

UNIVERSAL PERIODIC REVIEW (UPR)
STAKEHOLDER SUBMISSIONS
MINORITY RIGHTS GROUP INTERNATIONAL

Submission to the United Nations
Universal Periodic Review

Twentieth Session of the Working Group on the UPR
Human Rights Council
Second Cycle

20 October – 31 October 2014

Minority Rights Group International (MRG) is an international non-governmental organisation working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understating between communities. MRG works with over 150 organisations in nearly 50 countries. MRG has consultative status with the United Nations Economic and Social Council, observer status with the African Commission on Human and Peoples' Rights and is a civil society organisation registered with the Organisation of American States.



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Executive Summary

1. This memorandum is submitted by Minority Rights Group International (MRG) in advance of the second universal periodic review (UPR) of Fiji at the Human Rights Council. Fiji has a population of 837,271 people approximately. Indigenous Fijians are the majority group of 475,739 people and Indo-Fijians are the second largest group of 313,798 people. Numbers for the other smaller groups include: Chinese 4,704; European 2,953; Part-European 10,771; Rotuman 10,335; Pacific Islanders 15,311; and other 3,660 (2007 Census).
2. A table/list of ethnic minorities in Fiji: Asians (Filipinos, Koreans, Burmese and other), Banabans, Chinese, Europeans, Gilbertese, indigenous Fijians, Indo-Fijians, Melanesians, Part-Europeans, Part-Chinese, Rotumans, Samoans, Tongans, Tuvaluans, Wallis and Funtuna is available.¹
3. Fiji's UPR review will need to consider the political complexities, including military coups d'état, of the country's recent history. Some 150,000 Fiji citizens, mostly Indo-Fijians have emigrated over a period of over a decade, and 5,000 people leave permanently each year. However, there are also other smaller minority groups in Fiji which are largely politically invisible, and socially and economically excluded. These include Banabans, Rotumans, Chinese, Melanesians and other Pacific islanders. For example, Banaban, Tuvaluan and Melanesian, and some Rotuman women in rural areas particularly struggle to participate in decision-making beyond their families and church groups.
4. The above referenced report was issued by MRG in 2013 and is based on evidence drawn from extensive interviews across the diversity of Fiji's ethnic groups. A research team carried out a field study of inter-ethnic relations and discrimination in the period since the last coup in December 2006 carried out in 2012/2013, based on detailed interviews with a cross section of people in Fiji about their experiences and perceptions. Interviews were held with local and government officials, representatives of ethnic and religious communities, religious leaders, representatives from international NGOs, academic researchers and representatives of donor, diplomatic and inter-governmental organizations. The research sought to (1) investigate and collect information on inter-ethnic relations, discrimination and exclusion, (2) explore the impact of government policies and practices on levels of ethnic exclusion, and (3) look at the future prospects of government policies on inter-ethnic relations and discrimination. The research also explored gender issues and addresses intersectional discrimination, including gender, ethnicity and religion. The following information and recommendations are based on the results of these interviews.

Constitution, democracy, human rights, rule of law

Recommendations made to the Government of Fiji during the first UPR at the Human Rights Council: All Recommendations cited here are those accepted by the Government of Fiji: A11, A12, A15, A19, A20, A22: Return to democracy, rule of law, human rights, establishing full constitutional assembly, reinstating legitimate authority.

5. The Constitution was adopted in September 2013; however this should be done through a democratic process including a constitutional assembly. Fiji should make efforts to return to democracy, constitutional rule and reinstate legitimate authority. Fiji should also take actions towards domestic implementation of human rights and the rule of law. Recent history has left the country deeply divided. According to the MRG report (2013), most Indo-Fijian respondents said that even

¹ See table pages 8-9 in Fiji; The Challenges and Opportunities of Diversity, 2013, available at <http://www.minorityrights.org/11850/reports/fiji-the-challenges-and-opportunities-of-diversity.html>

though they are consulted, decision-making lies largely in the hands of iTaukei [indigenous Fijians] in the government. An Indo-Fijian, a trade unionist, claimed that 'Fijians hold most positions in public service and there is an ongoing preference for them in government positions and several organizations. Because of the current regime, Muslims are holding positions as well. It can be said that government is predominantly iTaukei and Muslim.' Sixty per cent of iTaukei respondents believed that their human rights have been curtailed and suppressed during and following the coup. Most respondents felt that, while their political rights were undermined, they were still able to participate in social, economic, cultural and civic matters. An elderly iTaukei male respondent stated that: 'Fiji is experiencing a coup culture; the current regime is being dictatorial. Fijians are not able to fully express their rights.'

