

Advance Version

Distr.: General
19 February 2020

Original: English

Human Rights Council

Forty-third session

24 February–20 March 2020

Agenda item 6

Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Fiji

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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

1. The Republic of Fiji ('Fiji') takes due note of the recommendations made in its third cycle review during the 34th session of the Working Group in the Universal Periodic Review ('UPR'), held on 6 November 2019.
2. In accordance with paragraphs 27 and 32 of the annex to the Human Rights Council resolution 5/1 and paragraph 16 of the annex to resolution 65/281, Fiji provides information in this addendum regarding its position on the recommendations made to it, specifically those in the section on 'recommendations will be examined' in paragraph 140. of the Draft Report of the Working Group on the UPR ('Draft Report') (see document A/HRC/WG.6/34/L.5, paragraphs 140. to 140.55).
3. On 8 November 2019, Fiji announced to the Working Group during the adoption of the Draft Report, the endorsement of 187 of the 242 recommendations made. Fiji also stated that it was pleased to see that the number of States participating in Fiji's UPR had doubled since the second cycle review, that there was a greater number of recommendations on climate change and disaster responses, and human rights, and a greater number of questions on economic social and cultural rights than in either of the previous two cycles.
4. Lastly, Fiji stated that a reply would be provided at a later stage with regards to 55 of the recommendations that were left pending, as it was necessary to either consult with the relevant independent institutions, or refer them to the relevant government agencies for their input and advice.
5. This addendum provides Fiji's position/responses to the 55 recommendations that were left pending. For the purposes of clarity, the recommendations are listed in the order in which they appear in the Draft Report (A/HRC/WG.6/34/L.5, paragraphs 140. to 140.55).

<i>Recommendation</i>	<i>Fiji's position</i>	<i>Comments</i>
140.1 ¹	Accepted	
140.2 ²	Noted	At the first UPR cycle in 2010 Fiji made a commitment to ratifying all core 9 human rights Conventions and Treaties by the year 2020. In 2019 Fiji met this commitment by ratifying the remaining 2 conventions namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; and the International Convention for the Protection of All Persons from Enforced Disappearance. Given the recent ratification of all core 9 human rights Conventions and Treaties, Fiji is committed to the national implementation of the same.
140.3 ³	Noted	Fiji repeats its comments in recommendation 140.2.
140.4 ⁴	Noted	Fiji repeats its comments in recommendation 140.2.
140.5 ⁵	Accepted	
140.6 ⁶	Noted	Fiji repeats its comments in recommendation 140.2
140.7 ⁷	Noted	Fiji repeats its comments in

<i>Recommendation</i>	<i>Fiji's position</i>	<i>Comments</i>
		recommendation 140.2
140.8 ⁸		Noted Following Fiji's UPR in November 2019, Fiji withdrew its reservation on Article 1 of UNCAT on 28 January 2020. Fiji repeats its comments in recommendation 140.2 with respect to Fiji's position on the ratification of the UNCAT Optional Protocol.
140.9 ⁹	Accepted	
140.10 ¹⁰	Accepted	
140.11 ¹¹		Noted Fiji withdrew its reservation on Article 1 of UNCAT on 28 January 2020 and will consider removing the remaining reservations in future.
140.12 ¹²	Accepted	Fiji repeats its comments in recommendation 140.11.
140.13 ¹³		Noted Fiji repeats its comments in recommendation 140.11.
140.14 ¹⁴		Noted Fiji repeats its comments in recommendation 140.11.
140.15 ¹⁵		Noted Fiji repeats its comments in recommendation 140.11.
140.16 ¹⁶		Noted Fiji repeats its comments with respect to recommendation 140.11.
140.17 ¹⁷	Accepted	
140.18 ¹⁸	Accepted	
140.19 ¹⁹	Accepted	
140.20 ²⁰	Accepted	
140.21 ²¹	Accepted	
140.22 ²²	Accepted	
140.23 ²³		Noted Fiji has robust anti-discrimination provisions under section 26 of the Fijian Constitution which includes the intersecting forms of discrimination on various grounds inclusive of sex, sexual orientation, gender identity and expression. These provisions are also translated into our employment legislations. With respect to gender based violence, or violence of any kind against any person, perpetrators of violence are charged accordingly under the Fijian Crimes Act.
140.24 ²⁴		Noted Fiji repeats its comments in recommendation 140.23.

