



General Assembly

Distr.: General
25 October 2024

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Forty-eighth session
Geneva, 20–31 January 2025

National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21*

Fiji

* The present document is being issued without formal editing.



I. Introduction

1. Fiji welcomes this opportunity to provide a report on the human rights landscape and the implementation of the recommendations accepted by Fiji at the third cycle of the UPR¹. A total of 207 recommendations from 242 recommendations were accepted by Fiji.
2. Fiji remains steadfast in its commitment to advancing and protecting the fundamental human rights principles and values enunciated in the Universal Declaration of Human Rights through a robust national legal framework, strong institutions and national policies.

II. Methodology and consultation

3. This Report was compiled following extensive inter-ministerial and departmental consultations through Fiji's newly established FHRTF². Consultations with CSO's³ and the NHRI⁴ were carried out on 14 October 2024. This Report outlines in detail measures adopted by Fiji in efforts to implement the recommendations received at Fiji's third UPR cycle.
4. Annex 1 outlines the thematically clustered recommendations received at Fiji's third UPR cycle and Annex 2 outlines the list of abbreviations/acronyms. Both documents should be read in conjunction with this Report.

III. Follow-up and implementation of recommendations and commitments undertaken in the previous review

Recommendations relating to acceptance of international norms⁵

5. Fiji ratified the Violence and Harassment Convention, 2019 (No. 190) on 25 June 2020. Fiji also ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography on 17 March 2021 and the Optional Protocol on the Involvement of Children in Armed Conflict on 30 March 2021.
6. While Fiji has ratified these optional protocols and the core 9 treaties and conventions, Fiji is significantly delayed in its reporting obligations under all core human rights treaties with hundreds of recommendations from the Treaty Bodies, Special Procedures and the UPR Working Group. Accordingly, Fiji, through the newly established FHRTF, is prioritising the submission of all outstanding reports before Fiji can consider ratifying other human rights instruments.
7. The FHRTF is currently finalising the 5th and 6th combined state report to the Committee on the Rights of the Child, the 6th state report to the Committee on the Elimination of Discrimination against Women and the initial report to the Committee on the Rights of Persons with Disabilities.

Recommendations relating to cooperation with treaty bodies, special procedures, international mechanisms, inter-state cooperation and development assistance⁶

8. Fiji recently launched its Foreign Policy White Paper which emphasises the importance of transparency, inclusivity, and merit-based decision-making across all international engagements and includes nominations to UN⁷ treaty bodies, reflecting the country's dedication to upholding the highest standards of integrity and fairness on the global stage.
9. Fiji is committed to engaging with the human rights mechanisms. Fiji has since 2015 issued a standing invitation to UN Special Procedures mandate holders to assist in progressively realising the rights guaranteed under the Fiji Constitution. Accordingly, Fiji hosted the visits of the UN SR⁸ on the Right to Education in 2015, UN SR on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance in

2016, UN Independent Expert on the Enjoyment of Human Rights by Persons with Albinism in 2017, UN SR on Environment in 2018 and UN SR on the Rights to Health in 2019. Fiji will host the visit of the SR on the Right to Development in 2025.

10. Since the last reporting cycle, Fiji has hosted a number of conferences and workshops with development partners on the core human rights treaties, in particular, the Pacific Government Learning Exchange on CEDAW⁹ in July 2022, Pacific Government Learning Exchange on UNCAT¹⁰ in June 2023, Treating Body Reporting Workshop in May 2023 and the Regional Workshop on Treaty Body Reporting and Strengthening NMIRF¹¹ in May 2024.

Recommendations relating to constitutional, legislative, institutional and policy framework¹²

11. Fiji's Constitution includes a comprehensive Bill of Rights that enshrines a wide range of fundamental rights and freedoms. Fiji's road to ratification of the international human rights instruments was made easy given that these international norms have been woven into the very fabric of our Constitution thus making compliance easier.

12. Fiji's national laws are also in consonance with the core human rights treaties and conventions some of which are the Domestic Violence Act 2009, Crimes Act 2009, Child Welfare Act 2010, Tertiary Scholarship and Loans Service Act 2014, Republic of the Military Forces (Amendment) Act 2015 (Removing the Death Penalty), Environment and Climate Adaptation Levy Act 2015, Rights of Persons of Disabilities Act 2018, Online Safety Act 2018, Climate Reallocation of Communities Trust Fund Act 2019, Adoption Act 2020 and Climate Change Act 2021.

13. Fiji concluded a NADP¹³ Progress Review in 2022 and is finalising the publication of its findings. The NADP Review evaluated awareness of adaptation and NADP process, and the integration of the NADP targets into development planning and budgeting. It assessed the enabling environment to support the implementation of adaptation actions, documented cases of implementation of actions within the NADP, and provided recommendations for advancing the next NADP process, which will follow the publication of Fiji's Nationally Determined Contribution expected in 2025 and the revised NDP¹⁴ 2024.

