

**Report**  
**Pacific Regional Seminar for Members of Parliament**  
**on the**  
**Role of Parliamentarians in the Promotion and Protection of Human Rights**

**Wellington NZ**

**July 30—Aug 1, 2015**



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## Introduction

In my younger years, I never took the United Nations Human Rights Commission too seriously. It seemed to be operated by representatives of nations with appalling human rights records, who delighted in visiting countries like Australia and provide us with lectures on our human rights record, while never looking in their own backyard.

But my interest in human rights has been rekindled by appalling evidence emerging out of China that Falun Gong practitioners are killed in state run hospitals and their organs “harvested” for wealthy people needing organ transplants; the Andrew Bolt case; and the erosion of the freedom of speech and freedom of religion in nations that have gone down the path of legislating for same sex marriage.

So I was pleased to be selected as one of the two people to represent our WA State Parliament at the recent ***Pacific Regional Seminar for Members of Parliament on the Role of Parliamentarians in the Promotion and Protection of Human Rights*** held in Wellington on July 30—Aug 1, 2015.

## Conference Dynamics

I expected the conference to be dominated by left wing politicians. They were certainly there and they were vocal. But I was encouraged by the willingness of the Islander nation MPs to speak up and make their presence felt. Likewise, I was encouraged by the fact that I was not the only conservative MP from Australia who was willing to speak up in the discussions and at times insisted that our views be noted, especially when it came to framing the Declaration issued on the final day.

Sometime during the first morning one of the Islander MPs said he wanted to raise an issue: He was dismayed that the conference had not begun with prayer. He declared that in his nation, it was unthinkable to begin and end parliament without prayer. He said words to the effect: *My people believe in the Almighty. We are a Christian nation, and we would never begin something as important as a conference or our daily parliamentary sittings without prayer.* It was amusing to see the left wing delegates – including a NZ Green - squirm in their seats as other Islander MPs nodded in approval. The CPA secretariat took this on board, and from then on, grace was said before each meal, and each day’s proceedings commenced and concluded with prayer, led mainly by Islander MPs, a number of whom also serve as pastors in their villages. As they knew I had served as a pastor prior to entering parliament, they honoured me by inviting me to take a turn to pray for our deliberations.

It raises an interesting issue: In the Federal Racial Discrimination Act, one falls foul of the Act if what one says “causes offense” to another person (section 18C), as Andrew Bolt discovered when he questioned the motivation of some persons in our nation for choosing to identify as aboriginal when they have multiple identities available to them. So what happens when people are offended by the absence of prayer? It was interesting to observe that as the Islander nations are the “weaker” nations – some of the island states only have a few thousand residents – that the CPA officials running the conference felt obliged to incorporate prayer into the agenda from then on. In Australia, we have witnessed the repeated efforts of the left – the Greens and some Labor - to remove the opening prayer from the protocols of our parliaments. But at this conference, the left said not one word to oppose prayer - presumably not to cause offence to the Islanders! Interesting how the left in Australia in wanting to abolish prayer in parliament, does not mind causing offence to the 63% of the population who self-identified as Christian in the last census!

## Some Players

Dame Carol Kidu played a significant role at the conference. She is a very interesting person. As a young white Australian she married a Papua New Guinean young man who was studying at the same university as herself in Australia. Her late husband was the first native Chief Justice in PNG. He died in 1994, and in 1997 she won a seat in the PNG Parliament as an independent, and retired in 2012. She was the only woman MP in the parliament during her first two terms.

Dame Kidu high-lighted several things: That our western culture is so individualistic, that our values often cause unintended consequences when imposed on tribal societies which have a strong view of themselves as being “collective societies”. She also noted that her husband’s tribe, which has been very Christianised and therefore values peaceful co-existence with other tribes, is therefore not as aggressive to others, often finds their rights trampled on by the Highlander tribes which are not so Christianised. Thus, even within a race, care needs to be taken to ensure that different groups are not having their rights trampled on.

Dame Kidu spoke about the rise in the “burning of witches” in PNG. This arises when an accusation is made against a widow and a mob mentality is whipped up by the accusers. The motivation is not to get rid of witches, as generally there is very scant evidence to suggest that the claim is true, but the goal is to get the widow’s land. The claim is made that traditional law does not entitle a woman to own land, and yet this is not true, as the traditional inheritance law allowed a woman to inherit land. Thus by asserting that a woman is a witch, others can then claim her land. Thus what accusers claim as an assertion of traditional culture, may be nothing more than rewriting of traditional law to try and legitimise the illegal seizure of a person’s land.

