

Responses to Recommendations

FIJI

Review in the Working Group: 11 February 2010
 Adoption in the Plenary: 10 June 2010

Fiji's responses to recommendations (as of 23.06.2010):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
No response, all pending	No addendum	The delegation accepted 97 recommendations and declared 6 as unacceptable or impractical.	Accepted: 97 Rejected: 6 No clear position: 0 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/14/8:

71. The following recommendations will be examined by Fiji, which will provide responses in due course. The response of Fiji to the recommendations will be included in the outcome report adopted by the Human Rights Council at its fourteenth session:

A - 1. To consider the possibility of ratifying other human rights core instruments (Algeria); to consider acceding to the major human rights conventions as a sign of intent and as a confidence-building measure (Maldives);

A - 2. To favourably (Republic of Korea)/positively (Mexico) consider ratifying, inter alia (Republic of Korea), the International Covenant on Civil and Political Rights (Brazil, Mexico, Philippines, Republic of Korea), Optional Protocol 1 to the International Covenant on Civil and Political Rights (Republic of Korea), the International Covenant on Economic, Social and Cultural Rights (Brazil, Mexico, Philippines, Republic of Korea), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Brazil, Philippines, Republic of Korea) and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Republic of Korea), as a further step aimed at the full implementation of its commitment to promoting and protecting human rights in the country (Republic of Korea), as well as the main human rights treaties to which Fiji is not yet a State party (Mexico);

A - 3. To make a long-term plan for its step-by-step ratification of or accession to all core international human rights instruments, particularly the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Slovenia);

A - 4. To ratify those core human rights treaties to which Fiji is not yet a party and draw up a timetable for doing so (Hungary);

A - 5. To sign and ratify (Germany, Spain)/sign and/or ratify (Argentina) the International Covenant on Economic, Social and Cultural Rights (Germany) and its Optional Protocol (Argentina, Spain), the International Covenant on Civil and Political Rights (Germany) and its Optional Protocol (Spain)/its two Optional Protocols (Argentina), the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Germany) and its Optional Protocol (Argentina, Spain), the International Convention for the Protection of all Persons from Enforced Disappearance (Argentina, Spain), the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Argentina, Spain), the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Argentina, Spain) and the Optional Protocols to the Convention on the Rights of the Child (Argentina, Spain);

A - 6. To consider ratifying all outstanding human rights instruments of the United Nations, and to improve its cooperation with United Nations treaty bodies by agreeing to submit overdue reports in a timely manner (Norway);

A - 7. To ratify those human rights treaties pending ratification (Chile)/ratify the major international human rights treaties, including (Japan)/in particular (Chile) the International Covenant on Civil and Political Rights (Canada, Chile, Japan, Netherlands, Switzerland) and its two Optional Protocols (Chile), the International Covenant on Economic, Social and Cultural Rights (Chile, Japan, Netherlands, Switzerland) in a timely fashion (Japan), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Chile, Switzerland), the Optional Protocols to those respective treaties (Switzerland) and the two Protocols to the Convention on the Rights of the Child (Chile);

A - 8. To abolish the application of death penalty for crimes prohibited in the Military Code, and to sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Spain);

A - 9. To align domestic legislation with international standards on detention, and to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Italy);

A - 10. To ensure the full enjoyment by all children of the rights recognized in the Convention on the Rights of the Child, particularly with regard to access to education and health services (Slovenia);

A - 11. To make every effort to achieve a sustainable return to democracy and constitutional rule at the earliest time possible (Republic of Korea);

A - 12. To uphold the rule of law, including human rights in domestic law, by immediately reinstating the 1997 Constitution (Israel);

R - 13. To consider establishing, as soon as possible in 2010, a full constitutional assembly that will shape the future of Fiji for Fijians and by Fijians (Maldives);

R - 14. To take the appropriate measures to reinstate the legitimate authority, as this is crucial for the strengthening of the country's ability to guarantee human rights (Algeria);

A - 15. To ensure that human rights are afforded full legal and constitutional protection in Fiji (Australia);

A - 16. To accord the utmost importance, in the formulation of the new Constitution, to the promotion and protection of human rights and fundamental freedoms (Philippines);

