

2RP: Responses to Recommendations & Voluntary Pledges

FIJI

Second Review Session 20

Review in the Working Group: 29 October 2014
Adoption in the Plenary: 18 March 2015

Fiji's responses to recommendations (as of 23.03.2015):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
98 recs accepted (12 of which were considered as implemented or in the process of implementation) and 40 left pending	Out of the 40 recs pending, 14 were accepted and 26 were noted	No additional information provided	Accepted: 112 Noted: 26 Total: 138

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/28/8:

99. The recommendations formulated during the interactive dialogue and listed below have been examined by and enjoy the support of Fiji:

A - 99.1 Consider expediting the ratifications of the core human rights treaties to which it is not yet a party, as recommended previously (Republic of Korea);

A - 99.2 Consider positively signing core human rights treaties to which it is not yet a party (United Republic of Tanzania);

A - 99.3 Consider the timely ratification of the major international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International

Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (Japan);

A - 99.4 Ratify ICCPR (Montenegro); Ratify ICCPR (Uruguay); Ratify the International Covenant on Civil and Political Rights (Algeria); Accord priority to the ratification of ICCPR (India); Accelerate the ratification process of ICCPR (Switzerland); Take steps to ratify and implement ICCPR (Kenya); Ratify the core international human rights instruments such as ICCPR (Sierra Leone); Ratify ICCPR (Estonia); Consider becoming a party to ICCPR (New Zealand); Ratify, in particular, ICCPR (Italy); Move on speedily to the ratification and/or application of human rights instruments, particularly the International Covenant on Civil and Political Rights (Chile); Accede to the international treaties on human rights and ratify ICCPR (Portugal);

A - 99.5 Accede to the Second Optional Protocol to ICCPR aiming at the abolition of the death penalty (Germany);

A - 99.6 Ratify the Second Optional Protocol to ICCPR (Estonia); Accede to the international treaties on human rights and ratify the Second Optional Protocol to ICCPR (Portugal);

A - 99.7 Ratify ICESCR (Algeria); Accord priority to the ratification of ICESCR (India); Accelerate the ratification process of ICESCR (Switzerland); Take steps to ratify and implement ICESCR (Kenya); Ratify the core international human rights instruments such as ICESCR (Sierra Leone); Ratify, in particular, ICESCR (Italy); Accede to the international treaties on human rights and ratify ICESCR (Portugal);

A - 99.8 Ratify CAT (Algeria); Speed up the process of ratification of CAT as one of the important steps in its commitment to the observance of human rights (Indonesia); Accelerate the ratification process of CAT (Switzerland); Take steps to ratify and implement CAT (Kenya); Ratify the core international human rights instruments such as CAT (Sierra Leone); Consider becoming a party to CAT (New Zealand); Ratify, in particular, CAT (Italy); Move on speedily to the ratification and/or application of human rights instruments, particularly CAT (Chile); Accede to the international treaties on human rights and ratify CAT (Portugal);

A - 99.9 Take the necessary steps to ratify CAT (Ghana);

A - 99.10 Consider ratifying the optional protocols to the Convention on the Rights of the Child, which, inter alia, guard against the involvement of children in armed conflict (OP-CRC-AC) and guard against the sale of children, child prostitution and child pornography (OP-CRC-SC), which Fiji signed in 2005 (Namibia); Accede to the international treaties on human rights and ratify OPCRC-AC and OP-CRC-SC (Portugal);

A - 99.11 Take the necessary steps to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ghana);

A - 99.12 Consider the issue of ratification of the Convention on the Rights of Persons with Disabilities (Russian Federation); Take steps to ratify and implement CRPD (Kenya);

A - 99.13 Ratify CRPD as soon as possible to ensure that there is equal treatment for persons with disabilities pursuant to the new Constitution, as recommended previously (Spain);

A - 99.14 Take further steps in view of the ratification of CRPD as soon as possible within a 10 years' timeframe (Vanuatu);



A - 99.15 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Uruguay); Ratify the core international human rights instruments such as ICPED (Sierra Leone); Accede to the international treaties on human rights and ratify ICPED (Portugal);

A - 99.16 Continue with the efforts aiming at the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance as well as the ratification of the main international human rights instruments to which Fiji is not yet a party to (Argentina);

A - 99.17 Appoint a Chairperson to the Fiji Human Rights and Anti Discrimination Commission (Australia);

A - 99.18 Take steps to seek the Commission's reaccreditation under the Paris Principles (Australia);

