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

**Fiji\***

The present report is a summary of 17 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. 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), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. BACKGROUND AND FRAMEWORK**

### **A. Scope of international obligations**

1. The Fiji Disabled Peoples Association (FDPA) urged the Government of the Republic of Fiji Islands to sign and ratify the Convention on the Rights of Persons with Disabilities (CRPD).<sup>2</sup>
2. The Citizen's Constitutional Forum (CCF) noted that successive governments have failed to remove reservations to the International Convention on the Elimination of All Form of Racial Discrimination and enact laws against racial discrimination.<sup>3</sup>
3. The Pacific Concerns Resource Centre (PCRC) recommended that Fiji be encouraged to adhere to the principles and standards of the United Nations Declaration on the Rights of Indigenous Peoples.<sup>4</sup>

### **B. Constitutional and legislative framework**

4. The Institute on Religion and Public Policy (IRPP) indicated that the coup of 2006 resulted in an Interim Government, which had promised that democracy would be restored by 2014.<sup>5</sup> The international community has been calling for elections to be held by 2010. The failure to comply with this has caused Fiji's suspension from the Commonwealth of Nations.<sup>6</sup> The Fiji Women's Rights Movement (FWRM) recommended that the Interim Government restore the 1997 Constitution and hold free and fair elections no later than 2010 in accordance with the Court of Appeal decision.<sup>7</sup> CCF recommended that the Interim Government engage in an independent and inclusive national dialogue process towards achieving a sustainable return to democracy and constitutional rule. This dialogue process should include addressing the underlying issues which have led to Fiji's political instability.<sup>8</sup>
5. IRPP noted that Fiji has been operating without a Constitution since April 2009.<sup>9</sup> According to IRPP, Amnesty International (AI), the Ecumenical Centre for Research, Education and Advocacy (ECEA) and the Methodist Church in Fiji (the Methodist Church), on 9 April 2009, Fiji's Court of Appeal ruled unconstitutional the Government of the Army Commander and leaders of the 2006 coup, appointed in the wake of the coup.<sup>10</sup> AI noted that on 10 April 2009, President Iloilo announced that he was taking over executive authority of the Government and abrogated the 1997 Constitution.<sup>11</sup> CCF noted that the Fiji 1997 Constitution guarantees protection of human rights and the rule of law through the Bill of Rights,<sup>12</sup> but as a result of its abrogation, current protections of human rights are inadequate.<sup>13</sup>
6. The Fiji Law Society (FLS) indicated that after having abrogated the 1997 Constitution, the Interim Government promulgated the following regulations and decrees: (i) the Public Emergency Regulation 2009 (PER)<sup>14</sup>; (ii) Decree No.1 – Fiji Constitution Amendment Act 1997 Revocation Decree 2009; (iii) Decree No. 2 - Executive Authority of Fiji Decree 2009; (iv) Decree No. 3 - Fiji Existing Laws Decree 2009 and; (v) Decree No. 4 - Revocation of Judicial Appointments Decree 2009. FLS noted that the PER restricts freedom of association, movement and speech, while Decree 4 interferes with the appearance of judicial independence – all fundamental to the rule of law and, the sanctity of individual and collective rights.<sup>15</sup>
7. Human Rights Watch (HRW) noted that the PER 2009, decreed on April 10, and extended for 30 days every month thereafter, purports to empower security forces to prohibit processions and meetings, to use such force as considered necessary, including use of arms, to

enter and remain in any building where there is reason to believe three or more people are meeting, and to regulate the use of any public place.<sup>16</sup> HRW indicated that the PER, and in particular, the absolute immunity that Regulation 3(3) provides, are incompatible with international human rights standards which require states of emergency, and the measures taken under them, to be limited in time and scope strictly commensurate with the necessity of the situation.<sup>17</sup> AI further indicated that on 1 July 2009, the government announced its intention to extend the PER to December 2009.<sup>18</sup> The Methodist Church noted that the PER 2009, offers no protection for people against arbitrary arrest, detention and torture.<sup>19</sup>

8. FWRM noted also that the State Services Decree 2009 abolished the Public Services Appeals Board and terminated all pending appeals, violating the rights of affected persons to an effective determination of their legal rights.<sup>20</sup>

9. CCF noted that major law reforms are implemented without any public consultation and there is no opportunity to make submissions on proposed legislation.<sup>21</sup> FWRM called for restoration of the 1997 Constitution.<sup>22</sup>

