

CURRICULUM VITAE

1. Personal Information

Name: 'Atu EMBERSON-BAIN
Place of Birth: Nuku'alofa, Tonga
Date of Birth: 7 May 1955
Gender: Female
Nationality: Fijian
Address: 8 Crompton Place, Suva, Fiji
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Family status: Married, three children

2. Education

Academic qualifications

- 1977 B.A. (Hons) in Politics, Philosophy & Economics, University of Oxford (Wadham College).
- 1978 M.A. in Commonwealth Studies (History/Politics/International Relations), University of London.
- 1987 Doctor of Philosophy (Labour History), Australian National University.
- 2010 Bachelor of Laws, University of the South Pacific (Gold Medal & Munro Leys Prize).

Professional qualifications

- 2010 Professional Diploma in Legal Practice (PDLP), University of the South Pacific.
- 2011 Admission to Fiji Bar.
- 2014 Professional Diploma in Legislative Drafting (PDL D), University of the South Pacific.

3. Employment

Oct 2021 – March 2022 *Consultant, UNESCAP, Suva*

Review of domestic legislation for CRPD compliance as legal advice for the Government of Kiribati (233 pages). Scope of work included legal research and gap analysis of legislation and case law; review of CRPD jurisprudence including general comments, concluding observations, and views and recommendations (decisions) of the CRPD Committee; and recommendations to eliminate disability-based discrimination, protect the rights of persons with disabilities, and promote disability mainstreaming. Over 200 pieces of primary legislation covering more than 20 areas of law reviewed in addition to the Constitution of Kiribati, a range of regulations, and various High Court and Court of Appeal decisions. Recommendations not confined to the CRPD, but including CRC, CEDAW, and other international standards such as ILO Conventions, CAT, and ICCPR.

Sept 2021 *Consultant, UNESCAP, Suva*

A two-week assignment to review a draft Pacific Perspectives 2021 publication of UNESCAP, entitled *Convention on the Rights of Persons with Disabilities: Overview of compliance in Pacific island legislation*. Responsibilities included technical checks, editing, restructuring, and fresh analytical text. Publication released in December 2021 as an abridged version of the 195-page regional report on disability I prepared for UNESCAP earlier in the year (see below).

Aug 2020 – Jan 2021 *Consultant, UNESCAP, Suva*

A five-month assignment to undertake legal research and analysis of several hundred statutes; assess nine national and state legislative reviews to identify key areas of CRPD non-compliance; and prepare a comprehensive report on regional compliance trends across 20 areas of law. The 195-page report - entitled *Inequality, discrimination and exclusion: Assessing CRPD compliance in Pacific Islands legislation* - provides broad guidelines for law reform in each area of law under review and covers seven Pacific island states – Vanuatu, Republic of Marshall Islands, Nauru, Tonga, Solomon Islands, Tuvalu, and Federated States of Micronesia. Published by UNESCAP in October 2021.

Jan – June 2020 *Consultant, UNESCAP, Suva*

Two-country desk assignment (FSM and Tuvalu)

- finalization of draft reviews of national and state legislative Codes for CRPD compliance in the Federated States of Micronesia, the State of Kosrae and State of Pohnpei;
- finalization of draft review of domestic legislation for CRPD compliance in Tuvalu.

Scope of work included fresh legal research, checks, and analysis; text revisions and editing; incorporation of feedback from national stakeholders; review of CRPD jurisprudence including general comments; and preparation of final drafts for submission as legal advice to the national and state governments. For Tuvalu, over 170 pieces of primary legislation and 64 regulations were reviewed in addition to the Constitution. In the case of FSM and two of its constituent states (Pohnpei and Kosrae), 149 Titles were reviewed including three national and state Constitutions.

August – Dec 2019 *Consultant, UNESCAP, Suva*

Two-country desk assignment (Tonga and Solomon Islands)

- finalization of draft reviews of domestic legislation for CRPD compliance in Tonga
- finalization of draft reviews of domestic legislation for CRPD compliance in Solomon Islands.

Scope of work included fresh legal research, checks, and analysis; text revisions and editing; incorporation of feedback from national stakeholders; review of CRPD jurisprudence including general comments; and preparation of final drafts for submission as legal advice to the two governments. For each country, over 200 statutes and the Constitution were reviewed for CRPD compliance in addition to a selection of regulations.

May – July 2019 *Technical assistance, Republic of Marshall Islands (pro bono)*

Final revisions and editing of draft review of domestic laws for CEDAW compliance. (Draft review undertaken by UNESCAP consultant under my supervision as Regional Adviser in 2018-2019). Final report approved by Cabinet, endorsed by the *Nitijela*, and included in RMI’s Beijing + 25 national report.

