

## **ADVANCE QUESTIONS TO FIJI**

### **CANADA**

- Canada attaches a great deal of importance to human rights and the rule of law as fundamental components of a free and democratic society. The abrogation of Fiji's Constitution and dismissal of its judiciary are of great concern to Canada as they violate the basic rights of Fijian citizens. Given that the Fiji Court of Appeal ruled in 2009 that the Interim Government is illegal, when does the Interim Government plan to hold democratic elections in order to restore democratic institutions and processes in Fiji?
- The Paris Principles, which address the status and functioning of national institutions for protection and promotion of human rights, underline the importance of independent human rights commissions. Considering that the Interim Government has interfered in the operation of Fiji's judiciary and civil service, how does the Interim Government propose to adhere to the Paris Principles or, in other words, ensure the independence of Fiji's Human Rights Commission?
- On April 11, 2009, the Public Emergency Regulation was put in place in Fiji, originally for a period of 30 days but still in effect today. Under the Public Emergency Regulation, the Interim Government was given power to stop any broadcast or publication that "could cause disorder, promote disaffection or public alarm or undermine the government or state of Fiji", effectively imposing media censorship and greatly hampering freedom of speech. What does the Interim Government plan to do to lift media censorship and resume freedom of speech?

### **DENMARK**

- When will Fiji take steps to ratify UNCAT, and does Fiji intend to invite the Special Rapporteur on Torture?
- What is Fiji doing to safeguard the autonomy of judges and courts and their ability to protect the laws of the country?
- Which steps is Fiji planning to take in order to stop all censorship and safeguard freedom of speech for the media and the population without threats of imprisonment and punishment?

### **LATVIA**

- According to the information by the Office of the UN High Commissioner for Human Rights, 65 countries from different regions of the world have issued standing invitations to all special procedures of the Human Rights Council.

Considering previous cooperation of Fiji with special procedures mandate holders (Special Rapporteur on the sale of children, child prostitution and child pornography (11-16 October, 1999); Working Group on the use of mercenaries (14-18 May, 2007)) and despite some still pending requests by special rapporteurs to visit Fiji - would your country consider extending a standing invitation to all special procedures of the Human Rights Council in the future?

## **NORWAY**

- What concrete steps is Fiji taking to ratify or accede to all UN Human Rights Conventions?
- How has Fiji involved civil society in the preparation for the UPR process? How will Fiji involve civil society in the follow up to recommendations made in the UPR?
- Will Fiji advise the Special Rapporteur on the independence of judges and lawyers of a suitable time to visit Fiji (requested in 2007, 2008 and 2009) and if so, when will such advice be given?
- Will Fiji respond to the request from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (requested in 2006 and 2007) to visit and if so, when will a response be given?
- The Public Emergency Regulation (2009) restricts, inter alia, the freedom of expression and has been broadly condemned. Please explain how the situation in Fiji amounts to a state of emergency requiring restrictions on the freedom of expression. Please explain how the restrictions are limited in time and scope commensurate with the necessity of the situation.
- Are there any plans to review the Public Emergency Regulation?
- There are allegations that human rights defenders are subject to arbitrary detention and ill treatment in Fiji. What measures is Fiji taking to ensure that human rights defenders are not detained arbitrarily? How are claims about ill treatment and torture of human rights defenders investigated and prosecuted?
- The Committee on the Elimination of Discrimination against Women recommends a very early adoption of the proposed law on domestic violence and sexual offences. What steps is Fiji taking in this regard and what is the estimated timeframe for adoption of such a law?
- What measures are in place to ensure equal wages and working conditions for women in Fiji?

## **SWEDEN**

- Following the political coup of 2006, the Commonwealth had called on the Fijian authorities to hold free and fair elections by 2010 so as to restore the constitutional order. Such elections have not been announced. At the same time, persons expressing their views or otherwise seeking to participate in the political process have been detained and harassed. Reports also show that there has been substantial interference with the legal and justice system through, inter alia, the dismissal of all judicial officers and that legal proceedings in cases against human rights violations are seriously delayed or not acted on.
- What measures is the Government of Fiji taking to ensure all persons' right to participate in the government of their country and to a fair trial?
- Reports indicate extensive restrictions on freedom of expression with wide media censorship, prohibitions to print, publish or broadcast anything that portrays the government in a negative light, attacks, harassment, intimidation and detention of journalists, critics and human rights activists.
- Could the Government of Fiji elaborate on the measures it is taking to ensure freedom of expression is respected?

#### **UNITED KINGDOM OF GREAT BRITAIN & NORTHERN IRELAND**

- We should be grateful if you would provide information on the extent to which civil society was consulted in your preparation for this review.
- Please could you inform us as to any plans to reinstate the Fiji Human Rights Commission's independence and allow it to operate in accordance with the Paris principles designed to guide the practice of such institutions?
- Please elaborate on any plans to reinstate inclusive political dialogue, ensuring an early return to a civilian led democracy with full respect for human rights?
- Please confirm plans to abolish the remaining Public Emergency Regulations and re-establish independence and freedom of the media, including the removal of decrees which restrict freedom of association, movement and speech?
- Please elaborate on what steps the authorities are taking to limit the power of the military and police to avoid brutality charges, and what investigations are due to take place into alleged incidents, including reported deaths in custody?
- Can you confirm any plans to reform race equality laws and practices?
- Please elaborate on what measures you are taking to combat gender-based violence, discrimination on the basis of sexual orientation and to better ensure equality and access for the disabled.

- Please explain the justification for arbitrary exercise of power and vexatious prosecutions including: the summary appointments and dismissals - without explanation - of senior office holders; the expulsion of expatriate newspaper editors and of Australian and New Zealand diplomats; prosecution/intimidation of human rights defenders and their families; and arrest/detention of those rumoured to have expressed dissenting opinions.

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