



**General Assembly**

Distr.  
GENERAL

A/HRC/WG.6/7/FJI/2  
13 November 2009

Original: ENGLISH

---

HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
Seventh session  
Geneva, 8-19 February 2010

**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE ANNEX  
TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Fiji**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	11 Jan. 1973	Yes (arts. 2, 3, 4(a), (b), (c), 5(c), (d)(v), (e)(v), 6, 15, and 20) <sup>3</sup>	Individual complaints (art. 14): No
CEDAW	28 Aug. 1995	None	-
CRC	13 Aug. 1993	None	-

Core treaties to which Fiji is not a party: ICESCR, OP-ICESCR,<sup>4</sup> ICCPR, ICCPR-OP 1, ICCPR-OP 2, OP-CEDAW, CAT, OP-CAT, OP-CRC-AC (signature only, 2005), OP-CRC-SC (signature only, 2005), ICRMW, CRPD, CRPD-OP, CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol <sup>5</sup>	No
Refugees and stateless persons <sup>6</sup>	Yes, except the 1961 Convention
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>7</sup>	Yes
ILO fundamental conventions <sup>8</sup>	Yes
UNESCO Convention against Discrimination in Education	No

1. In 1998, the Committee on the Rights of the Child (CRC) recommended that Fiji envisage ratifying all major international human rights treaties, including 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.<sup>9</sup> In 2008, the Committee on the Elimination of Racial Discrimination (CERD) encouraged ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>10</sup> In 2002, the Committee on the Elimination of Discrimination against Women (CEDAW) urged ratification of the Optional Protocol to the Convention.<sup>11</sup> CERD reiterated its concern about Fiji's decision to maintain its reservations and declarations.<sup>12</sup>

2. CERD also welcomed Fiji's stated intention to make the optional declaration under article 14 of the Convention<sup>13</sup> and its ratification of ILO Conventions.<sup>14</sup> CRC suggested acceding to the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.<sup>15</sup>

3. The Office of the United Nations High Commissioner for Refugees (UNHCR) in 2009 called for accession to the 1961 Convention on the Reduction of Statelessness.<sup>16</sup>

4. The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination<sup>17</sup> in 2007 recommended accession to the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries.

## B. Constitutional and legislative framework

5. Deploring the seizure of power in Fiji by the military leadership on 5 December 2006, the Secretary-General called for the return to constitutional rule through peaceful means and inclusive dialogue.<sup>18</sup> Echoing the Secretary-General's call for the immediate reinstatement of the legitimate authority in Fiji, the High Commissioner for Human Rights added that the forcible and unconstitutional replacement of Fiji's freely-elected Government raised serious concerns regarding the country's ability to guarantee human rights. She stressed that Fiji must abide by its international treaty obligations.<sup>19</sup> The Security Council also expressed grave concern about the situation in Fiji.<sup>20</sup>

6. On 14 September 2007, the High Commissioner noted with great concern that a state of emergency had been reimposed.<sup>21</sup> The Working Group on the use of mercenaries<sup>22</sup> noted the uncertainties surrounding the ability of the interim administration to adopt new laws, in light of the disbanded bicameral parliament, the Senate and the House of Representatives since December 2006.<sup>23</sup>

7. On 10 April 2009, following a decision of the Appeal Court that the appointment of the Interim Government by the President after the 2006 coup was illegal, the President issued a decree under which all judges and magistrates were removed from their positions, along with all other office holders appointed under the Constitution, noted the High Commissioner. The President issued Public Emergency Regulations seriously restricting the right to public assembly and freedom of expression, and giving the military and other law enforcement personnel broad powers of arrest and detention.<sup>24</sup> The High Commissioner expressed her deep concern about the sacking of the judiciary and heavy restrictions on the media. She strongly urged a return to the rule of law, reinstatement of the judiciary and an end to media censorship. She reiterated the Secretary-General's call for urgent action towards the restoration of a legitimate Government and constitutional order. He strongly deplored the declaration of public emergency and a clear attempt to prolong rule by an unelected executive by setting a new time frame of five years (by 2014) for parliamentary elections.<sup>25</sup> The Security Council on 20 April heard a briefing on the situation in Fiji by the Under-Secretary-General for Political Affairs. Following the meeting, the Council president expressed members' deep concern, calling for the restoration of democracy.<sup>26</sup>

8. On 15 September 2009, at the twelfth session of the Human Rights Council, the High Commissioner once again stated that constitutional order had been subverted and democratic space undermined in Fiji. Legitimacy must be restored and the rule of law respected.<sup>27</sup>

9. In 2009, the United Nations Children's Fund (UNICEF) submitted that the Convention on the Rights of the Child had not yet been incorporated into domestic law and highlighted recommendations made by a Child Protection Baseline Research Report, including to reform the Juveniles Act and the Adoption of Infants Act, amend the Education Act, draft a new Crimes Act and Criminal Procedure Code, support the draft Domestic Violence Bill, and reform the Employment Promulgation and associated regulations.<sup>28</sup> UNICEF indicated that the offices of the Attorney-General and the Fiji Law Reform Commission were understaffed and the backlog for legislative drafting was significant.<sup>29</sup>

10. UNHCR acknowledged efforts to enhance the standard of treatment of stateless persons, welcoming the Citizenship of Fiji Decree 2009 and Citizenship of Fiji Regulations 2009.<sup>30</sup>

