

Code: HRC/2020/1

Committee: Human Rights Council – Universal Periodic Review

State under Review: Fiji

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

- 3
- 4 1. *Strongly encourages* Fiji to include the training of police forces to prevent and investigate domestic
5 violence against women and girls in their National Action Plan to Prevent Violence Against Women and
6 Girls;
- 7
- 8 2. *Invites* Fiji to acknowledge the position of the domestic violence survivors and create support systems for
9 victims throughout their legal trial and include the creation of these support systems in their National
10 Action Plan to Prevent Violence Against Women and Girls;
- 11
- 12 3. *Suggests* the implementation of gender-neutral language in the National Action Plan to Prevent Violence
13 Against Women and Girls in acknowledgment that men also experience gender-based violence;
- 14
- 15 4. *Implores* Fiji to bolster its cooperation with supervisory mechanisms of the International Labor
16 Organization, including the Committee on Freedom of Association, to engage in constructive dialogue that
17 identifies areas of reconciliation between labor representatives and the state;
- 18
- 19 5. *Advises* Fiji to advocate for the participation of the Fiji Trades Union Congress in ongoing communications
20 with the Fiji labor force, especially in respect to the promotion of worker rights and organization;
- 21
- 22 6. *Advises* Fiji to reestablish and better incorporate into law the provisions of the *Freedom of Association and*
23 *Protection of the Right to Organise Convention, 1948* after its expected denouncement date of June 2020;
- 24
- 25 7. *Invites* the creation of an Annual Freedom of Expression, Press, and Assembly Report compiled by
26 the Fijian Human Rights Council, which will track and record the extent to which the Fijian constitutional
27 ideals are being implemented, as well as the data produced from the aforementioned organizations, and
28 report to the UN Human Rights Council;
- 29
- 30 8. *Suggests* the Fijian government renew their focus on implementing the provisions present in the UN
31 Human Rights Council resolution on the safety of journalists of September 2014 (A/HRC/27/5);
- 32
- 33 9. *Expresses* its hope that independent news outlets will be able to report without government penalization,
34 and that privatized print projects will have their editorial independence safeguarded from state influence;
- 35
- 36 10. *Strongly advises* Fiji’s collaboration with specialized NGOs such as Transparency International to ensure
37 the steadfast move toward a stable democracy;
- 38
- 39 11. *Suggests* that the Fijian Government further specify the definition and use of “hate speech,” especially
40 within its constitution, to only include speeches that present credible threats to Fijian people;
- 41
- 42 12. *Advises* the consultation of an intersectional group of a multidisciplinary collection of civil society groups
43 like the Fiji Access to Justice Project, private industry groups, and community leaders to better monitor the
44 protections of free speech and ensure the transparency of governmental decision making through freedom
45 of information;
- 46
- 47 13. *Strongly recommends* the amendment of laws detailing the protocol for public assembly permit distribution
48 to require government agencies to provide a specific reason for rejection of assembly permit requests;
- 49