## Better understanding of Human Rights processes

Given my dim view of the UNHRC I was pleased to learn that it had been disbanded in 2006, and replaced by the UN Rights Council in 2008. This new body has the responsibility to undertake **Universal Periodic Reviews** of the human rights situation in every country on a rotating roster, which means each nation is reviewed approximately every 4 years. This new UN body can only undertake the review on the invitation of a nation, and if the invitation is given, the nation agrees to give the reviewers unfettered access to persons in their nation. In that context it was very interesting to hear Prof Rashida Manjoo, the *UN Rapporteur on violence against women, its causes and consequences*, share some of her experiences in the Sudan where security forces tried to arrest people as soon as they finished speaking with her! The Government security forces would not even accept instructions from the foreign minister of their own country to desist!

One of the goals of the conference was to give MPs a better understanding of the Human Rights processes, and this was certainly achieved. Very few – including myself – were aware of the Universal Periodic Review Process. We learnt how we could be involved in that process as MPs, although the process deals with nations, rather than with states. In that sense as a WA representative at the conference, there were some things that we learnt about which do not directly apply to our state setting.

## Personal Interactions

For me, one of the highlights of the conference was the opportunity to have informal conversations with the MPs from the Cooke Islands, Kiribati, Tonga, Samoa and other islands, and to hear the contexts in which they operate.

Kiribati MPs were very concerned about climate change, as their low lying islands would be vulnerable if the sea level rose significantly,<sup>1</sup> and they were concerned that the rate at which the fresh water aquifer is being drawn down is not sustainable.

## The Pipitea Declaration

As is the custom at such conferences, the secretariat had prepared a draft declaration that was provided to delegates before arrival.

I was one of many of the delegates who had very serious concerns and objections to some of the content of the declaration. I argued hard for change, supported by a significant group of representatives from the island nations and some Australian states. A number of the islander delegates appreciated my taking leadership in pushing for change, and we succeeded in getting these adopted to varying degrees.

One of the key objections was to the use of the term human rights “norms”. The islander nations’ representatives (as indicated above in the episode about prayer) pointed out that their nations have a very strong emphasis on traditional Christian values, and that these were at variance with the values espoused by many so-called *progressive* nations, who consider their values to be the “norm”. This was brought into sharp focus as it was during the conference that President Obama was visiting Kenya, and had been given a public dressing down by President Kenyatta of Kenya, for the pressure the Obama administration was putting on African nations to adopt the LGBTI agenda, an agenda that most African states find repugnant.

While no one else seemed willing to mention the *elephant in the room*, I pointed out that in the Pacific Islander nations, sodomy is still a criminal offence, and privately, the representatives from those nations said that any attempt to abolish this law, would simply not get through their parliaments because it would not have the support of the population. Thus the “norms” of the USA are very different to the “norms” of the Pacific Islands states. The concern was that if the word “norms” was included in the declaration, anyone could read into that term what they wished, and impose obligations on delegates that those delegates had never agreed to. In other words, we felt that “norms” was too subjective, whereas the term *human rights principles* has clearer meaning in UN documents. I was of the understanding that we had eliminated the term “norms” from the document. The secretariat been adamant that clause 2 & 10 of the declaration should read “*To advocate for human rights principles and norms to be reflected in new laws....*” but after significant

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<sup>1</sup> Kiribati is a coral reef, which has had sand dumped on it by storms over the millennia. Thus when a storm batters the island, and partly inundates it, this is not caused by climate change, but is part of the process that has acted over thousands of years to raise the level of the island. If storms did not dump sand on the islands, they would gradually disappear into the ocean, as the dead coral collapses over time. My sense was that Kiribati MPs were not aware of this geological process).

debate they relented and it was dropped, as a number of delegates said if it was not dropped they would not sign the declaration.

As time ran short , we did not get the edited version of the declaration till after the conference finished (via email), and I was disappointed to see that the final version continued to use the term “norms” in other clauses. I believed the consensus was to drop the term altogether. However, where the word *norms* appears, it is not serious, and in the declaration the term *regional norms* was used which reflected the delegates view that “one size fits all” is not appropriate.

The exercise of knocking the Pipetea Declaration into shape was at times very tedious, and yet we all felt an enormous time pressure, which hindered a declaration being formulated that delegates were truly enthusiastic about.

