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PACIFIC WOMEN'S WATCH: WHAT ARE WE WATCHING?

The messy reality of women's human rights in the Pacific

Pacific Women's Watch Annual General Meeting 7.30pm

Monday 5th July 2010

Introduction and acknowledgements

Kia ora tatou me nga mihi o te po. Warm Pacific greetings to you all.

What a day it is – it is a day of such mixed emotions:

On the one hand: I am delighted to be back here with you again from my first time in November 2006 and PWW conference: *Taking action to overcome violence*. At that time PWW was still new and I spoke about the *Relationships between International Obligations and Social Policy*. Two of our Commissioners have since also supported PWW: Dr Judy McGregor in workshop on demystifying the collection and analysis of data on women statistics and Rosslyn Noonan on the 60th anniversary of UDHR. It is good to be among friends and colleagues again.

Today is also a moment in history as the United Nations Secretary General Ban Ki Moon, has today announced the creation of a new structure for the empowerment of women: the United Nations General Assembly has voted unanimously today to create a new entity to accelerate progress in meeting the need of women and girls worldwide. The establishment of the UN Entity for Gender Equality and the Empowerment of Women, to be known as UN Women, is the culmination of years of negotiations and advocacy by UN member states and the global women's movement including Gender Equality Architecture Reform (GEAR).

At the same time I have a heavy heart and grave fears for the progress of human rights and democracy in the region. The ripple effects of the collapse of democracy in Fiji continue and become more damaging every day. There are new media restrictions on the Fiji Times and fears that this may soon close. Last week the prosecution of one of the Pacific Region's pre-eminent human rights advocates and member of the International Commission of Jurists, Imrana Jalal and her husband, Ratu Sakiusa Tuisolia continued. Spurious charges have been laid and are to be heard in the High Court, with a maximum term of imprisonment of up to 5 years. There is a real prospect of this human rights defender being imprisoned by a judiciary simply following the orders of the regime which installed it.

Title of tonight's address:

PACIFIC WOMEN'S WATCH: WHAT ARE WE WATCHING?
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Why? Want to support, reflect, and provoke.

Support:

HRC has been a strong supporter of PWW because we understand the significance and importance of what you do and the issues you work on. For example, your follow up to NZ CEDAW Report in 2007, monitoring the issues in our CEDAW concluding observations in relation to Pacific women and refugee and migrant women and your preparation of an alternative report to CEDAW.

CSW – PWW attendance per Beverley's notes. NGO Forum well organised Asia Pacific Women's Watch ran two side events and Jane Prichard spoke briefly on Asian and Pacific Women's Perspectives on Crisis Responses.

I want to reflect on these two emotions tonight – the triumph and the tragedy of the pathway of women's human rights in the Pacific. I want to briefly draw on some recent events related to women's human rights:

- Internationally
- Regionally
- Domestically

To critique how we look for progress (e.g. monitoring and evaluation and re gender mainstreaming) and in doing so:

- Make some observations that we can feel good about
- Ask some questions that make us feel uncomfortable
- Consider challenges and opportunities

Internationally

As I have already mentioned today is a day to celebrate and feel proud of what the global women's movement has achieved.

At the same time, Ban Ki Moon has recently released the MDGs progress report for 2010 indicating that the goals are achievable but that there is a continuing need to focus on women and children.

MDG targets number four and five, reducing child mortality and improving maternal health, have been indicated as the two slowest moving goals, and there is uncertainty as to whether these 2015 targets will be met if these are not given more attention¹.

The establishment of UN Women is part of the UN reform agenda, designed to bring together resources and mandates for greater impact and to assist with making progress in this and other areas.

Regionally

The Pacific region is gaining ground in at least two of the MDGs (maternal health and girls' education). There is much to celebrate in women's participation in public life, but there are still remarkable "firsts" everyday: For example, the publication this year of "Being the First" stories of Solomon Islands women who have broken new ground in the fight against discrimination against women.

Improving the ratification rates of international human rights treaties is also taking longer than anticipated. For example, ratification of CEDAW has been resisted by the government of Tonga. The reasons for not doing so were disturbing and underscored the regional ambivalence about women's human rights and the use of fear of sexual minorities as reasons for not making progress.