14. Fiji is currently developing a National Adaptation Registry, which will provide an inventory of adaptation actions across the thematic sectors, enabling the Government to track the progress of NADP implementation.

Recommendations relating to national human rights institution¹⁵

15. The HRADC¹⁶ is mandated under section 45 of the Constitution to ensure the human rights of all persons in Fiji are protected and promoted, and the public is educated about the nature and content of human rights.

16. The HRADC is working closely with the Office of the Attorney-General to address the Global Alliance of National Human Rights Institutions Sub-Committee on Accreditation recommendations for the HRADC to be fully Paris Principle compliant. The HRADC was granted "B" accreditation status by the Global Alliance of National Human Rights Institutions Sub-Committee on Accreditation and the Asia Pacific Forum of National Human Rights Institution on 24 June 2021.

17. The Constitution provides for the independence (including administrative autonomy and control over its own budget and finances) of the HRADC in its functions and in the exercise of its authority and powers, in that it is not subject to the direction or control of any person or authority, except by a court of law or as otherwise prescribed by written law. Further, Parliament must provide adequate funding and resources to the HRADC to effectively exercise its powers and perform its functions and duties.

18. The HRADC received an allocation of FJD \$891,269 in the 2020–2021 financial year, FJD \$857,859 in the 2021–2022 financial year, FJD \$874,859 in the 2022–2023 financial

year, FJD \$927,800 in the 2023-2024 financial year and FJD \$1.1 million in the 2024–2025 financial year, in order to carry out its functions as mandated under the Constitution.

19. In 2020, the HRADC received a total of 562 complaints and filed 2 constitutional redress applications in the High Court of Fiji in relation to alleged human rights violations. The applications sought redress in relation to freedom from arbitrary eviction and rights of children, visitation rights and rights of accused persons.

20. Since 2020, the HRADC has engaged with over 8,349 Fijians through various education and advocacy programs (604 were students, 16 schools awareness and 56 communities). The HRADC also made various submissions to Parliamentary standing committees on the ratification of treaties and conventions and on the adoption of relevant Bills.

21. In 2022, the HRADC monitored the pre-electoral and post-electoral processes to ensure that minimum human rights standards were observed during the general elections. The Commission also carried out voter education and advocacy in relation to the general elections. The HRADC engaged with over 386 Fijians (176 were females and 210 were male adults) Fijians during the course of various education and advocacy programs.

22. The HRADC also secured the support of the Pacific Community through Project Governance to set up a complaints management system to enhance accountability, transparency and to establish a national reporting mechanism for reporting on human rights violations.

23. In March 2023, the HRADC opened a new office in Lautoka in its efforts to decentralise its services throughout Fiji.

Recommendations relating to equality, non-discrimination and racial discrimination¹⁷

24. The Constitution enshrines fundamental principles and values such as a common and equal citizenry, secular State, the removal of systemic corruption, an independent judiciary, the elimination of discrimination, good governance, one person one vote one value and the elimination of the legal enforcement of ethnic voting.

25. The Fijian civil service has undergone various reforms to ensure that recruitment and promotion within Government is based on merit. In 2018 the Public Service Commission established the OMRS¹⁸ which is based on the following principles: decision making based only on the requirements of the position, with no assumption on who will possess these requirements; open and transparent competition for all positions; transparency and Accountability in decision making; and fairness and equity in all staffing decisions, particularly with regard to activities which would impact on relative merit of recruitment and selection decisions.

26. Whilst Fiji does not have standalone anti-discrimination laws, anti-discrimination provisions based on those outlined in section 26 of the Constitution are also provided for under the Employment Relations Act 2007. Part 9 of the Act provides equal opportunities and section 75 of the Act outlines the prohibited grounds for discrimination in relation to employment which include discrimination on the basis of race, culture, ethnic or social origin, sex, gender, sexual orientation, gender identity or expression. Section 77 and 78 of the Act provide further grounds upon which a worker must not be discriminated against including in the rates of remuneration. Should a worker seek redress for unfair discrimination, the worker may apply for redress to the Employment Relations Tribunal or institute constitutional redress proceedings in the High Court of Fiji.

27. With respect to education, the TSLS¹⁹ continues in operation since its inception in 2015 where scholarships are determined on the basis of merits alone irrespective of race, sex, gender, gender identity and expression. The TSLS is a fund intended to provide financing to Fijian students who have qualified for higher education in approved tertiary institutions but are unable to support themselves financially to enable them access to higher education at affordable rates and increase equitable access to higher education.

28. Another significant development is the abolishment of the Marriage Policy 2016 within the FCS²⁰ which terminated unmarried female officers who fell pregnant while employed in the FCS. The policy was abolished in 2023 and officers who were affected by this policy have been reinstated.