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

10. Reference was also made by FWRM, the CCF and the Methodist Church<sup>23</sup> to the Fiji Human Rights Commission ('FHRC') Decree 2009, which undermines the mandate of the FHRC<sup>24</sup> and prevents it from receiving complaints against or investigating the legality of the purported abrogation of the Constitution or any subsequent Decrees.<sup>25</sup> CCF noted that under the FHRC Decree 2009, the only human rights protected by law are the rights under international conventions ratified by Fiji.<sup>26</sup>

11. According to HRW, the FHRC has failed to adequately investigate human rights violations since the coup and its independence has been compromised.<sup>27</sup> AI reported that the FHRC has been suspended from both the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and the Asia Pacific Forum.<sup>28</sup> FWRM recommended to the Interim Government to restore the Bill of Rights and the full mandate of the FHRC, and issue a clear public commitment that fundamental human rights will be respected, and that all civil society groups are free to continue with their work in accordance with international human rights standards.<sup>29</sup>

12. The Methodist Church further indicated that the independence of the judiciary and independent offices in Government, such as the Director of Public Prosecution, the Commissioner of Police, the Supervision of Elections, the Auditor General, the Ombudsman, the Human Rights Commissioner and the Government of the Reserve Bank have been seriously compromised through various decrees.<sup>30</sup> It also made reference to a decree which effectively removed the Constitutional Offices Commission.<sup>31</sup>

13. FDPA indicated that the Fiji National Council for Disabled Persons (FNCDP) Act was passed by the Parliament of Fiji in 1994,<sup>32</sup> and acknowledged the measures taken to establish the Fiji National Council for Disabled Persons and for endorsing the Fiji Disability Policy.<sup>33</sup>

### **D. Policy measures**

14. FDPA indicated that awareness programmes must be conducted on the Fiji Disability Policy and adequate resources be allocated for its implementation.<sup>34</sup> DFPA urged the

Government and the Ministry of Women, the Ministry of Youth and the Ministry of Education to take into serious consideration the issues that affect women, youth and children with disabilities.<sup>35</sup>

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

### **A. Cooperation with human rights mechanisms**

#### **Cooperation with special procedures**

15. CCF noted that the Interim Government has refused to allow the International Bar Association to visit Fiji to investigate the independence of the legal and justice system.<sup>36</sup> HRW further noted that the Government had failed to advise a suitable time for a visit by the Special Rapporteur on the independence of judges and lawyers, and that the Government has not responded to the request of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit.<sup>37</sup>

16. PCRC recommended that Fiji be encouraged and requested to invite the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to visit and report on the overall human rights situation of indigenous people in the country.<sup>38</sup>

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

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

17. According to CCF, racism and ethnic division continues to be an ongoing problem, as one of the root causes of political instability in Fiji. Discrimination is institutionalised with some Government bodies having little or no representation of minority ethnic groups.<sup>39</sup> IRPP noted that ethnic Indians have been discriminated against in laws and government policies.<sup>40</sup> In a joint submission, the Lechuga Foundation Fiji and Sexual Rights Initiative (LF-SRI) indicated that ethnicity remains a dominant factor in the country and affects the country's politics, economy and society. Fiji's population is a multi-cultural, multiracial mix, with indigenous Fijians comprising 51 per cent, Indo-Fijians (descendants of Indians from the Indian subcontinent) approximately 44 per cent, and Asians, Caucasians, and other Pacific Islanders making up the rest. The ethnic division is illustrated by the contrast between the private and public sectors; Indo-Fijian families largely control most private businesses, while indigenous Fijians largely head Government ministries and the armed forces. Tension between ethnic Fijians and Indo-Fijians has been a longstanding problem.<sup>41</sup>

18. FDPA indicated that in Fiji many public buildings and places are not accessible to people with disabilities although this is guaranteed in the Public Health National Building Code 2004, the Fiji Building Standards, the Biwako Millennium Framework Priority 5 and the CRPD.<sup>42</sup>

19. ARC International indicated that Fiji includes sexual orientation as a prohibited ground of discrimination in its Constitution. However, in view of the current constitutional uncertainty in the State, concerns have been expressed that constitutional protections for minority groups may be undermined. ARC International recommended that the provisions of the Constitution be rigorously upheld, including the constitutional prohibition of discrimination on grounds such as sexual orientation.<sup>43</sup>

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

20. La Fundación Mundial Déjame Vivir en Paz (FMDVP) indicated that the death penalty in Fiji should be abolished.<sup>44</sup>

