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# **Brief to the Special Rapporteur on the Situation of Human Rights Defenders**

**Visit to Fiji  
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This paper was drafted by the **Human Rights Law Resource Centre** with the research assistance of Afroz Kaviani Johnson.

**Acronyms**

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
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP1	Optional Protocol to the ICCPR (on individual complaints)
ICCPR-OP2	Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICESCR-OP	Optional Protocol to the ICESCR
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
NHRI	National Human Rights Institution
OHCHR	Office of the High Commissioner for Human Rights
OP-CAT	Optional Protocol to the Convention against Torture
OP-CEDAW	Optional Protocol to the CEDAW
OP-CRC-AC	Optional Protocol to the CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to the CRC on the sale of children, child prostitution and child pornography
OP-CRPD	Optional Protocol to the CRPD

## 1. Introduction

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1. This brief has been prepared for Ms Margaret Sekaggya, the Special Rapporteur on the Situation of Human Rights Defenders (the **Special Rapporteur**) in advance of her forthcoming visit to Fiji scheduled for 6 to 10 September 2010.
2. The brief is based on desktop research and provides only preliminary or background information on human rights structures, initiatives and issues in the Pacific region. National and regional non government organisations will fully brief the Special Rapporteur on the substantive issues facing human rights defenders prior to or during her visit to Fiji.
3. This brief contains the following parts:
  - (a) An outline of regional initiatives in relation to the protection of human rights in the Pacific region.
  - (b) A table of the status of international human rights treaty signature, ratification and accession for Pacific Island nations as at 31 August 2010.
  - (c) A table providing the dates for consideration of Pacific Island nations under the Universal Periodic Review (**UPR**) mechanism of the Human Rights Council.
  - (d) A table setting out the extent of constitutional protection of human rights in Pacific Island nations, with commentary from treaty monitoring bodies and from UPR reports on relevant gaps in human rights protection. This table includes references to the situation of human rights defenders, women's rights, freedom of association, rule of law and governance issues and independence of the judiciary that have been made by those bodies.
  - (e) A summary of reports made by regional and international NGOs on the situation of human rights defenders in the Pacific, or on issues that relate to those concerns.

## 2. Regional Human Rights Initiatives in the Pacific

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4. There is not currently a regional human rights monitoring or complaints institution for either the Pacific or the Asia Pacific region. However, there has been some progress towards regional and sub-regional co-operation on human rights, which is set out below.

### 2.1 Pacific Islands Forum and Pacific Plan

5. The Pacific Islands Forum<sup>1</sup> was founded in August 1971 and comprises 16 independent and self-governing states in the Pacific. The Forum is the region's foremost political and economic policy organisation. It represents Heads of Government of many independent and self-governing Pacific Island countries. Through the Forum, member states express their joint political views and cooperate in areas of political and economic concern. The Secretariat of the Pacific Community provides technical assistance, professional support and capacity building assistance in the areas of land, marine and social resources to its member countries and territories. It has 22 Pacific Island members together with Australia, France, New Zealand

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<sup>1</sup> Formerly referred to as the 'South Pacific Forum' up to October 2000.

- and the USA.<sup>2</sup> In 2008, the Pacific Regional Rights Resource Team was moved from UNDP to SPC in order to provide on-going human rights services to the region. SPC now has the largest human rights programme in the region through the services which RRRT provides.
6. The Pacific Islands Forum is now taking a greater interest in human rights as articulated by the Pacific Islands Forum Pacific Plan. The Pacific Plan was agreed to by the Pacific Islands Forum in 2004 to give effect to the vision agreed upon in the Auckland Declaration. The vision in the Auckland Declaration states:
- Leaders believe the Pacific region can, should and will be a region of peace, harmony, security and economic prosperity, so that all its people can lead free and worthwhile lives. We treasure the diversity of the Pacific and seek a future in which its cultures, traditions and religious beliefs are valued, honoured and developed. We seek a Pacific 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. We seek partnerships with our neighbours and beyond to develop our knowledge, to improve our communications and to ensure a sustainable economic existence for all.<sup>3</sup>
7. It was agreed that a Pacific Plan be developed to:
- (a) promote economic growth, sustainable development, good governance and security;
  - (b) strengthen regional cooperation and integration in areas where the region could gain the most through sharing resources of governance, alignment of policies and delivery of practical benefits;
  - (c) strengthen support for current programmes, develop new initiatives and advocate for the needs of the Smaller Island States, particularly given their limited capacity and fragile and vulnerable environment, including to climate change;
  - (d) promote and protect cultural identity, regional inclusiveness, sub-regional representation, human rights, gender, youth and civil society;
  - (e) reform the Forum and the regional institutional mechanism;
  - (f) clarify Members' own understanding and appreciation of regionalism with a clear perception of the benefits and costs; and
  - (g) build strong partnerships between Member countries, Pacific territories, regional and international organisations and non-state organisations.
8. The Plan was endorsed by Forum Leaders at their Pacific Islands Forum Meeting in Port Moresby in October 2005.
9. The Plan represents a significant recognition of human rights by the region's leaders. The Plan contains a number of positive initiatives relevant to custom and human rights, including judicial training and education, research into harmonising traditional and modern governance values and structures, strengthening traditional courts, establishing a regional ombudsman and other human rights mechanisms, ratification and implementation of international and

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<sup>2</sup> New Zealand Law Commission, *Converging Currents: Custom and Human Rights in the Pacific*, September 2004, 30 (available at: [http://www.lawcom.govt.nz/UploadFiles/Publications/Publication\\_120\\_340\\_SP17.pdf](http://www.lawcom.govt.nz/UploadFiles/Publications/Publication_120_340_SP17.pdf)) (**New Zealand Law Commission Report**).

<sup>3</sup> Pacific Islands Forum Special Leaders Retreat, The Auckland Declaration, 6 April 2004.