A - 99.19 Take appropriate steps to ensure that the Human Rights and Anti Discrimination Commission functions in compliance with the Paris Principles (India);

A - 99.20 Reinstate the full independence and functionality of the Human Rights Commission to bring it in line with the Paris Principles and in accordance with the recommendations it had already accepted at the last UPR review (Kenya);

A - 99.21 Bring the Human Rights and Anti-Discrimination Commission into line with the Paris Principles (Morocco);

A - 99.22 Provide adequate funding to the Human Rights and Anti Discrimination Commission and take steps to ensure its conformity with the Paris Principles (Sierra Leone);

A - 99.23 Ensure adequate funding from the budget for the National Human Rights and Anti-Discrimination Commission (Russian Federation);

A - 99.24 Provide adequate funding and resources for the work of the Human Rights and Anti-Discrimination Commission (Slovenia);

A - 99.25 Consider developing human rights indicators as suggested by OHCHR as an instrument that allows for a more precise and coherent evaluation of national human rights policies (Portugal);

A - 99.26 Put in place technical assistance programmes in order to strengthen Fiji's national capacities in the area of human rights (Morocco);

A - 99.27 Continue to seek technical assistance from the international community in the implementation of the accepted recommendations in the first and second cycles of the UPR (Vanuatu);

A - 99.28. Continue the networking by the Fijian Judiciary and Fiji's Human Rights and Anti-Discrimination Commission with relevant international organizations to strengthen the protection and promotion of human rights in the country (Thailand);

A - 99.29. Intensify the cooperation with the international human rights bodies, including through country visits and the provision of assistance to Fiji (Uruguay);

A - 99.30 Examine issuing a standing invitation to special procedures (Japan);

A - 99.31 Prior to the next cycle of the UPR for Fiji, take further steps in the consideration of extending an invitation to special rapporteurs (Vanuatu);

A - 99.32 Take further action to ensure the effective implementation and formulation of legislation that guarantees/ensures equality and protection of women (Argentina);

A - 99.33 Redouble its efforts in implementing such policy as the Fiji National Gender Policy through a set of clear and measurable strategies (Indonesia);

A - 99.34 Give effective implementation to the Fiji National Gender Policy and the Women's Plan of Action for 2010–2019, and renew efforts in fighting all cases of discrimination and violence against women (Italy);

A - 99.35 Build on the work of Fiji's Ministry of Women, Social Welfare and Poverty Alleviation to improve the protection of women and girls by effectively addressing gender-based violence, particularly intimate partner violence, and by advancing programmes to combat gender discrimination (United States of America);

A - 99.36 Continue its efforts in promoting gender equality, including expanding the role of women in its national development by providing the necessary financial and human resources to strengthen the implementation of policies and programmes for the empowerment of women in social and public life (Malaysia);

A - 99.37 Take concrete measures to eliminate gender stereotypes and discrimination against women (Bangladesh);

A - 99.38 Ensure equality and non-discrimination between men and women as regards access to land, employment, and economic and political participation (Ghana);

A - 99.39 Take further measures to ensure equality and non-discrimination of men and women in law and practice, including in access to land, employment and economic and political participation (Netherlands);

A - 99.40 Promote actively women's participation in different sectors of the society, especially in public services (Thailand);

A - 99.41 Work at reducing the high incidence of all forms of violence against women, prosecute perpetrators of such acts and criminalize all forms of violence against women (Ghana);

A - 99.42 Take decisive steps to end violence against women, for instance by sending a strong public message of zero tolerance and by working together with men and women to break the cycle of violence (Netherlands);

A - 99.43 Take the necessary measures to combat violence against women (Algeria);

A - 99.44 Take the necessary measures to ensure that the decree on domestic violence be effectively implemented and that the perpetrators of violence against women, including within the family, be duly prosecuted and punished (Belgium);

A - 99.45 Ensure the effective implementation of the law on domestic violence (Spain);

A - 99.46 Take effective measures to prevent violence against women and children (Japan);

A - 99.47 Take more vigorous public action against all forms of child trafficking for sexual exploitation, labour or other purposes (Lebanon);