More progress is also needed on women's participation in public life, and the reaction of Pacific women to the first Australian woman Prime Minister has been great.

Human Rights Defenders

The situation of human rights defenders is not universally secure. As I mentioned earlier, Ratu Sakiusa Tuisolia and Imrana Jalal last week presented their submissions on the application by the couple's lawyer regarding charges against them. The DPP has charged the two for business licence violations and violations of the Public Health Act. Tuisolia and Jalal's lawyer Devanesh Sharma made applications that some of the charges were out of time, under legislation that has been repealed and for failure to display a licence which had not been issued and, accordingly, could not be displayed.

The perilous state of other human rights defenders in Fiji including Angie Heffernen, Shamima Ali and members of the Fiji press have a chilling effect on all of us and we must support each other. At the same time the failure of members of the international community to hold Fiji accountable for these human rights violations is emboldening others in the region – well why not, what have they to fear if there are no meaningful consequences for such actions?

Governments

Governments in the region have committed to the Pacific Plan which has a specific focus on gender. Improved gender equality is one of the fifteen key strategic objectives. Agreed initiatives include:

- Mainstreaming gender and development
- Strengthening police training, coordination and attachments with a focus on domestic, gender and sexual violence, drug control and accountability mechanisms
- Consolidating commitments to key integrity institutions including establishment of regional ombudsmen and other human rights mechanisms

Just this month Australia's Parliamentary Secretary for International Development Assistance, Bob McMullan, announced a further contribution of \$1.25 million to the UN Trust Fund to End Violence Against Women in the developing world, at the Annual Ministerial Review for the United Nations Economic and Social Council in New York. The UN Trust Fund to End Violence Against Women is managed by UNIFEM.

In June this year the Australian Attorney-General launched Australia's Framework on Law and Justice Engagement with the Pacific with one priority being increasing engagement with key United Nations and Asia-Pacific regional human rights organisations to play our part in strengthening the rule of law and build human rights capacity internationally.

Hope those regional HR organisations include PWW!

Australian AG also hosted the inaugural human rights forum. The Forum is a key initiative of the recently launched Australian Human Rights Framework and establishes for the first time, a comprehensive dialogue with NGOs on domestic and international human rights issues.

New Zealand: I have grave concerns for the advancement of women's human rights in light of aid development policy changes but I am even more concerned if progress was dependent on such policy. If progress for women stalls in the absence of donor funding, what does that tell us about the real commitment of governments in the region to women's human rights?

And how do we measure progress in these and other areas? I will come back to this in a moment.

National institutions

The situation of national institutions such as the HRC also needs mentioning.

Last year I attended a regional workshop on the establishment of national human rights mechanisms in the Pacific, Apia, Samoa, April 2009. It led to the Samoa Declaration which emphasised the importance of making human rights part of everyday life in the Pacific, recognised the role and leadership of civil society actors, and emphasised the relevance of NHRIs as key actors in strengthening human rights promotion and protection.

Yet we have gone backwards in the last five years and while signs of progress in Papua New Guinea, Samoa, and Nauru are promising and should be supported the pace of progress has been frustratingly slow for all concerned.

The work of Catherine Renshaw and others on regional and national human rights protection and the creation of new models in the Pacific need to be supported.

These mechanisms become more important as we see retrograde steps in Fiji and resistance to advancing women's human rights through ratification of CEDAW in Tonga, based on fallacious and misleading interpretation of what ratification of CEDAW involves.

Critique

So how do we monitor progress?

Monitoring and evaluating projects has become "part and parcel" of the requirements of planning and development workⁱⁱ. Yet there is increasing concern and frustration with the models of evaluation and monitoring and whether these accurately capture "the messy reality of progress"ⁱⁱⁱ. Monitoring and evaluation frameworks often fail to capture how change happened or, in relation to gender and development, how gender relations have actually been altered. Frameworks may confuse change with sustainable change or are based on assumptions that, for example, increases in GDP reflect development, or theories of change, for example that change will progress in a linear fashion. As Batliwala and Pittman note^{iv}:

In practice, however, M&E frameworks and their indicators take on a life of their own, often dissociated from the theory of change, and become an end in themselves, rather than a means. There is ample evidence that measurement is used more as a tool of enforcement

and accountability to the donor than a means of changing strategy or learning about what works.