- regional human rights agreements and support for human rights reporting.<sup>4</sup> This provides a clear mandate for a regional human rights mechanism in the Pacific and with the support of Pacific leaders.
10. In addition, the Pacific Islands Forum has agreed on nine 'Principles of Good Leadership', which include protection of fundamental human rights and respect for cultural values, customs and traditions.<sup>5</sup>
  11. Annual Pacific Plan Progress Reports are available for updates on its implementation.<sup>6</sup> The 2009 Report refers to work undertaken to strengthen Ombudsman functions through the Pacific Ombudsman's Alliance<sup>7</sup>, including the assessment of possible sub-regional models for complaints handling in smaller island states.
  12. In other developments, in 2010, the Pacific Islands Forum Secretariat appointed a Human Rights advisor to bring a human rights perspective to the forum's work and to support Pacific Island Forum Member States to strengthen their human rights policies and practices. That adviser will also work closely with a number of key partners, including the APF, the NZ Human Rights Commission, the Office of the United Nations High Commissioner for Human Rights and the Regional Rights Resource Team.<sup>8</sup>

## 2.2 Asia Pacific Forum

13. The Asia Pacific Forum (**APF**) was established in Darwin, Australia in 1996 at a workshop attended by the national human rights commissions of Australia, India, Indonesia and New Zealand. The workshop discussed matters of common interest to National Human Rights Institutions (**NHRIs**), including their independence, their functions and powers, their investigation and conciliation processes, community education and media relations. The workshop produced a final statement, the Larrakia Declaration, and agreed to the establishment of the APF.
14. The APF consists of member NHRIs who have been established in compliance with the minimum standards of the United Nations General Assembly endorsed 'Principles relating to the status of National Institutions' (the **Paris Principles**).<sup>9</sup>

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<sup>4</sup> *The Pacific Plan for Strengthening Regional Cooperation and Integration* (2005) 17–18. Also relevant are initiatives in the areas of poverty reduction; improved health and education; improved gender equality; enhanced involvement of youth; protection of cultural values, identities and traditional knowledge; participatory democracy and consultative decision-making; and law enforcement training (including gender issues and human rights).

<sup>5</sup> New Zealand Law Commission, *Converging Currents: Custom and Human Rights in the Pacific*, September 2004, 226 (available at: [http://www.lawcom.govt.nz/UploadFiles/Publications/Publication\\_120\\_340\\_SP17.pdf](http://www.lawcom.govt.nz/UploadFiles/Publications/Publication_120_340_SP17.pdf)) (**New Zealand Law Commission Report**).

<sup>6</sup> <http://www.forumsec.org.fj/pages.cfm/about-us/the-pacific-plan/pacific-plan-progress-reports.html>.

<sup>7</sup> A service delivery and mutual support organisation for Ombudsman and allied institutions of countries that are members of the Pacific Islands Forum, <http://www.pacificombudsman.org/index.html>.

<sup>8</sup> See report on Asia Pacific Forum website, dated 31 May 2010, <http://www.asiapacificforum.net/news/pacific-human-rights-advisor-takes-up-post.html/>.

<sup>9</sup> The APF has 15 'full members' that comply with the Paris Principles (Afghanistan, Australia, India, Indonesia, Jordan, Malaysia, Mongolia, Nepal, New Zealand, Palestinian Territories, Philippines, Qatar, Republic of Korea,

15. Fiji is the only Pacific Island nation with a NHRI, and there is currently no Pacific Island NHRI that complies with the Paris Principles and is a member of the APF. However, APF is a regional body that is mandated to assist in developing a NHRIs in the region.
16. As part of the Larrakia Declaration, APF members agree to respond to requests from governments in the region for assistance in the establishment and development of national institutions. APF members also agreed to provide mutual support, co-operation and joint activity through:
  - (a) information exchanges;
  - (b) training and development for NHRI members and staff;
  - (c) development of joint positions on issues of common concern;
  - (d) undertaking joint projects;
  - (e) sharing expertise;
  - (f) periodical regional meetings;
  - (g) specialist regional seminars on common themes and needs; and
  - (h) responding promptly and effectively to requests from other NHRIs to investigate violations of the human rights of their nationals present in a country that has a national institution.

### **2.3 Framework on Regional Cooperation for the Protection of Human Rights in the Asia Pacific Region**

17. In April 2010 the 15th Workshop of the Framework on Regional Cooperation for the Protection of Human Rights in the Asia Pacific Region was held in Bangkok, in collaboration with the Office of the United Nations High Commissioner for Human Rights.<sup>10</sup> The workshop was attended by member states from across the Asia-Pacific, regional NGOs, National Human Rights Institutions and UN agencies.
18. At the end of the workshop, on 23 April 2010, the Bangkok Action Points were adopted. Among other things, the workshop called for work 'towards the development of sub-regional human rights mechanisms'; and 'encourage the establishment of effective, independent and pluralistic national human rights institutions'.<sup>11</sup> The member states agreed to:

*Encourage* the establishment of effective, independent and pluralistic national human rights institutions in accordance with the Paris Principles or, where they already exist, their strengthening, and *encourage* OHCHR, the Asia Pacific Forum of National Human Rights Institutions and other existing regional institutions to support emerging regional and national

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Thailand, Timor Leste), and two 'Associate Members' who do not comply with the Paris Principles (Sri Lanka and Republic of the Maldives).

<sup>10</sup> This workshop is held almost annually – the first being held in 1990 in Manila. For a summary of the history, see OHCHR, Summary of Recommendations Made and Progress Achieved under the Framework on Regional Cooperation for the Protection of Human Rights in the Asia Pacific Region, 2010, available at [http://bangkok.ohchr.org/news/events/asia-pacific-regional-framework-workshop-2010/files/summary\\_recommendations\\_progress.pdf](http://bangkok.ohchr.org/news/events/asia-pacific-regional-framework-workshop-2010/files/summary_recommendations_progress.pdf).

<sup>11</sup> Bangkok Action Points, paras. 2, 3 and 8, available at [http://www.asiapacificforum.net/services/international-regional/un/asia-pacific-workshops/downloads/Bangkok\\_Action\\_Points\\_April\\_2010.doc](http://www.asiapacificforum.net/services/international-regional/un/asia-pacific-workshops/downloads/Bangkok_Action_Points_April_2010.doc).

mechanisms and to give high priority to requests from Member States on the development and strengthening of such institutions in partnership with relevant regional organizations;

## **2.4 ASEAN**

19. The Association of South East Asian Nations (**ASEAN**) is comprised of member states from South East Asia. Pacific Island Nations are not members of ASEAN.
20. However, it is worth noting that on 24 October 2009 the ASEAN Intergovernment Commission on Human Rights, the first ever sub-regional human rights body in the Asia Pacific, was launched by ASEAN Leaders. ASEAN leaders expressed support for AICHR to become, and to provide the overarching framework for human rights cooperation in ASEAN.
21. The AICHR does not hear individual human rights cases. Instead it is an inter-governmental mechanism charged with, among other things, creating an ASEAN human rights Charter, enhancing public awareness of human rights and encouraging treaty ratification by member states.<sup>12</sup> Although the AICHR also has the ability to obtain information related to human rights from member states,<sup>13</sup> it is unlikely to play a proactive monitoring role as in practice it can only make decisions based on consensus in accordance with the ASEAN Charter.