### **C. Institutional and human rights infrastructure**

11. The Fiji Human Rights Commission was accredited with 'A' status in 2000 by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC)<sup>31</sup> but was suspended in March 2007. It resigned from the ICC on 2 April 2007.<sup>32</sup> The Secretary-General cited information that was received about the Commission compiling a report on individuals who had made complaints to United Nations mechanisms following the military coup of December 2006.<sup>33</sup> CERD expressed concern that the Commission may no longer fully meet the criteria set out in the Paris Principles,<sup>34</sup> and the High Commissioner underlined the need for it to play an effective and independent role fully in line with the Paris Principles.<sup>35</sup>

12. CEDAW welcomed the creation of several institutional mechanisms to promote gender equality and implement the Women's Plan of Action. It noted the absence of effective mechanisms to challenge discriminatory practices, urging the Government to include a clear procedure for enforcement of fundamental rights and enact an equal opportunities law to cover actions of non-State actors.<sup>36</sup>

13. The Working Group on the use of mercenaries recommended the establishment of a "Commissioner for Private Military and Security Companies" with a mandate to register and monitor private military and security companies operating in Fiji and receive complaints.<sup>37</sup>

14. UNICEF recommended creating a child-friendly complaints process for all Government services.<sup>38</sup>

### **D. Policy measures**

15. A 2008 UNICEF report noted that the Strategic Development Plan 2007-2011 aimed inter alia to alleviate poverty, increase the supply of affordable housing, develop rural and outer island communities by improving infrastructure and livelihood opportunities, and improve security, law and justice.<sup>39</sup> A 2007 UNICEF report<sup>40</sup> and the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) highlighted that the 2020 Plan for Indigenous Fijians had affirmative action policies to inter alia improve education and training opportunities for indigenous Fijians and Rotuman students.<sup>41</sup> The 2007 UNICEF report indicated however that, in practice, such policies extended even to areas where there was very weak, if any, evidence of an ethnic concentration of disadvantage. For example, Government welfare and poverty reduction programmes predominantly assisted Fijians, disregarding all evidence that the poorest of the poor were more often Indo-Fijian.<sup>42</sup>

16. UNICEF also noted that a National Policy on Persons Living with Disabilities 2008-2018 was developed, including as a strategic policy area the promotion of the rights of women and children with disabilities.<sup>43</sup> A 2007 UNICEF report indicated that the Fiji national AIDS strategy aimed, through a number of measures inter alia to improve access to treatment, care and support for persons living with HIV and AIDS, improve access to prevention and strengthen national mechanisms.<sup>44</sup> It noted also Government campaigns to combat discrimination faced by many persons living with HIV and AIDS.<sup>45</sup>

17. In 2005, Fiji adopted the Plan of Action (2005-2009) for the World Programme for Human Rights Education focusing on the national school system.<sup>46</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body</i> <sup>47</sup>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2006	3 March 2008	Overdue since March 2009	Combined eighteenth, nineteenth and twentieth reports due in 2012.
CEDAW	2000	22 January 2002	-	Second to fourth reports due in 2000, 2004 and 2008 respectively received in 2009 and scheduled for consideration in 2010.
CRC	1996	5 June 1998	-	Second and third reports overdue since 2000 and 2005 respectively.

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Working Groups on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (14 to 18 May 2007). <sup>48</sup>
<i>Visits agreed upon in principle</i>	Special Rapporteur on the independence of judges and lawyers (requested in 2007, 2008, 2009).
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (requested in 2006, 2007).
<i>Facilitation/cooperation during missions</i>	The Working Group on the use of mercenaries enjoyed excellent cooperation from Fijian authorities throughout the planning and conduct of its visit. <sup>49</sup>
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 14 communications were sent concerning inter alia particular groups and 6 cases involving women. The Government replied to two communications, representing replies to 14 per cent of communications sent.
<i>Responses to questionnaires on thematic issues</i> <sup>50</sup>	Fiji responded to none of the 16 questionnaires sent by special procedures mandate holders <sup>51</sup> within the deadlines.

#### 3. Cooperation with the Office of the High Commissioner for Human Rights

18. Fiji is the host country of the OHCHR Regional Office for the Pacific, located in Suva<sup>52</sup> since 2005.<sup>53</sup> Between 2008 and 2009, OHCHR provided advice and support on reconciliation processes, including in Fiji.<sup>54</sup> In 2007, it provided technical support to the National Coordinating Committee on Children and the National Committee on the Convention on the Elimination of Discrimination.<sup>55</sup> OHCHR co-organized the 11th Annual Meeting of the Asia-Pacific Forum of National Institutions in Fiji in 2006<sup>56</sup> and carried out a range of capacity-building activities, including training for judges and lawyers. In collaboration with the Fiji Human Rights Commission, a colloquium and workshop was organized for judges and lawyers on the

justiciability of economic, social and cultural rights in the Pacific.<sup>57</sup> The coup d'état required that OHCHR devote more attention to Fiji.<sup>58</sup>

## **B. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

19. While welcoming the specific provision on gender equality in the Constitution of 1997, CEDAW expressed concern that it does not contain a definition of discrimination against women.<sup>59</sup> Concerned that entrenched stereotypical attitudes towards women and the idea of an exclusively male head of household encouraged segregation in employment and a denial of the economic contribution of women, it recommended an accelerated and broad-based programme of human rights education, gender training and changes in laws and administrative regulations to recognize women as heads of households and the concept of shared economic contribution and household responsibilities.<sup>60</sup> A 2008 UNICEF report indicated that legislative changes had yet to be made for example regarding various sexual offences, or sufficient action yet taken to counter de facto discrimination against women in the education system and workforce.<sup>61</sup> UNICEF noted that in 2009 the Marriage Act was amended, with the minimum marriage age for females lifted from 16 to 18 years, equalizing the marriage age for males and females.<sup>62</sup>

