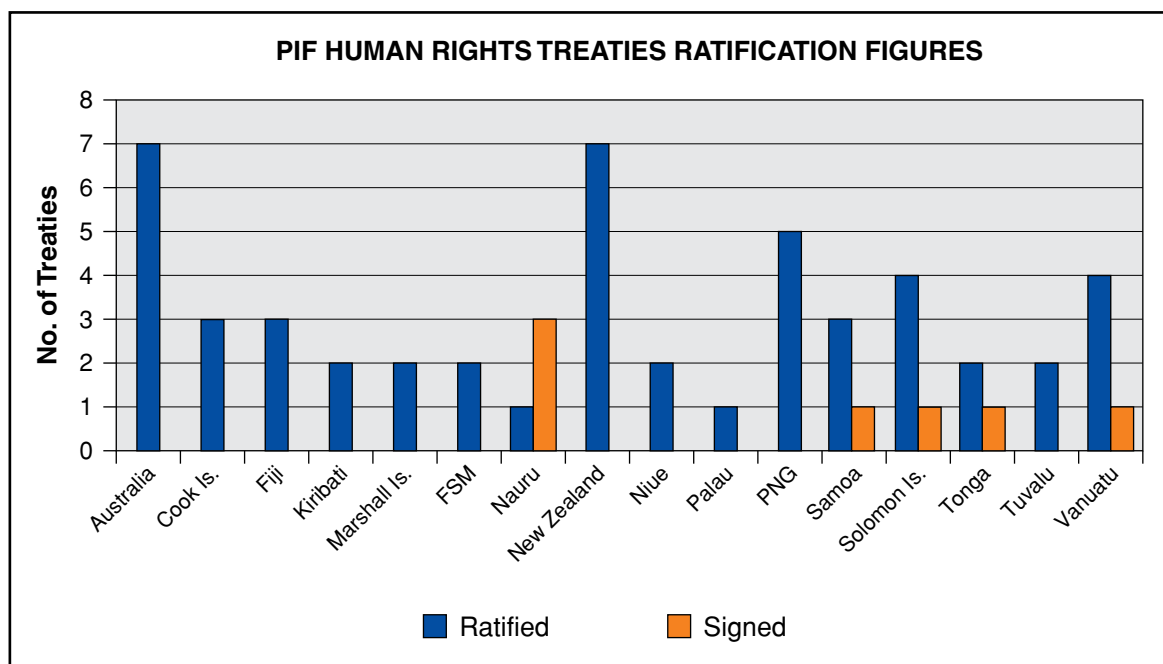
Ratification -

- provides a legal regime of accountability;
- enables the realization of human rights and strengthens adherence to the rule of law;
- provides an opportunity to strengthen intra-government cooperation;
- improves the international profile of Pacific Island countries and their governments;
- involves meaningful participation of civil society in the development process; and
- encourages a more effective system of aid, technical support and global justice.

Some States argue that they are, in one way or another, ill-equipped to assume the legal obligations imposed by international human rights treaties. They cite lack of financial resources, the existence of customary practices that might conflict with human rights principles, the idea (which is not entirely correct) that the State must be in full compliance with the treaty before it can ratify the treaty, and the demands of the treaty-reporting process.

In fact, all of these concerns can be allayed with the assistance of civil society, the support of the international community and the political will of governments. Many United Nations agencies and other regional and international organizations provide support for treaty ratification, implementation and reporting. National human rights institutions, which serve as a bridge between civil society and the government, can also play a vital role in raising public awareness about the need to ratify these treaties.

Most Pacific island countries have a bill of rights enshrined in their constitutions; most have also already ratified the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, two of the core international human rights treaties. Given this rights-based foundation, the Pacific region is primed to commit itself more completely to the international human rights system. Increasing the levels of ratification, with the aim of ratifying and implementing all the core human rights treaties would demonstrate to the world that Pacific Island countries are prepared to make that commitment.





The Regional Context

Nearly every Pacific Island country guarantees basic civil and political rights through its constitution. A few countries in the region also provide for some economic, social and cultural rights. Yet, compared with other regions of the world, the Pacific region has ratified the fewest number of core international human rights treaties. Ratification and implementation of those treaties is widely recognized as a basic requirement for promoting and protecting human rights on the national level, as these treaties establish measures that States Parties must take to ensure that their domestic legislation and policies conform to international standards. Human rights treaties offer an added value to States Parties in the Pacific region: they impose legal obligations that underpin internationally agreed development goals, most of which are mirrored in regional and national development strategies.

Most observers agree that over the past two decades, economic growth and development in the Pacific region have been relatively disappointing. Reports issued by the Asian Development Bank and the United Nations Development Programme (UNDP) have repeatedly attributed the lack of progress to various factors, including poor governance. Growing poverty and a lack of sustainable livelihood opportunities are evident in many Pacific countries. Lack of access to the benefits from and control over natural resources is linked to rising disparities in income, social tension and political instability. Often, the impact of globalization on small island economies is made manifest in human rights violations, particularly of economic, social and cultural rights.