2014-2019 (5 years) *Regional Adviser, Social Development & Planning, P5, UNESCAP*

Provided technical assistance and advisory services to several Pacific countries, in particular assisting with ratification and implementation of the CRPD and CEDAW. I developed advocacy briefs/background papers, Cabinet papers, a parliamentary submission and a congressional resolution on CRPD ratification (Tonga, Solomon Islands, Fiji, FSM); contributed to national reviews of disability policies and legislation for CRPD and CEDAW compliance (Vanuatu, Nauru, Solomon Islands, Tonga, Tuvalu, FSM, RMI), constitutional submissions (Tuvalu, RMI), and parliamentary Bills (Fiji – disability, RMI – labour, adoption, Solomon Islands – mental health).

In RMI, I provided legislative drafting support for disability and gender equality Bills (*Rights of Persons with Disabilities* Bill enacted in 2015, and the Gender Equality Bill enacted in 2019) as well as amendments to the *Labour (Minimum Conditions) Bill* for CRPD alignment. The *Rights of Persons with Disabilities (Consequential Amendments) Bill 2018* proposed amendments to 108 statutes in order to mainstream disability rights.

2013 *Consultant, ILO, Suva*

Two consultancies.

- Preparation of a discussion brief: *‘Inclusive Economic Development: Ensuring Decent Work and Productive Employment.’* One of a series of briefs prepared by the UN and CROP (Council of Regional Organisations in the Pacific) to assist Pacific Island Governments in their preparations for the Pacific Sub-regional Preparatory Meeting (July 2013) for the Third International Conference on Small Island Developing States (SIDS), 2014.
- Preparation of a research paper: *Decent Work in the Pacific: Identifying Key Challenges and Exploring Responses.*

2011 – 2012 (6 months) *Solicitor, Munro Leys, Suva*

Graduate lawyer, Litigation Division.

2011 (3 months) *Regional Adviser, Social Development & Planning, P5, UNESCAP*

A temporary position to support preparations by Pacific governments for the Rio+20 Conference, June 2012. Drafted and edited various papers relating to the green economy/growth for sustainable development and poverty eradication and other assistance with a Joint Ministerial Meeting in Apia, July 2011. Preliminary research also undertaken into UN conventions relevant to sustainable development principles & social,

economic and cultural rights (ICESCR, C169) with recommendations for ESCAP engagement.

2011 (2 months) *Volunteer Lawyer, Legal Aid Commission, Suva*

2006 *Fiji Representative, Commonwealth Observer Group for Guyana General & Regional Elections*

Responsibilities included team assessment of election preparations, media coverage and community tensions; discussions with election officials, political parties, NGOs and other local stakeholders/observers both in Georgetown and rural areas; field visits and monitoring of polling stations; and contribution to draft report by Commonwealth Secretariat.

2001-2006 *Senator, Fiji Parliament (nominee, Leader of Opposition)*

1999-2000 *Senator, Fiji Parliament (nominee, Prime Minister)*

Responsible for reviewing most Bills passed by House of Representatives, engaging in parliamentary debates and contributing to committee work (Senate Business and Legislation Committees). Speeches, motions and questions dealt with the social impact of development/economic-trade policy; labour standards, occupational health and safety in the mining & industrial fisheries sectors; human rights, gender, child and youth issues (domestic violence, corporal punishment, voting age); governance issues, ethnic electoral system, corruption; and the environment. In 2003, moved two substantive parliamentary motions proposing reform of the industrial fisheries and mining sectors, mainly in respect of poor labour conditions and adverse environmental impacts.

2005-2006 (8 weeks) *Consultant, European Union/University of South Pacific*

Two Pacific country studies of labour markets (Tonga & Kiribati). Studies provided critical reviews of national employment legislation with recommendations to improve compliance with international labour standards.

2001-2002 (4 weeks) *Consultant, University of Queensland, Australia (Uniquest)*

Review and editing of report on Australian Government Pacific Media and Governance Initiative (PMI). Included background overview of regional socio-political and media environment; review of project performance and effectiveness; and recommendations for design of next phase including media training and multi-sectoral partnerships.

2001 (12 weeks) *Consultant, Australian Government (AusAID)*

Team Member, 7-country review of Australian Government-funded Pacific Media Initiative. Consultations with key stakeholders in Vanuatu, Solomon Islands, PNG, Tonga, Samoa, Kiribati and Fiji, and contribution to draft report.