- A - 99.48 Strengthen and implement policy measures to eliminate child trafficking (Maldives);
- A - 99.49 Continue to strengthen efforts to eliminate racial discrimination (Bangladesh);
- A - 99.50 Continue its efforts to eliminate discrimination on political, economic, social and ethnic grounds, in line with the Constitution, in order to achieve equality among all citizens (Lebanon);
- A - 99.51 Take concrete measures to end discrimination and counter stigmatization of marginalized groups, including minorities and lesbian, gay, bisexual, transgender and intersex persons (Germany);
- A - 99.52 Abolish completely and definitively the death penalty for all crimes (France);
- A - 99.53 Take the necessary measures to abolish the death penalty under its Military Law (Namibia);
- A - 99.54 Eliminate definitively and without further delay capital punishment from the military code (Switzerland);
- A - 99.55 Take measures to properly handle the case of alleged torture and illtreatment in the military and police and to put a halt to discrimination and violence against women (Republic of Korea);
- A - 99.56 Continue to take steps to implement stronger accountability mechanisms and ensure the independence of investigations into allegations of human rights abuses when they occur (New Zealand);
- A - 99.57 Offer programmes for education and training in human rights for law enforcement officials, the army, the police and prison services in order to prevent human rights violations, especially torture and mistreatment (Costa Rica);
- A - 99.58 Enhance its cooperation with United Nations human rights bodies and other regional/international partners, particularly in providing the police force with appropriate training in contemporary custodial and interrogation techniques in accordance with international human rights standards (Philippines);
- A - 99.59 Continue partnerships with Member States and United Nations bodies as it deems necessary in furthering its efforts to ensure the independence of the judiciary (Sri Lanka);
- A - 99.60 In cooperation with relevant international organizations, continue to enhance the rule of law to ensure a safe and stable living environment for the people (Singapore);
- A - 99.61 Ensure that national labour legislation respects international law in this field (Spain);
- A - 99.62 Continue to take measures to ensure freedoms of expression and opinion especially of trade unions (Ghana);
- A - 99.63 Ensure respect for freedoms of expression, assembly and association, including for the exercise of trade union rights (France);
- A - 99.64 Step up its efforts to consolidate political, social, economic and cultural freedoms and freedom of the media (Lebanon);
- A - 99.65 Protect and promote freedom of expression and media pluralism (France);



- A - 99.66 Expedite the enactment of the Freedom of Information Bill (India);
- A - 99.67 Take all necessary measures to guarantee that its citizens, particularly journalists, enjoy full freedom of opinion and expression (Brazil);
- A - 99.68 Adopt effective measures to ensure freedom of expression and the protection of journalists, as well as of opposition and critics of the Government (Italy);
- A - 99.69 Take all relevant steps to protect human rights defenders (New Zealand);
- A - 99.70 Take further steps to ensure a safe and enabling environment for human rights defenders (Norway);
- A - 99.71 Adopt concrete measures to guarantee that human rights defenders are able to realize their work with no obstacles and that their freedoms of expression, association and assembly are ensured, as recommended previously (Spain);
- A - 99.72 Ensure free, transparent and broad-ranging participation of civil society, minorities and ethnic communities in the national public debate (Chile);
- A - 99.73 Ensure greater civic education on electoral and Constitutional rights to ensure that referendums are useful and effective (Swaziland);
- A - 99.74 Adopt measures to continue to democratize local government elections, based on equal suffrage (United Republic of Tanzania);
- A - 99.75 Intensify its efforts to fight against poverty, including through international cooperation and the implementation of lessons learned from successful experiences (Brazil);
- A - 99.76 Continue to prioritize poverty elimination in its national development and enhance its people's well-being (China);
- A - 99.77 Take further steps to implement the Strategic Development Plan (Kuwait);
- A - 99.78 Continue to strengthen the implementation of the rights to drinking water and sanitation for the whole population, especially for rural communities (Spain);
- A - 99.79 Further strengthen measures to ensure equal access to health services for all, while giving special attention to the needs of children, women and the elderly (Sri Lanka);
- A - 99.80 Consider mainstreaming sexual and reproductive health education in schools and improving access to contraception for adults and young people (Slovenia);
- A - 99.81 Continue consolidating its successful educational programmes, which provide the whole population with free access to quality education for the purpose of developing an integrated education system based on the principles of accessibility and quality (Venezuela (Bolivarian Republic of));
- A - 99.82 Continue its efforts to provide free education for primary and secondary school students (Malaysia);
- A - 99.83 Continue to improve its education system and ensure access to quality education for all (Singapore);

A - 99.84 Adopt specific measures to combat discrimination against children with disabilities in accessing an inclusive education (Spain);

A - 99.85 Continue promoting awareness and empowerment policies for persons with disabilities (Venezuela (Bolivarian Republic of));

A - 99.86 Continue implementing the national policy for persons with disabilities which lays out the fundamental pillars of development to ensure that an integrative society can truly take root (Cuba).