In October 2005, Pacific Island Forum leaders adopted the Pacific Plan of Action for strengthening Regional Cooperation and Integration (the Pacific Plan). The Pacific Plan aims to develop 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.”

The link between the Plan’s 15 Strategic Objectives and the need to protect and promote human rights is explicitly stated. Indeed, the objectives to reduce poverty (4), improve health (6), improve education and training (7), improve gender equality (8), recognize and protect cultural values, identities and traditional knowledge (11), improve transparency, accountability, equity and efficiency in the management and use of resources (12), improve political and social conditions for stability and safety (13) and increase national ownership and commitment to regional approaches, plan, policies and programmes (14) are all directly connected to provisions contained in the principal international human rights treaties. These links are recognized further in initiative 12.5 of the Plan, which explicitly promotes the ratification and implementation of international human rights treaties by PIF countries.

In addition, all members of the Pacific Island Forum have committed themselves to achieving the eight Millennium Development Goals (MDG) by the year 2015. These goals are:

- Eradicate extreme poverty and hunger
- Achieve universal primary education
- Promote gender equality and empower women
- Reduce child mortality



- Improve maternal health
- Combat HIV/AIDS, malaria and other diseases
- Ensure environmental sustainability
- Develop a global partnership for development

How Development is Linked to Human Rights

The links between the MDGs and the Strategic Objectives of the Pacific Plan are obvious. What might seem less clear is how these development goals are related to international human rights instruments. As UNDP noted in its *Human Development Report 2000*: “a decent standard of living, adequate nutrition, health care, education and decent work and protection against calamities are not just development goals—they are also human rights.” Once the notion of rights is introduced into development policy-making processes, the logic behind poverty reduction is expanded to the poor not only have needs, but also rights. Therefore, duty-bearers, that is to say, States, have legal obligations to fulfill.

These legal obligations, as set out in the core international human rights instruments, underpin both the MDGs and the Pacific Plan’s Strategic Objectives. These treaties are:

- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Covenant on Civil and Political Rights (ICCPR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention on the Rights of the Child (CRC)
- 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 (ICPAPED)
- Convention on the Rights of Persons with Disabilities

The table below shows the connections between specific provisions in international human rights treaties and development strategies.

| Millennium Development Goal (MDG) | Pacific Plan Strategic Objective (SO) | Key Related Human Rights |
|---|---|---|
| MDG 1: Eradicate extreme poverty and hunger | SO 4: Reduced poverty; SO 12: Improved transparency, accountability, equity and efficiency in the management and use of resources | Universal Declaration of Human Rights, article 25(1); ICCPR articles 6 and 26; ICESCR article 11; ICMW article 70; CRC articles 2, 6, 24.2(c) and 27; Disability arts. 25(f) and 28 |
| MDG 2: Achieve universal primary education | SO 7: Improved education and training; SO 12: Improved transparency, accountability, equity and efficiency in the management and use of resources | Universal Declaration of Human Rights article 25(1); ICESCR articles 13 and 14; ICCPR article 26; CRC article 28(1)(a); CEDAW article 10; CERD article 5(e)(v); ICMW article 30; Disability art. 24 |



| | | |
|---|---|---|
| MDG 3: Promote gender equality and empower women | SO 8: Improved gender equality; SO 12: Improved transparency, accountability, equity and efficiency in the management and use of resources | Universal Declaration of Human Rights article 2; CEDAW; ICESCR article 3; ICCPR articles 2, 3 and 26; CRC article 2; ICMW article 7; Disability art. 6 |
| MDG 4: Reduce child mortality | SO 6: Improved health; SO 12: Improved transparency, accountability, equity and efficiency in the management and use of resources | Universal Declaration of Human Rights article 25; CRC articles 6, 24(2)(a); ICESCR article 12(2)(a); ICCPR article 6; ICMW articles 28 and 43 (1) (e); Disability arts. 10 and 24 |
| MDG 5: Improve maternal health | SO 6: Improved health; SO 12: Improved transparency, accountability, equity and efficiency in the management and use of resources | Universal Declaration of Human Rights article 25; CEDAW articles 10(h), 11(f), 12, 14(b); ICESCR article 12; ICCPR article 6; CRC article 24(2)(d); CERD article 5(e)(iv); ICMW articles 28 and 43 (1) (e); Disability art. 24 |
| MDG 6: Combat HIV/AIDS, malaria and other diseases | SO 6: Improved health; SO 12: Improved transparency, accountability, equity and efficiency in the management and use of resources | Universal Declaration of Human Rights article 25; ICESCR article 12, CRC article 24; ICCPR article 6; CEDAW article 12; CERD article 5(e)(iv); Disability art. 24 |
| MDG 7: Ensure environmental sustainability | SO 12: Improved transparency, accountability, equity and efficiency in the management and use of resources | Universal Declaration of Human Rights article 25(1); ICESCR articles 11(1) and 12; ICCPR article 2; CEDAW article 14(2)(h); CRC article 24; CERD article 5(e)(iii); ICMW article 70; CRC article 24.2(c); |
| MDG 8: Develop a global partnership for development | SO 14: Increased national ownership and commitment to regional approaches, plans, policies and programmes; SO 12: Improved transparency, accountability, equity and efficiency in the management and use of resources | The UN Charter articles 1(3), 55 and 56; Universal Declaration of Human Rights articles 22 and 28; ICESCR articles 2(1), 11(1), 15(4), 22 and 23; ICCPR article 2; CRC articles 4, 24(4) and 28(3); ICMW article 64; Disability arts. 32 and 33 |