Do these observations resonate?

In my experience in the Pacific they do.

Cook Islands

For example, in the Cook Islands this was particularly pertinent to ask given the development and implementation of the National Policy had much greater support from donors than from government appropriation. Recording achievements and assessing the "impact" of the National Policy on Women included looking at intended and unintended outcomes.

The review noted that the National Policy on Women set out planning and implementation strategies and activities in the context of knowledge at the time it was created. Much has changed since 1995. For example, the introduction of specific targets in relation to the MDGs and the reflection of these in the NSDP needs interrogation. A country which has achieved all of its MDG targets may yet remain a nation where inequalities exist between men and women, young and old, the able bodied and the disabled. At the same time, a simple focus on "project outcomes" or "planning activities" may miss vital signs of true sustainable change.

Since 1995 the Cook Islands has also increasingly participated in regional and global organisations and events. At the same time, these regional and global events and related machineries have created a variety of mechanisms/agreements/standards which the Cook Islands and other Pacific Islands governments have participated in developing, endorsed, or otherwise pledged to take efforts to advance. These agreements include those related to small islands developing States, new human rights standards (such as the Convention on the Rights of Disabled Persons), and new and emerging issues such as the effects of climate change and biodiversity^v.

At the same time, global events are impacting on the Cook Islands in ways not seen previously including economic changes, the financial crisis, and the resulting movements of peoples from the Outer Islands to Rarotonga, from Rarotonga overseas, and new migrants. There are resulting pressures on human resources capacity, development, and retention of skilled workers all of which are creating different effects and having different consequences from those of the 1990s.

A further consideration is how to assess progress compared to other areas. For example, during the same period as progress was being sought in relation to women's human rights, progress was also being sought in relation to improved health, better educational outcomes, economic restructuring, trade and business enterprise, labour law reform, Outer Islands administration, environmental degradation and many other areas.

The review concluded that more than 90% of the policy had been achieved. This was an outstanding result given these changing contexts and a testament to the legacy to a policy of donor engagement over the long term that supports, rather than drives, local development.

Recent changes in NZAID policy are being monitored closely and the effects of changes in focus are already being felt by women's organisations.

A global look

In 2009 Dr Jacqui True, another remarkable New Zealand woman, worked with the United Nations Special Rapporteur on Violence Against Women. Late last year Dr True gave a presentation in Wellington on aspects of that work, including a draft Chapter focusing on mainstreaming gender in international institutions. In that Chapter Dr True asks two important questions;

- what are the implications of gender mainstreaming in international institutions for feminist theories of power and global governance?
- what are the implications of mainstreaming policies for the strategies of women's movements worldwide?

These questions are answered with the conclusion that:

“... gender mainstreaming has not brought the revolution in gender relations or global governance that feminists hoped for. Yet it is naive to expect bureaucratic structures with all their pathologies and power relationships to deliver anything more than incremental change that precipitates ongoing processes of reform and contestation.

But gender mainstreaming at the international level has also involved significant feminist engagement as in the cases of UNSC 1325 and APEC. Women and men's participation and advocacy is critical to the success of gender mainstreaming at the global level. International institutions are places of masculine dominance and bureaucratic myopia with no electoral and little democratic accountability to broader publics. Ultimately, therefore, the capacity of these institutions to progress awareness of gender inequalities and differences in their work and contribute to transformation in gender relations rests on the political knowledge and pressure of movements for gender justice.

This brings me back to implications and the work of civil society and women's organisations such as PWW.

Implications:

Mainstreaming Pacific women's issues poses risks and creates new challenges. For many groups of women, including diverse Pacific women, visibility remains a significant issue. That great vast ocean in the Pacific is home to millions of people who need to be seen and heard on the international stage and who have a great deal to offer it.

There is a risk that the new UN Women entity will be overwhelmed by the breadth of its mandate and the range of diverse human rights issues for diverse women around the globe. The new Executive Board will consist of 41 countries including 10 representatives from the Asia region.