R - 17. To ensure that human rights are explicitly protected in domestic law, including by reinstating the 1997 Constitution and immediately restoring the judges, magistrates and other judicial officers removed by President Iloilo on 10 April 2009 (United States of America);

A - 18. To strive to move forward its reform programme in order to restore democracy as soon as possible (Maldives);

A - 19. To take immediate, clear and credible steps to return Fiji to democracy and the rule of law, including through a broad-based and genuine dialogue among the key political parties in Fiji, and in line with calls by the Security Council, which will enable Fiji to fully participate once again in the international community, including the Pacific Islands Forum and the Commonwealth (Australia);

A - 20. To re-establish, peacefully and without further delay, the constitutional order in the country, engaging in a genuine dialogue with all ethnic communities, through free and fair democratic elections as the only means for the Government's legitimacy, the return of the rule of law and respect for human rights. The underlying issues that have led to Fiji's political instability should be duly addressed (Slovakia);

A - 21. To return to constitutional rule, to restore a democratic form of Government, to reinstate an independent judiciary, to repeal the Public Emergency Regulations and to reinstate the full independence of the Human Rights Commission (Norway);

A - 22. To instigate an open and inclusive national dialogue leading to early and credible elections (United Kingdom);

A - 23. To hold free elections, given the importance of democracy for the full realization of human rights (Brazil);

R - 24. To take immediate steps towards holding democratic elections before the end of 2010, in order to restore democratic institutions and processes in Fiji (Canada);

A - 25. To take immediate steps towards holding democratic elections and returning Fiji to constitutional rule (New Zealand);

A - 26. To guarantee the right to universal suffrage with a view to holding genuinely free, competitive and democratic elections as soon as possible, and to extend a standing invitation to international electoral observers (Spain);

A - 27. To reconsider the need to maintain the current state of emergency, given its implications for human rights, with a view to lifting it as soon as possible, and to ensure that as long as it is still in force, all human rights and fundamental freedoms that cannot be derogated under international law are respected (Mexico);

A - 28. To immediately lift all Public Emergency Regulations and to abolish any policy or decree that restricts the freedom of the media or the rights of freedom of association and movement (United Kingdom);

A - 29. To put an end to the state of emergency in force since 2009 (Chile);

A - 30. To rescind the Public Emergency Regulations 2009 and not replace them with equivalent measures (New Zealand);

A - 31. To repeal immediately the Public Emergency Regulations in force since 10 April 2009 (United States);

A - 32. To ensure the elaboration, in full transparency, of a new constitution guaranteeing the rights and freedoms of each individual, and to lift the state of emergency to allow the re-establishment of civil and political rights (France);

A - 33. To repeal the Public Emergency Regulations and to establish conditions allowing for freedom of expression, assembly and democratic dialogue, including by ensuring protection from harassment and freedom for political activists and human rights defenders (Canada);

A - 34. To lift the Public Emergency Regulations and to restore an environment in which all of Fiji's citizens can meet freely and express political opinions without fear or retribution (Australia);

A - 35. To lift the state of emergency and to take the measures necessary to reestablish a constitutional order complying with the rule of law, before the date indicated recently by the Government (Switzerland);

R - 36. To revoke the Fiji Human Rights Commission Decree, to lift restrictions on investigations and to take other measures to ensure that the National Human Rights Commission can operate in accordance with the Paris Principles (United Kingdom);

A - 37. To adhere to the Paris Principles, which address the status and the functioning of national institutions for the protection and promotion of human rights, by ensuring the independence of Fiji's Human Rights Commission (Canada);

A - 38. To provide the national human rights institution with a framework for independent functioning in accordance with the Paris Principles (Germany);

A - 39. To bring the functioning of the Fiji Human Rights Commission into conformity with the Paris Principles (Philippines);

A - 40. To allow for the full independence and effective functioning of the Fiji Human Rights Commission to ensure that the fundamental rights and freedoms of all persons, including, inter alia, freedom of religion or belief, expression or opinion, association and peaceful assembly, are respected (Israel);

A - 41. Take effective measures to guarantee the human rights and fundamental freedoms of the people of Fiji (Japan);