20. CERD was seriously concerned that no specific laws prohibiting racial discrimination had been adopted, recommending an expedited legislative review to ensure full compliance with the Convention.<sup>63</sup>

21. CRC noted insufficient measures to ensure the full enjoyment by all children of the rights recognized by the Convention, particularly in access to education and health services. It recommended a more active approach to eliminate discrimination against, in particular the girl child, children with disabilities, children in institutional care, children living in rural areas, poor children such as those living in slums, and children born out of wedlock.<sup>64</sup>

22. UNICEF highlighted that persons with disabilities are at high risk of living in poverty. Although education opportunities for such children had recently widened, many only had an opportunity to attend primary school at most. Many persons with disabilities could not therefore obtain work and often faced workplace discrimination.<sup>65</sup>

### **2. Right to life, liberty and security of the person**

23. In August 2007, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,<sup>66</sup> the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment sent the Government a letter relating to three incidents in which persons were reported to have died either in police or military custody. It was reported that investigations into the killings had been inconclusive and perpetrators had not been prosecuted.

24. In 2009, the Special Rapporteur on the question of torture reported that in November 2000, a male civilian was taken to the naval base by some soldiers of the Counter-Revolutionary Warfare branch of the Fiji Military Forces who were involved in a mutiny. A few days later, a post-mortem found the cause of the man's death to be multiple blunt force injuries, including

head injuries with subdural hemorrhage. In 2004, a civil court found that the military had caused his death and ordered it to pay compensation, but the victim's family received no money and no criminal charges had been brought against any person.<sup>67</sup>

25. In 2007, the Special Rapporteur on the freedom of opinion and expression sent an allegation letter concerning the case of the Secretary-General of the Viti National Union of Taukei Workers, who was allegedly taken into military custody where he underwent physical and psychological abuse. He was later summoned before a military body, where he was threatened to be killed if he continued to make statements against the Army Commander.<sup>68</sup>

26. On 25 January 2007, the Special Rapporteur on violence against women, its causes and consequences and the Special Representative of the Secretary-General on human rights defenders sent an urgent appeal regarding six female pro-democracy activists who were arrested by the military. Concerns were expressed that the series of acts of intimidation and harassment, and threats of sexual violence, form part of an ongoing campaign against human rights defenders.<sup>69</sup> In April 2008, the Special Rapporteur on freedom of opinion and expression, the Special Representative of the Secretary-General on human rights defenders and the vice-chairperson of the Working Group on Arbitrary Detention sent an urgent appeal on the arrest and detention of 12 women human rights defenders. Concern was expressed that the arrest may be solely linked to their reportedly non-violent activities in defense of human rights.<sup>70</sup>

27. CEDAW noted with concern the high incidence of ethnic and gender-based violence against women in periods of civil unrest. Despite initiatives to address this, there were high levels of domestic violence and sexual abuse of girls and women. It requested Fiji to strengthen initiatives to combat gender-based violence and adopt the proposed laws on domestic violence and sexual offences very early, prohibiting practices that legalize violence against women.<sup>71</sup> UNICEF indicated that Fiji now recognized domestic violence as a pervasive social problem across all communities and the police have put in place mechanisms such as a "no-drop" policy<sup>72</sup> to improve reporting, and measures to address the issue. The problem itself, however, remains.<sup>72</sup>

28. UNICEF stated that while corporal punishment had been outlawed in schools, it was still practiced in many areas due to the lack of knowledge on alternative discipline methods and awareness of children's rights.<sup>73</sup> Expressing concerns in this regard, CRC recommended measures, including legislation, to prevent and combat ill-treatment within the family, including domestic violence and sexual abuse of children.<sup>74</sup>

29. A 2008 UNICEF report indicated that sexual abuse and exploitation of children might be on the increase, aided by new electronic media, more extensive tourism, and poverty.<sup>75</sup> In 2009, the ILO Committee of Experts requested measures to assist in the removal of children from the worst forms of child labour such as homeless children working in sex tourism, and to take initiatives to ensure their rehabilitation and integration.<sup>76</sup> CRC recommended further measures to prevent and combat sexual economic exploitation of children, including the use of children in prostitution and pornography and the trafficking and abduction of children; and to establish rehabilitation centres for victims.<sup>77</sup>

30. UNICEF indicated that children were not always separated from adults in detention, partly due to limited facilities.<sup>78</sup> CRC expressed concern at the lack of legal counselling for children in care centres, that detention was not being used as a measure of last resort, and about

the poor state of detention centres. CRC strongly recommended raising the minimum age for criminal responsibility, set at 10 years of age, to 18.<sup>79</sup>

31. In 2009, the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation noted that a court in Fiji found lack of access to adequate sanitation in prisons to amount to cruel, inhuman and degrading treatment, breaching the Constitution and the Standard Minimum Rules for the Treatment of Prisoners.<sup>80</sup>

32. CEDAW expressed concern at a growing problem of prostitution due to economic hardship. It recommended a holistic programme of law reform and policies in this regard.<sup>81</sup>

33. The Working Group on the use of mercenaries was concerned about aspects of the activities of Fijians recruited to work for private companies offering military assistance, consultancy and security services in situations of violence and armed conflict such as in Iraq. The allegations concerned random shootings and deliberate targeting of civilians. They involved private-contractor guards and former military personnel.<sup>82</sup>

### **3. Administration of justice and the rule of law**

34. The 2007 and 2008 annual reports of the Resident Coordinator indicated concerns as well as a decreased trust in the independence of the judiciary.<sup>83</sup>