100. The following recommendations enjoy the support of Fiji, which considers that they have already been implemented or are in the process of implementation:

A - 100.1 Move on speedily to the ratification and/or application of human rights instruments, particularly the Convention on the Elimination of All Forms of Discrimination against Women (Chile);

A - 100.2 Transpose these international instruments, the International Covenant on Civil and Political Rights and its first Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the Convention on the Elimination of All Forms of Discrimination against Women, into domestic law strengthening among others legislative protection from gender violence and all forms of discrimination, particularly against women, children and on the ground of sexual orientation (Chile);

A - 100.3 Ensure that articles on human rights in the new Constitution fully comply with international standards on promotion and protection of human rights (Uruguay);

A - 100.4 Pass legislation to criminalize violence against women (Sierra Leone);

A - 100.5 Repeal the right "to administer reasonable punishment" in the Juveniles Act 1974 and prohibit all corporal punishment of children, including in the home (Germany);

A - 100.6 Ensure all alleged cases of human rights violations by security forces are investigated urgently and transparently, with those held responsible brought to trial swiftly (United Kingdom of Great Britain and Northern Ireland);

A - 100.7 Train its lawyers and judges on the interpretation of human rights in accordance with the principle of international human rights law (Ethiopia);

A - 100.8 Adopt actions aimed at protecting/safeguarding the independence of judges, including measures ensuring autonomy from the executive power with regard to appointment and security of tenure (Mexico);

A - 100.9 Take steps to bring labour laws and practices in line with its international obligations, including under relevant ILO Conventions (United States of America);

A - 100.10 Take the necessary measures to ensure freedom of expression and opinion, as well as freedom of association and assembly, in accordance with international human rights standards (Portugal);

A - 100.11 Take steps to bring domestic law and practice into line with existing international human rights standards in relation to freedom of expression, including media freedom (Ireland);

A - 100.12 Harmonize the Media Decree with international standards and enact a law on freedom of information in conformity with international standards, as recommended by UNESCO (Mexico)

101. The following recommendations will be examined by Fiji, which will respond to them in due course, but no later than the twenty-eighth session of the Human Rights Council, in March 2015:

N - 101.1 Bolster the constitutional Bill of Rights by acceding to ICCPR and the first Optional Protocol thereto and, in that context, initiate a process in order to ensure compatibility of existing national laws and decrees with the new Constitution. Part of this process should be strengthening the judiciary (Germany);

A - 101.2 Demonstrate its commitment toward protecting and promoting human rights and fundamental freedoms by acceding to, without delay, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Canada);

N - 101.3 Complete the work towards the ratification of the core international human rights treaties, firstly ICCPR and ICESCR within the period of the next review (Russian Federation);

N - 101.4 Ratify the first optional protocol to ICCPR (Uruguay); Ratify the first optional protocol to ICCPR (Estonia); Move on speedily to the ratification and/or application of human rights instruments and optional protocols, particularly the first Optional Protocol to the International Covenant on Civil and Political Rights (Chile); Accede to the international treaties on human rights and ratify the first Optional Protocol to ICCPR (Portugal);

N - 101.5 Accede to the international treaties on human rights and ratify the Optional Protocol to ICESCR (Portugal);

N - 101.6 Move on speedily to the ratification and/or application of human rights instruments and optional protocols, particularly the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Chile);

N - 101.7 Consider ratifying OP-CAT, as well (Denmark);

N - 101.8 Ratify the Optional Protocol to CEDAW (Portugal);

N - 101.9 Accede to the international treaties on human rights and ratify OPCRC-IC (Portugal);

N - 101.10 Establish a Constitutional Commission to conduct a comprehensive review of the 2013 Constitution and carry out national consultations to ensure that the Constitution is reflective of the will of the people (Estonia);

N - 101.11 Consider establishing a Constitutional Commission to conduct a comprehensive review of the Constitution, thereby ensuring that it is reflective of the will and aspirations of the citizens of Fiji, seeing that this might help to bring about a more stable political structure (Namibia);

A - 101.12 Establish, in consultation with civil society, a mechanism to develop and harmonize a legislative framework derived from the new Constitution and in accordance with international human rights standards (Mexico);

A - 101.13 Fully align its national legislation with the Rome Statute of the International Criminal Court and ratify the Agreement on Privileges and Immunities of the Court (Estonia);