MDGs will only be sustainable if States' human rights obligations are respected and strengthened in the strategies used to achieve those Goals. Yet, despite their commitment to these development goals, countries in the region have not made a similar commitment to the essential international treaties on which sustainable development must be built. Among the 16 Pacific Island Forum member States, two States (Australia and New Zealand) have ratified seven of the core treaties, one State (Papua New Guinea) has ratified five of the core treaties, two States (Solomon Islands and Vanuatu) have ratified four of the treaties, three States (Cook Islands, Fiji and Samoa) have ratified three, six states (Federated States of Micronesia, Kiribati, Marshall Islands, Niue, Tuvalu, Tonga) have ratified two of the treaties and two States (Nauru and Palau) have ratified only one of these treaties. (For details on Pacific region ratification rates, see Annex.)

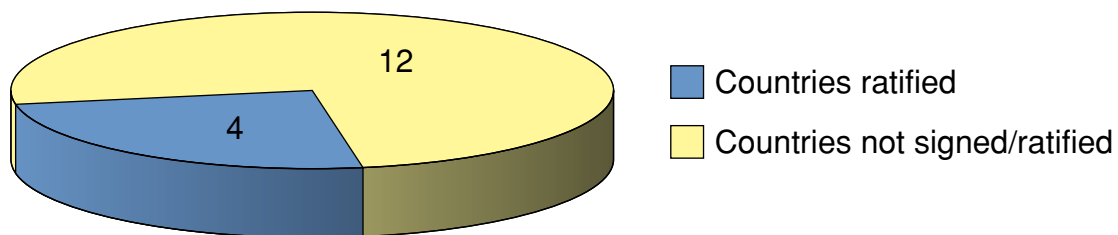


What These Core Treaties Mean for Pacific Island Countries

As the chart indicates, each of these treaties contains provisions that are of specific relevance to Pacific Island countries:

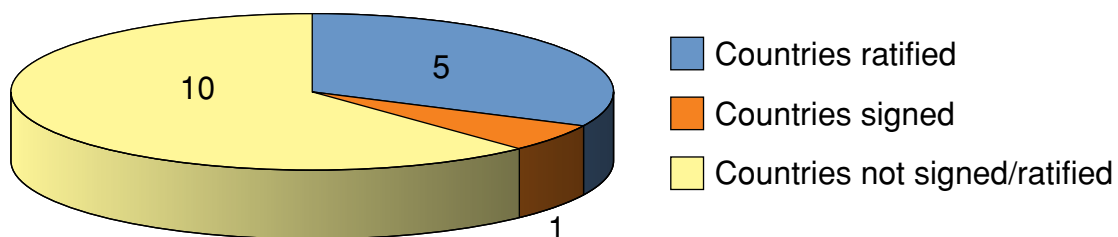
International Covenant on Economic, Social and Cultural Rights (ICESCR)

Some 25 percent of the region's population lives in poverty. None of the countries in the region provides access to potable water to its entire population; in some rural communities, only 20 percent of the population has access to safe drinking water. While expenditure on education has increased, schools in rural areas and on outer islands frequently lack books and other teaching materials, according to a study published by the Asian Development Bank (*Hardship and Poverty in the Pacific*, by David Abbott and Steve Pollard). The ICESCR directly addresses these issues, covering the rights to education, health, and work and to an adequate standard of living, including food, clothing and housing. It is the human rights treaty that links sustainable development to human rights.



International Covenant on Civil and Political Rights (ICCPR)

Several Pacific States have faced governance challenges since their independence, including political instability and civil strife. As the Asian Development Bank's study, *Hardship and Poverty in the Pacific*, acknowledges, good governance is the key to fighting poverty, and good governance is not possible without respecting the civil and political rights enshrined in the ICCPR. These rights include freedom of expression, movement, thought, conscience and religion, the right to vote and to stand in elections, and the right to life.

