

# Advance Version

Distr.: General  
7 October 2019

Original: English

---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-fourth session**  
4–15 November 2019

## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

**Fiji**

---

\* The present document has been reproduced as received. Its content does not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations.

## **I. Introduction**

1. Fiji welcomes this opportunity to provide a report on the human rights landscape and the implementation of the recommendations accepted by Fiji at the second cycle of the Universal Periodic Review (UPR). A total of 112 recommendations from 138 recommendations were accepted by Fiji.
2. Fiji remains steadfast in its commitment to advancing and protecting the fundamental human rights principles and values enunciated in the Universal Declaration of Human Rights through a robust national legal framework, strong institutions and national policies.

## **II. Methodology and consultation**

3. This Report was compiled following extensive inter-ministerial and departmental consultations including consultations with the national human rights institution and other organisations. It outlines in detail measures adopted by Fiji in its efforts to implement the recommendations received at Fiji's second UPR cycle.
4. Annex 1 outlines the various recommendations received by Fiji in 2014/2015 and should be read in conjunction with this Report.

## **III. Climate change and disaster resilience**

5. Fiji as a small island developing State, recognises the inextricable links between climate change, disaster resilience and human rights, vis-à-vis the special vulnerabilities of women, children and persons with disabilities in climate and disaster induced migration. We have established a robust legislative and policy framework not just in relation to a disaster response, but also to building strong and resilient communities to ensure all Fijians continue to enjoy basic human rights and freedoms even in the face of climate change and natural disasters.

### **A. Republic of Fiji National Adaptation Plan**

6. Fiji was a strong voice in the discussions leading to the Paris Agreement, and was among the first to ratify the Paris Agreement. As the first ever small island developing state, Fiji's presidency of COP23 became a major catalyst for an unprecedented political momentum for the full implementation of the Paris Agreement.
7. Fiji launched its first National Adaptation Plan (Plan) at COP24. The Plan outlines progressive strategies to ensure an inclusive, systematic and strategic approach to climate adaptation and building disaster resilience such as building sea walls and relocating communities threatened by rising seas, and strengthening our infrastructure through improved building codes to withstand extreme weather events that are becoming more frequent and intense.
8. The Plan also complements the following Sustainable Development Goals:
  - (a) Goal 1: End Poverty

Implementation of the Plan will ensure that all low-income and otherwise disadvantaged groups have equal rights to economic resources, as well as access to financial and basic services. The Plan aims to build resilience of low-income and otherwise disadvantaged groups in the face of climate change and natural disasters.

- (b) Goal 2: Zero Poverty

Implementation of the Plan will also see efforts to end hunger, achieve food and nutrition security, and promote sustainable agriculture. It focuses on improving productivity and resilience of small-scale and community farms through the provision of climate

information services, extension of financial services, productive resources and inputs such as improved seed varieties. It also provides strategies that support sustainable food production systems (agriculture and fisheries) through sustainable land management, climate smart agriculture, and the creation of marine protected areas.

(c) Goal 3: Good Health and Well Being

The Plan aims to reduce the spread of tropical diseases and non-communicable diseases.

(d) Goal 5: Gender Equality

The Plan aims to empower women and girls particularly by supporting women's full and effective participation in decision-making processes, equal opportunities for leadership, equitable rights to economic resources and financial services, and opportunities stemming from adaptation planning.

9. The Plan is a comprehensive document emphasising a whole-of-economy approach that aligns with the Fijian National Climate Change Policy as well as the National Disaster Risk Reduction Policy, the Climate Vulnerability Assessment and Green Growth Framework. Crucially, it places our adaptation strategy at the core of Fiji's 5 and 20-year National Development Plans. It is a holistic approach to reducing risk and stresses the critical importance in responding to climate change and building disaster resilience to ensure all Fijians continue to enjoy basic human rights and freedoms despite the change in climate conditions.

## **B. Fiji's Planned Relocation Guidelines**

10. COP24 also saw Fiji launch the first ever Planned Relocation Guidelines (Guidelines). The Guidelines are a living document that provides us with a blueprint that inculcates a human rights approach in relation to relocation processes, ensuring proper coordination between various agencies, sensitising the process to issues of marginalisation particularly in relation to vulnerable groups such as women, children, the elderly and those living with disabilities.

11. The purpose of the Guidelines is to ensure an inclusive and gender responsive consultative and participatory process to strengthen communities' riposte to climate change impacts, ensuring community engagement and ownership in the relocation process. It serves as a coordination mechanism to enhance the involvement and collaboration of a plurality of stakeholders, namely: affected communities, government ministries and agencies, trade unions and employers' organisations, intergovernmental organisations, regional and international organisations, the private sector, civil-society organisations, women's organisations, faith-based groups and academia.

12. Fiji recognises the value of a human rights based approach in ensuring recognition and protection of the richness of indigenous knowledge, the multi-cultural and interfaith composition of the Fijian population, when addressing communities experiencing uncertainty about their future due to the climate change.

## **IV. Special procedures and mandate holders**

13. In accordance with recommendations accepted by Fiji during Fiji's second cycle of the UPR in 2014, Fiji has issued a yearly standing invitation to United Nations Special Procedures and mandate holders in areas of priority as identified by Fiji.

14. Fiji invited the Special Rapporteur on the right to education Mr. Kishore Singh, in December 2015. The occasion of his visit allowed Fiji to discuss the various reforms undertaken by the Government in the education sector to ensure education was inclusive and accessible.

15. In December 2016, Fiji invited the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Mutuma Ruteere. Fiji

welcomed the objective assessment made by Mr. Mutuma Ruteere of how our laws and policies and attitudes were faring with international standards in light of the reforms undertaken by the Government to remove racism from Government institutions and social policies.

16. Fiji ratified the Convention on the Rights of Persons with Disabilities in June 2017 and was pleased to host the Independent Expert on the enjoyment of human rights by persons with albinism, Ms. Ikponwosa Ero in 2017. Her visit allowed Fiji to facilitate open and frank discussions with Government stakeholders, the national human rights institutions, civil societies and communities, including persons with albinism.

17. In 2018, Fiji hosted the Special Rapporteur on human rights and the environment and we look forward to his recommendations which are due to be tabled at the Human Rights Council. Given that the Constitution guarantees the right to health, Fiji looks forward to hosting the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health in November 2019.

18. Fiji also hosted the former UN High Commissioner for Human Rights Prince Zeid Raad Al Hussein in 2018.

## **V. Access to justice**

### **First Hour Procedure**

19. Fiji ratified the United Nations Convention Against Torture (UNCAT) in 2016, and given the strong and salutary constitutional provisions pertaining to freedom from cruel and degrading treatment, the rights of arrested and detained persons, Fiji has embarked on a pilot project called the First Hour Procedure (FHP). FHP ensures the provision of legal counsel to every suspect at the Police station, within 1 hour of arrest, with a protocol guiding the conduct of both the Police and lawyers in the implementation of this right.

