

PACIFIC ISLANDS FORUM LEADERS' MEETING

HUMAN RIGHTS BRIEFING

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INTRODUCTION

Amnesty International provides this briefing ahead of the Pacific Island Forum Leaders' Meeting in Marshall Islands from 3 to 6 September 2013. The senior level dialogue that occurs at these meetings is a unique opportunity for regional collaboration and to identify workable solutions regarding promotion and protection of human rights in the region. The recent review of the Pacific Plan and the Gender Equality Declaration are some of the many positive outcomes of these meetings. Amnesty International welcomes the Pacific Island leaders' expressed and ongoing commitment to improve the situation of human rights in the region.

This briefing has been prepared to highlight the progress under the Gender Equality Declaration 2012 and some key human rights concerns in the region which Amnesty International has previously reported on. It is not intended to be an exhaustive list of human rights issues in the region.

1. PROGRESS UNDER THE GENDER EQUALITY DECLARATION 2012

This section outlines the progress made on violence against women in the region since the adoption of the Gender Equality Declaration by Pacific leaders on 30 August 2012 (see Appendix 1) and follows the main headings of the declaration: Gender Responsive Government Programs and Policies; Decision Making; and Ending Violence Against Women.¹

1.1 GENDER RESPONSIVE GOVERNMENT PROGRAMS AND POLICIES

A key part of the Declaration was to ensure that governments incorporate the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) into their national legal framework. In order to assess how countries are implementing CEDAW, it is necessary to look at the human rights framework, including relevant treaties which are ratified. In addition to ratification of CEDAW and other relevant treaties that together create a human rights framework, governments must ensure that the treaties are incorporated into domestic law and the laws are implemented in practice.

INTERNATIONAL FRAMEWORK

Most Pacific Island countries have a bill of rights enshrined in their constitutions and have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)² and the Convention on the Rights of the Child (CRC),³ two of the core international human rights treaties applicable to the region. Australia, New Zealand, Cook Islands and the Solomon Islands have ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Palau and Tonga are the only two Pacific nations that have not ratified CEDAW.

Women's human rights are also protected in the other core human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR),⁴ the International Covenant on Economic, Social and Cultural Rights (ICESCR),⁵ the International Convention on the Elimination of All Forms Racial Discrimination (ICERD)⁶ and the most recently adopted Conventions on the Rights of Persons with Disabilities (CRPD). Amnesty International welcomes the recent signature or ratification of the CRPD⁷ by a number of Pacific Island countries. Palau, Vanuatu and Cook Islands have led the way and ratified the convention. Fiji, Papua New Guinea (PNG), Solomon Islands and Tonga have signed but have not yet ratified it. By ratifying such treaties, the international framework for protecting women, including women with disabilities, is strengthened.

In relation to protecting rights of girls, the ratification of the Optional Protocol to Convention on the Rights of the Child on the sale of children, child prostitution and child pornography remains low in the Pacific.⁸

1.2 DECISION MAKING

This aspect of the Gender Equality Declaration relates to the promotion of economic empowerment of women and improving gender representation in Parliament and other forums. Amnesty International encourages Pacific leaders to continue to engage with donors to ensure that measurable targets are implemented to progressively improve women's economic empowerment, representation in decision making roles, and health and education in a manner which is consistent with international human rights law.

Our organization acknowledges progress on the representation and leadership of women in many parts of the region, although much more is needed to achieve gender equality. In PNG, the 2012 national election saw a step forward for women's political representation with three women being elected to parliament: Loujaya Toni, Julie Soso Akeke, and Delilah Gore. This is the first time that there has been more than one woman represented in parliament.⁹ PNG also appointed the first female police officer to a senior position, Joanne Clarkson, Assistant Commissioner Reforms.¹⁰

In the Solomon Islands, the first female Acting Police Commissioner was appointed earlier this year, Juanita Matanga.¹¹ In a 2012 by-election, Vika Lusibaea, became the second woman ever to be elected to the Solomon Islands' Parliament.¹²

Samoa recently passed the Constitution Amendment Act 2013,¹³ which guarantees at least five women to be members of the 49 seat parliament. These special measures only apply if less than five women gain seats through normal elections.