A - 101.14 Consider ensuring that the issue of violence against women be considered by the Human Rights and Anti-Discrimination Commission as one of its priorities (Slovenia);



A - 101.15 Extend a standing invitation to special procedures to allow them easy access in visiting Fiji and thus assist the authorities in pursuing progress (Belgium);

N - 101.16 Extend an open and standing invitation to the United Nations special procedures mandate holders (Chile);

A - 101.17 Extend a standing invitation to the special procedures of the Human Rights Council and coordinate in the shortest possible terms the requested visits (Costa Rica);

A - 101.18 Issue standing invitations to all special procedures (Ghana);

A - 101.19 Extend a standing invitation to the special procedures of the Human Rights Council (Portugal);

A - 101.20 Respond to the numerous requests for visits issued by the special procedures and extend a standing invitation to the special procedures as soon as possible (Slovenia);

A - 101.21 Extend a standing invitation to all United Nations Human Rights Council special procedures and receive those that have requested to visit (Montenegro);

A - 101.22 Issue a standing invitation to all Human Rights Council thematic special procedures, and facilitate requested visits and respond promptly and substantially to the communications transmitted to Fiji by the special procedures mandate holders (Norway);

A - 101.23 Accept visits from and provide full cooperation to the special procedures of the Human Rights Council, in order for them to fulfil their mandates and pursuant to commitments of the Government (Uruguay);

N - 101.24 Accept outstanding requests from special mandate holders, including that of the Special Rapporteur on the independence of judges and lawyers, to visit Fiji (New Zealand);

N - 101.25 Welcome the visit of the Special Rapporteur on the independence of judges and lawyers, in order to provide expertise and assistance in the process of maintaining an independent judiciary (Israel);

N - 101.26 Facilitate a visit of the Special Rapporteur on the independence of judges and lawyers prior to the third review of Fiji under the UPR (Solomon Islands);

N - 101.27 Extend a standing invitation to United Nations special procedures mandate holders and initiate without delay cooperation with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (Switzerland);

N - 101.28 Respond favourably to the request of the Special Rapporteur on the question of torture to visit the country (Denmark);

N - 101.29 Facilitate a visit by the Special Rapporteur on the situation of human rights defenders (Norway);

A - 101.30 Strengthen existing mechanisms in the current social, political and economic structures of the Fijian society to safeguard the rights of ethnic minorities (Solomon Islands);

N - 101.31 Amend the legislative and constitutional framework to maintain the separation of powers and cease any executive interference with the independence of the judiciary and lawyers, and ensure that the processes governing the qualification and discipline of lawyers and judges are free from political interference (Canada);

N - 101.32 Conclude the Tripartite Memorandum of Understanding on the future of labour relations in Fiji (Australia);

N - 101.33 Take the necessary measures to amend existing legislation in order to bring possible restrictions to freedom of expression or assembly in line with international human rights norms and standards (Belgium);

N - 101.34 Amend the Constitution as well as national legislation to ensure that the rights to freedoms of expression, assembly and association be guaranteed without restrictions other than those provided for within the framework of international law (Switzerland);

N - 101.35 Ensure respect for freedoms of expression, peaceful assembly, and association by amending aspects of decrees such as the Public Order Act Amendment Decree, the Political Parties Decree, and the Media Industry Development Decree, that unduly restrict fundamental freedoms (United States of America);

N - 101.36 Favourably consider revising the Public Order Amendment Decree and the Media Industry Development Decree in a way that fully ensures the rights to freedoms of association, assembly, press and expression (Republic of Korea);

N - 101.37 Review and amend or repeal as necessary all decrees limiting freedom of expression and association, particularly the Media, Essential National Industries and Public Order Decrees (United Kingdom of Great Britain and Northern Ireland);

N - 101.38 Bring legislation on freedom of expression, assembly and association in line with international human rights standards, in particular by repealing the "Media Industry Development Decree" 2010 in order to end intimidation and harassment of those that express criticism of the State, to change the climate of fear and self-censorship and to ensure that no one is arbitrarily arrested and detained for exercising their rights (Germany);

N - 101.39 Ensure respect for freedom of expression and protection of journalists by reforming the Media Industry Development Decree 2010 and introducing freedom of information legislation that accords with international human rights standards (Canada);

A - 101.40 Create and maintain a safe and enabling environment for civil society actors to freely associate, by amending relevant laws and ensuring they are not invoked to curtail the right to freedom of peaceful assembly (Ireland).

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