<i>Recommendation</i>	<i>Fiji's position</i>	<i>Comments</i>
140.25 ²⁵		Noted Fiji repeats its comments in recommendation 140.23.
140.26 ²⁶		Noted Fiji repeats its comments in recommendation 140.23.
140.27 ²⁷		Noted Fiji repeats its comments in recommendation 140.23.
140.28 ²⁸		Noted Fiji repeats its comments in recommendation 140.23.
140.29 ²⁹		Noted Fiji is currently undertaking a review of the National Action Plan for Women where issues pertaining to ending violence against LGBTI persons will also be included. Fiji repeats its comments in recommendation 140.23.
140.30 ³⁰		Noted Fiji repeats its comments in recommendation 140.23.
140.31 ³¹		Noted Fiji repeats its comments in recommendation 140.29.
140.32 ³²	Accepted	
140.33 ³³		Noted The recommendation is unclear with regards to which particular visit by UNODC is being referred to.
140.34 ³⁴	Accepted	
140.35 ³⁵	Accepted	Fijian laws do not restrict the work of trade unions or human rights defenders. All trade unions and human rights defenders are able to carry out work without fear of intimidation or reprisal.
140.36 ³⁶		Noted The Fijian Constitution allows for all Fijians the right, peaceably and unarmed, to assemble, demonstrate, picket and to present petitions and the freedom to associate.
140.37 ³⁷		Noted Freedom of expression and association is guaranteed under the Fijian Constitution. Any limitation to the freedom of expression and association are in accordance with internationally accepted standards and practices.
140.38 ³⁸	Accepted	
140.39 ³⁹		Noted Fiji has strong Constitutional provisions on freedom of speech, expression and publication. Fijian laws with respect to the media are subject to the relevant Constitutional

<i>Recommendation</i>	<i>Fiji's position</i>	<i>Comments</i>
		provisions.
140.40 ⁴⁰	Noted	Fiji repeats its comments in recommendations 140.35 to 140.39.
140.41 ⁴¹	Noted	Fiji repeats its comments in recommendations 140.36 and 140.39.
140.42 ⁴²	Noted	Fiji repeats its comments in recommendations 140.36 and 140.39.
140.43 ⁴³	Noted	Fiji repeats its comments in recommendation 140.36 and 140.39.
140.44 ⁴⁴	Noted	Fiji repeats its comments in recommendation 140.36 and 140.39.
140.45 ⁴⁵	Accepted	
140.46 ⁴⁶	Accepted	
140.47 ⁴⁷	Noted	<p>Since 2013 Fiji has undergone robust legislative reform to address issues relating to discrimination of women in public and private employment.</p> <p>Fiji also has strong anti-discrimination provisions in the Fijian Constitution which have also been translated into the Fijian Employment Act.</p>
140.48 ⁴⁸	Noted	<p>Fiji has an improving record of female participation in politics and is a regional leader in this regard.</p> <p>56 women stood for elections in 2018, accounting for 23.8 per cent of all candidates, an increase from 18 per cent in 2014. Of these, 10 were elected, accounting for 19.6 per cent of all Members of Parliament, an increase from 16.0 per cent in 2014.</p> <p>Apart from changing attitudes and legal reforms propelled by the Fijian Government, the Fiji's electoral system allows for proportional representation through an open list resulted in the highest number of elected women in parliament in our national history.</p>
140.49 ⁴⁹	Noted	Fiji will take this recommendation under consideration in the future.
140.50 ⁵⁰	Accepted	
140.51 ⁵¹	Accepted	
140.52 ⁵²	Noted	Fiji repeats its comments in recommendations 140.49.
140.53 ⁵³	Noted	Fiji repeats its comments in recommendations 140.49.

<i>Recommendation</i>	<i>Fiji's position</i>	<i>Comments</i>
140.54 ⁵⁴	Accepted	
140.55 ⁵⁵	Noted	Fiji will take this recommendation into consideration in the future.

6. Fiji is pleased to announce that 20 of the 55 recommendations are taken as accepted and 35 of the same taken as noted. Therefore, Fiji has accepted 207 of the total of 242 recommendations.