The current campaign by Pacific women to change this reference to Asia to “Asia and Pacific” and to ensure the appointment of a Pacific representative is therefore not only timely: it is essential if this new structure is to assist in making progress for women's rights in the Pacific.

Sharon Bhagwan-Rolls of FemLink Pacific Media Initiatives for Women, based in Fiji, is doing an outstanding job of both staying engaged with the issues of structural reform and providing information on which women's organisations in the region can organise and take action.

Uncomfortable Questions:

Some uncomfortable questions remain. For example, what if the BP oil spill currently devastating the Gulf of Mexico happened in the Pacific? The region is already struggling to deal with the effects of earthquakes and tsumani in Tonga, Vanuatu, Samoa. An environmental disaster on that scale needs to be imagined and prepared for.

If progress for women stalls in the absence of donor funding, what does that tell us about the real commitment of governments in the region to women's human rights?

At same time we must ask about progress in New Zealand – getting beyond the rhetoric, for example in the area of violence against women. What are we going to do with all this awareness about domestic violence? When will actual violence rates start to drop?

I don't know, but I do know this is the third year in a row that I have had to intervene in discussions with the UNIFEM White Ribbon Campaign which is co-ordinated by the Families Commission, to ensure that Campaign maintains its focus on violence against women and does not dissipate into a campaign about "family violence".

Challenges

- Women and human rights
- Customary and traditional rights and the manner of their exercise consistent with HR
- Environmental impacts
- Social and economic equality

Opportunities

The role of civil society groups has also been recognised in the establishment of UN Women, the new UN entity.

Opportunities also arise in the following areas:

- Election of members of UN Treaty bodies and other mechanisms such as CEDAW.
- New UN Women entity and representation of Pacific
- Participation in UN processes as NGOs

Which brings me to my final point, which is a happy one.

Another reason to celebrate today is the impending accreditation of PWW to ECOSOC.

PWW established only five years ago and already on verge of Special Consultative Status will, I understand, be confirmed at ECOSOC's July meeting. Such accreditation is not a pro forma process as can be seen in the recent difficulties for accreditation of NGOs representing sexual and gender minorities.

Brazilian NGO Associação Brasileira de Gays, Lésbicas e Transgêneros (ABGLT), an organization working on sexual orientation and gender identity issues.

The NGO Committee has now rejected more than 10 applications by NGOs working on sexual orientation and gender identity issues, thus entrenching a discriminatory pattern that brings its own practice into disrepute. The ECOSOC has had to consistently overturn these recommendations of the NGO Committee in order to uphold the integrity of its own processes and the principle of non-discrimination underpinning the UN Charter.

This highlights the significance and strategic importance of PWW's ECOSOC status – and shows just how smart you all are for taking this route to support visibility of the issues for diverse Pacific women. With accreditation to the United Nations, PWW is able to attend and participate in meetings and, in doing so, has another place from which to monitor and support women's human rights.

These are important activities because participating in human rights mechanisms is vital if those mechanisms are to work, be effective and stay accountable to those they purport to serve.

Accreditation would be an extraordinary achievement and you all have my personal admiration for that. And also suitable given Marilyn Waring is your patron – anything I can do to help I will do so.

Can I just suggest that you get your domain names in order so they can't be attacked online – all variations of PWW at .nz and gtld as well. Salutory because of recent alranz case.

In closing can I just say that you are all human rights defenders. I want to personally congratulate you on your success in growing and developing over the last five years – and I marvel at how fast that time has travelled. I look forward with wonder and delight at what mischief you will be up to next.

Kia ora

ⁱ DESA, Vol 14, No. 7, July 2010

ⁱⁱ Joy Liddicoat, Cook Islands Review of the National Policy on Women (Cook Islands Ministry of Internal Affairs, Rarotonga, 2010).

ⁱⁱⁱ Srilatha Batliwala and Alexandra Pittman *Capturing Change in Women's Realities: Measuring Social Change: Assumptions, Myths and Realities* (AWID, July 2010 <www.awid.org>).

^{iv} *ibid*

^v Office of the Prime Minister and Cabinet *Cook Islands Millennium Development Goals Report 2009* (Office of the Prime Minister and Cabinet in Association with the United Nations Development Programme, 2009).