## **2.5 LAWASIA**

22. The Law Association for Asia and the Pacific (**LAWASIA**) is an international organisation of lawyers' associations, individual lawyers, judges, legal academics, and others which focuses on the interests and concerns of the legal profession in the Asia Pacific region. LAWASIA's main objective is 'to foster professional and business relations between lawyers, businesses and government representatives in the Asia Pacific region',<sup>14</sup> but its objectives also include the promotion and administration of justice, the protection of human rights and the maintenance of the rule of law within the region.
23. In 1985 LAWASIA drafted a Pacific Charter of Human Rights at a meeting in Fiji with 63 government and NGO delegates. A draft Pacific Charter of Human Rights was adopted in Apia, Western Samoa, in May 1989. The draft is modeled closely on the African (Banjul) Charter on Human and Peoples' Rights and provides for civil and political, economic, social and cultural, as well as peoples rights. It foresees the establishment of a Commission to supervise implementation and hear and determine complaints.<sup>15</sup>
24. The LAWASIA draft Pacific Charter of Human Rights was never finalized and LAWASIA is considering rejuvenating the project. Lack of 'buy in' at the government level is a potential cause of the delay, as is the possible fear that national cultural identity would be in danger if a

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<sup>12</sup> See Terms of Reference of ASEAN Intergovernmental Commission on Human Rights, available at <http://www.aseansec.org/DOC-TOR-AHRB.pdf>.

<sup>13</sup> Terms of Reference of ASEAN Intergovernmental Commission on Human Rights, available at <http://www.aseansec.org/DOC-TOR-AHRB.pdf>, para 4.10.

<sup>14</sup> LAWASIA Webpage Profile (available on <http://lawasia.asn.au/profile-of-lawasia.htm> accessed 31 August 2010)

<sup>15</sup> S Pritchard, *Asia-Pacific and Human Rights: Recent Discussions of Regional Arrangements*, Human Rights Defender, Australian Human Rights Centre [1996] HRD 16

Human Rights Charter came into operation. That is, human rights may also be seen as a possible tool of the powerful to be used for political self-interest.<sup>16</sup>

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<sup>16</sup> Petra Butler, *A Human Rights Charter for the Pacific*, Human Rights Research, 2005 (available at: <http://www.victoria.ac.nz/nzcpl/HRRJ/vol3/Butler.pdf>), 2.



### 3. Status of international human rights treaty signature, ratification and accession in the Pacific as at 31 August 2010<sup>17</sup>

	Cook Islands	Fiji	Kiribati	Marshall Islands	Micronesia	Nauru	Niue	Palau	Papua New Guinea	Samoa	Solomon Islands	Tonga	Tuvalu	Vanuatu
ICERD	-	11 Jan 1973 d	-	-	-	12 Nov 2001 s	-	-	27 Jan 1982 a	-	17 Mar 1982 d	16 Feb 1972 a	-	-
ICCPR	-	-	-	-	-	12 Nov 2001 s	-	-	21 Jul 2008 a	15 Feb 2008 a	-	-	-	21 Nov 2008 r
ICESCR	-	-	-	-	-	-	-	-	21 Jul 2008 a	-	17 Mar 1982 d	-	-	-
CEDAW	11 Aug 2006 a	28 Aug 1995 a	17 Mar 2004 a	2 Mar 2006 a	1 Sep 2004 a	-	-	-	12 Jan 1995 a	25 Sep 1992 a	6 May 2002 a	-	6 Oct 1999 a	8 Sep 1995 a
CAT	-	-	-	-	-	12 Nov 2001 s	-	-	-	-	-	-	-	-
CRC	6 Jun 1997 a	13 Aug 1993 r	11 Dec 1995 a	4 Oct 1993 r	5 May 1993 a	27 Jul 1994 a	20 Dec 1995 a	4 Aug 1995 a	2 Mar 1993 r	29 Nov 1994 r	10 Apr 1995 a	6 Nov 1995 a	22 Sep 1995 a	7 Jul 1993 r
ICRMW	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CRPD	8 May 2009 a	2 Jun 2010 s	-	-	-	-	-	-	-	-	23 Sep 2008 s	15 Nov 2007 s	-	23 Oct 2008 r
ICCPR-OP1	-	-	-	-	-	12 Nov 2001 s	-	-	-	-	-	-	-	-
ICCPR-OP2	-	-	-	-	-	-	-	-	-	-	-	-	-	-
OP-CEDAW	27 Nov 2007 a	-	-	-	-	-	-	-	-	-	6 May 2002 a	-	-	17 May 2007 a
OP-CRC-	-	16 Sep	-	-	8 May	8 Sep	-	-	-	-	24 Sep	-	-	26 Sep

<sup>17</sup> <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>, last visited 31 August 2010.

	Cook Islands	Fiji	Kiribati	Marshall Islands	Micronesia	Nauru	Niue	Palau	Papua New Guinea	Samoa	Solomon Islands	Tonga	Tuvalu	Vanuatu
AC		2005 s			2002 s	2000 s					2009 s			2007 r
OP-CRC-SC	-	16 Sep 2005 s	-	-	8 May 2002 s	8 Sep 2000 s	-	-	-	-	24 Sep 2009 s	-	-	17 May 2007 r
OP-CAT	-	-	-	-	-	-	-	-	-	-	-	-	-	-
OP-CRPD	8 May 2009 a	2 Jun 2010 s -	-	-	-	-	-	-	-	-	24 Sep 2009 s	-	-	-
OP-ICESCR	-		-	-	-	-	-	-	-	-	24 Sep 2009 s			

#### 4. Date for consideration of the state under the UN Human Rights Council Universal Periodic Review mechanism<sup>18</sup>

	Cook Islands	Fiji	Kiribati	Marshall Islands	Micronesia	Nauru	Niue	Palau	Papua New Guinea	Samoa	Solomon Islands	Tonga	Tuvalu	Vanuatu
Date for Human Rights Periodic Review	-	7th session (2010)	8th session (2010)	9th session (2010)	9th session (2010)	10th session (2010)	-	11th session (2011)	11th session (2011)	11th session (2011)	11th session (2011)	2nd session (2008)	3rd session (2008)	5th session (2009)

<sup>18</sup> <http://www.ohchr.org/EN/HRBodies/UPR/Documents/uprlist.pdf>, last viewed 31 August 2010.

