

Asia-Pacific Regional Forum on the 30th Anniversary of the UN Declaration on the Rights of Minorities

Opening Remarks by OHCHR Deputy Regional Representative for the Pacific

Special Rapporteur,
Distinguished participants,

It is an honour for me to represent the Regional Office for the Pacific at the opening session of the Asia-Pacific regional forum on minority issues. I would like to convey my appreciation to the Special Rapporteur, Mr. Fernand de Varennes, and the Tom Lantos Institute for convening this annual forum.

This year's forum, which focuses on the 30th anniversary of the UN Declaration on the Rights of Minorities, provides a valuable opportunity to reflect on the progress made in protecting and promoting the human rights and dignity of persons belonging to national or ethnic, religious and linguistic minorities.

The UN Declaration emphasises that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live, and recognises the important role of the United Nations in ensuring the protection of minorities.

At the time the UN declaration was adopted, in 1992, no Pacific State – with the exception of Australia and New Zealand – had ratified, or acceded to, the ICCPR, while only one had become a party to the International Covenant on Economic, Social and Cultural Rights (Solomon Islands – 1982).

Today, four additional Pacific Islands countries – PNG (2008) Samoa (2008) Vanuatu (2008) and Fiji (2018) – have ratified or acceded to the ICCPR, and three more have now become parties to the ICESCR – PNG (2008), Fiji (2018) and RMI (2018).

This positive trend is also reflected in the ratification and accession to other core human rights treaties and optional protocols: today, all PICs are parties to the CRC, and all but Niue, Palau and Tonga have ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Fiji is the first PIC to be party to all nine core

international human rights treaties, RMI is a party to seven core treaties and an optional protocol and Samoa to six core treaties and two optional protocols.

Nevertheless, the Pacific region continues to have the lowest ratification rates of the core international human rights treaties, with reporting requirements constituting one of the most immediate practical constraints to ratification. This constraint is also clearly illustrated by the difficulties that PICs that are parties to international human rights treaties encounter when it comes to complying with their reporting obligations. Although there has been increased reporting to treaty bodies, PICs continue to face a significant backlog: Fiji, for instance, has seven outstanding reports to treaty bodies, while PNG and RMI have five overdue reports each.

No Pacific Island Country has a stand-alone constitutional provision recognising the human rights and fundamental freedoms of persons belonging to national or ethnic, religious and linguistic minorities. These rights are generally protected pursuant general provisions guaranteeing equality before the law without any discrimination based on prohibited grounds. However, only a few Constitutions expressly refer to national or ethnic origin, language and religious affiliation in the list of prohibited grounds for discrimination.

All Pacific countries have undergone their comprehensive human rights review for the third time. To ensure their systematic engagement with the international human rights mechanisms, including in the implementation of recommendations at the domestic level, some of the PICs have now established National Mechanisms for Reporting and Follow-up (e.g. FSM, Kiribati, RMI, Tonga, Samoa and Vanuatu). Recommendations focusing on the rights of persons belonging to minorities are not very common; some minority-specific recommendations focus on the need to adopt appropriate measures to ensure that persons belonging to vulnerable groups – including minorities – are meaningfully engaged in the development and implementation of climate change and disaster risk reduction frameworks (e.g. Palau and Solomon Islands).

In the years before the COVID-19 pandemic, there was greater engagement with Special Procedures system. A number of Special Procedures mandate holders visited countries in the Pacific in the last decade, but there are a number of countries in the region that have never been visited by Special Procedures mandate holders (e.g. Cook Islands, Palau, Tonga). Some of the reports issued by Special Procedures on countries in the Pacific include specific recommendations on the measures to be adopted to ensure that person

belonging to minority groups are enabled to exercise their rights on an equal basis with others (e.g. report of the Special Rapporteur on cultural rights on her official visit to Tuvalu in 2019).

Ladies and gentlemen,

This is only a general overview of the progress made in the Pacific region in the realisation of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

Global threats like conflict, climate change, economic downturns, pandemics, natural disasters have had, and will continue to have, an enormous impact on the life of persons belonging to minorities, with a huge cost on social welfare and political stability. People belonging to minority groups have been the target of xenophobia, racism, aggressive nationalism, economic and political discrimination, religious fanaticism, and other forms of intolerance and oppression. Ethnic and religious tensions have led in some cases to violent conflicts and civil war.

The UN Declaration on the Rights of Minorities remains an essential tool to guide countries in the region in the development and implementation of all appropriate measures, particularly in the fields of teaching, education, culture and information, with a view to promoting understanding, tolerance and friendship among different racial, ethnical or national groups.

I wish you a successful discussion.