- 50 14. *Recommends* the use of education, from early childhood to vocational training and continuous education, to
51 increase women’s social and labor participation through:
52
53 a. Strengthening journalistic education to support media independence and literacy;
54 b. Increasing access to education for underprivileged communities through scholarships and grants;
55 c. Promoting civic engagement on constitutional rights and electoral awareness with the goal of
56 empowering citizens to understand their own rights;
57 d. Working with the World Programme for Human Rights Education with phases focused on human
58 rights education efforts in the primary and secondary school systems, higher education and
59 training programmes for teachers, civil servants, law enforcement officials, and military personnel;
60
61 15. *Suggests* the broader support for grassroots level outreach and education through locally held trainings and
62 the promotion of leadership within communities to ensure that individuals and smaller communities can
63 take action to support themselves and each other without relying on continual outside intervention;
64
65 16. *Expresses its hope* in the inclusion of awareness on available outreach and resources pertaining to gender-
66 based violence, such as the Fiji Women’s Crisis Center and Regional Rights Resource Team (RRRG) of the
67 Pacific community, into the pre-existing educational system;
68
69 17. *Recommends* creating processes to bring international customary human rights law into domestic awareness
70 through action including instructing legal professionals and law enforcement personnel on international
71 human rights instruments on topics such as:
72
73 a. The Convention on the Elimination of All Forms of Discrimination against Women;
74 b. Preventing violations of human rights through the use of torture and mistreatment by law
75 enforcement;
76
77 18. *Requests* the Republic of Fiji increase judicial capacity and resolve backlog in the courts through practical,
78 vocationally oriented modules of judicial training centered in the enhancement of monitoring,
79 documentation, investigation, and reporting techniques, conducted by legal experts from the United
80 Nations’s Office of Legal Affairs’ Legal Technical Assistance entity and the Council of Europe’s European
81 Programme for Human Rights Education for Legal Professionals (HELP);
82
83 19. *Advises* Fiji to implement a special report to determine the amount of monetary aid and technical resources
84 necessary to fulfill their human rights obligations, and to collaborate with other Member States and NGOs
85 to fulfill those needs;
86
87 20. *Recommends* that Fiji utilize the World Programme of Action of Youth to provide education for the youth
88 to help advance political engagement from a younger age
89

90 The following recommendations will be examined by Fiji, which will provide responses in due time:
91

- 92 21. *Calls for* the National Action Plan to Prevent Violence Against Women and Girls to include school-based
93 education regarding the available resources and information needed to report domestic violence cases;
94
95 22. *Recommends* Fiji seeks regional and international partners to assist in the creation of a national data base
96 system to track domestic violence cases to ensure that no pending cases fall through the cracks;
97
98 23. *Strongly encourages* the reorganization of the existing Fijian courts in order to focus on freedom of
99 expression specifically by establishing one specialty court which will:
100
101 a. Work in a collaborative - rather than punitive - spirit with the intent to establish compromises
102 between journalists/media outlets and the Fijian government to reduce the imprisonment of
103 journalists;

- 104 b. Create comprehensive rehabilitative probation programs for those convicted of hate crimes which
105 incorporate mandatory diversity training in order to meet those people with education in place of
106 censorship;
107 c. Require collaboration among a multidisciplinary team made up of judicial, supervision, and legal
108 staff, and other parties to ensure the best practices of freedom of expression that align with
109 international law;
110 d. Draw only upon the existing resources of the Fijian judicial system, and use these courts to
111 develop professionals whose legal specialization is the protection of freedom of
112 expression, transparently include all cases and outcomes in the public record;
113
114 24. *Encourages* Fiji to seek international technical support to address judicial and investigative backlogs
115 stemming from the No Drop Policy;
116
117 25. *Advises* Fiji to work in collaboration with local NGOS, CSO's, and UN organizations such as UN Women
118 to create and implement a national action plan for gender equality in order to codify these practices and
119 create a framework for future progress;
120
121 26. *Advises* the Republic of Fiji to collaborate with regional and international financial institutions and Member
122 States to improve their capacity to financially manage their initiatives as well as build their ability to
123 monitor and implement human rights frameworks.
124

125 The recommendations listed below did not enjoy the support of Fiji and would thus be noted:

- 126
127 27. *Advises* that the Fijian Human Rights Council extend its functions to include reporting violations of
128 freedom of the press, assembly, and expression;
129
130 28. *Encourages* the rolling back of laws that have been excessively harsh in limiting freedom of expression,
131 including the Crimes Decree of 2009;
132
133 29. *Suggests* rephrasing the Media Industry Development Decree of 2010, which prevents journalists from
134 publishing content that may be deemed against "public interest or order" to only allow imprisonment in the
135 event of a credible threat against the Fijian government;
136
137 30. *Encourages* Fiji to conduct national surveys in response to their efforts to implement their human rights
138 initiatives in order to get feedback from individual citizens as well as enable citizens to provide their own
139 ideas on potential solutions.