## 5. Extent of legal and constitutional protection of human rights<sup>19</sup>

	Constitutional protection of human rights	Legal protection of human rights
<b>Cook Islands</b>	<p>Article 64(1) recognises:</p> <ul style="list-style-type: none"> <li>• Right to life, liberty, and security of the person</li> <li>• Right to equality before the law and to the protection of the law</li> <li>• Right to own property and the right not to be deprived thereof except in accordance with law</li> <li>• Freedom of thought, conscience, and religion</li> <li>• Freedom of speech and expression</li> <li>• Freedom of peaceful assembly and association</li> </ul> <p><a href="http://www.pacii.org/ck/legis/num_act/cotci327/">http://www.pacii.org/ck/legis/num_act/cotci327/</a></p>	(No reports)
<b>Fiji</b>	<p>Chapter 4 of the Fiji Constitution which was abrogated in April 2009 contained a Bill of Rights. Now all laws are promulgated by decree through the military-led government. Chapter 4 previously contained Articles 22 to 40 regarding:</p> <ul style="list-style-type: none"> <li>• Life</li> <li>• Personal liberty</li> <li>• Freedom from servitude and forced labour</li> <li>• Freedom from cruel or degrading treatment</li> <li>• Freedom from unreasonable searches and seizure</li> <li>• Arrested or detained persons</li> <li>• Rights of charged persons</li> <li>• Access to courts or tribunals</li> <li>• Freedom of expression</li> </ul>	<p>UPR (7<sup>th</sup> session) February 2010</p> <p>Issues and questions raised</p> <ul style="list-style-type: none"> <li>• Abrogation of the Constitution and introduction of the State of Emergency.</li> <li>• No elections since 2006 and until 2014.</li> <li>• Independence and dismissal of the judiciary.</li> <li>• Violence against and sexual abuse of women.</li> <li>• Sexual abuse and exploitation of children.</li> <li>• Arbitrary detentions and harassment of human rights defenders.</li> <li>• Restrictions on freedom of expression and media censorship.</li> <li>• Torture and ill treatment of detainees.</li> </ul> <p>Recommendations</p> <ul style="list-style-type: none"> <li>• Early and democratic elections.</li> </ul>

<sup>19</sup> This table sets out the extent of constitutional protection of human rights in Pacific Island nations, with commentary from treaty monitoring bodies and from UPR reports on relevant gaps in human rights protection. If the State has been through the UPR process, that report is used, or in the absence of a UPR review UN Human Rights Treaty Bodies outcomes have been used to assess the legal protection of human rights – see OHCHR, Treaty Bodies Database, <http://tb.ohchr.org/default.aspx>, last viewed 31 August 2010. This table includes any references to the situation of human rights defenders, women's rights, freedom of association, rule of law and governance issues and independence of the judiciary that have been made by those bodies. Observations prior to 1999 have not been included.

	Constitutional protection of human rights	Legal protection of human rights
	<ul style="list-style-type: none"> <li>• Freedom of assembly</li> <li>• Freedom of association</li> <li>• Labour relations</li> <li>• Freedom of movement</li> <li>• Religion and belief</li> <li>• Secret ballot</li> <li>• Privacy</li> <li>• Equality</li> <li>• Education</li> <li>• Protection against compulsory acquisition of property</li> </ul> <p>Article 41(1) provides that redress for contravention, or likely contravention, of any of these provisions may be sought by application to the High Court. Article 43(2) provides that the courts must, if relevant, have regard to public international law applicable to the protection of the rights set out in this Chapter.</p> <p><a href="http://www.paclii.org/fi/legis/num_act/ca1997268/">http://www.paclii.org/fi/legis/num_act/ca1997268/</a></p>	<ul style="list-style-type: none"> <li>• New Constitution which entails broad protection of human rights and freedoms.</li> <li>• Establish a fully independent judiciary.</li> <li>• Lift all Public Emergency Regulations and restrictions to the freedom of expression, assembly and movement.</li> <li>• Combat and investigate attacks, harassment and detention of human rights activists and journalists.</li> <li>• Investigate into allegations of brutality in detention.</li> <li>• Guarantee the right of freedom of religion or belief and take measures to protect all religious groups and minorities.</li> <li>• Ratify major international human rights treaties, including International Convention on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention Against Torture.</li> <li>• Allow visits by Special Rapporteurs of the Human Rights Council.</li> </ul>
<b>Kiribati</b>	<p>Chapter II is titled "Protection of Fundamental Rights and Freedoms of the Individual" with sections 3 to 16 regarding:</p> <ul style="list-style-type: none"> <li>• Fundamental rights and freedoms of the individual</li> <li>• Protection of right to life</li> <li>• Protection of right to personal liberty</li> <li>• Protection from slavery and forced labour</li> <li>• Protection from inhuman treatment</li> <li>• Protection from deprivation of property</li> <li>• Protection for privacy of home and other property</li> <li>• Provisions to secure protection of law</li> <li>• Protection of freedom of conscience</li> <li>• Protection of freedom of expression</li> <li>• Protection of freedom of assembly and association</li> <li>• Protection of freedom of movement</li> <li>• Protection from discrimination on the grounds of race, etc</li> <li>• Provisions for periods of public emergency</li> </ul>	<p><u>UPR</u> (8<sup>th</sup> session) 2010</p> <p>Issues and questions raised</p> <ul style="list-style-type: none"> <li>• Violence against women.</li> <li>• Sexual abuse, prostitution and corporal punishment of children.</li> <li>• Discrimination based on sex, gender and disability.</li> <li>• Limitations to the freedom of expression on the grounds of public morale or national culture.</li> </ul> <p>Recommendations</p> <ul style="list-style-type: none"> <li>• Take further steps to combat violence against women and children.</li> <li>• Investigate and prosecute all cases of rape and domestic assault.</li> <li>• Ratify core human rights treaties such as the Convention against Torture, the International Covenant on Civil and Political Rights and the Rome Statute.</li> <li>• Issue standing invitation to Special Procedures</li> </ul>