Recommendations relating to human rights and climate change²¹

29. Fiji as a small island developing State, recognises the inextricable links between climate change, disaster resilience and human rights, vis-à-vis the special vulnerabilities of women, children and persons with disabilities in climate and disaster induced migration. We have established a robust legislative and policy framework not just in relation to a disaster response, but also to building strong and resilient communities to ensure all Fijians continue to enjoy basic human rights and freedoms even in the face of climate change and natural disasters.

30. Fiji has activated its NCCCC²² to facilitate coordination and resource mobilisation among focal points from various Government agencies. The NCCCC works to strengthen the implementation of mitigation, adaptation and ocean actions while promoting sustainable development. By integrating climate change considerations into national planning and decision-making processes, the NCCCC helps streamline and scale up awareness-raising programs for agencies working with vulnerable groups across sectors, to enhance the livelihoods of at-risk communities.

31. Fiji has also led efforts in planned relocation as a measure of last resort to protect communities continuously affected by the severe impacts of climate change. With the support of stakeholders and donor partners, the Government has established laws, guidelines, financial mechanisms, SOPs²³, and complementary documents to better facilitate this process and equip stakeholders to effectively carry out the often complex, costly, and sensitive process of facilitating planned relocation. The alternative pathway is exploring adaptation options that can help avoid or prolong the need for relocation.

32. Government continues to secure funding for nature based seawalls. Additionally, the development of a five-year National Seawall Strategy supported by the Global Green Growth Institute is underway. An inventory of Nature-based Solutions supported by the Wildlife Conservation Society and the International Institute for Sustainable Development Climate Adaptation and Protected Areas Project, is also in progress.

33. The establishment of the Ministry of Environment and Climate Change as a stand alone Ministry also marked a pivotal moment wherein the streamlining of climate change related work has become more efficient and more encompassing of work that is directed towards meeting the needs of the vulnerable members of society.

34. Fiji has been proactive in implementing Community-Based Disaster Risk Management (CBDRM) training for over 300 communities to date, with plans to complete the same in all communities over the next five years. The CBDRM training aims to enhance local resilience against natural disasters by empowering communities with the knowledge and skills needed to coordinate and manage disaster risks effectively.

35. Communities are supported in developing their DRR²⁴ action plans and preparedness strategies through a whole-of-society approach, where the Government works closely with local communities, supported by NGOs²⁵ and regional and international partners in Fiji's cluster network for implementation. Fiji's Integrated Village Development Plans and village profiling data from the MTA²⁶ and iTaukei Affairs Board help identify the DRR needs. The NDMO²⁷ is also developing a National Disaster Risk Information Management System to profile community risks and guide impact-based forecasting and DRR responses.

36. Adaptation targets have been mainstreamed into the 2020 updated Nationally Determined Contribution and adaptation and SDG²⁸ co-benefits have been highlighted in Fiji Nationally Determined Contribution Investment Plan and Project Pipelines.

37. The CCA²⁹ was passed on 23 September 2021 incorporating Gender Equality, Disability, and Social Inclusion (GEDSI) considerations as fundamental elements in its

approach to climate change adaptation and mitigation. The human-rights based approach, is one of four key principles of planned relocation, which embeds GEDSI considerations across all processes of the SOP's. This principle ensures that the rights and needs of all community members, especially vulnerable groups, are prioritised in decision-making and implementation.

38. The CCA emphasises the importance of ensuring that current practices do not compromise the ability of future generations to meet their own needs. It promotes a sustainable economic system that is environmentally responsible and capable of supporting the wellbeing of both present and future generations. It also places strong emphasis on respecting and promoting the rights of various groups, including women, individuals with disabilities, the elderly, children, and other vulnerable populations and recognises that empowering these groups is crucial for achieving gender equality and social justice. The CCA also recognises the importance of having equal access to opportunities, resources, and equal participation in the decision-making process. Free Prior and Informed Consent is also included in the guidelines and SOPs for planned relocation in Fiji.

39. The NCCCC was also established to allow for the development of policies that were informed in its compilation and prepared through more consultative measures. There has also been more involvement of CSOs in work that is currently being progressed by the Government in the areas of climate change for the provision of technical assistance and better community engagement.

40. Fiji is currently carrying out work on finalising the Comprehensive Risk Vulnerability Assessment Methodology for Planned Relocation and National Adaptation Registry, having completed the design phase, this ongoing work is set to advance to the development stage in early 2025.

41. Fiji continues to support the contributions of women in forums focused on discussion related to climate change and disaster risk reduction such as Ms. Vasiti Soko, the then Director of the NDMO³⁰ for the Government of Fiji who was a recipient of the inaugural 2021 Women's International Network for Disaster Risk Reduction Leadership Award.

42. Fiji has, since 2019, developed numerous policies and pieces of legislation aimed at mitigating the adverse effects of climate change. These are as follows:

- (a) Displacement Guidelines 2019;
- (b) Climate Relocation of Communities Trust Fund Act 2019;
- (c) National Climate Change Policy 2019;
- (d) National Oceans Policy 2020;
- (e) Climate Change Act 2021;
- (f) Fiji National Climate Finance Strategy 2022;
- (g) Standing Operating Procedures for Planned Relocation in Fiji 2023; and
- (h) Financial Management Policy Guidelines for the CROC Trust Fund 2023.