2001 (3 months) *Consultant, Department for International Development, UK (DFID)*

Member of a 3-person team to undertake an impact assessment of DFID's Pacific Regional Human Rights Education Resource Team (RRRT) - a gender/human rights initiative with a primary focus on human rights training (for judges, magistrates, lawyers)

and legal literacy (for women) in the areas of family and criminal (sexual offences) law. Project assessed in terms of law reform, implementation of UN conventions (CEDAW, CRC), community human rights awareness, women’s empowerment, and poverty alleviation.

1998 (3 months) *Consultant, Asian Development Bank*

Women and Development Country Profile on Tonga. Field work/research, data collection, and gender analysis of social, cultural and economic environment with focus on employment, agriculture and fisheries development, public health, food security, water/sanitation, land access, poverty, education, legal and political rights. Recommendations for future Bank assistance.

1998 (4 weeks) *Consultant, European Commission*

Team review of EC gender programming in Fiji/Pacific region. Gender analysis of a number of EC national and regional projects, documentation analysis, interviews with stakeholders, and report preparation.

1995 (3 months) *Consultant, Asian Development Bank*

Women and Development Country Profile on Kiribati. Research, analysis and report on the social, economic and legal status of women in Kiribati. Recommendations for future Bank assistance.

1995 (2 months) *Consultant, UNICEF/UNDP*

Research paper *Women in the Pacific: Exploring the Gender Dimension of HIV/AIDS*. Analysis of the social, health & legal status of Pacific women, and assessment of their vulnerability to HIV/AIDS. Paper subsequently integrated into *Time to Act*, a UNDP publication on HIV/AIDS.

1993-1994 (5 months) *Researcher, Fiji Women’s Rights Movement (FWRM)*

Two research studies.

- *Fishing for Justice. A Study of Women in the Manufacturing Sector*. The report provided the basis for an advocacy campaign by FWRM to improve conditions of employment for women workers in the manufacturing sector.
- *Labouring Under the Law*. A gender analysis of Fiji’s employment laws undertaken with Claire Slatter. The review provided impetus for an advocacy campaign by FWRM to reform gender-discriminatory employment legislation. The *Employment Relations Promulgation 2007* incorporated a range of its recommendations including improvements to maternity leave, protection against sexual harassment, and incorporation of equal pay for work of equal value.

1993 (3 months) *Consultant, International Women’s Development Agency, Australia*.

Research paper on the social/gender impact of mining development in the Pacific: *Catching a common vision. Mining development and the perspectives of Pacific women*.

1986-92 *Lecturer in Sociology*

School of Social & Economic Development, University of the South Pacific, Suva, Fiji Islands. Teaching responsibilities included undergraduate courses in women’s studies, the study of society, and the sociology of crime and deviance.

4. Selected publications

- 2023 (with Bain-Vete, M, S, & A.)
Cries from the Moana, Hakautapu Publications, Suva (an illustrated children’s book, junior fiction)
- 2021 *Inequality, discrimination and exclusion: Assessing CRPD compliance in Pacific Islands legislation*, UNESCAP, Bangkok.
- 2003 ‘In Defence of Human Rights in Fiji’: Excerpts from a Speech given in the Senate of Fiji, 2002’, *Pacific Ecologist*, New Zealand, no 4, Summer Issue.
- 2003 ‘Mining and Justice in Fiji’, *Pacific Ecologist*, no 5, Autumn/Winter Issue.
- 2002 *Labour and Gold in Fiji*, Cambridge University Press, Melbourne. Reprint in paperback of hardback edition first published by CUP in 1992.
- 1999 ‘Excerpts from a Senate speech on the Occasion of the Debate on the President’s Address to Parliament, 7 July 1999’, *Tok Blong Pasifik*, Canada, vol 53, no 3 Issue: *Making a Difference: Women and Globalization*.
- 1998 *Women in Tonga: Country Briefing Paper*, Asian Development Bank, Manila.
- 1997 ‘Shifting Sands: Women, Gender and Pacific Development’ in P. Schoeffel (ed.) *Proceedings of Asian Development Bank Roundtable on Socio-Cultural Issues on Economic Development: Making Aid More Effective*, Asian Development Bank. 1997.
- 1997 ‘Fishy Business’, *New Internationalist*, London, no. 291, June.
- 1997 Dust to dust: Ashes to Phoenix’ in A. Griffen *With Heart & Nerve & Sinew: Post coup writing from Fiji*.
- 1995 *Women in Development: Kiribati*, Asian Development Bank, Manila.
- 1995 *Fishing for Justice. A Study of Women in the Manufacturing Sector of Fiji*, Fiji Women’s Rights Movement, Suva.
- 1995 (with Slatter, C.)
Labouring under the Law: A Critique of Employment Legislation affecting Women in Fiji, Fiji Women’s Rights Movement, Suva.
- 1994 (ed.) *Sustainable Development or Malignant Growth? Perspectives of Pacific Island Women*, Marama Publications, Suva.
 Contributed 4 chapters in addition to role as editor:
- ‘Sanitising the Regional Environment Crisis: Politics of the *Pacific Way* Report’.
 - ‘Deromancing the Stones: Gender, Environment and Mining in the Pacific’.
 - ‘Backbone of Growth: Export Manufacturing and Fiji’s Tuna Fish Wives’.
 - ‘The Downside of Matignon: Squatting in Kanaky’.
- 1994 ‘Mining Development in the Pacific: Are we Sustaining the Unsustainable?’ in Harcourt, W. (ed.) *Feminist Perspectives on Sustainable Development: Shifting the Boundaries of Knowledge*, Zed Books, London & SID, Rome.
- 1994 Columnist (*Not the Mainstream*) for *Pacific Islands Monthly (PIM)*.
- 1994 ‘Love thy Labourer’, *PIM* vol 64, No 8.
- 1994 ‘Law and the Pacific Woman’ *PIM* vol 64, No 4.