	Constitutional protection of human rights	Legal protection of human rights
	<p>Section 17(1) provides that redress for contravention, or likely contravention, of any of these provisions may be sought by application to the High Court.</p> <p><a href="http://www.paclii.org/ki/legis/consol_act/cok257/">http://www.paclii.org/ki/legis/consol_act/cok257/</a></p>	
<b>Marshall Islands</b>	<p>Article II is a Bill of Rights with the following sections:</p> <ol style="list-style-type: none"> <li>1. Freedom of Thought, Speech, Press, Religion, Assembly, Association, and Petition</li> <li>2. Slavery and Involuntary Servitude</li> <li>3. Unreasonable Search and Seizure</li> <li>4. Due Process and Fair Trial</li> <li>5. Just Compensation</li> <li>6. Cruel and Unusual Punishment</li> <li>7. Habeas Corpus</li> <li>8. Ex-Post Facto Laws and Bills of Attainder</li> <li>9. Quartering of Soldiers</li> <li>10. Imprisonment for Debt</li> <li>11. Conscription and Conscientious Objection</li> <li>12. Equal Protection and Freedom from Discrimination</li> <li>13. Personal Autonomy and Privacy</li> <li>14. Access to Judicial and Electoral Processes</li> <li>15. Health, Education, and Legal Services</li> <li>16. Ethical Government</li> </ol> <p>Section 18(2) provides that "Any provision of the Bill of Rights may be invoked either as a defense to a civil or criminal proceeding or as a basis for legal or equitable relief against any actual or threatened violation."</p> <p><a href="http://www.paclii.org/mh/legis/consol_act/cotmi363/">http://www.paclii.org/mh/legis/consol_act/cotmi363/</a></p>	<p><u>CRC</u> CRC/C/MHL/CO/2 02/11/2007</p> <ul style="list-style-type: none"> <li>• No discussion directly relevant to situation of human rights defenders</li> </ul>
<b>Micronesia</b>	<p>Article IV is a Declaration of Rights which states:</p> <ol style="list-style-type: none"> <li>1. No law may deny or impair freedom of expression, peaceable assembly, association, or petition.</li> <li>2. No law may be passed respecting an establishment of religion or impairing the free exercise of religion, except that assistance may be provided to parochial schools for non-religious purposes.</li> <li>3. A person may not be deprived of life, liberty, or property without due process of law, or be denied the equal protection of the laws.</li> <li>4. Equal protection of the laws may not be denied or impaired on account of sex, race, ancestry, national origin, language, or social status.</li> </ol>	(No reports in the last decade)

	Constitutional protection of human rights	Legal protection of human rights
	<p>5. The right of the people to be secure in their persons, houses, papers, and other possessions against unreasonable search, seizure, or invasion of privacy may not be violated. A warrant may not issue except on probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized.</p> <p>6. The defendant in a criminal case has a right to a speedy public trial, to be informed of the nature of the accusation, to have counsel for his defense, to be confronted with the witnesses against him, and to compel attendance of witnesses in his behalf.</p> <p>7. A person may not be compelled to give evidence that may be used against him in a criminal case, or be twice put in jeopardy for the same offense.</p> <p>8. Excessive bail may not be required, excessive fines imposed, or cruel and unusual punishments inflicted. The writ of habeas corpus may not be suspended unless required for public safety in cases of rebellion or invasion.</p> <p>9. Capital punishment is prohibited.</p> <p>10. Slavery and involuntary servitude are prohibited except to punish crime.</p> <p>11. A bill of attainder or ex post facto law may not be passed.</p> <p>12. A citizen of the Federated States of Micronesia may travel and migrate within the Federated States.</p> <p>13. Imprisonment for debt is prohibited.</p> <p><a href="http://www.paclii.org/fm/legis/consol_act/cotfsom468/">http://www.paclii.org/fm/legis/consol_act/cotfsom468/</a></p>	
Nauru	<p>Part II is titled "Protection of Fundamental Rights and Freedoms" and contains Articles 3 to 13 regarding:</p> <ul style="list-style-type: none"> <li>• Protection of right to life</li> <li>• Protection of personal liberty</li> <li>• Protection from forced labour</li> <li>• Protection from inhuman treatment</li> <li>• Protection from deprivation of property</li> <li>• Protection of person and property</li> <li>• Provision to secure protection of law</li> <li>• Freedom of conscience</li> <li>• Protection of freedom of expression</li> <li>• Protection of freedom of assembly and association</li> </ul> <p>Section 14(1) provides that "A right or freedom conferred by this Part is enforceable</p>	(No reports)

	Constitutional protection of human rights	Legal protection of human rights
	by the Supreme Court at the suit of a person having an interest in the enforcement of that right or freedom." <a href="http://www.paclii.org/nr/legis/num_act/con256/">http://www.paclii.org/nr/legis/num_act/con256/</a>	
Niue	The Constitution does not appear to provide for the protection of human rights. <a href="http://www.paclii.org/nu/legis/num_act/ca1974188/index.html">http://www.paclii.org/nu/legis/num_act/ca1974188/index.html</a>	(No reports)
Palau	Article IV is titled "Fundamental Rights" with sections 1 to 13 regarding: <ul style="list-style-type: none"> <li>• Freedom of conscience or of philosophical or religious belief</li> <li>• Freedom of expression or press</li> <li>• Peaceful assembly and petition</li> <li>• Security in his person, house, papers and effects against entry, search and seizure</li> <li>• Equality under the law and entitlement to equal protection.</li> <li>• Deprivation of life, liberty, or property without due process of law nor shall private property be taken except for a recognized public use and for just compensation</li> <li>• Rights of persons accused of a criminal offence</li> <li>• Rights of victims of a criminal offence</li> <li>• A citizen of Palau may enter and leave Palau and may migrate within Palau.</li> <li>• Torture, cruel, inhumane or degrading treatment or punishment, and excessive fines</li> <li>• Slavery or involuntary servitude. Protection of children from exploitation.</li> <li>• Right to examine any government document and to observe the official deliberations of any agency of government</li> <li>• Marital and related parental rights, privileges and responsibilities</li> </ul> <a href="http://www.paclii.org/pw/legis/consol_act/cotrop359/">http://www.paclii.org/pw/legis/consol_act/cotrop359/</a>	<u>CRC</u> CRC/C/15/Add.149 21/02/2001 <ul style="list-style-type: none"> <li>• No findings directly relevant to situation of human rights defenders</li> </ul>
Papua New Guinea	Subdivision B titled "Fundamental Rights" contains the following sections: 35. Right to life 36. Freedom from inhuman treatment 37. Protection of the law Subdivision C titled "Qualified Rights" contains the following sections: 38. General qualifications on qualified rights 39. "Reasonably justifiable in a democratic society", etc. 40. Validity of emergency laws 41. Proscribed acts 42. Liberty of the person 43. Freedom from forced labour	<u>CRC</u> CRC/C/15/Add.229 26/02/2004 <ul style="list-style-type: none"> <li>• No findings directly relevant to situation of human rights defenders</li> </ul> <u>CEDAW</u> CEDAW/C/PNG/CO/3 30 July 2010 <ul style="list-style-type: none"> <li>• Expressed its deep concern about reports of sexual abuse of women upon arrest and in police custody, perpetrated by both police officers and male detainees, and at times in the form of collective rape, and that such abuses are rarely documented and investigated and perpetrators not prosecuted and punished.</li> <li>• notes the information provided indicating that the State party is in the process of establishing a national human rights institution in compliance with the Paris principles</li> </ul>