43. In 2024, the National Disaster Risk Management Act was passed by Parliament which aligns the national framework with global best practice promoted under the National Disaster Risk Reduction Policy 2018-2039 and the Sendai Framework for Disaster Risk Reduction. It expands the mandate for the disaster legislation to not only cover natural hazards but also all other potential hazards that may cause disasters including biological, environmental, geological or geophysical, hydro-meteorological and technological hazards, with the exception of civil unrest and terrorism.

44. Fiji's National Disaster Awareness Week has also grown as a platform celebrated annually to promote disaster preparedness and resilience among communities. This week-long event serves to raise awareness about the risks posed by natural disasters, educate the public on preparedness measures, and encourage proactive participation in disaster risk reduction efforts. Partners from government and across the cluster network have an annual display of their educational materials and services to increase public awareness, promote preparedness with emergency kits and emergency plans, enhance community engagements

with partners, showcase initiatives and resources by government and partners to support preparedness and response.

45. In the wake of natural disasters, an ‘all-of-society’ engagement and partnership is utilised. Local communities are the first in line of defence in preparing for and responding to disasters. This is evident in Fijian communities, whereby within hours after the disaster’s impact, search and rescue and basic immediate provisions to the injured and families that lost their homes are almost entirely conducted by relatives, family members, neighbours and CSOs. Therefore, it is crucial that the communities participate in planning and decision-making processes related to DRR, environmental/disaster risk governance and in development of appropriate strategies that can mitigate loss of life and damage to livelihoods and infrastructure.

46. Fiji also ensures the well-being of women, children, persons with disabilities, and other vulnerable groups in disaster risk reduction in Fiji’s Natural Disaster Risk Reduction Policy by integrating a gender-sensitive and disability-inclusive approach. The National Humanitarian Policy, and the Community Disaster Risk Management Training Manual all emphasise the importance of actively involving women and girls in planning and discussions pertaining to CBDRM and Climate Change Adaptation. Furthermore, the NDMO has taken measures to provide support for women, girls and all vulnerable groups through the establishment of the Safety and Protection Cluster, which is designed to address the unique needs of the populations prior to, during and after disaster events.

47. Fiji is currently developing the Family Safety Plan Mobile Application which is a project aimed at promoting risk reduction and resilience at the household level. The project is an initiative of Save the Children, Fiji, which is working closely with the NDMO, MOE³¹, and communities. The Family Safety Plan is designed with children in mind and is child-friendly. Its goal is to educate and inform the entire family about how to assess and reduce risks, provide guidance on actions to take in response to hazards and threats, and encourage children to actively participate in family safety and resilience.

48. The MWCPA³² is implementing an overarching social assistance policy to fill gaps in the targeting and efficiency of social assistance programs and to make programs better adapted to economic and climate-related shocks. The policy defines strategic priorities; cost-effective selection processes; information system requirements; and the capacity building, monitoring, and evaluation approaches.

49. The policy’s implementation is overseen by the National Social Protection Coordination Committee, which is chaired by the permanent secretary for the MWCPA and includes representatives of key ministries and agencies. Fiji became the first country in the Pacific, and one of the first globally, to launch a new market-based climate risk parametric microinsurance product in August 2021 to increase the financial protection of women and vulnerable people from disasters triggered by natural hazards.

50. Disaster management requires significant funding, and the Government of Fiji alone cannot provide sufficient resources therefore Fiji is working with donor partners such as JICA³³.

Recommendations relating to the prohibition of torture and cruel, inhuman or degrading treatment³⁴

51. Although corporal punishment is not an offence under the Crimes Act 2009, the strong and salutary provisions of section 11 of the Constitution with respect to freedom from cruel, inhuman or degrading treatment extend to acts of torture committed at any place including home and at school. Further, there are established jurisprudences that any act of corporal punishment inflicted on children is tantamount to the offence of assault.

52. Furthermore, the MOE has a zero-tolerance policy with respect to corporal punishment. Remedial action is immediately taken by the Ministry once cases of corporal punishment are brought to the attention of the Permanent Secretary for Education.

53. The MOE also has policies that reflect the prohibition of corporal punishment through the Child Protection Policy, Behaviour Management Policy, Minimum Standards for Residential Homes and Parental Engagement Home. There is no right provided in law for teachers to “administer reasonable punishment”, however the Behaviour Management Policy allows teachers to administer some form of punishment such as detention or suspension but does not extend to corporal punishment.

54. Since the ratification of UNCAT in 2016, Fiji embarked on the First Hour Procedure project which ensures the provision of legal counsel to every suspect at the police station, within one hour of arrest, with a protocol guiding the conduct of both police and lawyers in relation to the implementation of this right. A review of the program has already seen a sharp decrease in the number of allegations of brutality being levelled against police officers.