In Vanuatu's national parliamentary elections in October 2012, 17 women contested seats but none were elected.¹⁴ In June 2013, the Vanuatu government approved a plan to provide a minimum of 30 per cent representation of women in parliament; however these laws are yet to be enacted by parliament.¹⁵

While there have been some positive developments, women's representation in parliament across the region remains less than three per cent and additional measures are required to improve this.¹⁶

1.3 ENDING VIOLENCE AGAINST WOMEN

PNG's National Executive Council has endorsed the *Family Protection Bill 2013*, which will make domestic violence a criminal offence and strengthen family protection orders; however, the bill has not yet been passed by parliament.¹⁷

Samoa has made significant progress in 2012-2013 in developing its domestic violence legislation - the *Family Safety Bill*¹⁸ which has gone through second reading in Parliament, as well as a new *Crimes Act*¹⁹ which includes for the first time protection against marital rape and sexual harassment, and has also gone through first and second reading in Parliament. Samoa has also recently passed legislation providing for the establishment of an independent national human rights institution which will extend the human rights functions in the Office

of Ombudsman and provide alternative forums to the courts for women to raise complaints of discrimination.²⁰

Amnesty International recognizes that a strong legal framework is an essential step towards eradication of violence against women; however, without proper implementation, including enforcement and accountability measures, the law will be ineffectual in eliminating violence and other forms of discrimination against women. It is essential that the laws be complemented by policies and practices which support gender equality.

POLICIES AND PRACTICES

Amnesty International is concerned about a number of government policies and practices purportedly aimed at addressing gender equality or violence against women, but which in practice are ineffective or may lead to further human rights abuses. This includes the response to sorcery related violence in Melanesian countries, and the use of the death penalty for rape and other sexual assaults.

Response to sorcery related violence

There is ongoing sorcery-related violence in a number of Melanesian countries, such as PNG, Solomon Islands and Vanuatu. On International Women's Day 2013, the UN High Commissioner for Human Rights expressed concern about the killing of a young mother in the PNG highlands who was accused of sorcery.²¹ Sorcery-related violence in Melanesia is a significant barrier to progress and development, particularly for women, who are more likely to be accused, and to suffer extreme forms of violence for it, than men. States parties to CEDAW such as PNG, Solomon Islands and Vanuatu are required to modify "social and cultural patterns of conduct" that are discriminatory and "based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women".²² Further, the Human Rights Committee has clarified that the ICCPR requires states parties such as PNG, Solomon Islands, and Vanuatu to "ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of women's right to equality before the law and to equal enjoyment of all Covenant rights".²³ They should also "indicate what measures they have taken or intend to take to overcome" such attitudes.²⁴

Amnesty International urges PNG, Solomon Islands and Vanuatu to consider adopting measures discussed at a conference on Sorcery-Related Violence in Melanesia in Canberra in June 2013. This conference was attended by the Regional Representative for the UN Office of the High Commissioner for Human Rights, religious leaders, academics, anthropologists, government officials, public prosecutors, law reform commission lawyers, international development agencies, and human rights defenders working in the Pacific. Key recommendations of the conference included improving education and health care; ensuring that acts of sorcery related violence are fully investigated and prosecuted regardless of a person's cultural beliefs; clear leadership condemning all acts of violence against women (including sorcery-related violence); and improving protections for women and women's human rights defenders (including through women's shelters and witness protection programs). A more detailed analysis of some of these issues is provided in the summary of the conference which is available online.²⁵ Key contributing factors to escalating sorcery-related violence identified at the conference was that perpetrators know that they can act with impunity and community leaders often fail to strongly condemn the violence.

Amnesty International welcomes the response by the PNG government in repealing the *Sorcery Act 1971* as recommended by the PNG Constitutional and Law Reform Commission and the strong condemnation of such violence in February and April 2013 by Prime Minister O'Neill.²⁶ However, Amnesty International remains concerned that this alone is not sufficient to end the high levels of sorcery-related violence in PNG.