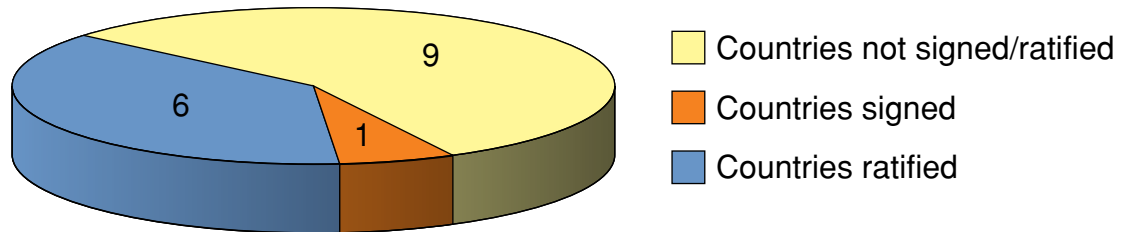


International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

Virtually all Pacific Island countries have specific provisions in their constitutions that prohibit discrimination based on race; but they do not provide adequate explanations or definitions as to what constitutes racial or ethnic discrimination. While the ICERD focuses on racial discrimination

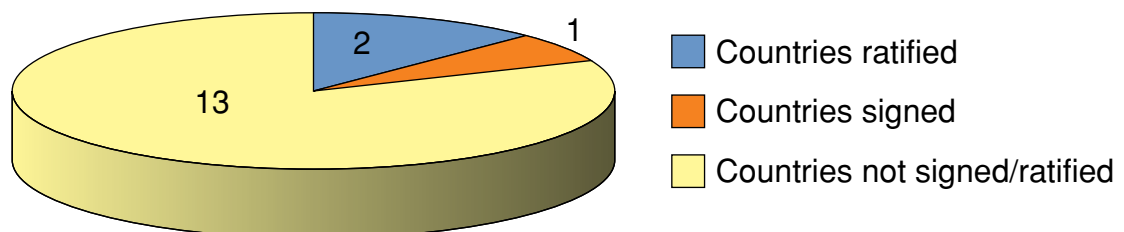


perpetrated by the State against an individual or group of people, it also establishes responsibility for preventing private actors from discriminating on the basis of race in all areas, including the workplace and the media. While the issue of racial discrimination is not specifically addressed in the Pacific Plan, harmonization of legislation with the ICERD is one of the targets of the good governance Strategic Objective for the first three years of the Plan (2006-2008).



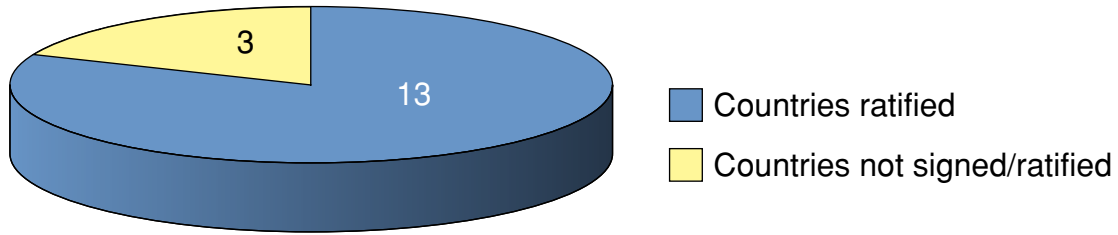
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

By promoting minimum standards for interrogation, investigations, custody and treatment of persons subjected to any form of arrest, detention or imprisonment, CAT aims to protect individuals from harm caused by a State or its agents, including police. The Pacific region is not immune to the brutality of law enforcement officials, and such brutality leads to public mistrust of these officials. Implementation of the CAT would lead to improved performance of law enforcement officials and therefore better community relations with these officials. Improving safety and security, a flow on effect of better relations and trust between law enforcement officials and communities, is one of the main objectives of the Pacific Plan; yet Australia and New Zealand are the only countries in the region that have ratified CAT.



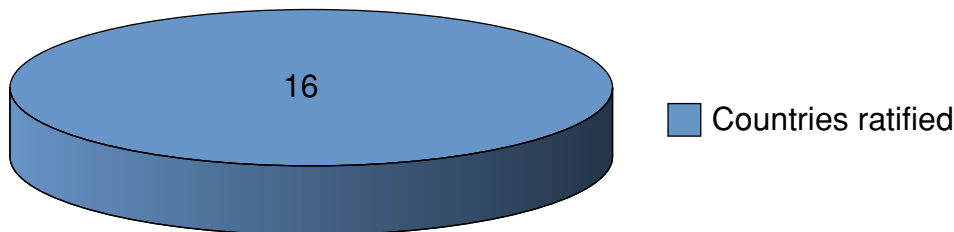
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

While women make up 50 percent of the Pacific's population, they represent only one-third of the formal, paid workforce and, within that, hold only 10 to 20 percent of managerial positions. Pacific Island countries have the lowest number of women members of parliament out of all the regions of the world, with a regional average of just 4.5 percent. Yet CEDAW is the second most ratified international human rights treaty in the Pacific, after the Convention on the Rights of the Child. CEDAW calls for States Parties to change laws and policies that have a detrimental impact on women. Studies have shown that when the lives of women are improved, entire families, and therefore communities, benefit.