20. The Legal Aid Commission (LAC) in partnership with the Fiji Police Force (FPF) and in collaboration with the Human Rights and Anti-Discrimination Commission took the lead role in the implementation of this initiative which is aimed at ensuring that suspects at the time of arrest were given access to a lawyer from LAC for the purpose of providing legal advice and assistance as provided for under the Constitution.

21. The initial pilot period was from 1 November 2016 to the end of April 2017. However, a recent review of the program has seen a sharp decrease in the number of allegations being leveled against Police Officers regarding Police brutality. For this reason, the FHP was extended and continues.

22. LAC has ensured that all lawyers give advice face to face by providing a 24 hr schedule of available lawyers to the Police station as opposed to advising detained or arrested persons over the phone. Even if a person in custody decides to waive his or her right to legal advice, the Police Station will still make a call to the LAC and ensure that a lawyer is present to inform the person in custody about the consequences of the waiver.

23. Initiatives like the FHP have ensured there is now a greater awareness on the rights of persons in custody. A recent evaluation of the FHP saw a reduction in the number of allegations of Police brutality.

24. Consequently, there is a shift from reliance on a confession based approach to the one that requires that tangible evidence (video recording) be obtained. The Police are now more focused on ensuring they build their cases based on evidence they have obtained, and not just rely on a confession which may be challenged in Court through voir dire hearings. It is envisaged that over time there will be a significant decrease in the number of voir dire hearings conducted in criminal trials.

25. Moreover, selected Police Stations are also recording interviews of arrested or detained persons. Besides providing access to counsel, selected Police Stations are also recording interviews of persons in custody. With the help of the Scotland Yard and the

British Government, Police officers have been trained on the use of video recordings during police interrogations in order to decrease incidences of police brutality during the investigation and interrogation process. The FPF is also reviewing the Police Act and guidelines to align it with international best practice and standards.

## **VI. Follow-up and implementation of recommendations and commitments undertaken in the previous review**

### **Recommendations relating to acceptance of international norms<sup>1</sup>**

26. In 2014, Fiji had only ratified 3 of the core human rights treaties and conventions. Given the promulgation of the Constitution in 2013 and its robust Bill of Rights chapter, Fiji reaffirmed its commitment to ratifying the remaining 6 human rights treaties and conventions by the year 2020.

27. As of 19 August 2019, Fiji has ratified all core 9 human rights treaties and conventions.

28. The Bill of Rights in the Constitution is extremely comprehensive and robust. For the first time in Fijian history, it creates the conditions for the realisation of not just civil and political rights, but also, social and economic rights, where the State must progressively realise these rights. More importantly, the application of such rights in Fiji is no longer simply confined to their vertical application but also their horizontal application.

29. Fiji's road to ratification of the core human rights treaties and conventions was made easy given that these international norms have been woven into the very fabric of our Constitution thus making compliance easier.

### **Recommendations relating to cooperation with treaty bodies, special procedures, international mechanisms, inter-state cooperation and development assistance<sup>2</sup>**

30. In February 2018, Fiji successfully participated in an interactive dialogue with the CEDAW Committee during the presentation of its CEDAW report. Fiji welcomed the recommendations to strengthen the work on violence and harassment in the workplace. Accordingly, Cabinet has agreed that the ILO Convention Concerning the Elimination of Violence and Harassment in the World of Work, only adopted this year, should be referred to Parliament to consider ratification.

31. As highlighted previously, since 2015, Fiji has issued a yearly invitation to special procedures and mandate holders in areas of priority as identified by the Government, and is currently working towards the implementation of their recommendations.

32. With respect to the recommendations from the Special Rapporteur on the right to education, besides undertaking a review of the Education Act 1966, the 2019-2020 national budget saw an allocation of over \$800 million to the education sector. This allocation will facilitate the continuance of our landmark policies supporting free education, free textbooks and subsidised transportation to school.

33. The Ministry of Education, Heritage and Arts is also working with tertiary institutions on curriculum development and assessments that raise the general standards for those entering the teaching profession, particularly for early childhood and primary education. This creates a more conducive educational environment where, students receive fundamental instructions for the development of their literacy and numeracy skills.

34. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance made recommendations in relation to the collection of disaggregated data based *inter alia* on ethnicity, gender, age and economic status to effectively assess its inclusive policies.

35. The people of Fiji have previously been defined in terms of their ethnicity, especially in the access to Government services and the way our citizens referred to each other in conversation. It is only under the current Government that returning Fijian citizens are not required to declare their ethnicity on arrival at a port of entry. Prior to these reforms, access to most scholarships for education and to most micro financing initiatives depended on ethnicity. Witnesses at Police Stations and in court were defined by their ethnicity. As a result Fijians have been de-humanised to a level where we only saw ethnicity. We are therefore cautious that in the gathering of data based on ethnicity we will refresh the memories of Fijians of the history of racial profiling in Fiji.

36. Fiji is currently exploring alternatives recommended by the Special Rapporteur seeking the assistance of universities, colleges and academic institutions to conduct research supported by the Government. In particular Fiji welcomes the recommendation to include other markers of difference such as gender, age, sexual orientation, geography, income, access to social and economic services as such a recommendation acknowledges the intersectional nature of discrimination and the indivisibility of rights in combating racism.

37. In the reporting cycle Fiji has hosted a number of conferences and workshops with development partners on the ratification of the core international human rights treaties, in particular 2 regional Seminars on the ratification and implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2016 and 2019), a regional training workshop on the ratification and implementation of the International Covenant on Economic, Social and Cultural Rights (2017) and 2 regional workshops on National Mechanisms on Implementation, Reporting and Follow-up (2017 and 2019).

38. Given that Fiji has ratified all core human rights treaties and conventions, Fiji is committed to comply with our reporting obligations. Fiji is also committed to the establishment of a National Mechanism for Implementation, Reporting and Follow-up as we recognise that such a mechanism will ensure precise and timely reporting to treaty bodies.

### **Recommendations in relation to constitutional and legislative framework<sup>3</sup>**

39. The Bill of Rights Chapter of the Constitution includes inter alia: the right to life; right to personal liberty; freedom from slavery, servitude, forced labour and human trafficking; freedom from cruel and degrading treatment; freedom from unreasonable search and seizure; rights of arrested and detained persons; rights of accused persons; access to courts or tribunals; executive and administrative justice; freedom of speech, expression and publication; freedom of assembly; freedom of association; employment relations; political rights; access to information; right to equality and freedom from discrimination; freedom from compulsory or arbitrary acquisition of property; rights of protection of *iTaukei, Rotuman and Banaban lands*; right of landowners to a fair share of royalties for extraction of minerals; right to education; right to economic participation; right to work and a fair minimum wage; right to housing and sanitation; right to adequate food and water; right to health; environmental rights; rights of children; and the rights of persons with disabilities.

40. As stated in paragraphs 18 to 25, Fiji was able to ratify the core human rights treaties and conventions given that they complement the robust provisions under the Bill of Rights Chapter in the Constitution.

