



FIJI

Candidate for the Human Rights Council 2018-2020

FIJI MISSION TO THE UNITED NATIONS AND OTHER ORGANISATION, GENEVA
AVENUE DE FRANCE 23, 1202 GENEVA.



Fiji's National Gender Policy aims for the greater economic empowerment of women
(Photograph: Department of Information, Fiji)



Traditional welcome ceremony (Photograph: Penina Tuivanuayalewa)

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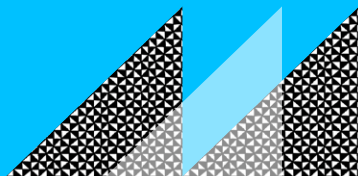
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Constitution Day celebrations
(Photograph: Department of Information, Fiji)

1. OVERVIEW



Fiji is a candidate for membership of the Human Rights Council for the term 2018-2020. This is the first time that Fiji, or any Pacific Small Island Developing State has declared its candidacy for the Human Rights Council. Such a declaration has come at no better time for Fiji or the Pacific. Fiji is one of only two Pacific Island Missions in Geneva. Fiji opened its Mission in Geneva in June 2014, and in that year alone,

- actively participated in the Universal Periodic Review process at the Council in the presentation of Fiji's second review cycle
- worked to resolve a complaint made at the International Labour Organisation by representatives of the trade union movement in Fiji
- participated in interactive debates in the Council, introduced the 2013 Fijian Constitution to the international community in Geneva
- presented its Report to the Committee on the Rights of the Child, and
- successfully held national elections which were found to be free and fair by an international observer group and which, for the first time was based on universal and equal suffrage.

In the following year, in 2015, Fiji's Prime Minister addressed the Human Rights Council at the High level segment on the many reforms addressed in Fiji, based on equality, dignity and freedom. In the same year, the first Special Mandate Holder, after a lapse of many years, visited Fiji, Fiji's Parliament agreed that Fiji should ratify the United Nations Convention against Torture, and primary and secondary school education in Fiji became free and compulsory.

Fiji looks to a future free of racism, nepotism and privilege. Fiji looks to a future where the rights of all persons, are guaranteed and enforced by a Constitutional framework which guarantees not only civil and political rights, but also social, cultural and economic rights. Fiji was a strong voice in discussions leading to the Paris Agreement.

Fiji was the first country to ratify the Paris Agreement. Fiji recognises the inexorable link between climate change and human rights and has already incorporated a human rights approach to its national climate change policies.

Fiji has, whilst losing its own coastal lands to the sea, offered a home to other Pacific island States which are under threat of destruction as a result of climate change. Fiji looks to partnerships with all international organisations which share our national vision of substantive equality and substantive democracy.

Such partnerships will be guided and cemented by membership of the Human Rights Council, which will provide a voice for a Pacific Small Island Developing State for the first time in its history. Fiji believes that it is time its voice is heard as a member of the Human Rights Council.



The Islands of the Mamanucas (Photograph: Tourism Fiji)



2. VOLUNTARY PLEDGE

Voting age lowered to 18 for the first time in 2013 Constitution for the 2014 elections (Photograph: Fiji Elections Office)



Fiji makes the following pledges if voted a member of the Council;

1. Fiji will engage on all matters on the Council agenda in a respectful, and constructive manner;
2. Fiji will participate in a manner intended to foster cooperation and dialogue among HRC members and observers so as to help shape human rights norms and practices that enjoy ownership by all States;
3. Fiji promises to engage in a non-partisan manner taking a principled approach on every issue debated in the Council;
4. Fiji commits to the progressive realisation of all rights guaranteed under the 2013 Fijian Constitution, and commits to seeking and learning from international best practice and where relevant the advice from special procedures mandate holders of the Human Rights Council in order to do so;
5. Fiji commits to continuing its engagement with the treaty bodies for treaties to which it is Party, and specifically, the CERD, CEDAW, CRC, and UNCAT;
6. Fiji successfully engaged during its second Universal Periodic Review, concluded in March 2015, during which it received 136 recommendations, 100 of which it accepted and 12 of which were already implemented. Fiji commits to adopting where relevant, and implementing policies and legislation in order to implement accepted recommendations;
7. Fiji committed to ratifying all core human rights treaties by 2024 in its 2nd UPR held in 2014;
8. As part of its furtherance of human rights commitments made under the UPR, Fiji's Parliament approved the ratification of the UN Convention Against Torture in 2015, and Fiji ratified the UNCAT on 14 March 2016. Fiji abolished the last vestiges of the death penalty, remaining in its Fiji Military Forces Act in early 2015 as an early implementation outcome of a commitment made in its second UPR;