55. Moreover, reforms of policies and procedures within our FPF³⁵ were carried out, particularly recording interviews of arrested or detained persons, in addition to the counsel that they have already provided in order to decrease incidents of police brutality during investigations and interrogation of persons.

56. Fiji also undertook changes within FCS to ensure our prison standards are in compliance with the Nelson Mandela Rules. The new Corrections Centre in Lautoka is dedicated solely to women inmates and caters for up to 24 women either in remand or upon conviction. This is the first time Fiji has a women's correction facility based outside of Suva. Before this facility, any female convicted in any other city would have to come to Suva, minimising their ability to stay in touch with their relatives and family members.

57. Since 2016, Fiji has hosted 3 high level Regional Dialogues in partnership with CTI³⁶. Fiji has used these platforms to strongly encourage other Pacific Island States to ratify UNCAT and has also offered technical expertise as necessary.

58. Fiji continues to be a member of the CTI core group of friends. This membership recognizes Fiji's important leadership role in implementing UNCAT domestically and regionally. Fiji accepts that every country has challenges in relation to the eradication of the use of torture and inhuman treatment and will continue to work for universal ratification and implementation.

59. Further to the above and following the third cycle of UPR in 2019, Fiji withdrew its reservation on Article 1 of UNCAT on 28 January 2020.

Recommendations relating to the administration of justice and fair trial, impunity and transparency³⁷

60. Fiji's geography poses unique challenges for basic access to social, economic and legal services, especially for those in urban informal settlements, maritime zones, and other remote rural areas. The REACH³⁸ program is designed to deliver Government services to geographically remote communities across Fiji. The REACH program conducts awareness raising on social, economic, and legal rights enshrined in the Constitution, provides access to the services associated with these rights, and strengthens institutional capacity to deliver these services.

61. The Government's REACH program aims to take its services to the most rural areas in Fiji through agencies such as the MTA and MWCSP³⁹ and MOJ⁴⁰ to implement their services in the remotest of areas.

Recommendations relating to freedom of opinion, and expression and freedom of assembly⁴¹

62. A free, independent, responsible and accountable media is the cornerstone of any democracy. In the Constitution, section 17 recognises that every person has the right to freedom of speech, expression, thought, opinion and publication, which includes freedom to seek, receive and impart information, knowledge and ideas; freedom of the press, including

print, electronic and other media; freedom of imagination and creativity; and academic freedom and freedom of scientific research.

63. The MIDA⁴² was widely seen to suppress human rights including media freedom, freedom of expression, freedom of association and individual and group rights by giving authorities broad powers to investigate, censor, and penalise media outlets. In April 2023 MIDA was repealed by Parliament through a majority vote.

64. The repeal of MIDA marks a significant step forward in restoring media freedom aligning with the Government's commitment to promoting and upholding democratic principles. The Prime Minister, Sitiveni Rabuka also emphasised that media freedom is essential for holding the Government accountable, referring to it as the "oxygen of democracy." Media organisations in Fiji have welcomed the repeal as the media landscape now allows journalists to report on issues affecting people more freely, independently without fear of persecution. Following the repeal of MIDA, Fiji's position on the World Press Freedom Index improved in 2023 to 44th position compared to 89th the previous year.

65. The Constitution, under section 18 guarantees the right to freedom of assembly (subject to restrictions ensuring national security and public order). However previously the requirements under the Public Order (Amendment) Act 2014 (Act) were used as a means of restricting and blocking peaceful gatherings and demonstrations. A key development under the new Government has been the relaxation of certain provisions of the Act which previously required permits for any public gatherings. While permits are still required, the process has become much more transparent, and authorities are encouraged to ensure that the granting of such permits is not arbitrary and that any refusals are based on justifiable grounds. Following the change of administration in December 2022, women's rights organisations and CSO's have been able to freely and peacefully protest and an example of that was a public protest against Fukushima Waste Water being dumped into the Pacific Ocean on 25 August 2023. Further, in 2022, a total of 752 applications for permits were approved under the Act while in 2023 a total of 1126 permits were approved.

66. However, no country guarantees unfettered freedom without responsibility. Fiji is no exception. While guaranteeing freedom of speech, expression, thought, opinion and publication, the Constitution explicitly prohibits any speech, opinions or expressions *inter alia*, that is tantamount to propaganda of war; incitement of violence or insurrection against the Constitution; or advocates hatred based on any prohibited grounds of discrimination such as race, culture, ethnic or social origin, sex, gender, sexual orientation and gender identity and expression, language, economic, social or health status, disability, age, and/or religion.

67. These rights are subject to limitations through law such as in the interests of national security and public safety, and the limitations specifically provide for the right to be free from hate speech, the rights of persons injured by inaccurate or offensive media reports to have a correction published on reasonable conditions established by law preventing the disclosure of sources; preventing attacks on the dignity of individuals or groups in a manner likely to promote ill will between ethnic or religious groups or the oppression of or discrimination against individuals or groups.