21. FWRM reported that during the period following the removal of the democratically elected government on 5 December 2006 until June 2007, there were human rights abuses committed, including: the detention of ordinary citizens and human rights dissidents without warrants; restrictions on the freedom of movement; expulsion of foreign journalists without due process; local journalists threatened and prohibited from reporting negatively about the Interim Government. During this period, some prominent women human rights defenders were targeted by name in the media by the Prime Minister, threatened with rape in anonymous phone calls, and/or detained overnight, harassed and intimidated.<sup>45</sup>

22. CFF noted that the PER 2009 grants a broad immunity to the security forces to use force as necessary. A person may also be detained for up to 10 days without charge.<sup>46</sup> FWRM recommended to the Interim Government to recognise that the use of excessive force by State security officers is illegal and that all such incidences be investigated and prosecuted.<sup>47</sup>

23. According to CFF, since 10 April 2009, at least 23 journalists, lawyers, human rights activists and religious leaders have been subject to arbitrary detention under the PER 2009, for up to 72 hours, for exercising their right to peaceful assembly and freedom of expression.<sup>48</sup> CCF indicated that it has been informed of other cases of arbitrary detention and police brutality from people who wish to remain anonymous, and fears that there may be many more such cases. Several people were also detained and subjected to cruel and degrading treatment in the months following the coup. Four people have died in custody from the brutal treatment of military, police or prison officers since December 2006.<sup>49</sup> AI made reference to reports from human rights defenders in Fiji from December 2006 to July 2007, with hundreds of reported and unreported cases of detainees being subjected to torture or other ill-treatment by soldiers and police officers. Victims included trade unionists and members of outspoken NGOs.<sup>50</sup>

24. HRW similarly reported that the interim administration has arbitrarily arrested and detained dozens of people, including human rights defenders, and subjected them to inhuman and degrading treatment. Human rights defenders have also been subjected to other forms of harassment, including military surveillance, threats, travel bans and targeted burglaries.<sup>51</sup> FWRM reported that the offices of prominent women's rights NGO were raided in March 2009, and tape recordings of interviews with victims of human rights abuses were stolen.<sup>52</sup>

25. The Fiji Women's Crisis Centre (FWCC) made reference to the definition of rape in Fiji's Penal Code which is limited to forced penile vaginal penetration, not taking into account other forms of rape to which women are vulnerable.<sup>53</sup> FWCC noted that marital rape is not specifically mentioned as a crime in the Penal Code. As there has not yet been a prosecution of a husband for raping his wife, courts in Fiji have not yet ruled on the issue. FWCC expressed that specifically including marital rape as a crime better protects women who are in violent sexual relationships with their partners.<sup>54</sup>

26. FWCC added that perpetrators of domestic violence are commonly given a suspended sentence, warning or fine. The "main income earner" argument is consistently used in Court to obtain lighter sentences for men who are violent towards their partners.<sup>55</sup> AI and FWCC cited

recent reports that a Domestic Violence law has been promulgated by decree. FWCC noted that such reforms must occur within a democratic process.<sup>56</sup>

27. Save the Children Fiji (SC-Fiji) and the Global Initiative to End All Corporal Punishment of Children (GIEACPC) reported that corporal punishment of children is lawful in the home. While children have limited protection from violence and abuse under existing laws, these are not interpreted as prohibiting all corporal punishment in childrearing. In 2006, the then Prime Minister and other high level offices endorsed a statement calling for an end to all corporal punishment of children, but as at August 2009 there had been no reform.<sup>57</sup> SC-Fiji and the GIEACPC further noted that corporal punishment of children is prohibited in schools under a High Court ruling which stated that such punishment was unconstitutional, but by August 2009, the prohibition had not been confirmed in legislation.<sup>58</sup> In the penal system, corporal punishment is unlawful as a sentence for crime under a 2002 High Court ruling but the Penal Code has yet to be amended to reflect this. Corporal punishment of persons under the age of 17 is prohibited in the Juveniles Act (article 32) as a disciplinary measure in penal institutions.<sup>59</sup>

28. LF-SRI reported that the main reasons for early marriages occurring are: the belief that the girl child is an economic burden and the opportunity for a better life, especially if the groom is a foreigner.<sup>60</sup>

### **3. Administration of justice, including impunity, and the rule of law**

29. CFF noted that there has been substantial interference with the legal and justice system through, *inter alia*: the dismissal of all judicial officers; the appointment or re-appointment of some judicial officers under a different oath of office; the dismissal of the Chief Magistrate; executive interference with court cases, by summarily dismissing court cases by Decree and acting in direct contravention of court decisions; release of convicted military and police officers on Community Supervision Orders shortly after being sentenced for manslaughter; the removal of the jurisdiction of the courts to consider the scope of executive or legislative power; the appointment of former military lawyers to the judiciary; and the issuance of three-month temporary practising certificates to a number of lawyers.<sup>61</sup> HRW noted that the Fiji government has failed to respect the independence of lawyers, and police have directly harassed lawyers.<sup>62</sup>