35. Concerned that the impact of the state of emergency was heightened by increased pressure on the independence of the judiciary, the High Commissioner in 2007 said that the ability of truly independent institutions to function effectively and vindicate rights was indispensable, particularly in such circumstances.<sup>84</sup>

36. 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 in 2009 strongly condemned the President's decision to dismiss the entire judiciary.<sup>85</sup> The Special Rapporteur on the independence of judges and lawyers sent a letter to the Government concerning the suspension of the Chief Justice.<sup>86</sup>

### **4. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

37. Acknowledging the Government's replies to previously transmitted communications, the Special Rapporteur on freedom of religion or belief in 2005 stressed that even in time of emergency which threatens the life of the nation, certain rights cannot be subject to derogation, including freedom of religion or belief.<sup>87</sup>

38. The 2007 annual report of the Resident Coordinator indicated that the military coup gave cause for concern with regard to the repression of free speech and other civil liberties.<sup>88</sup> The Special Rapporteurs on the independence of judges and lawyers, and on freedom of opinion and expression in 2009 strongly condemned heavy restrictions on the media, citing deportations and arbitrary arrests of journalists. They noted that journalists had been summoned by the Ministry of Information and warned to restrict the content of their reporting.<sup>89</sup>



39. In 2009, the UNESCO Director-General voiced grave concern about the suspension of press freedom under the Public Emergency Regulations, which stipulate that editors are not allowed to publish or broadcast any material that shows the military in an unfavourable light; sensitive stories must be approved by officials before publication and media organizations ignoring these directives may be shut down.<sup>90</sup>

40. In March 2008, the Special Rapporteur on the freedom of opinion and expression sent an allegation letter regarding a foreign journalist removed from Fiji and declared a security risk. Prior to the removal, the journalist's newspaper had published critical articles concerning tax affairs involving the Minister of Finance.<sup>91</sup> In August, the Special Rapporteur sent a letter regarding two journalists who had been arrested and interrogated in relation to articles they had written. Concern was expressed that such events could represent a direct attempt to prevent independent reporting in Fiji.<sup>92</sup>

41. In 2006, the Special Representative of the Secretary-General on the situation of human rights defenders noted that there was not a strong support-base for human rights NGOs, and there was a perception that human rights were a Western concept not in line with traditional culture.<sup>93</sup>

42. CERD called for a speedy return to a democratic form of government, encouraging Fiji to hold free and fair elections to form a Government based on the 1997 Constitution, which provides for power-sharing between the ethnic communities while ensuring that indigenous forms of governance are respected.<sup>94</sup> The 2008 annual report of the Resident Coordinator indicated that the Interim Government reneged on its promise to hold elections in March 2009. It referred to consultations with the Interim Government and key stakeholders towards developing modalities for an inclusive, independent and time-bound political dialogue process.<sup>95</sup>

## **5. Right to work and to just and favourable conditions of work**

43. In 2007, the Working Group on the use of mercenaries<sup>96</sup> was concerned by information indicating that Fijians recruited by private security companies had been exploited. Thousands had been lured into paying fees for security work abroad which did not materialize. In a number of cases, contracts were reportedly signed under fraudulent conditions and many Fijians experienced contractual irregularities and poor working conditions, including excessive working hours, partial or non-payment of salaries, ill-treatment and the neglect of basic needs. The Working Group recommended measures to address issues of reintegration and post-traumatic stress disorder in individuals returning from security work abroad.<sup>97</sup>

44. CEDAW expressed concern<sup>98</sup> that women did not receive equal wages for work of equal value and were denied equal access to employment and promotion. The subregional 2008-2012 United Nations Development Assistance Framework cited evidence that occupations remained stratified by sex and women continued to suffer stereotyping, direct discrimination in hiring practices, and unequal access to training programmes.<sup>99</sup> CEDAW noted that the working conditions of women, particularly in the tax-free zones, contravened article 11 of the Convention. It recommended early adoption of the Industrial Relations Bill and Equal Opportunity legislation and a repeal of outdated labour laws. Legal reforms should make pregnancy leave mandatory and tackle sexual harassment in the workplace. Fiji should promote the adoption of a code of ethics for investors, including in the tax-free zones.<sup>100</sup>

45. In 2008, the ILO Committee of Experts requested amendments to the Employment Relations Act to allow non-citizens to run for trade-union office at least after a reasonable period of residence in the country<sup>101</sup> and so that prison sentences in the case of strike action may be imposed only for penal violations and are accompanied by sufficient judicial safeguards.<sup>102</sup>

46. UNICEF indicated that poverty is the main cause of child labour in Fiji. Most children who work do so in informal ways for families as domestic workers, labourers, or farm workers. Some become “street children” in the towns, working as wheelbarrow boys in the markets, shoe-shiners or prostitutes.<sup>103</sup> A 2007 census showed that 9.5 per cent of 10 to 14-year-olds and 23.5 per cent of 15 to 19-year-olds were in the labour force.<sup>104</sup>

## **6. Right to social security and to an adequate standard of living**

47. UNICEF indicated that poverty had become a national issue of increasing urgency, citing surveys from 2002-2003 and 2003-2004 that 34.4 per cent of households were living in poverty, up from 29 per cent in 1991. Hardship included an insufficient means of income, insufficient access to basic services, in particular water supply, electricity and education.<sup>105</sup>

48. CEDAW noted the gains achieved in women's health but expressed concern that women in remote islands were adversely affected by maternal and infant mortality,<sup>106</sup> also noted by CRC.<sup>107</sup> UNICEF indicated that the Government provides health services, either free or at minimal cost, but the quality of rural health services has deteriorated with the loss of medical staff through emigration.<sup>108</sup> Noting similar concerns, CEDAW encouraged the introduction of proactive measures and incentives to attract local health services professionals to Fiji and recommended that priority be given to allocating resources to improve health care services for women, including in remote islands.<sup>109</sup>