68. The limitations to freedom of speech, expression and publication in the Constitution on the prohibited grounds of discrimination listed in its Bill of Rights are in consonance with General Recommendation No. 35 (CERD/C/GC/35) of the ICERD⁴³ on Combating Racist Hate Speech.

Recommendations relating to the prohibition of slavery and trafficking⁴⁴

69. Fiji recognises that human trafficking is a pernicious crime with the greatest impact on women and girls and that Fiji is vulnerable to trafficking (both in relation to forced labour and sexual exploitation) in the region.

70. In 2017 Fiji also acceded to the UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially

Women and Children, supplementing the UN Convention against Transnational Organized Crime.

71. Section 10 of the Constitution guarantees all Fijians freedom from slavery, servitude, forced labour and human trafficking. The Crimes Act 2009 has various provisions which deal with specific offences for human trafficking including trafficking in persons and children.

72. The Ministry of Home Affairs and Immigration in collaboration with relevant Government agencies, CSO's, FBOs⁴⁵ and NGOs has consulted and developed a draft National Referral Mechanism and SOP. This National Referral Mechanism coordinates resources and services that are offered to victims of trafficking in person from the initial identification until prosecution and their reintegration back into society.

73. The National Anti-Human Trafficking Strategy and its National Action Plan was launched in 2021 highlighting various activities implemented by key government agencies in partnership with CSO's and FBO's to effectively combat human trafficking in Fiji.

74. An official inter-agency committee of 16 government agencies with ad hoc members of CSO, FBO, NGO and bilateral partners meets quarterly to discuss and gather the implementation progress of the National Anti-Human Trafficking Strategy and National Action Plan.

75. Furthermore, continuous training of law enforcement agencies has been conducted focusing on identifying persons at borders when a report is lodged with the police, protecting and assisting victims of trafficking. Awareness programs on identification of trafficking in persons and the services that are provided to victims of trafficking have also been carried out with media officers, CSO's, FBOs and the community.

76. The Ministry of Home Affairs and Immigration continues to participate within the Bali Process as well as receiving assistance in areas such as training to our law enforcement agencies and civil society organisations. The Regional Support Office of the Bali Process has collated activities that require their assistance such as training materials and training manuals.

Recommendations relating to reducing poverty and the right to an adequate standard of living, drinking water and sanitation⁴⁶

77. The Bill of Rights Chapter of the Constitution provides for the progressive realisation of socio-economic rights. These rights are also in consonance with the International Covenant on Social, Economic and Cultural Rights ratified by Fiji in 2018.

78. Given that the Government has a constitutional obligation to progressively realise the right to housing and sanitation, and the right to adequate food and water, Fiji has introduced various initiatives to ensure the progressive realisation of these rights for all Fijians.

79. Government has continued to increase investment in infrastructure, provision of safe and clean water, access to electricity, free and quality education, and better health services to ensure that Fijians have a higher standard of living.

80. To improve water supply access, a notable initiative initially introduced in 2012 and reviewed in July 2021 is the Rural Water and Sanitation Policy which focuses on ensuring access to safe drinking water, basic sanitation and hygiene facilities by upgrading and extending water infrastructure to rural areas and maritime areas. The Water Authority of Fiji also implemented a Rain Water Harvesting Scheme providing households in remote communities with tanks and equipment to store rainwater.

81. To achieve the desired poverty reduction outcomes, Government continues to support existing social protection programmes such as the Family Assistance Scheme, Care and Protection Allowance, Disability Allowance Scheme, Child Protection Allowance, Social Pension Schemes, and Food Allowance for Rural Pregnant Mothers and the Transport Assistance Scheme voucher program.

82. The Family Assistance Scheme was set up specifically to provide financial support to destitute and poor households.

83. The Care and Protection Allowance is a cash grant allocated to vulnerable children who are in school, residential homes that provide foster care, adoption and residential facilities for orphans.

84. To improve the welfare of elderly citizens, the Government in 2023 increased the monthly pension to \$115 from \$30 to \$50 per month for those recipients between 65-69 years and \$125 for recipients over 70 years and reduced the age eligibility from 70 to 68 years.

85. To assist pregnant mothers in rural areas and high-risk mothers in urban areas, the Government provides food allowance to provide nutritional support for women who attend pre-and post-natal visits at health clinics.

86. The Transport Assistance Scheme not only supports students from low-income families but also extends to recipients of the Social Pension Scheme and the Disability Assistance Scheme.

87. With respect to housing, the Lagilagi Housing Development Project has now been completed with a total of 154 flats which will provide affordable and decent housing to 36 additional families from low-income households, particularly families residing in squatter settlements.