Notes

- ¹ Ratify the Kampala amendments to the Rome Statute on the crime of aggression, and review its national legislation in order to ensure full alignment with the Rome Statute (Liechtenstein).
- ² Ratify the Optional Protocols to the core human rights instruments the State has acceded to (Ukraine).
- ³ Ratify the Optional Protocol 1 and Optional Protocol 2 to the International Covenant on Civil and Political Rights (Armenia).
- ⁴ Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the optional protocols of the International Covenant on Civil and Political Rights (Germany).
- ⁵ Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Slovenia).
- ⁶ Step up its efforts for the prevention of torture, particularly by ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Switzerland).
- ⁷ Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark).
- ⁸ Adopt a definition of torture in line with the international legal framework as well as ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Mexico).
- ⁹ Ratify all Optional Protocols to the Convention on the Rights of the Child in order to improve the implementation of the rights of the child in all settings (Croatia).
- ¹⁰ Ratify the two Optional Protocols to the Convention on the Rights of the Child signed by Fiji in 2005, and consider becoming a party to the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Seychelles).
- ¹¹ Withdraw signatory reservations to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Ukraine).
- ¹² Consider the withdrawal of its reservations to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, particularly relating to the definition of torture (Armenia).
- ¹³ Withdraw its reservation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New Zealand).
- ¹⁴ Withdraw all its reservations to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and intensify its effort to prevent torture in all settings (Germany).
- ¹⁵ Withdraw the reservations to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Italy).
- ¹⁶ Withdraw all reservations to the Convention against Torture (Liechtenstein).
- ¹⁷ Consider the ratification of the ILO Domestic Workers Convention no. 189 (Philippines).
- ¹⁸ Ratify and implement the ILO Protocol of 2014 to the Forced Labour Convention, 1930 (United Kingdom of Great Britain and Northern Ireland).
- ¹⁹ Ratify the Convention against Discrimination in Education, as recommended by UNESCO (Serbia).
- ²⁰ Ensure that national legislation does not grant immunity to those responsible for serious human rights violations (Costa Rica).
- ²¹ Consider developing through stakeholder dialogue a National Human Rights Action Plan (Sri Lanka).
- ²² Join the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes, as elaborated by the Accountability, Coherence and Transparency Group (Liechtenstein).
- ²³ Enact and implement a holistic Anti-Discrimination and Equality Law which, inter alia, includes provisions to comprehensively address the multiple and intersecting forms of violence and