30. HRW highlighted that four people have died in custody since the coup as a result of being severely assaulted by police, prison and/or military officers. Impunity for these deaths in three of the cases has followed.<sup>63</sup> On January 18, 2007, the President issued the Immunity (Fiji Military Government Intervention) Promulgation 2007, which provides: *“I do irrevocably grant full and unconditional immunity to all [police, military and prison officers, and persons acting under the directions of such officers] from any prosecution and for any civil liability and all other legal or military, or disciplinary or professional proceedings or consequences as a result of directly or indirectly or pertaining to or arising from the acts and omissions of the Fiji Interim Military Government from 5th December 2006 until the restoration of executive power of the State in me the President...”*<sup>64</sup>

31. HRW reported that the High Court has held that, *“the immunity only extends to those acts that led to the ousting or removal of the Officials... It surely does not immune anyone from prosecution for an offence of murder allegedly committed in [that] process...”* Officers have referred to this “amnesty” when assaulting people in their custody, advising them that any complaints would be futile. The wide-ranging powers and immunity provided in the PER 2009 contribute further to impunity for members of the security forces.<sup>65</sup>

32. FWRM noted its consistent concerns regarding threats to the right to a fair hearing before an independent and impartial tribunal. Appointments to the judiciary by the regime have been inconsistent with the provisions of the Constitution and international standards; the Interim Government removed those perceived not to support the military and has since appointed and reappointed those perceived to be sympathetic to it, on terms that lack constitutional tenure, FWRM added.<sup>66</sup> CCF reported that the Director of Public Prosecutions, the Director of the Legal Aid Commission, the Ombudsman, and the Director of the Fiji Human Rights Commission have all been dismissed since 10 April 2009.<sup>67</sup> The reconstitution of the Courts has decreased the number of experienced judicial officers. Delays in appointing judicial officers and the fact that the courts continue to be understaffed are likely to increase unreasonable delays in civil and criminal proceedings.<sup>68</sup>

33. According to HRW, the President issued the Legal Practitioners Decree 2009, which provides the Chief Registrar, a former military lawyer, rather than the Law Society, with the power to issue legal practicing certificates and requires all lawyers to re-apply for their certificates. The Legal Aid (Amendment) Decree 2009 removes the role of the Law Society in nominating Legal Aid Commissioners; instead the Commission is to be constituted by the Solicitor-General, the Registrar, and persons appointed by the Minister ('Minister' refers to the Attorney-General for the Republic of Fiji, as defined in the Legal Practitioners Decree 2009, Part I, paragraph 2).<sup>69</sup>

34. HRW also informed that, on April 10, 2009, the President revoked all constitutional offices, including the Office of the Solicitor-General and of the Director of Public Prosecutions.<sup>70</sup>

35. FWRM indicated that legal proceedings in cases against human rights violations are seriously delayed or not acted on at all. This has led to cases such as the Baleiloa death in custody case failing to reach court because of a missing file.<sup>71</sup> FWRM recommended, *inter alia*, ensuring that those cases that are brought against members of the military and police, including the investigation into the Baleiloa death in custody case, are brought before the court in a timely manner to ensure that justice is served and; ensuring that no person who has committed a serious legal violation including those convicted of crimes involving torture and death will be employed by the Fiji security forces or the United Nations Peacekeeping or security operations.<sup>72</sup>

36. CFF further indicated that the PER 2009 regulations give broad powers of entry, search and seizure to the police or Armed Forces.<sup>73</sup> On 20 May 2009, police executed a warrant issued under the PER 2009 to seize computers, files and records from three legal firms where it was alleged that lawyers were "blogging" against the interim government.<sup>74</sup> On the weekend of 23 May 2009, the Chief Registrar forcibly entered the offices of the Fiji Law Society and seized solicitor complaint files.<sup>75</sup> FWRM also made reference to legal practitioners critical of the military regime who had been arrested, detained, had their property seized and have had their correspondence and information monitored.<sup>76</sup>

#### **4. Right to marriage and family life**

37. FMDVP noted that the country needs to recognize the right of gay persons to marry and to adopt children.<sup>77</sup>

## 5. Freedom of movement

38. The FLS reported on several cases of members of the FLS who were prevented by the military administration to leave Fiji to attend conferences abroad.<sup>78</sup>