41. Furthermore, Fiji's national laws are also in consonance with the core human rights treaties and conventions some of which are:

- Domestic Violence Act 2009
- Crimes Act 2009
- Child Welfare Act 2010

- Tertiary Scholarship and Loans Act 2014
- Republic of the Military Forces (Amendment) Act 2015 (Removing the Death Penalty)
- Environment and Climate Adaptation Levy Act 2015
- Rights of Persons with Disabilities Act 2018
- Online Safety Act 2018
- Climate Reallocation of Communities Trust Fund Act 2019.

### **Recommendations in relation to the Human Rights and Anti-Discrimination Commission<sup>4</sup>**

42. Section 45 of the Constitution establishes and sets out the functions of the Human Rights and Anti-Discrimination Commission (Commission).

43. The Constitution states that the Commission consists of a chairperson who is qualified to be appointed as a judge and 4 other members who are appointed by the President on the advice of the Constitutional Offices Commission.

44. On 8 May 2015, the President on the advice of the Constitutional Offices Commission appointed a chairperson and 4 members to the Commission for a term of 3 years. Since then in 2018, upon the expiry of the term of the former chairperson and members of the Commission, a new chairperson and new members of the Commission were appointed accordingly.

45. The Constitution also provides for the independence (including administrative autonomy and control over its own budget and finances) of the Commission in its functions and in the exercise of its authority and powers, in that it is not subject to the direction or control of any person or authority, except by a court of law or as otherwise prescribed by written law. Further, Parliament must provide adequate funding and resources to the Commission to effectively exercise its powers and perform its functions and duties.

46. In 2015, the Commission received an allocation of \$550,000, in 2016–2017 financial year the Commission received \$1.5 million, and in 2018–2019 the Commission was allocated \$2.4 million in order to carry out their functions as mandated under the Constitution.

47. In 2017, the Commission received a total number of 354 complaints and filed a total number of 6 constitutional redress applications in the High Court of Fiji in relation to alleged human rights violations. The applications sought redress in relation to the rights of children, freedom from cruel, degrading and inhumane treatment, rights of arrested and detained person and the right to freedom from arbitrary evictions.

48. Since 2017, the Commission has engaged with over 18,000 Fijians through various education and advocacy programs. The Commission also made various submissions to Parliamentary selective committees on the ratification of treaties and conventions and on the adoption of relevant Bills.

49. In 2018, the Commission monitored the pre-electoral and post-electoral processes to ensure that minimum human rights standards were observed during the general elections. The Commission also carried out voter education and advocacy in relation to the general elections. The Commission engaged with over 19,000 Fijians during the course of various education and advocacy programs.

50. The Commission also secured \$25,000 under the Pacific Equality Project to set up a complaints management system to enhance accountability, transparency and to establish a nation reporting mechanism for reporting on human rights violations.

51. The Commission remains committed to ensuring that it is Paris Principles compliant and has in the reporting cycle continued to engage with Asia Pacific Forum of National

Human Rights Institutions and the Global Alliance of National Human Rights Institutions to regain its accreditation.

### **Recommendations in relation to human rights training<sup>5</sup>**

52. Since 2015, officers of the Fiji Police Force including recruits at the Police Academy continue to undergo human rights training which have been organised and facilitated by international organisations, development partners in accordance with international human rights, standards and best practices.

53. Over 400 Police officers have been trained in the central and northern divisions with respect to the significant role of the Police in the protection, promotion and preservation of human rights of all Fijians. Trainings conducted with the Fiji Police Force include:

- (a) Human Rights Training, 2015 organised by UNDP, SPC, RRRT and OHCHR;
- (b) Global Human Rights Training for Law Enforcement Officers, Fiji Police Academy, 2015 organised by OHCHR;
- (c) OHCHR Workshop on Human Rights and Law Enforcement, August 2016;
- (d) Investigative Interview – Training of Training Course, 2017 organised by British High Commission and UNDP;
- (e) Human Rights Training for Police Senior Management, 2017 organised by the OHCHR;
- (f) Gender, Human Rights and Violence Against Women Training, Westin Hotel, 2018 organised by Australian Federal Police and FWCC;
- (g) Pilot Training on Human Rights, Fiji Police Force Command Group Eastern, Southern, Western and Northern Divisions, 2018 organised by OHCHR;
- (h) Human Rights and Law Enforcement – Key Standards and approaches, Superintendent’s Course 2018 organised by OHCHR; and
- (i) Training of Trainers in Video Recorded and Investigative Interviewing of vulnerable suspects, victims and witnesses, 2019 organised by UNDP.

54. The Fiji Corrections Service has also gone through various human rights trainings as organised and facilitated by international organisations, development partners including the national human rights institution on international human rights, standards and best practices with respect to the rights of prisoners.

55. Over 300 Corrections officers have been trained in the central and northern divisions with respect to the role of the Corrections Service in the protection, promotion and preservation of human rights of prisoners. Trainings conducted with the Fiji Corrections Service are:

- (a) Training Course on Human Rights and Prisons, Naboro Prison Complex, 2016 organised by the OHCHR;
- (b) Training Workshop for the Fiji Women Corrections Officers on Human Rights and Women in Detention, 2016 organised by OHCHR;
- (c) Human Rights in Places of Detention, Suva, 2016 organised by OHCHR;
- (d) Corrections Training on Human Rights, Korovou Prison Complex, 2017;
- (e) Human Rights and Prisons, Corrections Training Academy, Naboro, 2018 organised by OHCHR;
- (f) Human Rights Training for Corrections Officer, 2018 organised by OHCHR and Fijian Human Rights and Anti-Discrimination Commission; and

(g) 2017–2019: officers and Corrections recruits are being trained in house in relation to the interpretation and application of the Nelson Mandela Rules, the Bangkok Rules and the Tokyo Rules.

56. Judicial officers continue to undergo annual human rights training in the following areas organised by international organisations:

- (a) Gender Related Issues 2014;
- (b) Gender and Sexual Offences 2015;
- (c) Sentencing and Gender 2016;
- (d) Human Rights and Prisons 2016;
- (e) Child Rights 2017; and
- (f) Child Rights 2019.

57. Further, human rights issues are discussed at the annual criminal civil workshops for judicial officers.

### **Recommendations in relation to non-discrimination and racial discrimination<sup>6</sup>**

58. The Constitution enshrines fundamental principles and values such as a common and equal citizenry, secular State, the removal of systemic corruption, an independent judiciary, the elimination of discrimination, good governance, one person one vote one value and the elimination of the legal enforcement of ethnic voting.

59. Fiji underwent its second cycle of successful general elections in November 2018 under the electoral system established under the 2013 Constitution. The Constitution brought about the first wave of legislative framework reforms for the conduct of Fiji's general elections. The Constitution provides for the electoral process to be a multi-member open list system of proportional representation and provides for regular elections based on universal adult and non-discriminatory suffrage.

60. The Electoral (Registration of Voters) Act 2012 came into force on 29 June 2012 and set out in technical detail the requirements set out in the Constitution on voter qualification and the registration of voters. The Act also included legal provisions for the assignment of voter numbers to each voter. For the first time in Fiji, each voter was assigned a voter number that was exclusive and unique to him or her. This later led to the introduction of what we now know as the Voter Identification Card.