Use of the death penalty (including for rape)

Amnesty International opposes the use of the death penalty in all circumstances as a violation of the right to life as recognized in the Universal Declaration on Human Rights and the ICCPR (which has been ratified by PNG) and the ultimate cruel, inhuman or degrading punishment. There is no convincing evidence that the death penalty has a unique deterrent effect on crime, including violent crimes against women.²⁷

PNG is one of four countries in the Pacific Islands Forum to retain the death penalty. Tonga and Nauru retain the death penalty on the books but are considered abolitionist in practice and Fiji retains the death penalty for military crimes only. The Pacific has had no executions for over 30 years, although Tonga, Nauru, Fiji and PNG still have death penalty laws in place. The Pacific's reputation as a region free of executions is now in jeopardy as the Papua New Guinean government passed a law in May 2013 to expand the crimes to which the death penalty applies (including rape), and to increase the methods of execution. The government claimed these moves were made to combat the rise in sorcery-related crime and high rates of violence against women.²⁸ Threats of resumption of executions followed the adoption of the legislative amendments. The expansion of the scope of the death penalty has set PNG against the global and Pacific trends towards abolition of the death penalty.

Amnesty International, alongside others, is alarmed that the recent expansion of the scope of the death penalty in PNG to include rape and other violent crimes may have the effect of reducing the reporting of violent crimes against women, including rape. Jeffrey Buchanan, the UN Women Country Programme Manager for PNG expressed concern in June 2013 that introducing the death penalty for rape will not help rape survivors. Instead, it has made it more likely that they will be killed by the perpetrator and less likely that they will report the crime, especially if the perpetrator is a family member. Introducing the death penalty, therefore, will lead to greater impunity, not accountability, for rape.²⁹ Women's human rights defenders in PNG, whom Amnesty International spoke with in June 2013, but who do not wish to be named, told the organization that they agreed with UN Women's comments.

Amnesty International is also alarmed that Vanuatu's Minister for Justice and Community Services expressed support in July 2013 for the death penalty after a number of killings, including the murder of a pregnant woman who was allegedly killed by her partner.³⁰ This highlights the need for further action to end violence against women, without recourse to the death penalty.

INTERNATIONAL REPORTS

In March 2012, the United Nations Special Rapporteur on violence against women, Ms Rashida Manjoo, conducted an official mission to PNG³¹ and the Solomon Islands.³² Ms Manjoo reported that despite attempts made by the PNG and Solomon Islands governments to enforce programmes and institutional initiatives to improve the status of women, a majority

of women in those countries remain marginalized, discriminated against and are at a high risk of violence. There are still serious constraints on women accessing the justice system, particularly at the District and National Courts level. Many women rely on village systems, mediation process or compensation payments to deal with complaints of violence. Ms Manjoo also found that PNG lacks the capacity to enforce legal institutions at different levels of society.

2. COUNTRY SPECIFIC HUMAN RIGHTS CONCERNS

2.1 FIJI

Amnesty International remains concerned about continued restrictions on freedom of expression, association and assembly in Fiji. Human rights defenders, trade union leaders, journalists and pro-democracy advocates are subject to continued harassment, intimidation and are prosecuted for legitimately exercising their rights to freedom of expression, association and peaceful assembly.³³

While some progress was made through public consultations by the Constitutional Commission on a new constitution in 2012, the draft constitution currently falls short on human rights standards.³⁴ In particular, the draft constitution contains broad exceptions for the right to life and extensive immunities for serious human rights violations by security forces and other government officials.

Further, Amnesty International has received credible information of at least seven cases of torture involving members of the security forces since September 2012. In a letter sent to the Fiji government in December 2012, our organization provides information about the torture and other ill-treatment of five escaped prisoners.³⁵ In March 2013, a video was released on YouTube showing another two persons apparently being tortured by members of the Fiji security forces.³⁶ In each of these cases, the victims required medical treatment or hospitalization, with one man having to have his leg amputated as a result of his injuries.³⁷ According to available information, the Fijian police have yet to undertake an investigation into all these cases.

2.2 AUSTRALIA, NAURU, PNG AND NEW ZEALAND – REFUGEES

Australia, Fiji, Nauru, New Zealand, Papua New Guinea, Samoa, Solomon Islands and Tuvalu have ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (the Refugee Convention).³⁸ Despite their being bound by these treaties, Amnesty International is however concerned about the credibility of some of these countries' refugee status determination procedures, including in respecting their *non-refoulement* obligations. In particular, a number of these countries lack the financial and institutional capacity to uphold their protection obligations effectively.³⁹ For example, after Australia sent asylum-seekers to PNG and Nauru in late 2012, it took more than seven months for PNG and Nauru to commence refugee status determination. A Nauru Supreme Court ruling also highlighted the strict conditions of detention and stated that asylum-seekers "are required to live in a location which effectively confines them to a limited and finite area that is isolated from the residential and urban areas of Nauru, and their lives are closely regulated and monitored 24 hours each day".⁴⁰