A - 42. To enhance and, where appropriate, review the implementation of medium- and long-term strategies, including the Strategic Development Plan 2007-2011, the 2020 Plan for Indigenous Fijians, the National Policy for Persons Living with Disabilities 2008-2018 and the national AIDS strategy, inter alia, with a view to achieving further gains in the promotion and protection of human rights in the country (Malaysia);

A - 43. To integrate the component of human rights education and training into its education system (Morocco);

A - 44. To cooperate fully with the United Nations human rights mechanisms (Switzerland);

A - 45. To consider extending (Latvia)/extend (Chile, Slovenia) a standing invitation to all special procedures of the Human Rights Council;

A - 46. To consider extending a standing invitation to special procedures to visit and help with the reforms (Maldives);

A - 47. To allow and facilitate the visit of special procedures mandate holders who have asked for it (Slovenia); to give a positive response to requests for visits made by the special procedures (Spain);

A - 48. To consider favourably the request for a visit by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and to find time in the near future for a visit by the Special Rapporteur on the independence of judges and lawyers (Norway);

A - 49. To take the measures required to arrange a visit to the country as soon as possible by the Special Rapporteur on the independence of judges and lawyers to the country (Mexico);

A - 50. To allow visits by the Special Rapporteurs on the independence of judges and lawyers, torture and human rights defenders, and by any other special procedures who request visits to Fiji (United Kingdom);

A - 51. To react positively to requests for visits in 2010 by the Special Rapporteur on the independence of judges and lawyers and by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (Netherlands);

- A - 52. To invite and facilitate a visit by the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture (Germany);
- A - 53. To invite special procedures to visit Fiji, in particular the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (Israel);
- A - 54. To facilitate a visit to Fiji by the Special Rapporteur on the independence of judges and lawyers (New Zealand);
- A - 55. To enhance measures to combat discrimination against women in all sectors of society (Philippines);
- A - 56. To examine the possibility of promoting the adoption of a code of ethics for investors, including in the tax-free zones, and to address the issue of violence against women (Algeria);
- A - 57. To consider abolishing the death penalty under any circumstance (Italy);
- A - 58. To do away with the death penalty (Brazil);
- A - 59. To abolish the death penalty with respect to all forms of crime (Argentina);
- A - 60. To take steps to protect human rights defenders from harassment and intimidation (New Zealand);
- A - 61. To guarantee the safety and security of human rights defenders, and to ensure that all crimes against them are fully and independently investigated (Netherlands);
- A - 62. To effectively investigate and prosecute complaints concerning the harassment, intimidation and arbitrary arrest of human rights defenders, and to punish those responsible (Norway);
- A - 63. To prevent, investigate and punish the excessive use of force, arbitrary detention, threats and harassment directed against human rights defenders by security forces (Spain);
- A - 64. To put an end to criminal prosecutions against human rights defenders (Spain);
- A - 65. To create an environment more conducive to stronger civil society in the country, including by guaranteeing the full legitimacy of human rights defenders, in accordance to the United Nations Declaration on Human Rights Defenders, to spare them the intimidation to which they have thus far been subjected (Slovakia);
- A - 66. To adopt, in the near future, the proposed laws on domestic violence and sexual offences, thereby prohibiting practices that legalize violence against women (Norway);
- A - 67. To take appropriate measures to provide free legal and psychological assistance to victims of domestic and sexual violence (Brazil);
- A - 68. To take further measures to prevent and combat the sexual exploitation of children (Brazil);
- A - 69. To expeditiously implement actions requested by the International Labour Organization Committee of Experts aimed at combating the sexual abuse and exploitation of children (Slovakia);
- A - 70. To provide independent investigation into and prosecution of all human rights abuses, and to ensure that all those in detention have the right to habeas corpus and due process (New Zealand);
- A - 71. 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 (Italy);
- A - 72. To provide its police force with training to ensure respect for the right to freedom of religion (New Zealand);