9. Fiji has tabled a Bill to Parliament on the Rights of Persons with Disabilities, which will bring its legislation in line with the Convention on the Rights of Persons with Disabilities. It is expected that this Bill will be passed by Parliament during the course of 2016, thereby allowing ratification of the Convention to be simultaneously put to Parliament for its assent;
10. Fiji has issued a standing invitation to UN HRC Special Procedures mandate holders, focusing on the mandates where Fiji has new Constitutional guarantees, to assist Fiji in progressively realising such rights. The first such visit was undertaken in December 2015 by the Special Rapporteur on the Right to Education. The second will be by the Special Rapporteur on Racism and Xenophobia in December 2016;
11. Fiji is the first country to have approved the ratification of the Paris Agreement emanating from COP21 of the UNFCCC, and to have deposited its instrument of ratification to the UNSG. This reflects the urgency that Fiji feels is necessary in addressing climate change issues. Fiji is committed to continuing to work to raise awareness of the consequences of climate change on human rights;
12. Fiji is committed to the rule of law, including the independence of the judiciary, and will work steadfastly in its efforts to continuously improve the independent functioning of its judiciary. Fiji recognises the crucial role of the judiciary in interpreting the Constitutional Bill of Rights in accordance with democratic values and consistently with international law and jurisprudence. Judges and magistrates are required to attend regular training each year on human rights law;
13. Fiji is committed to the protection of all the rights and freedoms guaranteed in the Constitution of Fiji, including both civil and political rights, and social and economic rights. Fiji is committed to a development model which is consistent with all the rights and freedoms recognised by international law and practice, and incorporated in the Constitution of Fiji. For the first time in the history of Fiji, the Fijian Constitution includes in its Bill of Rights, enforceable rights to adequate housing and sanitation, food and water, education, health, social security, and reasonable access to transportation.

Fiji believes in substantive democracy and substantive equality as a prerequisite to national development, and is committed to removing barriers to such democracy and equality in national institutions, policies and laws.



Parliament of Fiji 2016 (Photograph: Department of Information, Fiji)

For the first time in Fiji's history, every person is given one vote with one value and ethnicity is removed from laws and policies.

For the first time in Fiji's history, a woman Speaker of Parliament, and the highest ever number of women Parliamentarians.



Rising sea level washing away ancestral graveyard at Togoru, Fiji
(Photograph: Penina Tuivanuayalewa)

3. FIJI'S PRIORITIES IN THE HUMAN RIGHTS COUNCIL

Climate Change and Human Rights

Fiji continues to put a high priority on the important relationship between climate change and human rights. Fiji recognises the special vulnerabilities of women, children and persons suffering from disabilities in disasters and climate change induced movement. Fiji has incorporated such consciousness not only in policies in relation to disaster response, but also in relation to building resilience to climate change and disasters. Consulting with those who are the most vulnerable requires an acceptance that to ensure equality, State agents must recognise social, cultural and institutional barriers to equality, and take steps to overcome such barriers when preparing for climate change and disasters.

Gender Equality and Non-Discrimination

Fiji's Constitution has for the first time guaranteed freedom from discrimination, not only on the grounds of gender and sex, but also on the grounds of sexual orientation, gender identity and expression, marital status, and pregnancy. However, Fiji accepts that notwithstanding such Constitutional guarantees against discrimination, the attitudes of all persons in society may and do create barriers to the equal treatment of women, girls and the LGBTI community. Attitudinal change is therefore necessary to protect against discrimination. Such attitudinal change will reduce cases of reported and unreported sexual and gender based violence in Fijian society. Fiji is committed to the forging of attitudinal change, and to the modification of all practices which discriminate. Fiji's National Gender Policy, passed by Cabinet in 2013, sets out practical steps towards the forging of such change.