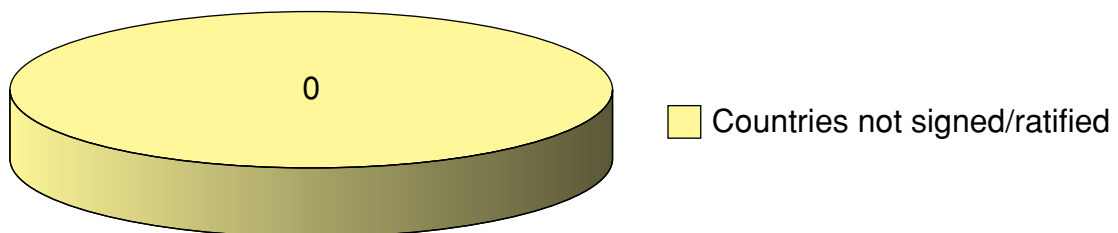
Convention on the Rights of the Child (CRC)

The CRC protects the rights of all children under 18 years of age by setting standards for their civil rights and freedoms, health care, education, legal, civil and social services, juvenile justice, and economic and other forms of exploitation. All of these issues are addressed in the Pacific Plan—and every Pacific Island country has ratified, although not yet fully implemented, the treaty.



International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW)

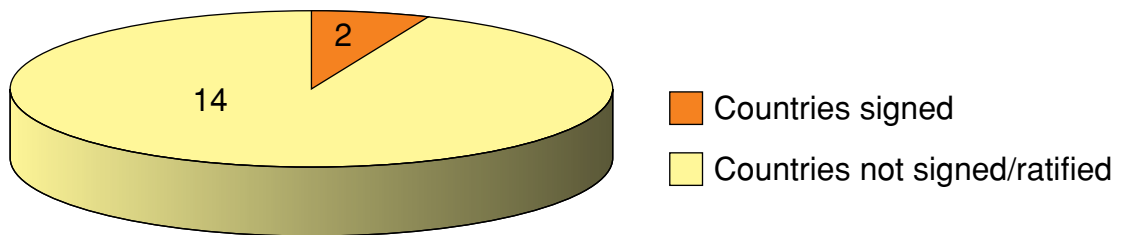
The United Nations estimates that some three percent of the world's population, or 175 million people, are migrants. For many years, Pacific Islanders have migrated for better salaries and living conditions. More recently, the flow has been moving in the opposite direction as well, with skilled migrants from other countries coming to the region. Remittances are the largest source of income for some Pacific Island countries. Since the primary objective of the ICRMW is to protect migrant workers and their families from exploitation and violation of their fundamental human rights, ratification of the treaty is an important step toward protecting the rights of migrant workers in the region and of those from the region who work abroad. That protection, in turn, supports the region's social and economic development.





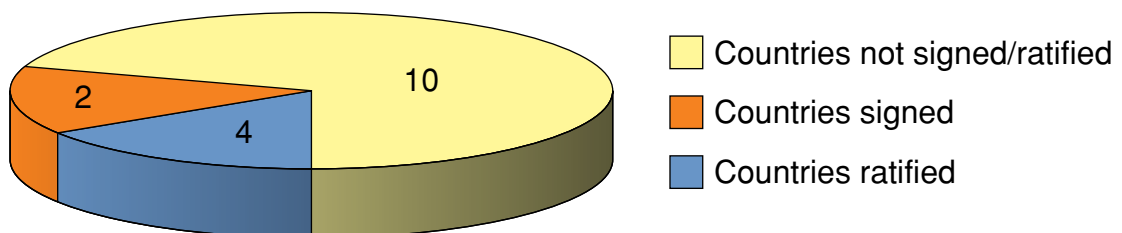
International Convention for the Protection of All Persons from Enforced Disappearance

This Convention is not yet in force. It will go into force after twenty states have ratified or acceded to it. Currently there are 81 signatories, and 7 State parties to the Convention. Enforced disappearance is a practice that affects men, women and children from all parts of the globe. It involves the arrest, detention or abduction of persons by state officials without their fate or whereabouts being acknowledged. The victims include human rights defenders, religious leaders, and people belonging to different ethnic and indigenous groups. By joining this Convention, Pacific Island States can help reinforce the strong international consensus against this human rights violation.



Convention on the Rights of Persons with Disabilities

It is estimated that some 600 million persons live with a disability, and 80 percent of them live in least developed countries. The Convention does not create any new rights for persons with disabilities; rather, it clarifies States' obligations to these persons in relation to existing civil, cultural, economic, political and social rights. In an important shift of attitude, the Convention perceives persons with disabilities not as objects of charity, but as rights-holders who are able to claim those rights as active members of society. It also aims to mainstream human rights and disability within existing development programmes.