Amnesty International has inspected detention facilities on Nauru and expressed its concerns about the living conditions, mental health of detainees, lack of freedom of movement and delays in processing asylum applications.⁴¹ In a visit to Manus Island in January 2013 the United Nations High Commission for Refugees (UNHCR) found that Papua New Guinea lacks an adequate legal framework for asylum-seekers, and current policy and practice on refugees contradicts Australia and PNG's international obligations.⁴² In a follow up visit in June 2013, UNHCR found some improvements since January, but noted that current arrangements still do not meet the international protection standards for the reception and treatment of asylum-seekers.⁴³ It was noted that living conditions are still harsh, processing remains slow and asylum seekers are growing despondent over the lack of certainty about their future.

Our organization is also concerned about the recent agreements reached by Australia with PNG in July 2013 and by Australia with Nauru in August 2013 pursuant to which asylum-seekers who arrive on Australian territory by sea would be transferred to either PNG or Nauru where they would be detained pending examination of their asylum request and where they would settle in the event that they are recognized as refugees. No matter how and where on Australian shores asylum-seekers arrive, Amnesty International considers that Australia has an obligation under the Refugee Convention to provide access to fair and efficient refugee status determination procedures on Australian territory, without resorting to detention, for any asylum claimant. In June 2013, New Zealand announced similar law and policy reforms which would also allow them to send asylum-seekers to offshore processing facilities in Nauru and PNG. Amnesty International considers that the planned forcible removal of hundreds of asylum-seekers to detention facilities on Manus Island for the stated purpose of processing their claims offshore would amount to *refoulement* and thus violate Australia's and New Zealand's obligations under both international refugee and human rights law. By arbitrarily detaining asylum-seekers, PNG and Nauru are in turn violating their refugee and human rights law obligations.

In June 2013, New Zealand passed the *Immigration Amendment Act*⁴⁴ which provides for indeterminate detention of asylum-seekers arriving in groups of more than 30 persons. Policy reforms announced since February 2013 allow the New Zealand government to send asylum-seekers to third countries (including regional processing centres established by Australia in Nauru and PNG) to be processed. The policy announcements limit rights for family reunification and call on refugees who come as part of a 'mass arrival' to have their status reassessed after three years. Amnesty International calls on Australia, New Zealand, PNG and Nauru to treat asylum-seekers humanely in accordance with international human rights law without resorting to mandatory and indefinite detention or off shore processing.

3. RECOMMENDATIONS TO PACIFIC ISLANDS FORUM LEADERS

In order to make further progress to end violence against women in the Pacific region, and taking into consideration some of the commitments made by Pacific leaders in 2012 with the Gender Equality Declaration, Amnesty International recommends that the following steps be taken at the earliest opportunity:

- Pacific leaders should report publicly on the progress, including legislative, policy or institutional reforms, they have made in implementing the Gender Equality Declaration prior to each leader's meeting;
- Tonga and Palau should ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as a priority, incorporate its provisions in domestic law and implement it in policy and practice. Further, Papua New Guinea and Solomon Islands should make constitutional amendments to explicitly define and prohibit discrimination, particularly on the grounds of sex, as stated in Article 1 of CEDAW;
- Papua New Guinea, Solomon Islands and Vanuatu should adopt policies and procedures, including through education and awareness-raising initiatives, to discourage sorcery-related violence, and ensure that all acts of violence are competently, thoroughly, promptly and impartially investigated and prosecuted under a national criminal code, with no special treatment for crimes committed as a result of cultural beliefs;
- Papua New Guinea, Solomon Islands and Vanuatu should ensure that all sorcery-related killings are competently, thoroughly, promptly and impartially investigated and prosecuted by police through a trial process which complies with international human rights standards, without recourse to the death penalty. Victims and their families should be granted reparation;
- Papua New Guinea, Solomon Islands and Vanuatu should address their international treaty obligations to take concrete measures to address cultural practices, such as sorcery-related killings, that discriminate against women by improving education and health awareness thereby reducing claims that sorcery is the reason for poor health and illness, establishing and maintaining women's shelters throughout the country to protect women who are escaping or are at risk of violence and establishing a scheme to support the important work of women's human rights defenders and protect their safety;
- Tonga, Nauru, Fiji and Papua New Guinea should abolish the death penalty for all crimes, and pending abolition establish and maintain an official moratorium on its use. Papua New Guinea should also commute all death sentences in the interim and adopt measures other than the death penalty to deter violent crimes, including by investing in police resources and training;