	Constitutional protection of human rights	Legal protection of human rights
	<p>44. Freedom from arbitrary search and entry  45. Freedom of conscience, thought and religion  46. Freedom of expression  47. Freedom of assembly and association  48. Freedom of employment  49. Right to privacy  50. Right to vote and stand for public office  51. Right to freedom of information  52. Right to freedom of movement  53. Protection from unjust deprivation of property  54. Special provision in relation to certain lands  55. Equality of citizens  56. Other rights and privileges of citizens</p> <p><a href="http://www.paclii.org/pg/legis/consol_act/cotisopng534/">http://www.paclii.org/pg/legis/consol_act/cotisopng534/</a></p>	
<b>Samoa</b>	<p>Part II is titled "Fundamental Rights" and sections 5 to 15 cover:</p> <ul style="list-style-type: none"> <li>• Right to life</li> <li>• Right to personal liberty</li> <li>• Freedom from inhuman treatment</li> <li>• Freedom from forced labour</li> <li>• Right to a fair trial</li> <li>• Rights concerning criminal law</li> <li>• Freedom of religion</li> <li>• Rights concerning religious instruction</li> <li>• Rights regarding freedom of speech, assembly, association, movement and residence</li> <li>• Rights regarding property</li> <li>• Freedom from discriminatory legislation</li> </ul> <p>Section 4 of the Constitution provides that "Any person may apply to the Supreme Court by appropriate proceedings to enforce the rights conferred under the provisions of this Part."</p> <p><a href="http://www.paclii.org/ws/legis/consol_act/cotisows1960535/">http://www.paclii.org/ws/legis/consol_act/cotisows1960535/</a></p>	<p><u>CRC</u> CRC/C/WSM/CO/1 16/10/2006</p> <ul style="list-style-type: none"> <li>• No findings directly relevant to situation of human rights defenders</li> </ul> <p><u>CEDAW</u> A/60/38(SUPP) 28/01/2005</p> <ul style="list-style-type: none"> <li>• concern that the legislation of the State party does not contain a definition of discrimination against women in accordance with article 1 of CEDAW</li> <li>• concerned that CEDAW is not directly applicable in the State party and that there is no adequate legislative framework in place to ensure compliance with all the provisions of CEDAW</li> </ul>
<b>Solomon Islands</b>	<p>Chapter II (sections 3 to 16) provide for:</p> <ul style="list-style-type: none"> <li>• Fundamental rights and freedoms of the individual</li> <li>• Protection of right to life</li> <li>• Protection of right to personal liberty</li> </ul>	<p><u>CRC</u> CRC/C/15/Add.208 02/07/2003</p> <ul style="list-style-type: none"> <li>• No findings directly relevant to situation of human rights defenders</li> </ul> <p><u>CESCR</u> E/C.12/1/Add.84 19/12/2002</p>



	Constitutional protection of human rights	Legal protection of human rights
	<ul style="list-style-type: none"> <li>• Protection from slavery and forced labour</li> <li>• Protection from inhuman treatment</li> <li>• Protection from deprivation of property</li> <li>• Protection for privacy of home and other property</li> <li>• Provisions to secure protection of law</li> <li>• Protection of freedom of conscience</li> <li>• Protection of freedom of expression</li> <li>• Protection of freedom of assembly and association</li> <li>• Protection of freedom of movement</li> <li>• Protection from discrimination on grounds of race, etc.</li> <li>• Provisions for periods of public emergency</li> </ul> <p>Section 17 provides for compensation for contravention of rights and freedoms.  Section 18 provides that redress for contravention, or likely contravention, of any of the provisions of sections 3 to 16 (inclusive) may be sought by application to the High Court.</p> <p><a href="http://www.paclii.org/sb/legis/consol_act/c1978167/">http://www.paclii.org/sb/legis/consol_act/c1978167/</a></p>	<ul style="list-style-type: none"> <li>• urges adoption and implementation of effective legislative and administrative measures to protect members of the family, particularly women and children, from domestic violence</li> </ul>
<b>Tonga</b>	<p>Part I is a Declaration of Rights which contains provisions concerning:</p> <ol style="list-style-type: none"> <li>1. Declaration of freedom</li> <li>2. Slavery prohibited</li> <li>3. Conditions under which foreign labourers may be introduced</li> <li>4. Same law for all classes</li> <li>5. Freedom of worship</li> <li>6. Sabbath Day to be kept holy</li> <li>7. Freedom of the press</li> <li>8. Freedom of petition</li> <li>9. Habeas Corpus</li> <li>10. Accused must be tried</li> <li>11. Procedure on indictment. Jury in civil cases</li> <li>12. Accused cannot be tried twice</li> <li>13. Charge cannot be altered</li> <li>14. Trial to be fair</li> <li>15. Court to be unbiased</li> <li>16. Premises cannot be searched without warrant</li> <li>17. Government to be impartial</li> <li>18. Taxation. Compensation to be paid for property taken</li> </ol>	<p>UPR (2<sup>nd</sup> session) 2008</p> <p>Issues and questions raised</p> <ul style="list-style-type: none"> <li>• the status and accountability of the security forces accused of physically abusing detainees who in November 2006 riots;</li> <li>• the appeal from UN bodies to establish a multi-agency task force to conduct an immediate review of Police lock-up and prison facilities in accordance with international standards;</li> <li>• Other issues included concrete steps being taken to protect the rights of women; measures to avoid domestic violence;</li> <li>• Information was also sought on plans to establish a media code of conduct; efforts to fully respect freedom of expression and freedom of the press; the powers and membership of the Anti-Corruption Commission; steps to promote the rights of human rights defenders and to allow the right to a fair trial; and plans to establish a national human rights institution.</li> </ul> <p>Recommendations</p> <ul style="list-style-type: none"> <li>• To enact laws to protect women in employment free from any form of discrimination and to pursue efforts to combat violence against women;</li> <li>• To launch a credible investigation into the riots of November 2006 and prosecute offenders;</li> </ul>