The Added Value of Ratification and Implementation

The link between human rights—and the international human rights framework—and development should now be clear. But there are also some less obvious benefits, or added value, for Pacific Island States in ratifying these core human rights treaties:

- **Ratification provides a legal regime of accountability**
International human rights treaties set a legal regime of obligation and accountability that can complement and reinforce the implementation of national and regional plans while, at the same time, help to measure progress in development. The mechanism of treaty monitoring and reporting allows for the periodic review of national policies and practices that are then measured against international standards. Ratification of a treaty enables a State Party to ask for assistance in complying with its treaty obligations.
- **Ratification enables the realization of human rights and strengthens adherence to the rule of law**
Ratification and implementation of human rights treaties indicates a commitment to strengthening the protection and promotion of human rights nationally and to promoting respect for social justice, the rule of law and democracy. International human rights treaties offer a common language and a clear set of norms and standards. Using the language of rights as a common language allows for broad international consensus and international collaboration. It helps to demonstrate the strong international consensus defending certain rights or combating certain abuses.
- **Ratification provides an opportunity to strengthen intra-government cooperation**
With the commitment to promote and protect human rights implied in ratification and implementation, government agencies are more likely to work together on cross-cutting issues. Greater cooperation between national and local authorities can mean more effective implementation of the Pacific Plan. Through lessons-learned and model legislation, cooperation can be exported not just from agency to agency, but also from country to country within the region.
- **Ratification improves the public profile of Pacific Island countries and their governments**
Ratification and implementation of these treaties demonstrates good will and the political intention of the ratifying State to comply with international norms and standards. It also shows international solidarity and cooperation and, for Pacific Island countries, a willingness to improve the lives of their populations.
- **Ratification involves meaningful participation of civil society in the development process**
The provisions contained in human rights treaties assume that their beneficiaries are not passive recipients, but active rights-holders who can claim their rights. Thus, civil society becomes a partner of the State in implementing the treaty. The treaty-reporting process, in particular, encourages constructive collaboration between State entities and members of civil society. These efforts can, in turn, lead to greater participation by and support from civil society in the development activities elaborated in the Pacific Plan.



- **Ratification encourages a fairer system of aid, technical support and global justice**

In recent years, a significant number of donor agencies, including many that are active in the Pacific region, have mainstreamed human rights into their aid policies. Ratification and implementation of international human rights treaties reassures donors that the State Party will use donor funds toward equitable and just practices, thus building mutual confidence that could perhaps lead to greater support. In addition, development agencies often use the treaty-reporting process as an opportunity to assess national strengths and weakness and to discuss with State officials, national human rights institutions, civil societies and United Nations entities possible new or continued programming. Ratification and implementation thus open possible channels for international aid and technical support.

Overcoming Perceived Obstacles to Ratification

Some States argue that they are, in one way or another, ill equipped to assume the legal obligations imposed by international human rights treaties. They cite lack of financial resources, the existence of customary practices that might conflict with human rights principles, the (erroneous) idea that the State must be in full compliance with the treaty before it can ratify the treaty, and the demands of the treaty-reporting process.

In fact, these concerns can be allayed with the assistance of civil society, the support of the international community and political will of governments.

Resource implications

Most Pacific Island countries believe that they do not have sufficient resources to implement human rights treaties. According to an unpublished UNDP paper (*Baseline Survey on the Status of Pacific Island Countries: Ratification of main human rights instruments and their possible reservations, traditional governance practices that could support human rights, and the work of other agencies and organizations in promoting human rights in the Pacific*, by Elise Huffer), their priorities tend to be limited to issues of primary concern to their own countries and to the region, in general, such as sustainable development, fisheries, global warming, security and anti-terrorism policies.

But as detailed above, most of these issues are directly linked to human rights and without the implementation of human rights standards, it is unlikely that countries of the region will see sustainable improvements in such areas as human development and security.

Custom and human rights

Customary practices do not necessarily conflict with human rights principles. However, it is important to be aware of those practices in the region, such as Melanesian kustom and fa'a Samoa, understand how they might differ from international human rights standards, and try to reconcile the two. Public discussion and debate, through the media, academia, civil society organizations and development programmes can be an essential step towards such reconciliation.



The fallacy of pre-ratification compliance

There is a common misperception, in the Pacific region and elsewhere, that full compliance with treaty provisions is a pre-requisite for ratification. This is not true. In fact, no country in the world manages full compliance. There is always room for improvement. Ratification should signal the beginning of a process to amend national legislation so that it conforms to international human rights standards. States should not regard their current domestic human rights situation as a barrier to treaty ratification. Instead, ratification should be seen as an opportunity to effect change.

States are not required to ratify all of the core international human rights treaties at once. In fact, States Parties that have ratified all or most of the core treaties have usually done so over an extended period of time. Treaties may be gradually ratified and implemented, with the assistance of the United Nations and other partners, if necessary.