- Papua New Guinea and other Pacific Island countries which have not already done so, should enact domestic violence laws in accordance with international human rights law, as a matter of priority;
- Papua New Guinea should support Family Violence and Sexual Offence Units with human, financial and material resources; ensure that all staff are properly trained, including in gender sensitisation and violence against women; ensure a balance of women and men staff members; and increase the number and presence of the Units in all provinces;
- Papua New Guinea should enact the Draft Organic Law on the Establishment of a Human Rights Commission, in order to establish a national human rights institution. This institution must be mandated with a specific focus on women's rights to break the chains of structural and systematic inequality that women face; and
- Pacific leaders should adopt laws and policies which encourage and assist women to take up senior positions in government, including in parliament, public service, police forces and in the judiciary and serious consideration should be given to adopting temporary special measures to increase numbers of women in these roles.

In order to address some of the ongoing human rights violations in certain Pacific countries or regions, Amnesty International recommends that Pacific leaders undertake the following steps as a matter of priority:

- Encourage the Fiji government to immediately lift restrictions on freedom of expression and refrain from prosecuting or harassing human rights defenders, trade union leaders and pro democracy advocates for exercising their rights to freedom of expression, association and peaceful assembly;
- Call on Fiji to immediately invite the United Nations Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the independence of judges and lawyers, in accordance with the Fijian government's commitment given during its 2010 Universal Periodic Review before the Human Rights Council; and
- Call on Australia, New Zealand, Nauru and PNG to meet their obligations with respect to refugees and work towards a genuine regional solution that protects the rights of asylum seekers and refugees in accordance with international human rights law. In particular, ensure that these states refrain from adopting any laws, policies, practices or agreements which would undermine their states' obligations under international law with respect to refugees, including but not limited to, any laws which provide for indefinite and mandatory detention.

APPENDIX 1

PACIFIC LEADERS GENDER EQUALITY DECLARATION

30 August 2012, Rarotonga, Cook Islands

The Leaders of the Pacific Islands Forum met from 27 to 30 August 2012 in Rarotonga and brought new determination and invigorated commitment to efforts to lift the status of women in the Pacific and empower them to be active participants in economic, political and social life.

Leaders expressed their deep concern that despite gains in girls' education and some positive initiatives to address violence against women, overall progress in the region towards gender equality is slow. In particular Leaders are concerned that women's representation in Pacific legislature remains the lowest in the world; violence against women is unacceptably high; and that women's economic opportunities remain limited.

Leaders understand that gender inequality is imposing a high personal, social and economic cost on Pacific people and nations, and that improved gender equality will make a significant contribution to creating a prosperous, stable and secure Pacific for all current and future generations.

To realize this goal, Leaders commit with renewed energy to implement the gender equality actions of the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), the Millennium Development Goals (MDGs), the Revised Pacific Platform for Action on Advancement of Women and Gender Equality (2005 to 2015); the Pacific Plan; the 42nd Pacific Island Forum commitment to increase the representation of women in legislatures and decision making; and the 40th Pacific Island Forum commitment to eradicate sexual and gender based violence.

To progress these commitments, Leaders commit to implement specific national policy actions to progress gender equality in the areas of gender responsive government programs and policies, decision making, economic empowerment, ending violence against women, and health and education:

Gender Responsive Government Programs and Policies

Incorporate articles from the Convention for the Elimination of all forms of Discrimination against Women (CEDAW) into legislative and statutory reforms and policy initiatives across government;

Support the production and use of sex disaggregated data and gender analysis to inform government policies and programs;

Strengthen consultative mechanisms with civil society groups, including women's advocacy groups, on key budget and policy issues of national and sub-national governments.

Decision Making

Adopt measures, including temporary special measures (such as legislation to establish

reserved seats for women and political party reforms), to accelerate women's full and equal participation in governance reform at all levels and women's leadership in all decision making.