61. The Voter Identification Card identifies Fijians as being voters irrespective of gender, race and religion, thus promoting the principles of non-discriminatory suffrage enshrined in the Constitution. As a result of the Act, a total of 591,101 voters were registered from the target of 610,000 estimated eligible voters.

62. The Electoral Act 2014, prescribes the manner in which general elections were required to be conducted under the new open list proportional representation system of voting. Besides setting out administrative processes in relation to the conduct of general elections, one of the most notable legal provisions of the Electoral Act is section 44 which requires the Supervisor of Elections to ensure that appropriate arrangements are made for persons with disabilities or other special needs to enable the effective realisation and exercise of their civil and political rights to vote.

63. In preparation for the general elections the Fijian Elections Office (FEO) consulted members of the Fiji National Council for Disabled Persons to discuss how the needs of people with disabilities could be accommodated. The FEO polling venues were made more accessible by building ramps for wheelchair access. During internal training, Presiding Officers were also taught how to assist voters with disabilities. Voter education material developed by the FEO, included YouTube videos in sign language. The FEO carried out extensive voter information and awareness efforts in advance of the general election in a manner that was highly visible and well-targeted to include typically marginalised voters,

including women, people with disabilities, young people and those living in remote communities.

64. With respect to the 2018 general elections a Multinational Observer Group (MOG) co-led by Australia, Indonesia and India observed the general elections. On 21 February 2019 the MOG Report on the 2018 General Election stated *inter alia* that the removal of ethnic voting blocs and the establishment of a system with a single voter register has aligned Fiji with international good practice in these respects, conforming to the principle of one voter, one vote, one value.

65. Since 2015 the Fijian civil service has undergone various reforms to ensure that recruitment and promotion within Government is based on merit. In 2018 the Public Service Commission established the Open Merit Recruitment and Selection Guidelines (OMRS). The Constitution defines the Values and Principles for the Civil Service, including that recruitment and promotion will be based on objectivity, impartiality and fair competition and ability, education, experience and other characteristics of merit.

66. The OMRS is based on the following principles:

- (a) Decision making based only on the requirements of the position, with no assumption on who will possess these requirements;
- (b) Open and transparent competition for all positions;
- (c) Transparency and Accountability in decision making; and
- (d) Fairness and equity in all staffing decisions, particularly with regard to activities which would impact on relative merit of recruitment and selection decisions.

67. Whilst Fiji does not have standalone anti-discrimination laws, anti-discrimination provisions based on those outlined in section 26 of the Constitution are also provided for under the Employment Relations Act 2007. Part 9 of the Act provides equal opportunities and section 75 of the Act outlines the prohibited grounds for discrimination in relation to employment which include discrimination on the basis of race, culture, ethnic or social origin, sex, gender, sexual orientation, gender identity or expression. Section 77 and 78 of the Act provide further grounds upon which a worker must not be discriminated against including the in the rates of remuneration.

68. Should a worker seek redress for unfair discrimination, the worker may apply for redress to the Employment Relations Tribunal or institute constitutional redress proceedings in the High Court of Fiji.

69. With respect to education, since the inception of the Tertiary Education Scholarships and Loans Scheme, scholarships are determined on the basis of merits and merits alone irrespective of race, sex, gender, gender identity and expression. Tertiary Education Loans Scheme is a fund intended to provide financing to Fijian students who have qualified for higher education in approved tertiary institutions but are unable to support themselves financially to enable them access to higher education at affordable rates and increase equitable access to higher education.

70. Scholarships are given to those top ranked students who have completed their Year 13 in a year preceding the award year and are ranked as National Toppers in their applied priority areas of study and wish to pursue undergraduate higher education in one of the priority areas at an approved tertiary institution. Since commencement of this initiative over 25,000 students are currently benefiting from this initiative.

### **Recommendations in relation to the death penalty and prohibition of torture and cruel, inhuman or degrading treatment<sup>7</sup>**

71. All references to the death penalty have been abolished under the laws of Fiji in particular from the Criminal Code in 2001 and Military Code in 2015.

72. Whilst corporal punishment is not an offence under the Crimes Act 2009, the strong and salutary provisions of section 11 of the Constitution with respect to freedom from cruel,

inhuman or degrading treatment extend to acts of torture committed at any place including home and at school. Further, there is established jurisprudence that any act of corporal punishment inflicted on children is tantamount to the offence of assault.

73. Furthermore, the Ministry of Education has a zero tolerance policy with respect to corporal punishment. Remedial action is immediately taken by the Ministry once cases of corporal punishment are brought to the attention of the Permanent Secretary for Education.

74. Please refer to paragraphs 19 – 25 in relation to First Hour Procedure initiative which is being used a catalyst to ensure Fiji's compliance with the CAT.

75. Fiji has hosted 2 high level Regional Dialogues in partnership with the Convention against Torture Initiative (CTI). Fiji has used these platforms to strongly encourage other Pacific Island States to ratify the CAT and has also offered technical expertise as necessary.

76. Given Fiji's strong commitment in ensuring all persons are free from cruel, inhuman or degrading treatment Fiji was invited to join the CTI core group of friends which Fiji has accepted. This membership recognizes Fiji's important leadership role in implementing the UNCAT domestically and regionally. Fiji accepts that every country has challenges in relation to the eradication of the use of torture and inhuman treatment and will continue to work for universal ratification and implementation.

### **Recommendations in relation to the prohibition of slavery and trafficking<sup>8</sup>**

77. Fiji recognises that human trafficking is a pernicious crime with the greatest impact on women and girls and we recognize that Fiji is vulnerable to trafficking (both in relation to forced labour and sexual exploitation) in the region.

78. In 2017 Fiji also acceded to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

79. Section 10 of the Constitution, guarantees all Fijians freedom from slavery, servitude, forced labour and human trafficking. The Crimes Act 2009 has various provisions which deal with specific offences for human trafficking including trafficking in persons and children.

80. Fiji is currently working closely with the United Nations Office on Drugs and Crime to review our local laws to ensure compliance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime. A desk review has already convened following a visit by a UNODC team in March 2019. It must be noted that in Fiji, the offence of trafficking in person in the Crimes Act are comprehensive and already have been the basis of conviction since 2010.

81. Since the promulgation of the Crimes Act the Office of the Director of Public Prosecutions has successfully prosecuted a number of individuals in various cases. Heavy sentences have been imposed such as sentences of 16 years with a non-parole period of 14 years. In terms of sentencing for human trafficking offences, the courts have established clear tariffs for the offences and Fiji's approach to sentencing in this area is now a guide for other jurisdictions in the region.

82. Fiji has launched a Human Trafficking Awareness Campaign and the Office of the Director of Public Prosecutions has brochures and pamphlets published regularly in Chinese, Thai, Hindi and English which are distributed throughout the nation's various ports of entry.

83. Fiji remains committed to ensuring that all persons including children within its jurisdiction are kept safe and that their rights and freedoms protected at all times.

