

UN-HABITAT Submission for the Universal Periodic Review

Fiji – 34th Session, Oct-Nov 2019

I. Background and Domestic Framework

The **right to adequate housing** is enshrined in the Constitution (2013). Section 35 prescribes the Right to Housing and Sanitation: *“(1) The State must take reasonable measures within its available resources to achieve the progressive realization of the right of every person to accessible and adequate housing and sanitation.”*

The Constitution also guarantees the **right to water** in section 36: *“(1) The State must take reasonable measures within its available resources to achieve the progressive realisation of the right of every person to be free from hunger, to have adequate food of acceptable quality and to clean and safe water in adequate quantities.”*

Notably, the Constitution explicitly **prohibited forced evictions** in section 39: *“Freedom from arbitrary evictions.—(1) Every person has the right to freedom from arbitrary evictions from his or her home or to have his or her home demolished, without an order of a court made after considering all the relevant circumstances. (2) No law may permit arbitrary evictions.”*

Section 27 of the Constitution ensures the **right to property**: *“Freedom from compulsory or arbitrary acquisition of property- (1) Every person has the right not to be deprived of property by the State other than in accordance with a written law referred to in subsection (2), and no law may permit arbitrary acquisition or expropriation of any interest in any property.”* This section also sets out conditions for compulsory acquisition, requirement for justification and adequate compensation: *“(2) A written law may authorise compulsory acquisition of property—(a) when necessary for a public purpose; and (b) on the basis that the owner will be promptly paid the agreed compensation for the property, or failing agreement, just and equitable compensation as determined by a court or tribunal, after considering all relevant factors, including—(i) the public purpose for which the property is being acquired; (ii) the history of its acquisition by the owner; (iii) the market value of the property; (iv) the interests of any person affected by the acquisition; and (v) any hardship to the owner.”* The law is advanced as it mentioned about “market value”, “prompt” compensation and consider of “any affected person”.

The Constitution also prescribed the **Rights of ownership and protection of iTaukei, Rotuman and Banaban lands** (section 28), **Protection of ownership and interests in land** (section 29), and **Right of landowners to fair share of royalties for extraction of minerals** (section 30) respectively.

II. Promotion and protection of human rights on the ground

A. Cooperation with treaty bodies

Fiji has ratified seven major international human rights instruments, including: CAT, ICCPR, CEDAW, CERD, ICESCR, CRC and CRPD. We are also glad to see that Fiji ratified ICESCR last year at 16 August.

B. Cooperation with special procedures

Fiji has extended Standing Invitations to Special Procedures on 17 March 2015.

III. Achievements, best practices, challenges and constraints

A thriving Fijian economy and an increased demand for skilled labour have incentivized more Fijians to migrate to urban centres in order to seek employment and raise their families. In effect, this rapid urban growth has increased the demand for quality and reasonable housing at affordable prices. The

internal migration has in turn put increasing pressure on urban centres, their infrastructure, and their surrounding environment – challenges that are being addressed by Government through targeted investment and thoughtful development planning.

The Ministry of Housing and Community Development is working together with financial institutions to give homeowners the opportunity to finance the purchase or construction of new homes at discounted rates of interest. To expeditiously increase the supply of affordable housing in Fiji, the Ministry of Housing and Community Development has engaged with all stakeholders, including construction companies, with the aim to reduce the construction costs of homes by harnessing new technologies. It also works with developing partners, including the private sector, to introduce innovative new strategies employed in other parts of the world to successfully meet increasing demands for home ownership.

The Government of Fiji will continue the important work of providing security of tenure to Fijians residing in informal settlements, bringing the stability and peace of mind of long-term land ownership to more Fijian families.

IV. Specific recommendations for follow-up (new recommendations for the country)

The Government of Fiji under the Ministry of Housing and Community Development has ongoing initiatives such as assisting informal settlements by drafting proper tenancy agreements and improving basic infrastructure at a community level:

- Town Wide Informal Settlement Upgrade: involves the upgrading of informal settlements on Native Land;
- City-Wide Informal Settlement Upgrading: involves incremental upgrading of informal settlements;
- Informal Settlement Upgrading: involves the evolution of informal settlements into formal communities by providing basic infrastructure and security of tenure;
- Regularization of Informal Settlement – this will give Fijians living in these communities a new sense of security and dignity. This includes both informal settlements located on vacant State land and those who are currently living in illegal subdivisions on State land;
- Informal Settlement Relocation Programmes
- a total of forty development leases acquired on informal settlements in Fiji.

The total of forty (40) Development Leases acquired by the Ministry of Housing and Community Development for the formalization of informal settlement in Fiji. In pligh of its Republic of Fiji Constitution Section 35 -- more resources needed to assist the Government of Fiji to effectively fulfill the Right to Adequate Housing.

V. Capacity-building and technical assistance

The Government of Fiji together with UN-Habitat have been collaborating under two global programmes:

- the (1) “Participatory Slum Upgrading Programme”
 - The overall goal of the programme is directly linked to “ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums (SDG 11.1).
 - Participatory Slum Upgrading Programme is structured into two specific objectives, which are:
 1. Specific Objective 1: Strengthen global partnerships and policy dialogue for participatory slum upgrading and prevention.
 2. Specific Objective 2: Improve knowledge and capacities for participatory slum upgrading and prevention and slum dwellers living condition.
- the (2) “Adaptation Fund Programme: ‘Increasing the Resilience Of Informal Settlements in Fiji that are highly vulnerable to climate change and disaster risk’.

- The Programme combines a number of horizontally and vertically interrelated policy, planning and capacity development initiatives, and has its core the delivery of resilient infrastructure and services in target settlements that are characterized by a high exposure to climate hazards.
- There are four Expected Outcomes:
 1. Institutional Strengthening to enhance local climate response actions and Reduce Vulnerability at the city level to climate related hazards and threats;
 2. Local Resilience strengthening and Strength awareness and ownership of adaptation and climate risk reduction processes and capacity at the community level with particular emphasis on women, youth, older people in vulnerable situation;
 3. Awareness raising, knowledge management and communication with project implementation is fully transparent. All stakeholders are informed of products and results and have access to these for replication; and
 4. In support of Project Governance Structure which emphasizes oversight, management, compliance and partnerships.