- A - 73. To take the measures necessary to ensure respect for freedom of opinion, expression and assembly, as well as freedom of the press (Switzerland);
- A - 74. To take immediate actions to fully guarantee the right to freedom of expression for everyone (Hungary);
- A - 75. To respect and provide for freedom of expression, to end censorship of the media and to put an immediate end to attacks, harassment, intimidation and detention with regard to journalists, critics and human rights activists (Sweden);
- A - 76. To ensure the right of assembly and the right to freedom of expression, in accordance with international human rights standards, and to withdraw the Public Emergency Regulation (Netherlands);
- A - 77. To put an end to arbitrary restrictions on freedom of expression and to prior censorship of national and foreign media (Spain);
- A - 78. To enforce a legal framework enabling media to operate freely and independently (Norway);
- A - 79. To put an end to censorship of the media, and to take measures to guarantee the integrity of human rights defenders and of persons who criticize the Government's actions (Switzerland);
- A - 80. To protect the free exercise of the media by guaranteeing freedom of expression and putting an end to repressive measures against journalists (France);
- A - 81. To put an immediate end to the censorship of Fijian media, and to allow the people of Fiji and the media the right to freedom of expression, which includes the right to express criticism of the Government without fear of arrest, intimidation or punishment (United States);
- A - 82. To guarantee the right to freedom of expression in the country, including by putting an end to all acts of intimidation and harassment carried out by security forces against journalists, and by prosecuting those held responsible (Italy);
- A - 83. To hold free and fair elections guaranteeing for all persons the right to participate in the country's Government (Sweden);
- A - 84. To take all measures necessary to ensure the independence of the judiciary (Switzerland);
- A - 85. To take the measures necessary to ensure the free and fair election of a new legislative power, and to take the steps necessary to re-establish an independent judiciary in accordance with international human rights standards (Netherlands);
- A - 86. To re-establish, as quickly as possible, the conditions guaranteeing an independent and impartial judiciary (France);
- A - 87. To guarantee the independence of the judiciary (Chile);
- A - 88. To ensure an independent judiciary in order to guarantee the right to a fair trial (Sweden);
- A - 89. To ensure that the judiciary is able to function independently, without any interference, whether direct or indirect, free of any restriction or improper influence; and to reinstate judges, magistrates and other judicial officers unlawfully removed in April 2009 (Israel);
- R - 90. To revoke any decree that prevents the courts from considering the legality of Government actions, and to abide by future judicial decisions (Canada);
- A - 91. To immediately cease its interference in the judiciary, and to ensure that judges are appointed and dismissed by means of an open and transparent process (Australia);
- A - 92. To implement the Basic Principles on the Independence of the Judiciary and the Role of Lawyers (New Zealand);

A - 93. To investigate all alleged human rights violations and to bring all those responsible to justice (Canada);

A - 94. To carry out full investigations into alleged acts of brutality in detention, to hold to account those responsible, and to put an immediate end to immunity for members of the police and the military (United Kingdom);

A - 95. To take further steps to strengthen the rule of law and democratic governance (Philippines);

A - 96. To intensify its development programmes focusing on alleviating poverty and ensuring adequate standards of life for Fijians, while seeking technical and financial assistance, whenever needed, from the relevant United Nations bodies (Algeria);

A - 97. To restore the right to receive pensions for those deprived of it merely because they had expressed an opinion against the Government (Spain);

A - 98. To seek the support and technical assistance of OHCHR to ensure effective compliance by the Fiji Human Rights Commission with the Paris Principles (Algeria);

A - 99. To request the international community to do its part and show its goodwill by believing in and expressing support for democratic and human rights reform in Fiji (Maldives);

A - 100. To persist in its reforms as set out in the Road Map for Democracy and Sustainable Socio-Economic Development, and to request aid and assistance from the international community for that purpose (Morocco);

A - 101. To engage members of the international community, including international organizations, with a view to capacity-building support and technical assistance, particularly with regard to the development of economic and human resources and poverty reduction (Malaysia);

A - 102. To engage partners at the national, regional and international levels in efforts to build the human rights capacities of Government personnel, particularly judicial and law enforcement personnel (Malaysia);

A - 103. To seek the assistance of the international community in adapting to climate change and developing its capacities to address the adverse effects of climate change on the enjoyment by its citizens of their human rights (Philippines).

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