- discrimination faced by the LGBTI persons (Portugal).
- 24 Adopt comprehensive anti-racism and ethnic discrimination legislation, including a national action plan, and determinate racial/ethnic motives as aggravating circumstances in criminal legislation (Serbia).
 - 25 Adopt a comprehensive anti-discrimination or equality act and put in place public awareness-raising campaigns, which will address the issue of discrimination and stigmatization against LGBTI persons (Slovenia).
 - 26 Enact a holistic Anti-Discrimination and Equality Legislation to comprehensively address social discrimination faced by the LGBTI community (Iceland).
 - 27 Take more decisive action in adapting legislation, including prosecution and adequate punishment of the perpetrators of discrimination, hate speech and violence against lesbian, bisexual and transgender women (Montenegro).
 - 28 Legislate to address hate crimes against the LGBTI-community (Germany).
 - 29 Develop a national strategy on lesbian, gay, bisexual, transgender and intersex persons, in collaboration with the lesbian, gay, bisexual, transgender and intersex community, to guide its work in eliminating multiple and intersecting forms of violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons (Iceland).
 - 30 Take specific measures, including strengthening the legal framework, to eliminate discrimination, hate speech and violence against LBT women, including by prosecuting and adequately punishing perpetrators, and adopt awareness-raising measures to address stigma within society (Liechtenstein).
 - 31 Draft and implement an Action Plan to eradicate violence and discrimination based on sexual orientation and gender identity (Mexico).
 - 32 Consider conducting a national dialogue on climate change, bringing together all stakeholders and the public to outline priorities to mobilize domestic and global partners and align resources according to the country's most urgent needs (Marshall Islands).
 - 33 Ensure implementation of recommendations from the visit of the United Nations Office on Drugs and Crime to prevent, investigate, prosecute and punish acts of trafficking (Botswana).
 - 34 Continue its efforts to guarantee the exhaustive investigation and prosecution of the authors of trafficking in persons and take all necessary steps to guarantee the effective application of the National Plan of Action for the Eradication of Trafficking in Persons (Honduras).
 - 35 Adopt concrete measures to ensure that trade unions and human rights defenders are able to carry out their work, guaranteeing their freedom of expression, association, assembly and freedom of the press (Spain).
 - 36 Repeal all laws and policies that unlawfully restrict fundamental rights of freedom of expression, assembly and association, including sections of the Public Order (Amendment) Act, the Media Industry Development Decree, the Electoral Act 2014 and the Online Safety Act (Netherlands).
 - 37 Review decrees limiting freedom of expression and association, particularly the Media Industry Development Decree, the Essential National Industries (Employment) Decree and the Public Order (Amendment) Act (United Kingdom of Great Britain and Northern Ireland).
 - 38 Take measures to permit lawful labor, political, and social protests, and to safeguard activists' and human rights defenders' rights to speak and peacefully assemble freely, without harassment, and unimpeded by inappropriately applied administrative impediments (United States of America).
 - 39 Take the necessary measures in order to revise the law on the development of the media (Albania).
 - 40 Review legislation that affects freedom of speech, particularly the Crimes Act, the Media Industry Development Decree and the Public Order Amendment Act, to bring them in compliance with Fiji's obligations under the International Covenant on Civil and Political Rights (Belgium).
 - 41 Enhance measures aimed at protecting and promoting freedom of expression and the right to peaceful assembly, including by removing any legal obstacle to the exercise of these rights (Brazil).
 - 42 Amend the Media Industry Development Decree, the Public Order (Amendment) Act and the sedition provisions of the Crimes Act, which restrict freedom of expression, the press and assembly (Denmark).
 - 43 Guarantee freedom of expression and opinion and freedom of the press, by ensuring respect for the rights of journalists and human rights defenders and reviewing the Media Industry Development Decree (2010) that punishes any journalistic publication against general interest or public order, in order to avoid abusive interpretations (France).
 - 44 Bring legislation on freedom of expression, assembly and association in line with international human rights standards, in particular, by repealing the "Media Industry Development Decree" 2010 (Germany).
 - 45 Increase public funds to guarantee in the case of natural disasters the right to food, health and water and sanitation, as well as the construction of shelters that take into account the particular needs of women (Paraguay).
 - 46 Consider introducing a universal basic income in order to better combat poverty and reduce

- inequalities, and improve the existing social protection system (Haiti).
- ⁴⁷ Strengthen temporary special measures so as to reduce the gender gap and systematically address the concerns and rights of women in the public and private spheres (Togo).
- ⁴⁸ Consider taking temporary measures, including the introduction of a minimum quota of at least 30 per cent of women candidates on the electoral lists of political parties, and facilitate the selection and training of women candidates for public office, in particular at the decision-making level (Bulgaria).
- ⁴⁹ Raise to 18 years the age of criminal responsibility and combat all forms of violence against children, including child labour and sexual exploitation (Italy).
- ⁵⁰ Take urgent steps to eliminate commercial sexual exploitation of children by ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, activating the Inter-Agency Working Group on People Trafficking, and ensuring that the Inter-Agency Trafficking Task Force meets regularly and facilitates the implementation of the National Plan of Action to Eliminate Trafficking in Persons and Child Trafficking (Canada).
- ⁵¹ Finalize the adoption of the National Plan of Action to combat all manifestations of sexual exploitation of children and provide adequate human and financial resources for its implementation (Democratic Republic of the Congo).
- ⁵² Raise the minimum age of criminal responsibility and make the necessary legal modifications so that children cannot be sentenced to life imprisonment (Paraguay).
- ⁵³ Bring the juvenile justice system fully into line with the Convention on the Rights of the Child by raising the minimum age of criminal responsibility to an internationally accepted level (Ukraine).
- ⁵⁴ Guarantee access to the participation and representation of ethnic minorities in the different instances of public and private life (Ecuador).
- ⁵⁵ Enrich the Immigration Act by incorporating special provisions for the protection of refugees and asylum-seeking children, and introduce provision of family reunification into the Act (Afghanistan).
-