



Minority Rights Group International
28th session of the UN Human Rights Council
Universal Periodic Review Adoption of Outcome (Fiji)

Mr President,

This statement is read on behalf of the Fiji NGO Coalition on Human Rights and affiliated civil society organisations (the Coalition).

We note with appreciation the recommendations made during the UPR and welcome the recent progress in Fiji.

The death penalty has been removed from the military code and parliament has endorsed the ratification of the torture convention, without its concerns.

We are concerned that the Human Rights and Anti-Discrimination Commission presently suffers from lack of adequate resources. A Chairperson and members are yet to be appointed, and the body tasked to make these appointments under the Constitution has not been established¹. Further, there is no timeframe in place to set up these institutions, creating uncertainty in when the Commission will be restored. At present, there are limited ways to enforce the rights and freedoms provided for under the Constitution.

We call on the State to take immediate action to restore the functionality of the commission and ensure its compliance with Paris Principles.

The Coalition is concerned that the State has not accepted recommendations related to legitimising the Constitution of Republic of Fiji 2013². Despite the potential for the Constitution to set Fiji on a positive course, the process in which it was promulgated raises difficulty with its ultimate acceptance by the people of Fiji³. Comprehensive review of the Constitution by an independent body is instrumental to consolidating democracy in Fiji. This would add credibility to the Constitution, and ensure it is representative of the people.

The Coalition is further concerned that there has been little political will to remove oppressive provisions imposed by decree. A number of these offend principles of a democratic society. The State has rejected all recommendations related to removing restrictions to freedom of expression, association and assembly from the legislative framework⁴, contrary to accepted recommendations undertaken to protect this right⁵.

Finally, the Coalition notes that Fiji is a candidate for election to the Human Rights Council in 2016, and calls on the State to take immediate measures to implement the recommendations arising from this review, and to work closely with civil society in this regard.

Thank you Mr President.

¹ The Commission consists of a Chairperson and four members appointed by the President on the advice of the Constitutional Offices Commission; see Constitution of the Republic of Fiji 2013, s 45(2).

² A/HRC/WG.6/20/L.5 at [101.10]-[101.11] (Estonia, Namibia).

³ See A/HRC/WG.6/20/FJI/3 Summary of stakeholder's information prepared by the Office of the United Nations High Commissioner for Human Rights, at [4].

⁴ A/HRC/WG.6/20/L.5 at [101.33]-[101.40] (Belgium, Switzerland, United States, Korea, United Kingdom, Germany, Canada, Ireland)

⁵ Ibid at [99.62]-[99.63] (Ghana, France).