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

39. As noted by IRPP, Fiji's current religious landscape includes a majority Christian population. The Indo-Fijians are predominantly Hindu, but one-fifth of them are Muslim. Fiji is home to a number of other very small religious minorities, but the Christian-Hindu divide is the greatest source of religious tension.<sup>79</sup>

40. The Methodist Church indicated that the freedom of religion in Fiji has been compromised by a new police strategy, the so-called 'Christian Crusade' aimed at getting people to become Christians. All police officers, including Hindus, Muslims, Buddhist and Christians are expected to be part of this crusade. The Police Commissioner and Police Spokesperson have stated publicly that those who do not agree with this crusade would have their employment with the police terminated.<sup>80</sup> The brother of the Police Commissioner has set up a new denomination called 'the New Methodists' which has been actively promoted and supported by the regime. The Methodist Church indicated that there is evidence that those who have opted to join this church have been favoured over others in promotion and other considerations in the Police Force, while the flimsiest excuse is used to terminate the employment of officers of other religions and denominations.<sup>81</sup> According to CCF, the policy has exacerbated religious division in Fiji.<sup>82</sup>

41. CCF reported that since May 2008 there have been at least 10 reported attacks of sacrilege, including theft and burning of religious places of worship. The CCF believed that not enough is being done to discourage such attacks.<sup>83</sup> IRPP also reported on a series of arson attacks against Hindu temples.<sup>84</sup> ECREA indicated the continued desecration of religious places of worship, destruction of the holy books of Hinduism and Islam, and the insulting of Hindu priests.<sup>85</sup> ECREA recommended that the Interim Government ensure that the Fiji Police Force investigate all reports of the desecration of places of worship. ECREA also expressed grave concerns that these "Crusades" and restrictions on religious freedom may lead to further political instability, ethnic segregation and violence.<sup>86</sup>

42. HRW noted that the arbitrary enforcement of restrictions on gatherings and meetings, provided for in the PER, compromises the work of religious groups and other civil society organizations.<sup>87</sup> According to IRPP, the Government banned the Methodist annual conference and choir festival in July 2009. Some members of the Methodist Church attempted to establish local conferences and festivals, but the local governments banned the smaller meetings as well.<sup>88</sup>

43. Furthermore, IRPP indicated that several leaders from the Methodist Church were arrested in early August for meeting to discuss church matters, allegedly for having violated a public emergency regulation. All of the accused church leaders have pled not guilty and were awaiting a pre-trial hearing on 24 September 2009 with the full trial scheduled to start on 19 November 2009.<sup>89</sup> IRPP further reported that on 16 July 2009, a group of freemasons were arrested while conducting a ceremony in their home and were accused of practicing sorcery. They were detained overnight by the local police, allegedly acting under the authority of the emergency regulations.<sup>90</sup>

44. HRW noted that the Government is habitually violating rights to freedom of expression, association, and assembly by arresting and detaining people under the PER.<sup>91</sup> According to FWRM, since December 2006, four foreign journalists, employed in prominent local newspapers, living in Fiji on legal residence have been deported. They were perceived to be vocal against the interim regime.<sup>92</sup> AI noted that authorities used the PER to arrest at least 20 journalists. None of them was charged and all were released at the time of writing.<sup>93</sup>

45. CCF<sup>94</sup> and HRW<sup>95</sup> noted that the PER provides the power to prohibit the broadcast or publication of any material which may give rise to disorder, may result in a breach of the peace, or promote disaffection or public alarm or undermine the Government.<sup>96</sup> CCF indicated that all local media outlets now have Ministry of Information officers and security forces personnel in their offices to censor any “negative” media, as also noted by HRW<sup>97</sup> and AI.<sup>98</sup> Media releases from the CCF on human rights and good governance issues are rarely published now.<sup>99</sup> HRW noted that on May 12 2009, the Ministry of Information ordered radio and online editors to email their news scripts to the Ministry before going to air. The Ministry of Information and police have summoned editors, publishers, and journalists to explain or justify stories.<sup>100</sup>

46. CFF noted that permits are required for public meetings or activities. The regulations are arbitrarily enforced and permits can be, and are revoked at any time. A number of NGOs have been denied permits and have been unable to speak at public events.<sup>101</sup>

47. HRW indicated that Fiji denies its citizens the right to take part in self-government through free and fair elections, as well as the freedoms of speech, press, assembly, and religion.<sup>102</sup>

48. FDPA indicated that people with disabilities, particularly people who have hearing or visual impairment or who are deaf or blind cannot access the information they need. FDPA urged the Government to ensure that all public information is accessible to persons with disabilities.<sup>103</sup>