- 1994 'The Status of Fiji Women', PIM vol 64, No 5.
- 1994 'A Mixed Bag of Tricks: Legal Structures and their Impact on Women's Employment in Fiji' in Maybin, J. (ed.) *Women and Work: Proceedings of 4th Conference of the Fiji Association of Women Graduates (FAWG)*, Suva
- 1994 'All that Glitters ... Women in the Mining Industry' in Maybin, J. (ed.) *Women and Work* (as above).
- 1992 'Fiji: Women, Poverty and Post-coup Pressure' in Robie, D. (ed.) *Tu Galala: Social Change in the Pacific*, Bridget Williams Books Ltd, Wellington & Pluto Press, Australia.
- 1990 (with Baba, T.) *Bavadra: Prime Minister, Statesman, Man of the People*, Sunrise Press, Nadi.
- 1989 'Fiji's Coup: Women in the Wake' in Prasad, S. (ed) *Coup and Crisis: Fiji – A Year Later*, Arena Publications, Melbourne.
- 1988 'A Protective Labour Policy? An Alternative Interpretation of Early Colonial Labour Policy in Fiji' in *Journal of Pacific History*, Canberra, vol XXIII, no. 2, pp. 119-136.

5. Documentaries

1996 -2001 *In the Name of Growth*

A 53-min documentary film on the impact of globalization and local politics on the lives of Fijian women working in an export tuna cannery. Television screening in Australia (SBS TV). Nominated for the *Golden Maile Best Documentary Award*, Hawaii International Film Festival.

1998 *Where the Rivers Meet*

A 37-minute documentary film on ethnic relations and peace building in Fiji following the 1987 military coup. Commissioned by World Council of Churches as part of its global 'Peace to the City Campaign. Awarded *UNESCO/New York Festivals Gold Medal for Excellence in Television Programming by Producers from Developing Countries & the Emerging States*, 2001. Translated into French & Spanish.

1997 *Caught in the Crossfire*

A 17-minute documentary film on women sex workers in Fiji. Commissioned by UNFPA & TVE London for World Population Day. Film takes a critical look at traditional Pacific values relating to female sexuality, gender biases in the law, and economic factors like poverty that have encouraged the development of the local sex trade. Translated into French & Spanish. *UNESCO Pacific Women Television Award*, 1997.

1993 *Bougainville: Women's voices from a Pacific war zone*

A 30-minute radio documentary on women, mining and war on the island of Bougainville, Papua New Guinea. Awarded *Honorary Mention* at the 1993 Pacific Islands News Association Annual Pacific Media Awards. Broadcast regionally, including Radio New Zealand. Transcribed and distributed by International Women's Development Agency (IWDA) for advocacy/peace work in Bougainville.

1992 *Na Ma'e! Na Ma'e! (We stand until we die!)*

A 58-min documentary film on the struggles of mineworkers in Fiji. Australian television screening (SBS – The Cutting Edge).

6. Other Awards/Honours

2008 Commander of the Order of the Crown (George Tupou V, Tonga)

2011 Human Rights Defender (Fiji Women's Rights Movement)

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