## **Recommendations in relation to freedom of opinion and expression<sup>9</sup>**

84. A free, independent, responsible and accountable media is the cornerstone of any democracy. In the Constitution, section 17 recognises that every person has the right to freedom of speech, expression, thought, opinion and publication, which includes:

- (a) freedom to seek, receive and impart information, knowledge and ideas;
- (b) freedom of the press, including print, electronic and other media;
- (c) freedom of imagination and creativity; and
- (d) academic freedom and freedom of scientific research.

85. However, no country guarantees unfettered freedom without responsibility. Fiji is no exception. While guaranteeing freedom of speech, expression, thought, opinion and publication, the Constitution explicitly prohibits any speech, opinions or expressions *inter alia*, that is tantamount to propaganda of war; incitement of violence or insurrection against the Constitution; or advocates hatred based on any prohibited grounds of discrimination such as race, culture, ethnic or social origin, sex, gender, sexual orientation and gender identity and expression, language, economic, social or health status, disability, age, and/or religion.

86. These rights are subject to limitations through law such as in the interests of national security and public safety, and the limitations specifically provide for the right to be free from hate speech, the rights of persons injured by inaccurate or offensive media reports to have a correction published on reasonable conditions established by law preventing the disclosure of sources; preventing attacks on the dignity of individuals or groups in a manner likely to promote ill will between ethnic or religious groups or the oppression of or discrimination against individuals or groups.

87. The limitations to freedom of speech, expression and publication in the Constitution on the prohibited grounds of discrimination listed in its Bill of Rights are in consonance with General Recommendation No. 35 (CERD/C/GC/35) of the Committee on the Elimination of Racial Discrimination on Combating racist hate speech.

88. The Media Industry Development Act 2010 through a very progressive Media Code of Ethics and the Constitution guarantee freedom of the press, protects the confidentiality of journalistic sources (consistent with the decision of the European Court of Human Rights and Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms on the right to freedom of expression), and encourages robust debate without inciting hatred for special communities and groups in Fiji consistent with the law on justifiable limitations to free speech under the ICCPR and the European Convention. Further, the Media Code of Ethics in the Media Industry Development Act 2010 was borrowed verbatim from the Code of Ethics adopted by the previous self-regulated Media Council.

89. To ensure accountability and transparency in regulating the conduct of the media, the Media Industry Development Act 2010 also provides for an independent media tribunal, presided over by a High Court Judge, to adjudicate on breaches of media codes or matters relating to media disputes.

90. Since its establishment, the Media Industry Development Authority (MIDA) has called for balanced, accurate and evidence based reporting encouraging quality journalism that is ethical and follows internationally recognised protocols of responsible journalism. Moreover, there has been no prosecution of any media organisation for breaches of the code of ethics, or of content.

## **Recommendations in relation to the administration of justice and fair trial, rights to an effectively remedy, impunity<sup>10</sup>**

91. The doctrine of separation of powers is enshrined in the Constitution. The Judiciary and all judicial officers are independent of the Legislative and Executive branches of the

Government under the Constitution. The Constitution further prohibits any unreasonable interference with the judicial or the administrative functioning of the Judiciary.

92. Section 98 of the Constitution is modelled on the United Nations Basic Principles on the Independence of the Judiciary. The Constitution protects security of tenure, contains a declaration of the independence of the Judiciary, and ensures that the training of judges is the responsibility of the Judicial Services Commission; sets up a tribunal process for removal, and provides for administrative autonomy.

93. Please refer to paragraph 56 in relation to judicial trainings.

### **Recommendations in relation to the right to participate in public affairs and the right to vote<sup>11</sup>**

94. A healthy democracy requires an engaged, informed populace to ensure meaningful participation in democratic processes. The Government recognises that one of the ways to enhance informed participation by citizens is through civic education and that this is essential to a well-functioning democracy.

95. The Fijian Elections Office (FEO) implemented the ‘Voter Education Programme’ (Programme) prior to the 2018 General Elections and designed and administered three major awareness drives aptly termed ‘Know Your Election’ between April and November 2018 in which 3870 voter awareness sessions were conducted in Fiji and Rotuma. The Programme was to further increase community awareness in relation to registration and voting, especially in remote areas and among vulnerable groups. The Programme is focused on procedural matters such as how to cast a valid vote, where to vote and assistance available at the polling stations. Voter Education materials included YouTube videos in sign language.

96. Equally important are the civil societies and minorities’ participation in national public debates. The Parliament through its Standing Committees plays a pivotal role by actively engaging through the consultation process on various matters with members of the public, including civil societies. The Standing Committees usually call for submissions and accordingly report their findings to Parliament and can make recommendations for changes to laws and administration.

97. Please refer to paragraphs 63 to 68 for further information.

### **Recommendations in relation to the right to an adequate standard of living, drinking water and sanitation<sup>12</sup>**

98. The Bill of Rights Chapter of the Constitution also provides for the progressive realisation of socio-economic rights. These rights are also in consonance with the International Covenant on Economic, Social and Cultural Rights ratified by Fiji in 2018.

99. Given that the Government has a constitutional obligation to progressively realise the right to housing and sanitation, and the right to adequate food and water, Fiji has introduced various initiatives to ensure the progressive realisation of these rights for all Fijians.

100. Government has continued to increase investment in infrastructure, provision of safe and clean water, access to electricity, free and quality education, and better health services to ensure that Fijians have a higher standard of living.

101. To achieve the desired poverty reduction outcomes, Government continues to support existing social protection programmes such as the poverty benefit scheme, child protection programmes, social pension schemes and food voucher program. The Poverty Benefit Scheme was set up specifically to provide financial support to destitute and poor households.

102. Child Protection Allowance initiative is a cash grant allocated to residential homes that provide foster care, adoption and residential facilities for orphans.