88. The Government also continues to assist informal settlements by drafting proper tenancy agreements and improving basic infrastructure by the Formalisation of Informal Settlements which involves the upgrading and development of informal settlements on State and iTaukei land by providing basic infrastructure and security of tenure. Since 2015, 48 development leases have been acquired and \$9m was allocated for this initiative in the 2022-2023 budget and \$10m in the 2023-2024 budget.

89. In the reporting cycle, the First Home Buyers programme continued in operation focusing on providing financial assistance to families and individuals who are intending to construct or purchase their first homes. The project targets two categories of income earners, first who earn below \$50,000 per annum and second, those that earn between \$50,000–\$100,000. There is also a First Land Purchase Program introduced in the 2018/2019 budget which allows income earners that earn below \$50,000 to purchase their first land. In the 2020-2021 Financial Year, a total of \$1 million was allocated for this programme.

90. Programs for affordable housing and housing assistance are available to eligible individuals and families. The Rural Housing Assistance program under the MRMD⁴⁷ was reintroduced in 2023. It is aligned with the government's longstanding efforts to ensure safe and resilient housing for the rural and maritime communities. The Government of Fiji has committed FJD\$3 million to this initiative which will not only improve living standards but will also provide security for the rural populace including women. The program has four (4) schemes which covers the payment of cartage cost for housing materials, construction of a new house, retrofitting of existing structure to withstand category 4-5 cyclones, completion of existing structure, construction of homes for Native Tree resource owners and provision of housing for recipients of Social Welfare Assistance. Under this program applicants are required to pay one-third of the total project cost, except for assistance offered to recipients of Social Welfare Assistance, which is fully funded by the Government.

91. Fiji has also made progressive efforts to realize the right to a fair minimum wage, aligning with the ILO⁴⁸ Minimum Wage-Fixing Machinery (Convention No. 26) and section 33(1) of the 2013 Constitution. Since 2019, several key wage adjustments have been made to the National Minimum Wage (NMW). In 2019 Cabinet approved a review of the NMW, though its completion was delayed due to the COVID-19 pandemic. In 2022, the NMW was increased to \$3.01 per hour on 1 April, followed by incremental rises to \$3.34 in July, \$3.67 in October, and \$4.00 per hour by 1 January 2023, reflecting a phased approach in response to inflation and economic challenges. Further in 2024, a comprehensive review led by local experts has proposed further increases in two tranches to \$4.40 per hour from 1 October 2024, and \$4.80 per hour effective 1 November 2025. These progressive increases can assist Fiji's commitment to not only alleviating poverty but also protecting workers.

Recommendations relating to the rights to health and education⁴⁹

92. Fiji considers there to be a close and symbiotic relationship between ICCPR⁵⁰ and ICESCR⁵¹. In particular, we consider it to ensure that access to health or education, for instance, should take into consideration existing inequalities. Right to health or education must be implemented considering existing gender or other inequalities and vulnerabilities. In our view, this is the essence of the right of every individual and community to sustainably develop.

Right to Health

93. In relation to the right to health, Fiji's response to the COVID-19 Pandemic (Pandemic) underscored its commitment to ensure the health and safety of its people. The Government in line with the World Health Organisation's guidelines developed a comprehensive strategy to limit the social and economic impacts of the Pandemic. The Fiji COVID-19 Preparedness and Response Plan 2020 was developed which was to ensure the protection of the most vulnerable, continuity of normal public health functions, ensured that health facilities were not overwhelmed and that health facilities were spared from becoming amplification and transmission centres of the virus.

94. Some key measures were the introduction of the COVID-19 Response Act 2020 which allowed for the appropriation of funds to cater to critical medical resources; the Customs Tariff (COVID-19 Response) (Amendment) Act 2020 that provided concessions for medical supplies, the Fiji National Provident Fund (COVID-19 Response) (Amendment) Act 2020 to secure member contributions to the Fiji National Provident Fund and the Health and Safety at Work (General Workplace Conditions Amendment) Regulations 2021 making it mandatory to ensure that employers and employees were vaccinated. These efforts were backed by a \$1B COVID-19 stimulus package addressing both socio-economic and health needs.

95. Fiji adopted a whole-of-government approach led by the Joint Incident Management Team (IMT), which included various ministries and development partners like WHO⁵², Australia and New Zealand, Pacific Community and UNICEF⁵³. The NDMO ensured that services reached even remote and maritime areas, while the Fiji Pharmaceutical & Biomedical Services Centre managed the quality and supply of donated medicines and medical equipment. Additionally, the MTA played a crucial role in disseminating information through traditional leadership structures, ensuring widespread compliance with health measures.

96. To protect the most vulnerable, particularly children, the government mandated vaccinations for adults to promote herd immunity. The vaccine rollout for children was between the ages of 15-17 ensuring that Fiji's youth were safeguarded against the virus. This was which later extended to children aged 12-14 and 5-11. Despite disruptions to general health services, MHMS⁵⁴ continued to provide essential services, such as immunisation clinics for newborns and toddlers, and maintained communication with the public through continuous media awareness programs.