49. In 1998, CRC was concerned at the increasing rate of early pregnancies, sexually transmitted diseases among the youth, teenage suicide, insufficient access to reproductive health education and counselling services, and insufficient HIV/AIDS preventive measures.<sup>110</sup>

50. CRC expressed concern at the insufficient measures with regards to children with disabilities, recommending, inter alia, implementing alternatives to the institutionalization of disabled children and awareness-raising campaigns to reduce discrimination.<sup>111</sup>

51. A 2008 UNICEF report highlighted that town councils and the Housing Authority have been unable to meet the demand for affordable housing, and that poor families have little option but to live in informal settlements with insecure tenure and poor living conditions.<sup>112</sup>

## **7. Right to education**

52. UNICEF reported that school is free of tuition costs up to senior secondary classes but schools levy other fees and essential expenses include uniforms, books and transport. The principal reason for children dropping out is the inability to afford school costs.<sup>113</sup>

53. UNICEF submitted that although Fiji had one of the best education systems in the Pacific, it was not well adapted to the needs of the community and labour force. Each year more than half of Fiji's 15,000 school leavers join the ranks of the educated unemployed, yet Fiji is experiencing a critical shortage of skilled tradesmen.<sup>114</sup>

54. In 2008, the ILO Committee of Experts sought information on progress made in improving indigenous Fijians' access to education at all levels,<sup>115</sup> and on the implementation and impact of affirmative action measures taken regarding disadvantaged ethnic groups, including in vocational training and employment.<sup>116</sup>

55. CERD welcomed the compulsory teaching of the Fijian and Hindi languages. It recommended, inter alia, that Fiji ensure that school enrolment policies were not discriminatory, including where necessary by de-registration of schools; and to ensure that curricula convey to students the importance of respect for different ethnic communities.<sup>117</sup>

56. CEDAW noted with concern that an increase in poverty and adverse economic conditions were undermining Fiji's gains in women's education, leading to more girls dropping out, with connected problems of early marriage, teenage pregnancies and sexual exploitation; it recommended targeted policies and programmes.<sup>118</sup>

### **8. Minorities and indigenous peoples**

57. Concerned about the lower levels of representation of Indo-Fijians, CERD recommended measures to ensure that all ethnic groups are duly represented in State institutions and the public administration, including special measures, particularly in the military, taking into account its role during the political turmoil in Fiji.<sup>119</sup>

58. CERD remained concerned that the status of land distribution in Fiji inhibited the economic development of non-indigenous communities, particularly Indo-Fijians. CERD called for immediate measures to resolve land rights issues in a conciliatory and equitable manner, and for urgent interim measures to prevent further deterioration of the economic situation of non-indigenous Fijians. It also strongly recommended reviewing the current land regime.<sup>120</sup>

### **9. Migrants, refugees and asylum-seekers**

59. CERD noted with satisfaction the adoption of the Immigration Act of 2003 and the repeal of section 8 (1) (g) of the Act.<sup>121</sup> UNHCR also welcomed the 2003 Act, particularly "Part 6: Determination of Refugee Status" and the Immigration Regulations 2007, which establish a clear legal framework to assess asylum claims. It noted that Fiji respects the principle of non-refoulement, and works closely with UNHCR to fulfill its obligations, but indicated it would benefit from further capacity building, training and clear standard operating procedures.<sup>122</sup>

## **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

60. CRC noted Fiji's particular geographical configuration, comprising 330 islands, and the relatively small population composed of a number of varied and isolated communities.<sup>123</sup> UNICEF considered that identifying the needs of particular groups and ensuring their participation in activities was challenging, with some upland areas of Fiji's main island Viti Levu being extremely isolated.<sup>124</sup>

61. CEDAW recognized that periods of political instability, ethnic tensions, low economic growth and increasing poverty in a period of economic transition have impacted negatively on Fiji's efforts to implement the Convention.<sup>125</sup>

#### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

##### **Specific recommendations for follow-up**

62. CERD requested Fiji to provide by March 2009 information on the implementation of recommendations to ensure, inter alia, the independence of its Human Rights Commission; and that school enrolment policies were not discriminatory.<sup>126</sup>

63. In 2007, the Working Group on the use of mercenaries made a number of recommendations for monitoring the activities of private security companies through, inter alia, status checks on private security company directors, shareholders, executives and all personnel to ensure that they have not previously been implicated in human rights violations and there were no conflicts of interest between posts held by members or former members of the military or police and their involvement in private security companies; and adoption of measures by the competent authorities allowing them to act with speed and vigour on complaints.<sup>127</sup> It recommended the development of national legislation to address mercenaries, mercenary-related activities and the activities of private companies offering military assistance, consultancy and security services on the international market.<sup>128</sup>

64. UNHCR made a number of specific recommendations to Fiji, inter alia, to ensure expeditious processing of claims for international protection in close cooperation with UNHCR, the International Organization for Migration and other stakeholders; and to provide recognized refugees with work rights and other entitlements in a nondiscriminatory way.<sup>129</sup> Citing the case of one individual who was assessed to be a refugee in 2006, but as of August 2009 was still awaiting proper documentation, the UNHCR stressed that asylum-seekers and refugees should receive adequate material support throughout the refugee status determination process.<sup>130</sup>

#### **V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE**

65. The subregional 2008-2012 United Nations Development Assistance Framework indicated four priority or outcome areas: equitable economic growth and poverty reduction, good governance and human rights, equitable social and protection services, and sustainable environmental management.<sup>131</sup>