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

49. According to LF-SRI, women are generally paid less than men, noticeably in the garment industry. In addition, garment workers receive wages that are considerable lower than in other sectors.<sup>104</sup>

50. ECREA reported that in an attempt to downsize the public service, the regime reverted the country’s official retirement age from 60 to 55. Many civil servants were barely given two weeks’ notice for their forced retirement.<sup>105</sup> The teachers unions took the decision to Court which upheld the reduction, a decision which was however stayed by the Court of Appeal. With all appointments in the judiciary revoked following the scrapping of the island’s Constitution, the Court of Appeal decision lapses.<sup>106</sup> ECREA recommended *inter alia*, that the Interim Government ensure that proper and fair compensation be provided for the outgoing civil servants and that the Public Service Appeal Board is reinstated.<sup>107</sup>

51. FDPA indicated that most persons with disabilities in Fiji are unemployed due to the lack of education/training and the attitudes of employers. FDPA urged the Government to work with disability organizations to change attitudes. They called for review and strengthening of the current Employment Promulgations Act section relating to disability.<sup>108</sup>

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

52. CCF indicated that access to land is an ongoing source of tension between ethnic groups and hinders economic and social development, contributing to the rising levels of poverty. Steps need to be taken in Fiji to improve access to land in a manner that equally respects the rights of all ethnic groups.<sup>109</sup> According to the LF-SRI, control of the land remains a highly sensitive issue. Ethnic Fijians communally hold over 80 per cent of land, the Government holds another 8 per cent, and the remaining land is free of hold. Indigenous Fijians' traditional beliefs, cultural values, and self-identity are tied to the land. A number of agricultural landlord (indigenous Fijians) and tenant (Indo-Fijian farmers) agreement leases have expired, and many more continue to expire. The uncertainty over future land tenure arrangements is a significant cause of tension between the indigenous Fijian and Indo-Fijian communities.<sup>110</sup>

53. According to LF-SRI, people most at risk of poverty in Fiji are those with limited education. These groups of people get caught in a cycle of poverty, some children dropping out of school because of financial pressures. They work to support their families either in menial jobs or fall prey to commercial and sexual exploitation. Some children move to the streets. The Government's Family Assistance Scheme does not meet the needs of the majority of people. It caters only for the worst cases of destitution, and even then it is inadequate. Furthermore, it is based on families, thus street children are left out.<sup>111</sup>

54. FDPA indicated that health services are often inaccessible and are not properly equipped to assist persons with disabilities. Persons with mental illness are more vulnerable as there is limited community and family support and they are ill-treated by health professionals.<sup>112</sup>

55. ECREA indicated that the global economic crisis, exacerbated by events flowing from December 2006, led to the growth of informal/squatter settlements, fuelling the housing crisis and the low standard of living among Fiji's more marginalized citizens.<sup>113</sup> Citing that about 15 per cent of Fiji's population lives now in over 200 squatter settlements,<sup>114</sup> ECREA recommended *inter alia*, that the Interim Government continue to work towards providing more affordable low-cost housing, ensuring that the most destitute can afford a better standard of living and allocating more financial resources to institutions such as the Housing Assistance Relief Trust and the Public Rental Board.<sup>115</sup>

56. EarthJustice submitted information regarding the adverse effects of climate change on the human rights of all Fijians, particularly with regard to the threat to Fijians' means of subsistence and ability to maintain an adequate standard of living, jeopardizing food security, subsistence livelihoods, endangering Fijian's access to safe drinking water, sanitation and health. EarthJustice recommended that the Human Rights Council recognize the responsibility of major greenhouse gas-emitting States for the human rights violations suffered by the people of Fiji, and to encourage the international community to take immediate action to decrease global greenhouse gas emissions and to assist the Government of Fiji in its efforts to mitigate and adapt to the effects of climate change.<sup>116</sup>

## 9. Right to education

57. Although people do not have to pay tuition fees at primary school, the costs associated with uniforms, shoes, books, and transportation fees are obstacles to education for children.<sup>117</sup>

58. According to LF-SRI, men are usually better educated, which gives them advantages over women. Indo-Fijian rural women are most disadvantaged by lack of education.<sup>118</sup>

59. FDPA noted that most students with disabilities end up leaving school with a primary education only. ‘The Education for All’ is yet to be a reality for persons with disabilities. FDPA indicated that there are no special schools offering secondary level education in Fiji for people with disabilities. It urged the Government to ensure that all schools curricula are made accessible to children and people with disabilities.<sup>119</sup>