Advocate for increased representation of women in private sector and local level governance boards and committees (e.g. school boards and produce market committees).

Economic empowerment

Remove barriers to women's employment and participation in the formal and informal sectors, including in relation to legislation that directly or indirectly limits women's access to employment opportunities or contributes to discriminatory pay and conditions for women.

Implement equal employment opportunity and gender equality measures in public sector employment, including State Owned Enterprises and statutory boards, to increase the proportion of women employed, including in senior positions, and **advocate** for a similar approach in private sector agencies;

Improve the facilities and governance of local produce markets, including fair and transparent local regulation and taxation policies, so that market operations increase profitability and efficiency and encourage women's safe, fair and equal participation in local economies.

Target support to women entrepreneurs in the formal and informal sectors, for example financial services, information and training, and review legislation that limits women's access to finance, assets, land and productive resources.

Ending violence against women

Implement progressively a package of essential services (protection, health, counselling, legal) for women and girls who are survivors of violence.

Enact and implement legislation regarding sexual and gender based violence to protect women from violence and impose appropriate penalties for perpetrators of violence.

Health and Education

Ensure reproductive health (including family planning) education, awareness and service programs receive adequate funding support;

Encourage gender parity in informal, primary, secondary and tertiary education and training opportunities.

Leaders called on Development Partners to work in a coordinated, consultative and harmonised way to support national led efforts to address gender inequality across the region in line with the Paris Declaration on Aid Effectiveness and Cairns Compact on Strengthening Development Coordination in the Pacific. Leaders also requested Development Partners to increase financial and technical support to gender equality and women's empowerment programs, and to adopt strategies within their programs to provide employment and consultation opportunities for women in the planning and delivery of development assistance to the region.

Leaders agreed that progress on the economic, political and social positions of women should be reported on at each Forum Leaders meeting. They directed the Forum Secretariat, with the support of the Secretariat of the Pacific Community and Development Partners, to develop, as part of the Pacific Plan performance monitoring framework and annual report to Leaders on country progress in implementing the above commitments and moving towards achieving greater gender equality.

ENDNOTES

- ¹ There is no section on Economic Empowerment and Health and Education as Amnesty International has not done research on these issues in the Pacific.
- ² UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: <http://www.refworld.org/docid/3ae6b3970.html> [accessed 16 August 2013].
- ³ Ratified by: Australia 17 December 1990, Fiji 18 August 1993, Marshall Islands 4 October 1993, New Zealand 6 April 1993, Papua New Guinea 2 March 1993, Samoa 29 November 1994, and Vanuatu 7 July 1993. Accession by: Cook Islands 6 June 1997, Kiribati 11 December 1995, Federated States of Micronesia 5 May 1993, Nauru 27 July 1994, Niue 20 December 1995, Palau 4 August 1995, Solomon Islands 10 April 1995, Tonga 6 November 1995, and Tuvalu 22 September 1995.
- ⁴ Ratified by: Australia 13 August 1980, New Zealand 28 December 1978, Papua New Guinea 21 July 2008, Samoa 15 February 2008, Vanuatu 21 November 2008. Signed by: Nauru 12 November 2001, and Palau 20 September 2011.
- ⁵ Ratified by: Australia 10 December 1975, New Zealand 28 December 1978, Papua New Guinea 21 July 2008, Solomon Islands 17 March 1982; Signed by: Palau 20 September 2011.
- ⁶ Australia 30 September 1975, Fiji 11 January 1973, New Zealand 22 November 1972, Papua New Guinea 27 January 1972, Solomon Islands 17 March 1982, and Tonga 16 February 1972; Signed by: Nauru 12 November 2001, and Palau 20 September 2011.
- ⁷ Ratified by: Australia 17 July 2008, Cook Islands 8 May 2009, Nauru 27 June 2012, New Zealand 25 September 2008, Palau 11 June 2013, and Vanuatu 23 October 2008. Signed by: Fiji 2 June 2010, Federated States of Micronesia 23 November 2011, Papua New Guinea 2 June 2011, Solomon Islands 23 September 2008, and Tonga 15 November 2007.
- ⁸ Australia (2007), Vanuatu (2007) and New Zealand (2011) have all ratified Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Fiji (2005), Nauru (2011), and Solomon Islands (2009), have signed but not yet ratified the Optional Protocol.
- ⁹ AusAID, *A third woman is declared for the 2012 PNG elections*, 8 August 2012, available at: <http://www.usaid.gov.au/HotTopics/Pages/Display.aspx?QID=757> [accessed 16 August 2013].
- ¹⁰ *EM TV news*, "First PNG Woman Appointed to Senior Police Position", 27 June 2013, available at: <http://www.emtv.com.pg/news-app/item/first-png-women-appointed-to-senior-police-position> [accessed 16 August 2013]
- ¹¹ *Australia Network News*, "Female officer serves as Solomon Islands top cop", Friday 12 2013, available at: <http://www.abc.net.au/news/2013-04-12/an-solomons-top-cop-a-woman/4625158> [accessed 16 August 2013].
- ¹² *Solomon Times Online*, "Second Female Enters Parliament", 6 August 2012, available at: <http://www.solomontimes.com/news/second-female-enters-parliament/7131> [accessed 16 August 2013].