	Constitutional protection of human rights	Legal protection of human rights
	<p>19. Expenditure to be voted</p> <p>20. Retrospective laws</p> <p>21. Army subject to civil law</p> <p>22. Guards and Militia</p> <p>23. Disabilities of convict</p> <p>24. Public officer not to engage in trade</p> <p>27. Age of maturity</p> <p>28. Qualifications for jurors</p> <p>29. Naturalization</p> <p><a href="http://www.paclii.org/cgi-bin/disp.pl/to/legis/consol_act/cot238/cot238.html?query=Constitutions">http://www.paclii.org/cgi-bin/disp.pl/to/legis/consol_act/cot238/cot238.html?query=Constitutions</a></p>	<ul style="list-style-type: none"> <li>• to step up efforts in human rights training and education, in particular for members of the police force;</li> <li>• to facilitate extended access to prisoners by NGOs;</li> <li>• to take measures to ensure that a diversity of opinions could be expressed and published without repressive restrictions and that Tonga amend legislation that censored freedom of expression in the media;</li> <li>• to maintain and develop practical steps taken to enhance freedom of speech and freedom of the press;</li> <li>• and to step up measures to uphold the right to freedom of expression and freedom of the press.</li> <li>• To create a national human rights institution to continue in the political reform process.</li> </ul>

	Constitutional protection of human rights	Legal protection of human rights
<b>Tuvalu</b>	<p>The following sections concern human rights:</p> <ol style="list-style-type: none"> <li>10. Freedom under law</li> <li>11. The fundamental human rights and freedoms</li> <li>12. Application of Part II</li> <li>13. The Principles of the Preamble</li> <li>14. Parliamentary declarations of purpose</li> <li>15. "Reasonably justifiable in a democratic society"</li> <li>16. Life</li> <li>17. Personal liberty</li> <li>18. Slavery and forced labour</li> <li>19. Inhuman treatment</li> <li>20. Property rights</li> <li>21. Privacy of home and property</li> <li>22. Protection of law</li> <li>23. Freedom of belief</li> <li>24. Freedom of expression</li> <li>25. Freedom of assembly and association</li> <li>26. Freedom of movement</li> <li>27. Freedom from discrimination</li> <li>28. Other rights and freedoms</li> <li>29. Protection of Tuvaluan values etc</li> <li>30. Provisions relating to certain officials</li> <li>31. Disciplined forces of Tuvalu</li> <li>32. Foreign disciplined forces</li> <li>33. Hostile disciplined forces</li> </ol> <p><a href="http://www.paclii.org/tv/legis/consol_act/cot277/">http://www.paclii.org/tv/legis/consol_act/cot277/</a></p>	<p><u>UPR</u> (3<sup>rd</sup> session) 2008</p> <p>Issues and questions raised</p> <ul style="list-style-type: none"> <li>• Steps taken to review relevant laws which discriminate of impact negatively on women and efforts to bring them in line with CEDAW standards including measures to combat violence against women;</li> <li>• Transparency in light of corruption;</li> <li>• Human rights education and training for police officers;</li> <li>• Measures to make the high court more accessible to the general public, in light of those living on outer islands.</li> </ul> <p>Recommendations</p> <ul style="list-style-type: none"> <li>• To eliminate any legislation that had a discriminatory effect against women and to amend the Constitution to include freedom from discrimination on the grounds of sex;</li> <li>• To ensure greater public awareness on the issues of domestic violence and gender discrimination and to encourage greater involvement of Government agencies and civil society;</li> <li>• To develop a comprehensive strategy to reduce domestic violence, including raising public awareness, to penalize all acts of rape regardless of who the perpetrators were;</li> <li>• To establish a national human rights institution in accordance with the Paris Principles.</li> </ul>
<b>Vanuatu</b>	<p>Chapter 2 is titled "Fundamental Rights and Freedoms" and sets out the following rights:</p> <ul style="list-style-type: none"> <li>• life</li> <li>• liberty</li> <li>• security of the person</li> <li>• protection of the law</li> <li>• freedom from inhuman treatment and forced labour</li> <li>• freedom of conscience and worship</li> <li>• freedom of expression</li> </ul>	<p><u>UPR</u> (5<sup>th</sup> session) 2009</p> <p>Issues and questions</p> <ul style="list-style-type: none"> <li>• conditions of detention for minors and plans to set up juvenile detention centres and denial of access to medical and legal professionals for detainees;</li> <li>• accountability and transparency in the public sector;</li> <li>• patriarchal attitudes and cultural practices and stereotypes that allowed violence against women;</li> <li>• limited participation of women in politics.</li> </ul> <p>Recommendations</p>

	Constitutional protection of human rights	Legal protection of human rights
	<ul style="list-style-type: none"> <li>• freedom of assembly and association</li> <li>• freedom of movement</li> <li>• protection for the privacy of the home and other property and from unjust deprivation of property</li> <li>• equal treatment under the law or administrative action</li> </ul> <p>Section 6(1) provides that "Anyone who considers that any of the rights guaranteed to him by the Constitution has been, is being or is likely to be infringed may, independently of any other possible legal remedy, apply to the Supreme Court to enforce that right."</p> <p><a href="http://www.paclii.org/vu/legis/consol_act/cotrov406/">http://www.paclii.org/vu/legis/consol_act/cotrov406/</a></p>	<ul style="list-style-type: none"> <li>• improving prison conditions and protecting the rights of detainees;</li> <li>• to investigate the circumstances surrounding the death of a prisoner in custody in March 2009 and take appropriate measures;</li> <li>• to put in place a strategy to ensure that the rights of women were upheld by the justice system and to protect women from domestic violence;</li> <li>• to consider acceding to the Convention against Torture;</li> <li>• to further enhance the capacity, neutrality and independence of the judiciary;</li> <li>• to support further human rights training for law enforcement officials;</li> <li>• to combat corruption and allocate more funding to the Ombudsman to allow for more aggressive prosecution of corruption cases; and continue efforts to set up a national human rights institution in compliance with the Paris Principles and for the international community to assist in this regard.</li> </ul>