### **10. Minorities and indigenous peoples**

60. PCRC expressed concern about Fiji’s policies and initiatives since 2006 which impact indigenous peoples, their governing structures including their access, ownership and use of land and marine resources. Fiji has suspended the Great Council of Chiefs - recognized and contained in the 1997 Constitution - including creating a parallel and similar mechanism known as the “Bose ni Turaga”. These initiatives were taken without prior consultation and informed consent of indigenous peoples.<sup>120</sup>

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

N/A

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

N/A

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

N/A

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*Notes*

The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). NB: \* : NGOs with ECOSOC status

*Civil Society*

AI	Amnesty International, London, United Kingdom;*
ARC International	ARC International, Geneva, Switzerland;
CCF	Citizens' Constitutional Forum, Suva, Fiji;
EarthJustice	Earth Justice, Oakland, New Zealand;*
ECREA	Ecumenical Centre for Research, Education and Advocacy, Suva, Fiji;
FDPA	Fiji Disabled Peoples Association, Suva, Fiji;
FLS	Fiji Law Society, Suva, Fiji;
FMDVP	Fundación Mundial Déjame Vivir en Paz, Costa Rica;
FWCC	Fiji Women's Crisis Centre, Suva, Fiji;
FWRM	Fiji Women's Rights Movement, Suva, Fiji;
GIEACPC	Global Initiative to End All of Corporal Punishment of Children, London, United Kingdom;
HRW	Human Rights Watch, New York, USA;*
IRPP	Institute on Religion and Public Policy, Washington D.C., USA;
LF-SRI	Joint submission : Lechuga Foundation Fiji, Suva, Fiji and Sexual Rights Initiative;
Methodist Church	Methodist Church of Fiji and Rotunda, Suva, Fiji;
PCRC	Pacific Concerns Resource Centre, Suva, Fiji;*
SC-Fiji	Save the Children – Fiji, Suva, Fiji;

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<sup>2</sup> FDPA, page 2.

<sup>3</sup> CCF, page 4.

<sup>4</sup> PCRC, page 5.

<sup>5</sup> IRPP, page 1. See also submission from PCRC.

<sup>6</sup> IRPP, page 1. See also submission from PCRC.

<sup>7</sup> FWRM, page 2.

<sup>8</sup> CCF, page 5. See also submission from FWRM.

<sup>9</sup> IRPP, page 1. See also submissions from the Methodist Church; ECREA; CCF.

<sup>10</sup> See submission from IRPP; AI; the Methodist Church; ECREA; CCF.

<sup>11</sup> AI, page 3.

<sup>12</sup> CCF, pages 4-5. See also FLS page 2

<sup>13</sup> CCF, page 1.

<sup>14</sup> FLS, page 4. See also submission from the CCF and FWRM.

<sup>15</sup> FLS, page 4.

<sup>16</sup> HRW, page 1. See also submission from CCF and AI.

<sup>17</sup> HRW, page 1. See also submission from AI.

<sup>18</sup> AI, page 4.

<sup>19</sup> The Methodist Church, page 2.

<sup>20</sup> FWRM, page 2.

<sup>21</sup> CCF, page 4.

<sup>22</sup> FWRM, page 2. See also submission from FWCC.

<sup>23</sup> CCF, pages 1-2. See also submission from the Methodist Church.

<sup>24</sup> FWRM, page 2.

<sup>25</sup> FWRM, page 2.

<sup>26</sup> CCF, pages 1-2. See also submission from the Methodist Church.

<sup>27</sup> HRW, pages 4-5.

<sup>28</sup> AI, page 3.