6. Indo-Fijian views: Most respondents maintained that, since the 2006 military coup, in general civil and political rights were currently denied to all. However, their understanding of social economic and social rights was limited to the right to employment and livelihood, housing, education and health, as well as social security. Respondents who had been actively involved in NGOs and political groups held strong views about the government's denial of human rights.
7. Other ethnic minorities: Most respondents believed that political and civil rights are being curtailed by government. Some of the responses highlighted the lack of right to a fair trial, the right to participate in politics, to vote and to petition about issues. The majority of diplomats and international agency respondents said that there was an undemocratic and military-backed government which denied fundamental human rights.

A71: To fully guarantee the right of freedom of religion or belief, to ensure the protection of all religious groups and minorities and to re-establish a legal framework for the enhancement of this right.

8. According to the MRG report (2013), many felt that there was discrimination in allocation of scholarships. The majority of respondents from other ethnic minority communities believed that there is discrimination in scholarship allocation because these are based on 'ethnicity'.
9. All respondents said that inter-ethnic relations were affected by discrimination in employment. According to a Lautoka businessman, there was a growing imbalance in the employment of Indo-Fijians in the civil service and statutory bodies. He also maintained that, '*the police force has only 34 per cent Indians*'. Another male respondent echoed this view: '*race-based policies such as recruitment in the Fiji police force have discriminated against Indians ...*' Similar sentiments were expressed by another male respondent who said that '*there was a lot of discrimination in the public service against Indo-Fijian and other minorities following 1987*'.
10. Land ownership and access to natural resources also remain the cause of much inter-ethnic tensions. Large numbers of Indo-Fijians, who rely on land leased by indigenous Fijians, have lost their land; and indigenous Fijians fear their land will be expropriated by the government for development.
11. Other ethnic minorities, such as Chinese, Part-Europeans and Rotumans have been largely politically invisible, and socially and economically marginalized and excluded. The majority of

Part-Europeans, Melanesians and other Pacific Islanders are landless, relatively uneducated, unemployed and poor.

Recommendations

- All decrees restricting fundamental human rights, including freedom of expression, freedom of the media, and freedom of assembly, must be rescinded.
- Once adopted Fiji's new constitution should be translated into Bauan Fijian, Hindi and minority languages and widely distributed among its citizens.
- Commission a comprehensive review of school curricula by a body including representatives of all ethnic and religious communities and propose a new curriculum that includes teaching about the history, culture, religion and language of all communities in Fiji.
- The government should revise the existing legislation on discrimination into a single, comprehensive law prohibiting discrimination on all the grounds named in the draft constitution. This must include prohibition of acts perpetrated by government bodies and private persons, and prohibit the advocating of racial or religious hatred. The law must also ensure that racial motivation constitutes an aggravating circumstance for crimes and must provide a transparent, accessible and effective recourse to justice for all victims of discrimination.
- When the new electoral system is adopted, the government should carry out public awareness raising programmes on how it works and how it will enable the voice of all sectors of the population to be heard.
- The government should carry out an audit of all affirmative action programmes, including scholarships and the Fiji National Provident Fund, to identify the extent to which the most needy communities and individuals are receiving assistance.
- The government, civil society organizations and the international donor community need to work together to promote women's participation in decision-making, through specifically targeted training programmes in public administration, and support for advocacy and consultation processes at the local and national levels.
- The government should commission a comprehensive review of school curricula by a body including representatives of all ethnic and religious communities, and propose a new curriculum that includes teaching about the histories, cultures, religions and languages of all communities in Fiji. The government should ensure that this curriculum is rolled out to all regions of the country.
- The 'home zone' scheme should be reviewed periodically to assess its impact on quality of education, as well as whether schools have become more multi-ethnic. There should be provisions for additional state support for rural schools and those in depressed urban localities where education standards are lowest.