66. UNHCR stated its readiness to provide technical advice, practical guidance and operational support, including training.<sup>132</sup>

## Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> The reservation and declarations formulated by the Government of the United Kingdom on behalf of Fiji are affirmed but have been redrafted by the Government of Fiji as follows:

"To the extent, if any, that any law relating to elections in Fiji may not fulfil the obligations referred to in article 5 (c), that any law relating to land in Fiji which prohibits or restricts the alienation of land by the indigenous inhabitants may not fulfil the obligations referred to in article 5 (d) (v), or that the school system of Fiji may not fulfil the obligations referred to in articles 2, 3, or 5 (e) (v), the Government of Fiji reserves the right not to implement the aforementioned provisions of the Convention." "The Government of Fiji wishes to state its understanding of certain articles in the Convention. It interprets article 4 as requiring a party to the Convention to adopt further legislative measures in the fields covered by sub-paragraphs (a), (b) and (c) of that article only in so far as it may consider with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention (in particular the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association) that some legislative addition to or variation of existing law and practice in those fields is necessary for the attainment of the end specified in the earlier part of Article 4.

"Further, the Government of Fiji interprets the requirement in article 6 concerning 'reparation or satisfaction' as being fulfilled if one or other of these forms of redress is made available and interprets 'satisfaction' as including any form of redress effective to bring the discriminatory conduct to an end. In addition it interprets article 20 and the other related provisions of Part III of the Convention as meaning that if a reservation is not accepted, the State making the reservation does not become a Party to the Convention.

"The Government of Fiji maintains the view that Article 15 is discriminatory in that it establishes a procedure for the receipt of petitions relating to dependent territories whilst making no comparable provision for States without such territories."

<sup>4</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that "The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant".

<sup>5</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>6</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>7</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked

---

Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>8</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>9</sup> Committee on the Rights of the Child, concluding observations adopted on 5 June 1998, CRC/C/15/Add.89, para. 28.

<sup>10</sup> Committee on the Elimination of All Forms of Racial Discrimination, concluding observations adopted on 3 March 2008, CERD/C/FJI/CO/17, para. 8.

<sup>11</sup> Committee on the Elimination of Discrimination against Women, concluding observations adopted on 22 January 2002, A/57/38 (Part one), para.68.

<sup>12</sup> CERD/C/FJI/CO/17, para. 9.

<sup>13</sup> Ibid., para. 5.

<sup>14</sup> Ibid., para. 8.

<sup>15</sup> CRC/C/15/Add.89, para. 38.

<sup>16</sup> UNHCR submission to the UPR on Fiji, p. 3, available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>.

<sup>17</sup> A/HRC/7/7/Add.3, para.51(a)

<sup>18</sup> Highlights of the noon briefing by the Spokesman for the Secretary-General, 5 December 2006; available at <http://www.un.org/News/Press/docs/2006/20061205.sgsm12180.doc.htm>

<sup>19</sup> High Commissioner's press statement, 6 December 2006.

<sup>20</sup> Security Council press statements SC/8894, 7 December 2006, and SC/8881, 29 November 2006.

<sup>21</sup> High Commissioner's press statement, 14 September 2007

<sup>22</sup> A/HRC/7/7/Add.3, para.15

<sup>23</sup> Ibid., para 51 (b)

<sup>24</sup> High Commissioner's press release, 15 April 2009.

<sup>25</sup> Idem. See also Statement by the Secretary-General, 10 April 2009, available at <http://www.un.org/News/Press/docs/2009/sgsm12180.doc.htm>

<sup>26</sup> S/2009/353, 13 July 2009

<sup>27</sup> Statement of Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights, at the twelfth session of the Human Rights Council, 15 September 2009; available at <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/2DD5A4BD46C13CEFC1257631002D5B6B?opendocument>

<sup>28</sup> UNICEF submission to the UPR on Fiji, p. 1, available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>. See also UNICEF, Innocenti Research Centre, Law Reform and Implementation of the Convention of the Rights of the Child, December 2007, pp. 6-7.

<sup>29</sup> UNICEF submission to the UPR on Fiji, p. 1.

<sup>30</sup> Ibid., p. 2.

<sup>31</sup> A/HRC/4/92.

<sup>32</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex 1.

<sup>33</sup> A/HRC/7/45, paragraph 7.

<sup>34</sup> CERD/C/FJI/CO/17, para. 11.

<sup>35</sup> High Commissioner's press statement, 14 September 2007

<sup>36</sup> A/57/38 (Part one), paras. 42, 46, 47 and 53.

<sup>37</sup> A/HRC/7/7/Add.3, para 51 (f)

<sup>38</sup> UNICEF submission to the UPR on Fiji, p. 1. See also UNICEF, Innocenti Research Centre, Law Reform and Implementation of the Convention of the Rights of the Child, December 2007, pp. 6-7.

<sup>39</sup> UNICEF, A Situation Analysis of Children, Youth & Women, 2007, p. 20, available at [http://www.unicef.org/pacificislands/Fiji\\_SitAn.pdf](http://www.unicef.org/pacificislands/Fiji_SitAn.pdf).

<sup>40</sup> Ibid., pp. 18, 40-41, available at [http://www.unicef.org/pacificislands/Fiji\\_SitAn.pdf](http://www.unicef.org/pacificislands/Fiji_SitAn.pdf).

<sup>41</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Indigenous and Tribal Peoples Convention 1989 (No. 169), 2008, Geneva, doc. No. (ILOLEX) 092008FJI169, para. 5.