Reporting

United Nations treaty bodies monitor States Parties' compliance with these treaties through various procedures, the most important of which is the reporting process. States Parties are required to submit periodic reports to these treaty bodies on the implementation of the treaty. After the treaty bodies review reports and discuss them with the government concerned, they issue recommendations aimed at assisting States in implementing the treaties.

Pacific Island countries generally perceive reporting requirements as an obstacle to ratification. Most of the States in the region that have ratified international human rights treaties have difficulty in complying with the accompanying reporting obligations—as do many other countries in other regions of the world—because of insufficient human and financial resources.

However, national reporting capacity can be strengthened over time with assistance from donors and United Nations agencies. In addition, gathering information for treaty reporting can often be linked to reporting on progress toward the Millennium Development Goals and the Universal Periodic Review, thus consolidating efforts and reducing costs.

The Role of National Human Rights Institutions

In recent years, many countries have established independent, legally constituted bodies to promote and protect human rights, known generally as National Human Rights Institutions (NHRIs), and regulated by the so called “Paris Principles” (i.e. the “Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights”, approved by UN General Assembly Resolution 48/ 1993).¹ Currently, there are over 100 NHRIs established worldwide; 60 of which have been recognized as in compliance with the Paris Principles.²

Within the Pacific only Australia, Fiji and New Zealand have established NHRIs. While the New

1 These Principles set the minimum standards that such institutions should comply with in order to function effectively; including independence, pluralism, a broad mandate to protect and promote human rights, accessibility, functional and structural autonomy, interaction with civil society, and ideally, powers to handle cases of human rights violations.

2 In the Asia Pacific context, the establishment of mechanisms in compliance with the Paris Principles is one of the four pillars of the Asia Pacific Framework on Regional Cooperation for the Promotion and Protection of Human Rights.



Zealand Human Rights Commission and Australian Human Rights Commission are accredited as Paris Principles compliant by the International Coordinating Committee (ICC) and the Asia Pacific Forum of NHRIs (APF), the Fiji Human Rights Commission, despite having a long history of active involvement on human rights promotion and protection, resigned from the ICC of NHRIs in April 2007.³

As a bridge between civil society and government, as well as between the international human rights system and the national system, NHRIs can play a vital role in relation to the UN Treaty Body process. They can raise public awareness about the meaning and value of international human rights treaties and the need to ratify them; advise national authorities on the ratification and implementation of treaties; and follow up on the adequate implementation of human rights standards at the national level. In recent years, NHRIs have become increasingly engaged with treaty bodies, both formally and informally. They can interact with treaty bodies by providing information on the human rights situation in their country, intervene during the pre-sessional working groups or the working sessions of the treaty bodies, provide input on the list of issues considered by the treaty bodies and interact with treaty bodies when the state report is examined. Each treaty body determines its own relationship with NHRIs. The Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, and the Committee on the Elimination of Racial Discrimination have all issued general comments emphasizing the importance of NHRIs in protecting human rights. OHCHR is advocating for a harmonized approach on the interaction between NHRIs and Treaty Bodies.

Toward a Regional Institution

Asia and the Pacific are the only regions in the world that do not have their own regional human rights institutions or mechanisms to assist States in ratifying, implementing and reporting on international human rights treaties. Intergovernmental discussions, launched in 1992 through the United Nations Asia-Pacific Framework on Regional Cooperation for the Promotion and Protection of Human Rights, have promoted the idea of creating such an institution. The Pacific Plan also supports “the establishment of a regional ombudsman and human rights mechanisms to support the implementation of Forum Principles of Good Leadership and Accountability...” Some regional organizations such as the Association of Southeast Asian Nations (ASEAN) are establishing their own regional human rights bodies.

There are some in the Pacific region who believe that there must first be regional consensus on human rights priorities before any such mechanism is established.

In the absence of a regional mechanism, many United Nations agencies and organizations provide support for human rights treaty ratification, implementation and reporting, including, the OHCHR, UNESCAP, ILO ,UNDP, UNESCO, UNHCR, UNAIDS, UNICEF, UNIFEM, and the UNFPA

³ See NHRIs status chart at [http://www.nhri.net/2009/Chart%20of%20the%20Status%20of%20NIs%20\(6%20January%202009\).pdf](http://www.nhri.net/2009/Chart%20of%20the%20Status%20of%20NIs%20(6%20January%202009).pdf)



Conclusion

The goal of the Pacific Plan is to develop a region “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.” As recognized in initiative 12.5 of the Pacific Plan, ratification of the core international human rights treaties, beginning with the ICCPR and the ICESCR, is widely regarded as a basic requirement for promoting and protecting human rights. Yet the Pacific region has the lowest ratification rate in the world.

While there are arguably some obstacles to ratification and implementation of these treaties, particularly lack of technical and financial resources and lack of awareness about the links between human rights and development, implementation of these core treaties is critical to the development of the region, to the success of the Pacific Plan, and to the realization of the Millennium Development Goals. Indeed, the Millennium Development Goals will only be sustainable if States’ human rights obligations are respected and strengthened in the strategies used to achieve those Goals.

