



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Fiji and welcome the constructive engagement of your Government during the 34<sup>th</sup> session of the UPR Working Group in November 2019.

As the final outcome report on the review of Fiji has been recently adopted by the Human Rights Council at its 43<sup>rd</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Fiji – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 97 delegations and the presentation made and responses provided by the delegation of Fiji. I have also considered the actions taken by the Government to implement the 112 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I appreciate that Fiji has ratified all core international human rights treaties. I welcome that Fiji has abolished the death penalty and that the Fiji Police Force – in cooperation with my Office – has endorsed its new use of force policy.

I welcome that Fiji has established the Inter-Agency Task Force on the Elimination of Violence against Women and Children, and the setting up of helplines for victims of domestic violence, including children. I positively note the delegation's statement during its review that Fiji would move towards a coordinated effort to establish a national prevention action plan on sexual and gender-based violence.

I also welcome that the Legal Aid Commission carries out regular and rostered prison visits, and that it has implemented the First Hour Procedure, providing for legal advice to a suspect within an hour of arrest in order to prevent ill-treatment.

His Excellency  
Mr. Inia Seruiratu  
Minister for Foreign Affairs  
Republic of Fiji

I commend the passing of the Rights of Persons with Disabilities Act 2018, following the ratification of the Convention on the Rights of People with Disabilities in 2017, ensuring the right to inclusive education for all persons with disabilities, including a specific no-rejection clause for schools and the provision of reasonable accommodation.

I encourage Fiji to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for Fiji's fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Fiji to establish a national mechanism for comprehensive reporting and follow-up on recommendations received from all international human rights mechanisms and on treaty obligations, while linking these to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Fiji to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

Finally, kindly allow me to use this opportunity to express my Office's profound solidarity with your country and all Member States in connection with the negative impact of the COVID-19 pandemic. I hope that despite unprecedented challenges it will soon be over in all countries worldwide, including through implementation of human rights based approaches to our collective response to the pandemic. I look forward to discussing with you ways in which my Office may assist Fiji in relation to the areas identified in this letter and its annex.



Please, accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read "Michelle Bachelet".

Michelle Bachelet  
High Commissioner for Human Rights

cc: His Excellency  
Honourable Mr. Kamal Kumar  
Acting Chief Justice  
Republic of Fiji

Mr. Sanaka Samarasinha  
United Nations Resident Coordinator  
Republic of Fiji

## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights; the Optional Protocol to the Convention on the Elimination of Discrimination against Women; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.
- Ratifying the ILO Domestic Workers Convention 2011 (No. 189) and the ILO Violence and Harassment Convention, 2019 (No. 190).
- Ratifying the Convention against Discrimination in Education.
- Considering the withdrawal of all reservations to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### **National human rights framework**

- Ensuring that the Fiji Human Rights and Anti-Discrimination Commission fully complies with the Paris Principles.
- Continuing human rights training for law enforcement officers.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Adopting comprehensive anti-discrimination and gender equality legislation.
- Combating and eliminating all forms of discrimination and violence against LGBTI persons.
- Continuing efforts to eliminate racial discrimination.

##### *Development, the environment, and business and human rights*

- Continuing to ensure due consideration to women, children and persons with disabilities in measures addressing natural disasters and emergency situations.

## **B. Civil and political rights**

### *Right to life, liberty and security of person*

- Ensuring that detention conditions are compliant with international standards, including with regard to access to education and health services.

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

- Prohibiting immunity for those responsible for serious human rights violations, bringing perpetrators to justice, and repealing the legal prohibition on challenging decisions of the interim military Government.

### *Fundamental freedoms*

- Reviewing the Public Order (Amendment) Act and ensuring freedom of expression for all, including journalists, workers and employers, civil society and political opposition, without fear of interference.
- Ensuring freedom of assembly, including the right of workers to form and join trade unions.

### *Prohibition of all forms of slavery*

- Continuing to fight trafficking in persons, ensuring that victims are identified, protected and assisted and that perpetrators are brought to justice.

## **C. Economic, social and cultural rights**

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

- Increasing opportunities for women in formal employment, eliminating occupational segregation and achieving substantive equality in the labour market.
- Adopting and enforcing the principle of equal pay for work of equal value.

### *Right to social security*

- Strengthening social protection systems to ensure that children and families affected by climate change receive sufficient and adequate support.

### *Right to an adequate standard of living*

- Combating poverty and ensuring adequate support to economically disadvantaged families.
- Reviewing the minimum wage in order to ensure a decent life for workers.
- Increasing access to sufficient safe drinking water and providing adequate sanitation, in particular on the outer islands.

### *Right to health*

- Increasing the availability of good-quality and sustainable health services.
- Ensuring that all children have equal access to social workers and psychological counselling services, placing particular attention on children from Indo-Fijian communities.
- Ensuring the inclusion in school curricula of mandatory, age-appropriate education on sexual and reproductive health and rights and responsible sexual behaviour.

### *Right to education*

- Ensuring accessibility and adequateness of education in rural areas, and strengthening infrastructure of rural schools, including access to adequate water and sanitation.
- Continuing to ensure that children with disabilities have access to inclusive education.

## **D. Rights of specific persons or groups**

### *Women*

- Strengthening efforts to prevent and combat all forms of violence against women and girls, including by protecting victims, ensuring availability of shelters, raising awareness of law enforcement officials and the judiciary, and bringing perpetrators to justice.

### *Children*

- Prohibiting corporal punishment of children, including in the home.
- Strengthening efforts to eradicate child labour.
- Establishing additional specialized juvenile court facilities and designating specialized judges for children.
- Ensuring prosecution and punishment of perpetrators and accomplices in cases of child marriage.

### *Persons with disabilities*

- Ensuring that persons with disabilities have access to education, health and social services and are fully integrated into society.



*Migrants, refugees, and asylum seekers*

- Amending the Immigration Act in order to provide for special provisions protecting accompanied and unaccompanied refugee and asylum-seeking children, and introducing provisions on family reunification into the Immigration Act.
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