<sup>42</sup> UNICEF, A Situation Analysis of Children, Youth & Women, 2007, pp. 18-19, available at [http://www.unicef.org/pacificislands/Fiji\\_SitAn.pdf](http://www.unicef.org/pacificislands/Fiji_SitAn.pdf).

<sup>43</sup> UNICEF submission to the UPR on Fiji, p. 1.

<sup>44</sup> Ibid., annex; UNICEF, Fiji situation analysis, p. 26.

<sup>45</sup> UNICEF submission to the UPR on Fiji, p. 2. See also UNICEF, Looking Back Moving Forward, UNICEF's work for Pacific Island children: a review of 2008 and update on 2009, p. 23, available at [http://www.unicef.org/pacificislands/Looking\\_Back\\_Moving\\_Forward\\_WEB1.pdf](http://www.unicef.org/pacificislands/Looking_Back_Moving_Forward_WEB1.pdf).

<sup>46</sup> See General Assembly resolution 59/113 B of 14 July 2005, and Human Rights Council resolution 6/24 of 28 September 2007. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007, available at <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm>.

<sup>47</sup> The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CMW	Committee on the Protection of the Rights of All Migrant Workers and Their Families
CRPD	Committee on the Rights of Persons with Disabilities

<sup>48</sup> A/HRC/7/7/Add.3

<sup>49</sup> Ibid., p. 4, para. 2

<sup>50</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

<sup>51</sup> See (a) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (b) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (e) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (f) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (g) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (h) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (i) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007; (j) report on the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16 and Corr.1), questionnaire on trafficking in persons, especially women and children; (k) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the HRC (June 2009) (A/HRC/11/9), questionnaire on Cash Transfer Programmes, sent in October 2008; (l) report of the Special Rapporteur on the right to education (June 2009) (A/HRC/11/8), questionnaire on the right to education for persons in detention; (m) report of the Special Rapporteur on violence against women, (June 2009) (A/HRC/11/6), questionnaire on violence against women and political economy; (n) report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/12/21), questionnaire on national legislation and initiatives addressing the issue of bonded labour; (o) report of the Special Rapporteur on the right to food to the twelfth session of the Council (A/HRC/12/31), questionnaire on world food and nutrition security; (p)

---

report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), questionnaire on measures to prevent and combat online child pornography.

<sup>52</sup> United Nations High Commissioner for Human Rights, 2008 Annual Report Activities and Results, pages 106-107.

<sup>53</sup> United Nations High Commissioner for Human Rights, Annual Report 2006, page 68.

<sup>54</sup> High Commissioner's Strategic Management Plan 2008-2009.

<sup>55</sup> United Nations High Commissioner for Human Rights, 2007 Report on Activities and Results, pp. 91-93.

<sup>56</sup> High Commissioner's Strategic Management Plan 2008-2009.

<sup>57</sup> United Nations High Commissioner for Human Rights, Annual Report 2006, page 68.

<sup>58</sup> Ibid., Annual Report 2006, page 68.

<sup>59</sup> A/57/38 (Part one), paras. 41 and 46.

<sup>60</sup> Ibid., paras. 54 and 55.

<sup>61</sup> UNICEF, A Situation Analysis of Children, Youth & Women, 2007, p. 3, available at [http://www.unicef.org/pacificislands/Fiji\\_SitAn.pdf](http://www.unicef.org/pacificislands/Fiji_SitAn.pdf).

<sup>62</sup> UNICEF submission to the UPR on Fiji, p. 2. UNICEF, A Situation Analysis of Children, Youth & Women, 2007, p. 6, available at [http://www.unicef.org/pacificislands/Fiji\\_SitAn.pdf](http://www.unicef.org/pacificislands/Fiji_SitAn.pdf).

<sup>63</sup> CERD/C/FJI/CO/17, para. 15.

<sup>64</sup> CRC/C/15/Add.89, paras. 14 and 34.

<sup>65</sup> UNICEF submission to the UPR on Fiji, p. 2.

<sup>66</sup> A/HRC/6/17/Add.1, para. 47.

<sup>67</sup> A/HRC/10/44/Add.4, para. 72.

<sup>68</sup> A/HRC/7/14/Add.1, para. 225.

<sup>69</sup> A/HRC/7/6/Add.1, paras. 120-124.

<sup>70</sup> A/HRC/11/4/Add.1, paras 883-885; see also A/HRC/10/12/Add.1.

<sup>71</sup> A/57/38 (Part one), paras. 58 and 59.

<sup>72</sup> UNICEF submission to the UPR on Fiji, p. 2.

<sup>73</sup> Ibid., p. 2.

<sup>74</sup> CRC/C/15/Add.89, paras. 17, 25, 37, 44 and 45.

<sup>75</sup> UNICEF, A Situation Analysis of Children, Youth & Women, 2007, p. 3, available at [http://www.unicef.org/pacificislands/Fiji\\_SitAn.pdf](http://www.unicef.org/pacificislands/Fiji_SitAn.pdf).

<sup>76</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009FJI182, p. 3.

<sup>77</sup> CRC/C/15/Add.89, paras. 44 and 45.

<sup>78</sup> UNICEF submission to the UPR on Fiji, p. 3.

<sup>79</sup> CRC/C/15/Add.89, paras 26 and 46.

<sup>80</sup> A/HRC/12/24, para. 49

<sup>81</sup> A/57/38 (Part one), paras. 64 and 65.

<sup>82</sup> A/HRC/7/7/Add.3, para. 37.