In addition, there is added value for Pacific Island countries that ratify and implement international human rights treaties. Ratification

- provides a legal regime of accountability
- enables the realization of human rights and strengthens adherence to the rule of law
- provides an opportunity to strengthen intra-government cooperation
- improves the public profile of Pacific Island countries and their governments
- involves meaningful participation of civil society in the development process
- encourages a fairer system of aid, technical support and global justice

Most Pacific Island countries have a bill of rights enshrined in their constitutions, guaranteeing at least basic civil and political rights; some guarantee specific economic, social and cultural rights, as well. Most States in the region have also already ratified the CRC and the CEDAW. Given this rights-based foundation, the Pacific region is primed to commit itself more completely to the international human rights system. Ratifying and implementing the nine core human rights treaties would demonstrate to the world that Pacific Island countries are prepared to make that commitment.



RESOURCES

For detailed information about each of the core international human rights treaties, see OHCHR's web site:

www.ohchr.org

For detailed information about treaty ratification, see:

The UN Treaties Handbook, issued by the United Nations, at www.unconvention.un.org/English/ConventionHandbook

and

Handbook on Ratification of Human Rights Instruments, issued by the Commonwealth Secretariat, at

www.thecommonwealth.org



ACRONYMS

| | |
|----------|---|
| APF | Asia Pacific Forum of National Human Rights Institutions |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| CRPD | Convention on the Rights of Persons with Disabilities |
| CRC | Convention on the Rights of the Child |
| DRIP | Declaration on the Rights of Indigenous Peoples |
| HIV/AIDS | Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome |
| ICCPR | International Covenant on Civil and Political Rights |
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| ICPAPED | International Convention for the Protection of All Persons from Enforced Disappearance |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families |
| ILO | International Labour Organisation |
| MDGs | Millennium Development Goals |
| NHRIs | National Human Rights Institutions |
| NGO | Non-Governmental Organization |
| NDPs | National Development Plans |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| PIC | Pacific Island Country |
| UDHR | Universal Declaration of Human Rights |
| UNDP | United Nations Development Programme |
| UNICEF | United Nations Children's Fund |
| UNHCR | United Nations High Commissioner for Refugees |
| UNESCO | United Nations Education, Scientific and Cultural Organization |
| UNESCAP | United Nations Economic and Social Commission for Asia and the Pacific |
| UNFPA | United Nations Population Fund |
| UNIFEM | United Nations Development Fund for Women |
| WHO | World Health Organization |

ANNEX

PACIFIC ISLAND COUNTRY TABLE OF TREATY RATIFICATION: CORE TREATIES (as at March 2009)

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")

Source: UN Office of Legal Affairs, Treaty Section, New York (<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/chapterIV.asp>)

| | ICESCR | ICCPR | ICERD | CEDAW | CAT | CRC | ICRMW | DISABILITY | DISAPPEARANCE |
|----------------------------------|-----------|--------------|--------------|------------------|--------------|-------------|-------|--------------|---------------|
| AUSTRALIA | 10-Dec-75 | 13-Aug-80 | 30-Sep-75 | 28-Jul-83 | 8-Aug-89 | 17-Dec-90 | | 17-Jul-08 | |
| COOK ISLANDS | | | | 1/10/1985 via NZ | | 6-Jun-97 | | 9-May-09 | |
| FIJI | | | 10-Feb-73 | 28-Aug-95 | | 13-Aug-93 | | | |
| KIRIBATI | | | | 17-Apr-04 | | 11-Dec-95 | | | |
| MARSHALL ISLANDS | | | | 2-Mar-06 | | 4-Oct-93 | | | |
| MICRONESIA (FEDERATED STATES OF) | | | | 1-Sep-04 | | 5-May-93 | | | |
| NAURU | | S: 12 Nov 01 | S: 12 Nov 01 | | S: 12 Nov 01 | 27-Jul-94 | | | |
| NEW ZEALAND | 28-Dec-78 | 28-Dec-78 | 22-Nov-72 | 10-Jan-85 | 10-Dec-89 | 6-Apr -1993 | | 25-Sep-08 | |
| NIUE | | | | 1/10/1985 via NZ | | 20-Dec-95 | | | |
| PALAU | | | | | | 4-Aug-95 | | | |
| PAPUA NEW GUINEA | 21-Jul-08 | 21-Jul-08 | 27-Jan-82 | 12-Jan-95 | | 2-Mar-93 | | | |
| SAMOA | | 15-Feb-08 | | 25-Sep-92 | | 29-Nov-94 | | S: 6-Feb-07 | |
| SOLOMON ISLANDS | 17-Mar-82 | | 17-Mar-82 | 6-May-02 | | 10-Apr-95 | | S:25-Sept-08 | |
| 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 | | 23-Oct-08 | S: 6-Feb-07 |

Indicates the date of adherence: ratification, accession or succession.

Indicates the date of signature.

Note: signature generates no legal implications







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