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- <sup>29</sup> FWRM, pages 1-2.
- <sup>30</sup> The Methodist Church, pages 1-2.
- <sup>31</sup> The Methodist Church, pages 1-2.
- <sup>32</sup> FDPA, page 2.
- <sup>33</sup> FDPA, page 5.
- <sup>34</sup> FDPA, page 5.
- <sup>35</sup> FDPA, page 5.
- <sup>36</sup> CCF, page 3.
- <sup>37</sup> HRW, page 1.
- <sup>38</sup> PCRC, page 5.
- <sup>39</sup> CCF, page 4.
- <sup>40</sup> IRPP, page 2.
- <sup>41</sup> LF-SRI, page 2.
- <sup>42</sup> FDPA, pages 2-3.
- <sup>43</sup> ARC International, page 1.
- <sup>44</sup> FMDVP, page 3.
- <sup>45</sup> FWRM, page 1.
- <sup>46</sup> CCF, page 2. See also submission from AI.
- <sup>47</sup> FWRM, pages 3-4.
- <sup>48</sup> CCF, page 2. See submissions for cases cited.
- <sup>49</sup> CCF, page 2. See also HRW, para 35
- <sup>50</sup> AI, page 6.
- <sup>51</sup> HRW, pages 3-4. See submission for cases cited.
- <sup>52</sup> FWRM, page 1.
- <sup>53</sup> FWCC, page 1.
- <sup>54</sup> FWCC, page 1.
- <sup>55</sup> FWCC, pages 2-4
- <sup>56</sup> FWCC, pages 2-3 and AI.
- <sup>57</sup> SC-Fiji, page 1 and GIEACPC, page 2.
- <sup>58</sup> SC-Fiji, page 2 and GIEACPC, page 2.
- <sup>59</sup> SC-Fiji, pages 2-3 and GIEACPC, page 2.
- <sup>60</sup> LF-SRI, pages 3-4.
- <sup>61</sup> CCF, page 3.
- <sup>62</sup> HRW, pages 4-5. See submission for cases cited.
- <sup>63</sup> HRW, page 2. See submission for cases cited.
- <sup>64</sup> HRW, page 2
- <sup>65</sup> HRW, page 2. See submission for cases cited.
- <sup>66</sup> FWRM, pages 2-3. See also submission from FWCC.
- <sup>67</sup> CCF, page 3.
- <sup>68</sup> CCF, page 3.
- <sup>69</sup> HRW, pages 4-5. See also submission from FLS.
- <sup>70</sup> HRW, pages 4-5.
- <sup>71</sup> FWRM, pages 3-4.
- <sup>72</sup> FWRM, pages 3-4.
- <sup>73</sup> CCF, page 2. See also submission from AI.
- <sup>74</sup> CCF, page 2. See also submission from FLS.
- <sup>75</sup> CCF, page 2.
- <sup>76</sup> FWRM, pages 4-5. See submission for cases cited.
- <sup>77</sup> FMDVP, page 4.
- <sup>78</sup> FLS, pages 1-5.
- <sup>79</sup> IRPP, page 1. See also LF-SRI, page 2.
- <sup>80</sup> The Methodist Church, page 2. See also submission from CCF and FWCC.
- <sup>81</sup> The Methodist Church, page 2. See also submission from ECREA and CCF.
- <sup>82</sup> CCF, page 4.
- <sup>83</sup> CCF, page 4.
- <sup>84</sup> IRPP, page 4. See submission for cases cited.
- <sup>85</sup> ECREA, page 2.
- <sup>86</sup> ECREA, page 2.

- <sup>87</sup> HRW, pages 3-4. See submission for cases cited.
- <sup>88</sup> IRPP, page 3. See also submission from the Methodist Church, page 4.
- <sup>89</sup> IRPP, page 4. See also submission from the Methodist Church, pages 1-5.
- <sup>90</sup> IRPP, page 4.
- <sup>91</sup> HRW, pages 3-4. See submission for cases cited.
- <sup>92</sup> FWRM, pages 4-5. See submission for cases cited.
- <sup>93</sup> AI, page 5. See submission for cases cited.
- <sup>94</sup> CCF, page 2. See also submission from FWRM and FWCC.
- <sup>95</sup> HRW, pages 3-4.
- <sup>96</sup> CCF, page 2. See also submission from FWRM and FWCC.
- <sup>97</sup> HRW, pages 3-4.
- <sup>98</sup> AI, pages 4-5.
- <sup>99</sup> CCF, page 2.
- <sup>100</sup> HRW, pages 3-4. See submission for cases cited.
- <sup>101</sup> CCF, page 2. See also submission from FWRM.
- <sup>102</sup> HRW, page 1.
- <sup>103</sup> FDPA, pages 2-3.
- <sup>104</sup> LF-SRI, page 2.
- <sup>105</sup> ECREA, page 3.
- <sup>106</sup> ECREA, page 3.
- <sup>107</sup> ECREA, page 3.
- <sup>108</sup> FDPA, page 4.
- <sup>109</sup> CCF, page 4.
- <sup>110</sup> LF-SRI, page 2.
- <sup>111</sup> LF-SRI, page 3.
- <sup>112</sup> FDPA, page 4.
- <sup>113</sup> ECREA, page 4.
- <sup>114</sup> ECREA, page 4.
- <sup>115</sup> ECREA, page 4.
- <sup>116</sup> EarthJustice, pages 1-4
- <sup>117</sup> LF-SRI, page 2.
- <sup>118</sup> LF-SRI, page 2.
- <sup>119</sup> FDPA, page 3.
- <sup>120</sup> PCRC, page 5.