103. To improve the welfare of elderly citizens, Government in 2015 increased the monthly pension from \$30 to \$50 per month, and also reduced the age eligibility from 70 to 68 years.
104. Lagilagi Housing Development Project: the objective of this project is to provide affordable and decent housing for low income households, particularly families residing in squatter settlements.
105. Social Housing Policy: Government allocated a total of \$0.5 million to write-off housing loans for clients who have paid more than one and half times the principal amount, who have retired or can prove genuine financial difficulty based on low income or medical grounds.
106. With respect to housing, Government introduced the Help for Homes Initiative in April 2016 to assist affected Fijians whose homes were damaged or destroyed in the cyclone Winston. Government issued electronic cards to families with annual incomes below \$50,000 a year to purchase hardware items from local retailers. In total, \$75.3 million was uploaded onto electronic cards and distributed accordingly.
107. Training of Rural Carpenters – Government has also allocated around \$0.2 million to conduct trainings and practical workshops to up-skill rural dwellers in building cyclone resilient houses in all divisions.
108. National Housing Policy Implementation Plan – A sum of around \$0.2 million was provided in the 2016-2017 Budget for the review and implementation of the National Housing Policy.
109. Public Rental Board Subsidy (PRB) – The Government provides operating grants to subsidise the rental obligations of the disadvantaged PRB tenants in all divisions. A sum of \$1 million was allocated in the 2016-2017 budget for this initiative.
110. Squatter Upgrading and Resettlement – A sum of \$2.1 million was allocated in the 2016–2017 Budget to complete civil construction at Omkar, Cuvu, Sasawira, Namara, Lakena Hill No. 1, Caubati and Ledrusasa. Around 278 households benefited from the above projects when completed. Between 2008 to May 2016, a total of 974 residential lots were been created through this programme, benefiting around 4,893 individuals.
111. In the reporting cycle, Government has also initiated a City Wide Squatter Upgrading Project upgrading of squatter settlements in the urban and peri-urban areas that lie within Suva-Nausori corridor, Nadi-Lautoka corridor, Labasa and Savusavu in collaboration with cities and town councils.
112. Housing Assistance Relief Trust (HART) – A sum of \$0.5 million is allocated in the FY 2016-2017 for the programme. The purpose of the programme is to construct and renovate low cost housing villages to accommodate the destitute and near destitute families, 90 percent of whom are social welfare recipients. Families under the programme pay \$1 to \$5 rent per week depending on the type of home they occupy.
113. The Sustainable Income Generating Project aims to control squatter formation through provision of housing and income generation from sustainable farming in rural settlements. A sum of \$0.3 million was provided for the project in the 2016-2017 Budget to ensure completion of on-going projects in areas of Vanuakula, Vunisinu, Naboutini, Nakoro, Nakama, and Nabouwalu. The project includes initiatives such as poultry farms, pig farms, beehive, and construction of farm houses and handicraft projects for women.
114. In the reporting cycle, Government also introduced the First Home Buyers programme which focuses on providing financial assistance to families and individuals who are intending to construct or purchase their first homes. The project targets income earners who earn below \$50,000 per annum.
115. Housing Assistance to Fire Victims – This programme aims to provide financial assistance to families who are affected by fire and earning less than \$20,000 with proper leases but with no insurance.
116. The 2019-2020 national budget also supports initiatives such as Revitalising Informal Settlements and Environments (RISE): co-funded by the New Zealand

Government and Monash University, works at the intersection of health, environment, water and sanitation in urban informal settlements to demonstrate that a nature-based approach to revitalising informal settlements can deliver sustainable, cost-effective health and environmental improvements.

117. RISE Fiji is to be implemented in 12 informal settlements in the Greater Suva Area, including: Wainivokai, Matata, Wainidinu, Nauluvatu, Komave, Waliea-Raiwaqa, Muanivatu, Kinoya, Maravu, Newtown, Muanikoso, and Lobau. The funding will cover the design and construction of household-level sanitation facilities and climate resilience improvements such as drainage, access ways, flood walls and mangrove protection to reduce informal encroachment; making towns and human settlements inclusive, safe, resilient and sustainable.

118. Furthermore, the 2019-2020 budget also continues to assist informal settlements by drafting proper tenancy agreements and improving basic infrastructure by the Formalisation of Informal Settlements which involves the upgrading and development of informal settlements on State and iTaukei land by providing basic infrastructure and security of tenure. Works expected to be completed include Waidamudamu (Naitasiri) and Caubati (Nasinu). Areas for upgrade include Wakanisila, Field 4, Sakoca, Tavela, Tore and Qauia. Through this initiative More than 1,000 families are expected to benefit from this programme in 2019–2020.

119. Other initiatives supported by Fiji in the reporting cycle are those in relation to the regularisation of informal settlements. This involves the regularisation of informal settlements on State land, giving Fijians living in these areas a new sense of security and dignity. This includes both squatter settlements located on vacant State land and those who are living in illegal subdivisions on State land (\$50,000).

120. The 2019-2020 national budget also saw Major Allocations for Climate-Related initiatives. Some of which are:

(a) *Ministry of Disaster Management and Meteorological Services*: Increased emphasis will be placed on building community resilience to disaster risks through the upgrade of evacuation centres, installation of water level and rainfall equipment to better monitor flood prone areas and the replenishment of the Disaster Relief and Rehabilitation Fund to provide urgent post-disaster assistance to affected communities (\$2.9 million).

(b) *Climate Change and International Cooperation Division*: The Government has partnered with the UK Space Agency on a project titled CommonSensing. The 3-year project is designed to support and build climate resilience and enhance decision making through the use of remote sensing technology. Specifically, it will strengthen national capacity to access climate finance and report on climate funds; strengthen national and regional climate action policy; reduce the impact of natural disasters and improve risk management and food security.

(c) *Ministry of Education Heritage and Arts*: Building climate resilience of primary and secondary schools to address intermittent water supply perpetuated by increased dry weather patterns. Approximately 199 schools will receive 5,200 litre water tanks in 2019–2020.

(d) *Ministry of Housing and Community Development*: The Koroipita Model Town project, implemented by Model Towns Charitable Trust, will build engineered and serviced subdivisions and cyclone-safe houses together with guidance and support for the advancement of poor families by way of a holistic and dynamic community development programme. Through the 2019-2020 National Budget, 15 acres of leased land adjacent to Koroipita will be developed as a fully serviced subdivision of 145 new houses using the Koroipita Model Town concept benefiting approximately 580 marginalised Fijians.

(e) *Ministry of Women Children and Poverty Alleviation*: The Construction of Fiji Barefoot College will see the establishment of the first-ever Women Solar Training Center in the Pacific envisaged to empower rural women to be solar engineers and build local capacity through electrifying poor off grid communities with clean low-cost solar energy solutions.

(f) *Department of Energy*: Installation and maintenance of solar home systems for rural off grid communities enabling access to renewable and affordable electricity to rural communities around Fiji. This includes rehabilitation of solar home systems damaged by natural disasters.

(g) *Ministry of Forestry*: Funding allocated for Reducing Emissions from Deforestation and Forest Degradation (REDD+) programme, a global mechanism for reducing emissions from deforestation and forest degradation, and other reforestation projects, given that forests can mitigate the effects of climate change by absorbing carbon dioxide from the atmosphere.

(h) *Water Authority of Fiji*: Improving the capacity, reliability and resilience of water supply infrastructure around the country through the Water Distribution System Project. The project will improve aging infrastructure and improve the reliability and safety of water supply during peak hours and in times of natural disasters (\$25.2 million).

(i) *Fiji Roads Authority*: Upgrading and construction of road infrastructure, including bridges, urban and peri-urban roads, to modern engineering standards that can withstand severe effects of climate change (\$88.8 million).

(j) *Ministry of Economy*: Rehabilitation and construction of schools and public buildings severely damaged by tropical cyclones Winston, Gita, Josie and Keni. Rehabilitation works include rebuilding to higher cyclone resilient engineering standards.

### **Recommendations relating to Trade Union Rights<sup>13</sup>**

121. Fiji has ratified all 8 of the ILO's core conventions and, often on the government's own initiative, driven unprecedented progress in empowering Fijian workers by introducing worker-focused policies that meet, or even exceed, protections found in more developed countries.

122. There have been a number of allegations recently made against the Government with the International Labour Organization (ILO) by certain Trade Unions. These allegations include, inter alia, the violation of the basic civil liberties of trade unionists and restrictions on freedom of association and the right to collective bargaining. In particular, allegations have been made about the recent investigations and criminal charges laid against a member of a trade union for alleged breaches of Fijian laws.