The Pipetea Declaration was in effect a commitment made by all participants, do our part to raise awareness about human rights, and to engage with the principles of human rights, and ensure that these are reflected in new laws. Clause 10 was one that was important to me, as I am engaged in a sub-national parliament: namely that even at that level, we need to keep our eye on the human rights issues, and ensure that no inappropriate legislation is passed.

**Conclusion:**

The conference was very educative for me, as I was not aware of the detailed workings of the international human rights machinery. It was also a good opportunity to network with other MPs from other countries. I thank my colleagues for giving me the opportunity to attend.

Respectfully submitted

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Member for Southern River

Attached: Pipetea Declaration



The Commonwealth

## PIPITEA DECLARATION

**Commitment to a set of actions by the participating Commonwealth Pacific Parliamentarians to promote and protect human rights**

We, Members of Parliament, attending the 'Pacific Regional Seminar for Members of Parliament on the Role of Parliamentarians in the Promotion and Protection of Human Rights', on 30 July - 1 August 2015 at Wellington, New Zealand:

*Recognise* Parliament as a key institution safeguarding and upholding the rights of citizens and its corresponding role in the promotion and protection of human rights,

*Note* the Commonwealth Charter; the Commonwealth Latimer House Principles; the Universal Declaration of Human Rights; the Vienna Declaration and Programme of Action; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; other core human rights instruments; and the Declaration on the Rights of Indigenous Peoples,

*Note* the concerns stated by the Pacific small island states on the impact of climate change on their economic, social and cultural rights,

*Note* the leading role that Parliaments could play in ensuring the implementation at the national level of accepted recommendations made under the Universal Periodic Review and by other human rights mechanisms,

*Emphasise* Parliament's responsibility for integrating international and regional norms and standards in national legislation and holding governments accountable for the enforcement of laws,

*Understand* Parliament's unique position to influence policies and budgets at the national level, monitor policy implementation programmes at local levels, address the needs and concerns of their constituencies and act as a catalyst in the realisation of human rights at all levels,

*Note* the Paris Principles and the significant role that national human rights institutions can play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

*Note* the Belgrade Principles and their guidance on the relationship between Parliaments and national human rights institutions,

*Acknowledge* the importance of active engagement with international human rights mechanisms, including the Universal Periodic Review, the Treaty Bodies and the Special Procedures mandate holders,

Therefore, we declare as follows:

1. To take forward our responsibility as Parliamentarians in raising awareness of international and national human rights norms and mechanisms, and Parliamentarians' concomitant roles and responsibilities in engaging with them;
2. To advocate for human rights principles to be reflected in new laws, addressing gaps in existing legislation where necessary;
3. To advocate for the integration of human rights education into curricula at institutions of learning, and to strengthen it where already in place;
4. To seek to establish a suitable Parliamentary forum to promote human rights and fundamental freedoms;
5. To proactively seek and avail ourselves of international technical assistance, such as from the Commonwealth Secretariat, in the field of human rights where necessary;
6. To promote both the establishment of Paris Principles-compliant national human rights institutions and the need to strengthen the independence and sustainability of existing ones;
7. To encourage all relevant stakeholders to promote and enhance cooperation between their national parliaments and national human rights institutions and civil society in the promotion and protection of all human rights and fundamental freedoms;
8. To encourage dialogue and promote the exchange of information and experience on salient human rights issues and challenges in the Pacific, including equality and non-discrimination, climate change, indigenous peoples' rights, corruption, and violence against women and children;
9. To take appropriate steps to increase our engagement in the reporting and implementation process of international and regional human rights mechanisms, including the Treaty Bodies, Universal Periodic Review and Special Procedures;
10. Where appropriate, to build the role of sub-national Parliaments in promoting human rights principles and engaging with national human rights institutions and treaty and Charter-based mechanisms.
11. To support the establishment of the Commonwealth Pacific Parliamentary Human Rights Group, a network of advocates and lawmakers to promote inter-

parliamentary co-operation with a view to ensuring better practices and strengthened parliamentary engagement with the Universal Periodic Review, Treaty Bodies and Special Procedures and the durable implementation of their recommendations; enhanced interaction between parliaments and NHRIs; operationalisation of this Declaration; and strengthened efforts to promote and protect human rights.

Adopted at Wellington, New Zealand  
1 August 2015

<http://thecommonwealth.org/media/news/pacific-parliamentarians-adopt-pipitea-declaration>