<sup>83</sup> Resident Coordinator, Annual Report 2007, p. 1, and Annual Report 2008, p. 1, available at

<http://www.undg.org/unct.cfm?CountryID=FIJ&fuseaction=UN%20Country%20Coordination%20Profile&module=CoordinationProfile&page=Country>.

<sup>84</sup> High Commissioner's press statement, 14 September 2007.

<sup>85</sup> United Nations press release, 20 April 2009.

<sup>86</sup> A/HRC/8/4/Add.1, para 132

<sup>87</sup> E/CN.4/2005/61/Add.1, para. 109

<sup>88</sup> Resident Coordinator, Annual Report 2007, p. 1, available at

<http://www.undg.org/unct.cfm?CountryID=FIJ&fuseaction=UN%20Country%20Coordination%20Profile&module=CoordinationProfile&page=Country>.

<sup>89</sup> United Nations press release, 20 April 2009.

<sup>90</sup> UNESCO press release, 17 April 2009, available at [http://portal.unesco.org/ci/en/ev.php-URL\\_ID=28534&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/ci/en/ev.php-URL_ID=28534&URL_DO=DO_TOPIC&URL_SECTION=201.html).

<sup>91</sup> A/HRC/11/4/Add.1, para. 881.

<sup>92</sup> Ibid., paras. 887-891

<sup>93</sup> E/CN.4/2006/95/Add.5, paras 608-613.

<sup>94</sup> CERD/C/FJI/CO/17, paras. 4 and 10.



- <sup>95</sup> Resident Coordinator, Annual Report 2008, p. 1, available at <http://www.undg.org/unct.cfm?CountryID=FIJ&fuseaction=UN%20Country%20Coordination%20Profile&module=CoordinationProfile&page=Country>.
- <sup>96</sup> A/HRC/7/7/Add.3, para. 47.
- <sup>97</sup> Ibid., para 51 (g).
- <sup>98</sup> A/57/38 (Part one), paras. 56 and 57.
- <sup>99</sup> United Nations Development Assistance Framework for the Pacific sub-region 2008-2012, Suva, p. 13, available at [www.un.org.fj/\\_resources/un/files/Draft%20UNDAF%20070502.pdf](http://www.un.org.fj/_resources/un/files/Draft%20UNDAF%20070502.pdf).
- <sup>100</sup> A/57/38 (Part one), paras. 56 and 57.
- <sup>101</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2008, Geneva, doc. No. (ILOLEX) 092008FJI087, para. 7.
- <sup>102</sup> Ibid., para. 13.
- <sup>103</sup> UNICEF submission to the UPR on Fiji, p. 3.
- <sup>104</sup> Idem. See also 2007 Census of Population and Housing, No 09/2009, Fiji Islands Bureau of Statistics, Table 2a, p. 20, available at <http://www.statsfiji.gov.fj/Census2007/Release%202%20-%20Labour%20Force.pdf>.
- <sup>105</sup> UNICEF submission to the UPR on Fiji, p. 3.
- <sup>106</sup> A/57/38 (Part one), para. 62.
- <sup>107</sup> CRC/C/15/Add.89, para. 19.
- <sup>108</sup> UNICEF submission to the UPR on Fiji, p. 2.
- <sup>109</sup> A/57/38 (Part one), paras. 62 and 63, and CRC/C/15/Add.89, para. 19.
- <sup>110</sup> CRC/C/15/Add.89, para. 20.
- <sup>111</sup> CRC/C/15/Add.89, paras. 21 and 40.
- <sup>112</sup> UNICEF, A Situation Analysis of Children, Youth & Women, 2007, p. 16, available at [http://www.unicef.org/pacificislands/Fiji\\_SitAn.pdf](http://www.unicef.org/pacificislands/Fiji_SitAn.pdf).
- <sup>113</sup> UNICEF submission to the UPR on Fiji, pp. 3-4.
- <sup>114</sup> Ibid., p. 4. See also UNICEF, The State of Pacific Children 2008, p. 33.
- <sup>115</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Indigenous and Tribal Peoples Convention 1989 (No. 169), 2008, Geneva, doc. No. (ILOLEX) 092008FJI169, para. 5.
- <sup>116</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2008, Geneva, doc. No. (ILOLEX) 092008FJI111, para. 3.
- <sup>117</sup> CERD/C/FJI/CO/17, para. 19.
- <sup>118</sup> A/57/38 (Part one), paras. 60 and 61.
- <sup>119</sup> CERD/C/FJI/CO/17, para. 18.
- <sup>120</sup> Ibid., para. 22.
- <sup>121</sup> Ibid., para. 6.
- <sup>122</sup> UNHCR submission to the UPR on Fiji, pp. 1-2.
- <sup>123</sup> CRC/C/15/Add.89, para. 6.
- <sup>124</sup> UNICEF submission to the UPR on Fiji, p. 4.
- <sup>125</sup> A/57/38 (Part one), para. 45.
- <sup>126</sup> CERD/C/FJI/CO/17, para. 31.
- <sup>127</sup> A/HRC/7/7/Add.3, para 51 (c, d, e and h).
- <sup>128</sup> A/HRC/7/7/Add.3, para. 51 (b).
- <sup>129</sup> UNHCR submission to the UPR on Fiji, p. 2.
- <sup>130</sup> Idem.
- <sup>131</sup> United Nations Development Assistance Framework for the Pacific sub-region 2008-2012, Suva, pp. 6-7, available at [www.un.org.fj/\\_resources/un/files/Draft%20UNDAF%20070502.pdf](http://www.un.org.fj/_resources/un/files/Draft%20UNDAF%20070502.pdf).
- <sup>132</sup> UNHCR submission to the UPR on Fiji, p. 3.