The Removal of Racism and Xenophobia from Laws and Policies

Fiji has suffered from a colonial and post-colonial history of racism and ethnically defined development. For more than 100 years, Fiji's people were not able to work as a united team. Some citizens of Fiji were not permitted to call themselves Fijian. Development policies, scholarships, entry into universities and medical schools, applications for micro-financing, participation in the tourism industry, were all based on different criteria, depending on the race into which a person was born. Parliaments had reserved seats for persons of different races, who were voted into Parliament by members of their own ethnicity. As a result, Fiji's history and economic development has been marred by ethnically manipulated distrust and division. Fiji is no longer prepared to tolerate such racism and intolerance. Race and ethnicity are no longer relevant for citizenship rights. Fiji is building a new united and merit based society. To that end, hate speech in accordance with the Rabat Guidelines, is a criminal offence and a permissible limitation to freedom of expression. One may speak freely, but one may not incite hatred and violence against other groups. Protecting the world from racism, xenophobia and hate speeches is a priority for Fiji in the Human Rights Council.



Multicultural harmony (Photograph: Department of Information, Fiji)

Social Economic and Cultural Rights

The right to development must be developed together with civil and political rights. Fiji recognises that insufficient weight has been put on social cultural and economic rights by the international community. The right to vote must be guaranteed together with the right to water, to adequate housing, to health and to social security. The right to vote is meaningless without a recognition that poverty and lack of access to basic services create barriers to democracy itself. Fiji devotes most of its resources on capital development, to roads, bridges, hospitals and schools. Fiji will give priority to the development of economic, social and cultural rights in the human rights discourse at the Human Rights Council.

Other Priorities

Other priorities include implementing the Rights of Persons with Disabilities Act 2016, taking steps to combat corruption and fraud in accordance with our obligations under the United Nations Convention against Corruption, and protecting children from violence, abuse and disempowerment. The right to education to all persons, and to girls and boys equally continue to be a priority. Fiji recognises that an enlightened and progressive nation is one which invests in education and one which is based on education which is non-discriminatory and performance based. Fiji is also committed to continuous strengthening and supporting its judiciary, the institution which is primarily responsible for guarding the rights contained in Fiji's Constitutional Bill of Rights. Judicial reforms consistent with the United Nations Declaration on the Independence of the Judiciary, which are incorporated in the Constitution, and enforced by the Judicial Service Commission, continue to be a priority for Fiji.



4.

WHY SHOULD YOUR COUNTRY VOTE FOR FIJI'S MEMBERSHIP OF THE HUMAN RIGHTS COUNCIL?

1. Because no Pacific Small Island Developing State has ever been a member of the Council, and it is time that the voice and concerns of PSIDS are heard from within the Membership of the Council;
2. Because Fiji will ensure a better geographical representation on the Council as a Pacific Island member;
3. Because Fiji will contribute to and enrich the debates in the Council especially in relation to climate change, gender empowerment, measures against institutionalised and attitudinal racism, the right to equality in all its forms, the right to development and the State's duty to progressively realise that right;
4. Because Fiji has passed laws to guarantee equality and rights and has held its first elections based on such equality;
5. Because Fiji has one of the most progressive Constitutions in the world, with a Bill of Rights which guarantees both civil and political rights as well as economic, social and cultural rights;
6. Because our national policies are based on implementing the right to substantive equality, and to the dignity of every man women and child.
7. Because Fiji recognises that every State has much to learn and to implement across the human rights spectrum, and Fiji wants to be contribute to the international development of these norms whilst challenging itself to do more and better.



Unity in diversity (Photograph: Department of Information, Fiji)



Government Buildings in Suva which houses the judiciary and Parliament
(Photograph: Department of Information, Fiji)

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