August 2013].

¹³ *Constitution Amendment Act 2013* (Samoa), available at: http://www.parliament.gov.ws/images/Constitution_Amendment_Act_2013_-_Eng.pdf [accessed 16 August 2013].

¹⁴ UN Women, *Record Number of Women Candidates in Vanuatu Elections*, 30 October 2012, available at: <http://www.unwomenpacific.org/pages.cfm/news-resources-centre/news/2012/record-number-of-women-candidates-in-vanuatu-elections-1.html> [accessed 16 August 2013].

¹⁵ *Australia Network News*, "Vanuatu Government agrees to improve women's representation in parliament", 5 June 2013, available at: <http://www.abc.net.au/news/2013-06-05/an-vanuatu-government-agrees-to-improve-women27s-representatio/4734222> [accessed 16 August 2013].

¹⁶ United Nations Development Program, *Promoting Women in Pacific Legislatures*, available at: <http://www.undppc.org.fj/pages.cfm/our-work/democratic-governance/strengthening-parliaments-democratic-institution/promoting-women-parliament/> [accessed 16 August 2013].

¹⁷ *The Australian*, "PNG Govt backs domestic violence law", 2 April 2013, available at: <http://www.theaustralian.com.au/news/breaking-news/png-govt-backs-domestic-violence-law/story-fn3dxix6-1226611122873> [accessed 16 August 2013].

¹⁸ *Family Safety Act 2013* (Samoa), available at: http://www.parliament.gov.ws/images/Acts_2013/Family_Safety_Act_2013_-_Eng.pdf.

¹⁹ *Crimes Act 2013* (Samoa), http://www.parliament.gov.ws/images/Acts_2013/Crimes_Act_2013_-_Eng.pdf.

²⁰ Asia Pacific Forum, *Samoa establishes independent rights body*, 17 June 2013, available at: <http://www.asiapacificforum.net/carousel/news/samoa-establishes-independent-rights-body> [accessed 16 August 2013].

²¹ UN Office of the High Commissioner for Human Rights, *Statement by the UN High Commissioner for Human Rights, Navi Pillay, on International Women's Day - 8 March 2013: Violence against women*, 8 March 2013, available at: <http://www.refworld.org/docid/5139c5bf2.html> [accessed 16 August 2013].

²² CEDAW, Article 5(a). See also Article 10(c).

²³ UN Human Rights Committee, *CCPR General Comment No. 28: Article 3 (The Equality of Rights Between Men and Women)*, 29 March 2000, UN Doc. CCPR/C/21/Rev.1/Add.10.

²⁴ UN Human Rights Committee, *CCPR General Comment No. 28: Article 3 (The Equality of Rights Between Men and Women)*, 29 March 2000, UN Doc. CCPR/C/21/Rev.1/Add.10.

²⁵ Australian National University, *Summary of main themes emerging from the conference on Sorcery & Witchcraft-Related Killings in Melanesia 5-7 June 2013*, Canberra, available at: <http://pacificinstitute.anu.edu.au/outrigger/2013/06/18/summary-sorcery-witchcraft-related-killings-in-melanesia-5-7-june-2013/> [accessed 16 August 2013].