## 6. Existence and functions of a national human rights institution

	Cook Islands	Fiji	Kiribati	Marshall Islands	Micronesia	Nauru	Niue	Palau	Papua New Guinea	Samoa	Solomon Islands	Tonga	Tuvalu	Vanuatu
<b>NHRI<sup>20</sup></b>	-	Fiji Human Rights Commission	-	-	-	-	-	-	-	-	-	-	-	-
<b>Functions</b>	-	<ul style="list-style-type: none"> <li>Established under s42 of Constitution</li> <li>Promote &amp; provide better protection of human rights to all persons in Fiji in accordance with <i>Paris Principles</i>, the Constitution &amp; <i>Human Rights Commission Act 1999</i></li> </ul>	-	-	-	-	-	-	-	-	-	-	-	-

<sup>20</sup> Currently only Fiji has an established NHRI. However, the International Coordinating Committee of Human Rights Organisations suspended the Fiji Human Rights Commission's accreditation in 2007, following which Fiji resigned from the ICC: <http://www.rnzi.com/pages/news.php?op=read&id=31241>, last viewed 31 August 2010. A number of other Pacific Island nations (including Papua New Guinea, Samoa and Palau) have undertaken preliminary steps towards establishing NHRIs. In addition, the government of Nauru is also considering options for a human rights body. (see Asia Pacific Forum website <http://www.asiapacificforum.net/news/pacific-human-rights-advisor-takes-up-post.html/>)

## 7. Regional and International NGO Reporting on the Situation of Human Rights Defenders<sup>21</sup>

Name and Date of Report	Key Issues
<p>NGO statement on Country Specific Human Rights Defenders (to 14<sup>th</sup> Asia Pacific Forum) 3-6 August 2009</p> <p><a href="http://www.asiapacificforum.net/about/annual-meetings/14th-jordan-2009/downloads/ngo-reports-and-statements/NGO_Statement_Human_Rights_Defenders.doc">http://www.asiapacificforum.net/about/annual-meetings/14th-jordan-2009/downloads/ngo-reports-and-statements/NGO_Statement_Human_Rights_Defenders.doc</a></p>	<ul style="list-style-type: none"> <li>Joint NGO statement expressed concerns regarding human rights violations in Fiji, Sri Lanka, Myanmar, Syria, Lebanon, Yemen, Cambodia, Tibet, Malaysia and the Occupied Palestinian Territories.</li> <li>Fiji; freedom of expression is limited by army and police and any political criticism or dissent is banned; Independence of the judiciary questioned as judges and magistrates 'hand-picked' by the regime</li> </ul>
<p>Fiji, Amnesty, April – July 2009</p> <p><a href="http://www.amnesty.org/en/library/asset/ASA18/002/2009/en/0024be13-bdd1-47d2-875a-863fff41f978/asa180022009en.pdf">http://www.amnesty.org/en/library/asset/ASA18/002/2009/en/0024be13-bdd1-47d2-875a-863fff41f978/asa180022009en.pdf</a></p>	<ul style="list-style-type: none"> <li>Extensive Amnesty International research report on the widespread human rights violations that followed President Ratu Josefa Iloilo's abrogation of the Fiji Constitution on 10 April 2009. The report provides good background to the coup and the legal and constitutional developments since that time.</li> <li>Human rights violations discussed include rights to freedom of assembly, opinion, expression and movement, the right to a fair trial, and freedom from arbitrary detention.</li> <li>The climate of fear created for lawyers and human rights defenders is also addressed.</li> </ul>
<p>Papua New Guinea, Human Rights Watch, October 2006</p> <p><a href="http://www.hrw.org/en/reports/2006/10/29/still-making-their-own-rules-0">http://www.hrw.org/en/reports/2006/10/29/still-making-their-own-rules-0</a></p>	<ul style="list-style-type: none"> <li>HRW report on high levels of police brutality in Papua New Guinea</li> <li>Although the report does not address human rights defenders specifically, it provides an insight into policing problems in PNG, which apply equally to all.</li> </ul>
<p>The Situation of Human Rights Defenders in the Pacific Islands, Regional Rights Resource Team, September 2005</p> <p><a href="http://www.rrrt.org/assets/The%20Situation%20of%20Human%20Rights%20">http://www.rrrt.org/assets/The%20Situation%20of%20Human%20Rights%</a></p>	<ul style="list-style-type: none"> <li>The report was prepared for the previous Special Rapporteur on human rights defenders and covers the situation of human rights defenders in eight of the Pacific Islands (includes case law)</li> </ul>

<sup>21</sup> This table sets out the reports of made by regional and international NGOs on the situation of human rights defenders in the Pacific, or on issues that relate to those concerns since 2005.

<a href="#">20Defenders%20in%20the%20Pacific%20Islands.pdf</a>	<ul style="list-style-type: none"> <li>• It covers general information about human rights defenders in the area; how the role of human rights defenders can be strengthened; and implementation of the Declaration (on Human Rights Defenders)</li> <li>• Examples of issues that limit the enjoyment of human rights in the region; focus on economic growth rather than democracy and human rights; the view that economic, social and cultural rights are too expensive to implement; human rights seen as being against Pacific culture and identity, as well as limiting the chiefly power systems; human rights are also contested by churches as human rights are seen as a threat to their power</li> <li>• Too few mechanisms exist for promoting and protecting human rights; too few solid and good viable NGOs in the Pacific to address the variety of issues and violations; lack of legal frameworks for NGO's; Human rights defenders face social isolation, alienation, hostility and structural and financial obstacles in doing human rights work rather than immediate threats to their physical security</li> <li>• Disregard for the rule of law and use of force for example when 'election results do not accord with the dominant ideology and group'; non-derogable rights have been suspended during times of emergency;</li> <li>• Many communities in the Pacific Islands are small and intimate which can make it difficult to speak out against someone who is related in some way or another; it also make it socially difficult to take an unpopular position against the state</li> <li>• Human rights defenders face social isolation, alienation, hostility and structural and financial obstacles in doing human rights work rather than immediate threats to their physical security</li> <li>• Region-specific human rights issues include infringement on the freedom of speech in Tonga, restrictions on access to justice in the Solomon Islands and Samoa and that Tuvalu groups mobilising to form new non-mainstream Christian churches have been threatened and victimized.</li> </ul>
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