123. The Government has a proven record of working in good faith with employers, employees and worker representatives to uphold the constitutional right of all Fijians to fair employment practices.

124. As a sovereign nation, Fiji's systems of laws are enforced by strong independent institutions which operate without fear or favour in equitably applying the law. The recent investigation and subsequent charges laid against the member of the trade union were a result of independent actions taken by the Fiji Police Force and the Office of Director of Public Prosecutions. As constitutionally-established independent bodies, these institutions make objective decisions and take actions in line with their constitutional mandates to uphold the rights of all Fijians.

125. The right to fair employment practices are enshrined in the Constitution which include the right to join a trade union and participate in trade union activities. The Constitution also guarantees all persons the right to freedom of association. With respect to collective bargaining and resolution of employment grievances and disputes, Fiji has fully functional and independent adjudication bodies which have either resolved or successfully adjudicated numerous grievances and disputes. With respect to essential services, the worker and employer representatives themselves sit on the Arbitration Court (together with an independent chairperson) to hear and adjudicate disputes in essential services.

126. The Government remains committed to protecting, promoting and preserving the rights of all Fijians to join and participate in trade unions and their activities.

## **Recommendations in relation to the rights to health and education<sup>14</sup>**

127. Fiji considers there to be a close and symbiotic relationship between the ICCPR and the ICESCR. In particular, we consider it to ensure that access to health or education, for instance, should take into consideration existing inequalities. Right to health or education must be implemented taking into account existing gender or other inequalities and vulnerabilities. In our view, this is the essence of the right of every individual and community to sustainably develop.

128. Further to its existing efforts, Government in 2018 embarked on upgrading the Ba and Lautoka hospitals into world-class health facilities through a Public-Private Partnership (PPP) and bring an unprecedented slate of health services to the Fijian people, including better tertiary care, oncology services to treat cancer, kidney dialysis, better maternity care for more Fijian mothers, procedures for NCDs, and for the first time ever, the 24/7 availability of open-heart surgeries.

129. Extension of CWM Hospital Maternity Unit: funds ongoing construction on the significant extension of the existing CWM hospital maternity unit, which will vastly expand the Hospital's capacity for Fijian mothers and babies in alignment with Government's mission to improve medical care for women in Fiji.

130. Upgrade and Maintenance of Urban Hospitals and Institutional Quarters: covers upgrade and maintenance costs at three divisional hospitals (Lautoka, Labasa and CWM) and two specialised hospitals (St. Giles and Twomey).

131. Construction of Navosa Sub-Divisional Hospital: upgrades at the Keiyasi Health Centre into a Sub-Divisional Hospital to meet the demand for health services in light of increased population.

132. The Constitution provides for the right to education and that the State must use all measures within its means and resources to achieve the right to free early childhood, primary, secondary and further education. In the event the State claims it does not have the resources to implement this right, then the onus to prove that this is the case rests with the State.

133. Over the past 5 years, Government's consistent and targeted investment in the education of Fijian students has led to the historic achievement of universal primary education, and given a record number of Fijian children access to secondary and tertiary education.

134. In addition to free education being provided to primary and secondary school children, the Government also implemented major initiatives increased scholarships for tertiary studies through the student loans scheme (TELS) and the toppers scheme, One Learning Device per Child initiative, Bus Fare Assistance Programme, Free Milk programme for Year 1 students, free textbooks and subsidised transportation to school.

## **Recommendations in relation to measures taken to eliminate discrimination of women and gender based violence<sup>15</sup>**

135. Fiji envisions a society where it is free of all forms of gender based discrimination; women and girls fully participate as decision makers in their homes and societies, and contribute to and benefit from development processes and outcomes equally. To advance gender equality and the empowerment of women and girls, Fiji recognizes gender equality as a key component of national development and economic growth. Within this framework, the Constitution, 5-Year and 20-Year National Development Plan (NDP) and the National Gender Policy (NGP) 2014 aligned with the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action, guide the work of Government.

136. As of 2018, women represent 20% of parliamentary seats. Three (3) female parliamentarians are appointed to the cabinet as Ministers and two (2) female

parliamentarians have been assigned as assistant Ministers. Parliament also welcomed in 2014 and 2018, the appointment of the country's first female speaker of the house.

137. Women comprise 29% of leadership positions in the Civil Service; 24% of Permanent Secretary positions are female and women hold 30% of the 55 diplomatic posts. The Office of the Prime Minister (62% Female, 38% Men), Ministry of Industry, Trade and Tourism (57% Female 43% Male), Ministry of Health and Medical Services (52% Female, 48% Male), the Ministry of Defence and National Security (50% Female, 50% Male), and the Ministry of Sugar with over 50% of leadership positions held by women. Progress is also evident in the iTaukei traditional social structure where women are represented as leaders. Women hold 7% village chief positions and 8% of the landowning unit.

138. In Fiji, market vendors are predominantly women, and marketplaces offer important venues to effect women's social and economic change. There are now 12 market vendor associations in Fiji with over 3500 members. 9 out of 12 market vendor associations are at present led by women and women occupy 50% of leadership roles in all.

139. It is important to highlight the increased number of women entrepreneurs with a total of 417, who participated at the 2019 National Women's Expo. The Ministry of Women, Children and Poverty Alleviation (MWCPA) launched the Fiji National Women's Expo in 2014 to recognize and celebrate the talents of Fijian women artisans. It intends to improve the economic position of women by using a national platform to showcase their products, connect them to markets, collaborate and co-create.

140. In the reporting cycle Fiji has made significant process in the following areas:

(a) In 2016, for the first time a 24-hour toll free Child Helpline was launched which allows all persons including children to report on issues related to child abuse;

(b) In 2016, National Gender Based Violence Sub-Cluster under the Safety and Protection Cluster, was formed to further improve national preparedness and response to GBV in Emergencies;

(c) In 2017, the National Climate Change Policy was adopted including COP23 Gender Action Plan, which aims to increase the participation and representation of women and girls in climate action;

(d) In 2018, the Succession, Probate and Administration (Amendment) Act has been adopted which guarantees inheritance rights to all women and men living in de facto relationships. This ensures that women are not unfairly discriminated against in relation to the inheritance of property;

(e) In 2018, the Employment Relations Act was amended to reaffirm and recognize the value of unpaid care and parental leave by including provisions to recognize 5 days of paternity leave, 5 days of family care leave as well as an increase in maternity leave from 84 days to 98 days;

(f) In 2018, the Online Safety Act was passed in response to the high levels of sexual exploitation of women and girls online. The Act protects women and girls from online exploitation across any electronic communication including and not limited to online mainstream media channels and websites;

(g) In 2018, the Rights of Persons with the Disabilities Act was enacted and aims to protect the rights of both women and men with disabilities, establishing a National Council for Persons with Disabilities and setting out rights pursuant to the Convention on the Rights of Persons with Disabilities;

(h) In 2018, Fiji's National Gender Based Violence Service Delivery Protocol (SDP) was introduced. The SDP provides for a multi-sectoral response to ensure that appropriate, timely, quality services are provided to the survivors of Gender-based Violence and is a result of extensive consultation with existing service providers including civil society and faith-based organizations. The collaborative effort of government and women's rights organizations towards ERAW has been further strengthened with stronger interagency collaborative efforts through mechanisms such as the Ending Violence against Women (EVAW) Task Force;

(i) In 2018, a 24-hour toll free Domestic Violence helpline was launched and dedicated to helping women facing domestic violence to access counselling services by the Ministry of Women, Children and Poverty Alleviation in partnership with the Fiji Women's Crisis Center.