²⁶ *Australia Network News*, "O'Neill vows to repeal PNG sorcery law", 12 April 2013, available at: <http://www.abc.net.au/news/2013-04-11/an-png-police-unable-to-stop-violence/4623874>

[accessed 16 August 2013].

²⁷ There are no academic findings that show that the death penalty is a deterrent of crime. Furthermore, a 2009 study in the US by top criminological societies reject that notion that the death penalty is a deterrent, as research shows that states with death penalty have higher rates of crime than those who do not.

²⁸ Amnesty International Australia, *PNG: Progress for women's rights overshadowed by plans to resume executions*, 29 May 2013, available at: <http://www.amnesty.org.au/news/comments/31907/> [accessed at 16 August 2013].

²⁹ *Australia Network News*, "Death penalty not a solution to sorcery killings: Dame Carol Kidu", 6 June 2013, available at: <http://www.abc.net.au/news/2013-06-06/an-former-png-parliamentarian-says-death-penalty-not-a-solution/4738336> [accessed 16 August 2013].

³⁰ *Radio New Zealand International*, "Vanuatu considers introducing death penalty", 3 July 2013, available at: <http://www.rnzi.com/pages/news.php?op=read&id=77281> [accessed 16 August 2013].

³¹ *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Addendum: Mission to Papua New Guinea*, UN Doc. A/HRC/23/49/Add.2, 18 March 2013.

³² *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Addendum: Mission to Solomon Islands*, UN Doc. A/HRC/23/49/Add.1, 22 February 2013.

³³ Amnesty International, *Amnesty International Annual Report 2013 - Fiji*, 23 May 2013; and Amnesty International, *Fiji: ILO Commission of Inquiry should be set up to protect workers' rights* (Index: ASA18/002/2013), 6 August 2013.

³⁴ Amnesty International, *Fiji's Draft Constitution Falls Short on Human Rights Standards* (Index: ASA 18/001/2013), 25 April 2013.

³⁵ Amnesty International, *Fiji: Open letter concerning reports of torture of recaptured prisoners* (Index: ASA 18/002/2012), 12 December 2012.

³⁶ Human Rights Abuses in Fiji – Escaped Prisoners Brutally Tortured, Uploaded 12 March 2013, available at: <http://www.youtube.com/watch?v=UwRVVKbXJsQ> [accessed 16 August 2013].

³⁷ Amnesty International, *Fiji: Open letter concerning reports of torture of recaptured prisoners* (Index: ASA 18/002/2012), 12 December 2012.

³⁸ 1951 Convention accession by Australia, 22 January 1954, Nauru 28 June 2011 New Zealand 30 June 1960, PNG 17 July 1986, Samoa 21 September 1988, and Solomon Islands 28 February 1995. Protocol accession by Australia, 13 December 1973; Fiji 12 June 1972, Nauru 28 June 2011, New Zealand 6 August 1973, PNG 17 July 1986, and Solomon Islands 12 April 1995. 1951 Convention and 1967 Protocol succession by Fiji 12 June 1972 and Tuvalu 7 March 1986.

³⁹ Refugee Council of Australia, *Regional Cooperation: Refugee Protection in the Asia Pacific*,

2012, available at: <http://www.refugeecouncil.org.au/f/int-coop.php> [accessed 16 August 2013].

⁴⁰ Amnesty International, *Supreme Court ruling highlights plight of asylum-seekers* (Index: PRE01/341/2013), 19 June 2013.

⁴¹ Amnesty International Australia, *Refugees' Human Rights: What we found on Nauru*, 17 December 2012, <http://www.amnesty.org.au/refugees/comments/30726/> [accessed 16 August 2013].

⁴² UNHCR, *Mission to Manus Island Papua New Guinea*, January 2013, available at: <http://www.amnesty.org.au/images/uploads/about/UNHCR-ManusIsland-Report-130204.pdf> [accessed 16 August 2013].

⁴³ UNHCR, *Monitoring visit to Manus Island Papua New Guinea 11-13 June 2013*, available at: http://reliefweb.int/sites/reliefweb.int/files/resources/2013-07-12_Manus_Island_Report_Final%281%29_0.pdf [accessed 16 August 2013].

⁴⁴ *Immigration Amendment Act 2013* (New Zealand), available at: <http://www.legislation.govt.nz/act/public/2013/0039/47.0/whole.html#DLM4439209> [accessed 16 August 2013].

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