### **Recommendations in relation to the rights of persons with disabilities<sup>16</sup>**

141. The Constitution and the Rights of Persons with Disabilities Act 2018 provide Fiji with a robust legal framework to protect, promote and preserve the rights of persons with disabilities. Furthermore, in 2017 Fiji ratified the Convention on the Rights of Person with Disabilities which complements and strengthen the national legal framework. More recently in 2019 Fiji adopted an implementation plan with respect to the rights of persons with disabilities.

142. In the reporting cycle, Fiji has undertaken various initiatives in order to empower persons living with disabilities to ensure their full, active and indiscriminate participation in society some of which are:

(a) Child protection allowances are given to parents of children with disabilities;

(b) An annual Government grant is given to the Fiji National Council for Disabled Persons (FNCDP) in order for FNCDP to carry out various programs and activities for persons with disabilities. The FNCDP is the central co-ordinating agency for all organisations in Fiji that currently deliver services to people with special needs. Government grants are also given out annually to other organisations who serve persons with disabilities;

(c) The establishment of a disability centre in Lautoka to serve as a meeting place for disabled persons in the West. The facility will also provide a storage space for donated items and equipment. The funding will also cater for the increase in salary of teachers paid by registered special schools and the purchase of a disability-inclusive bus;

(d) Employment Taxation Scheme for People with Disabilities which encourages employment creation and availability of employment opportunities for disabled persons, Government has extended the Employment Taxation Scheme to include employment of disabled people for a period of 3 years with 300 per cent tax deduction;

(e) Special Education – registered special schools are provided with a yearly grant which covers grant for children with special needs, salaries for teachers and other operational expenditure including the purchase of assistive devices and special books. Scholarships are also provided for children with special needs;

(f) Allowance for People Living with Disability: This is a new programme in the 2017-2018 Budget which provides a monthly allowance of \$90 to assist people living with permanent physical disability. It has an allocation of \$8.0 million which is expected to support 11,400 recipients;

(g) Assisting People Living with Disabilities (PLWD): in the 2019-2020 national budget \$500,000 is allocated for making buildings more inclusive and comfortable for persons living with disabilities. This initiative will be implemented by Habitat for Humanity with funding allocated to retrofit homes and community centres to ensure accessibility. This funding will cover a variety of structural upgrades, including the construction of ramps, railings, accessible footpaths around the home, accessible washroom and toilet facilities, and the alteration of community centre entrances to be accessible;

(h) Bus Fare Assistance: provides fare assistance to Fijians 60 years of age and older and persons living with disabilities. The programme is fully funded by Government and a monthly top-up of \$40.00 is provided to each recipient every month. More than 50,000 recipients are using this assistance;

(i) Sports Grants for Persons Living with Disabilities: promotes social inclusion of Fijians of all physical abilities in national sports activities; and

(j) Incentive for Renovations of Commercial Buildings – in 2018 the Government introduced a 25% allowance for building owners who spend at least \$1 million on the refurbishment of their buildings, provided owners utilised a green technology, such as solar panelling, enabled access to buildings for Fijians living with disabilities, such as a wheelchair ramp to the doorway, and installed lighting on the exterior of the building that helps illuminate up our streets. In 2019 the investment threshold was lowered to \$250,000, giving smaller businesses and business owners the chance to make similar investments that beautify the nation, while making businesses greener and more inclusive for all Fijians.

### **Recommendations in relation to minority rights and human rights defenders<sup>17</sup>**

143. The Government has continued to engage with non-state actors to foster dialogue on issues of national interest. Fiji once again supported the resolution to protect and extend the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. Fiji remains committed to ensuring the rights of minority groups are promoted and protected.

144. All allegations made against the State are investigated independently by the Fiji Police Force and then prosecuted by the Office of the Director for Public Prosecutions. Non state actors continue to enjoy media access and remain vocal.

145. All accused persons must be brought before a court as soon as possible but no later than 48 hours after the time of the arrest. All arrested or detained persons have the right to conditions of detention which are humane and the State has to provide adequate accommodation, nutrition and medical treatment. These constitutional rights also apply to human rights defenders and the police are legally bound by the Constitution to protect, promote and respect these rights.

146. Since the last reporting cycle there has been no evidence of threats, harassment, intimidation and arbitrary arrests of human rights defenders.

## **VII. Achievements and challenges**

147. Significant progress has been made by the Government since the first and second review cycles. Given the ratification of the core 9 human rights conventions and treaties and recommendations received by treaty bodies in this regard coupled with annual recommendations received by Special Rapporteurs and Independent Experts, it is imperative that Government continues to monitor the implementation of these recommendations.

148. Fiji is therefore committed to establishing a national mechanism for monitoring, implementation and follow-up to ensure consistent and timely reporting to treaty bodies and to ensure that Fiji consistently monitors the implementation of recommendations received by UN mechanisms.

## **VIII. Conclusion**

149. In the second cycle of review 138 recommendations were made to Fiji where Fiji committed itself to implementing 112 of those recommendations. This report highlights the tangible efforts made by the Government through legislative reforms to implement these recommendations in order to advance and protect the human rights of all Fijians.

### *Notes*

<sup>1</sup> UPR recommendations outlined on pages 1–2 of Annex 1.

<sup>2</sup> UPR recommendations outlined on pages 3–4 of Annex 1.

<sup>3</sup> UPR recommendations outlined on page 4 of Annex 1.

- 4 UPR recommendations outlined on pages 4–5 of Annex 1.
  - 5 UPR recommendations outlined on page 5 of Annex 1.
  - 6 UPR recommendations outlined on page 5 of Annex 1.
  - 7 UPR recommendations outlined on pages 5–6 of Annex 1.
  - 8 UPR recommendations outlined on page 6 of Annex 1.
  - 9 UPR recommendations outlined on page 6 of Annex 1.
  - 10 UPR recommendations outlined on page 7 of Annex 1.
  - 11 UPR recommendations outlined on page 7 of Annex 1.
  - 12 UPR recommendations outlined on pages 7–8 of Annex 1.
  - 13 UPR recommendations outlined on page 8 of Annex 1.
  - 14 UPR recommendations outlined on page 8 of Annex 1.
  - 15 UPR recommendations outlined on pages 8–9 of Annex 1.
  - 16 UPR recommendations outlined on page 10 of Annex 1.
  - 17 UPR recommendations outlined on page 10 of Annex 1.
-