97. Further, in 2019 the Government entered into a Concession Agreement with Health Care (Fiji) Pte Limited as part of a Public-Private Partnership for the upgrading, development and maintenance of two major hospitals in Fiji (Lautoka and Ba hospitals) and bring an unprecedented slate of health services to the Fijian people. Notably, in October 2022, the Lautoka Hospital successfully performed its first open-heart surgery, marking a historic milestone for Fiji's public health system.

98. In relation to termination of pregnancies, the abortion offences are outlined in sections 234-236 of the Crimes Act 2009. Termination of a pregnancy is permitted in situations where the pregnancy is a result of incest or rape (including stepbrother or sister and grandparent), or if not performing the abortion would seriously endanger the physical or mental health of the mother, or if the pregnancy itself.

Right to Education

99. The Constitution provides for the right to education and that the State must use all measures within its means and resources to achieve the right to free early childhood, primary, secondary and further education. In the event the State claims it does not have the resources to implement this right, then the onus to prove that this is the case rests with the State.

100. Fiji's approach to education during the Pandemic prioritised the continuity of learning for all children, despite significant challenges posed by school closures and lockdowns. The Government implemented flexible learning methods, including home-based educational support through national television (Walesi), Zoom sessions, and Moodle platforms. For children in remote or rural areas without access to internet or television, the Government facilitated the distribution of printed worksheets, ensuring educational inclusivity.

101. To further mitigate the Pandemic's impact on education, the Government introduced several policies and directives on vaccination mandates and specific school reopening guidelines. Partnerships with development organisations like UNICEF and Save the Children Fund helped deliver essential school kits and psychosocial support to students upon resumption of school. Moreover, teachers, with the support of community leaders like Turaga-ni-Koro (village headmen), took personal initiatives to ensure that children in lockdown or quarantine areas were updated with their worksheets and continued their studies.

102. Despite the geographical challenges posed by Fiji's island landscape, the resilience and dedication of Fiji's teachers ensured that education remained accessible to all. MOE efforts were complemented by government initiatives such as the Free Education Grant, provision of free textbooks, and Transport Policy which provides assistance for students from low-income households and maritime and rural areas.

103. With the view of ensuring appropriate infrastructure for schools, including sanitation and hygiene, especially in areas affected by natural disasters, the Government through the MOE implements several programs and initiatives:

- (a) School Infrastructure Upgrade Program.
- (b) Sanitation and Hygiene Improvement Initiative.
- (c) Disaster-Resilient School Infrastructure Program.
- (d) Community-Based School Disaster Preparedness and Response Plan.
- (e) Mobile Education Units.
- (f) School Health and Nutrition Program.
- (g) School Infrastructure Audit and Needs Assessment.
- (h) Strategic Planning for Infrastructure Development.
- (i) Training and Capacity Building for School Management.
- (j) Monitoring and Evaluation of Infrastructure Projects.
- (k) Education in Emergencies and Safe Schools Policy.

104. Over the past 5 years, the Government's consistent and targeted investment in the education of Fijian students has led to the historic achievement of universal primary education and given a record number of Fijian children access to secondary and tertiary education.

105. In addition to free education being provided to primary and secondary school children, the Government also implemented major initiatives such as increased scholarships for tertiary studies through TSLS, Bus Fare Assistance Programme, free textbooks and subsidised transportation to school.

106. The Matua program, provided with Government assistance, allows school dropouts to complete their secondary school education. Further, to guide the education sector, Cabinet approved the development of a National Technical and Vocational Education Training policy which aids in addressing skills gaps and high levels of drop out among young people.

107. In September 2023, the Fiji National Education Summit was convened, and the outcome of the Summit saw the adoption of the 2023 Denarau Declaration which was launched by the MOE together with the three-year strategic plan (2023-2026).

108. In line with the Declaration, the Government has developed the Special and Inclusive Education (SIE) Policy to guide education policies, programs, and initiatives aimed at ensuring inclusiveness to all students.

Recommendations relating to human rights education, trainings & awareness raising⁵⁵

109. Officers of the FPF including recruits at the Police Academy continue to undergo human rights training which have been organised and facilitated by international organisations, development partners in accordance with international human rights, standards and best practices.

110. Due to the Covid 19 Pandemic, most of these human rights training were conducted between 2022 and 2024 involving Police officers in the central and northern divisions with respect to the significant role of the Police in the protection, promotion and preservation of human rights of all Fijians. Trainings conducted with the FPF include:

- (a) Strengthening Social Cohesion Pathways, Human Rights and Women's Civic Participation Training, by UNDP⁵⁶ Pacific Office on 11 June 2024;
- (b) Validation Workshop for the combined 5th and 6th CRC⁵⁷ Report and initial report CRPD⁵⁸ Reports on 1-2 June 2023;
- (c) Treaty Body Workshop by OHCHR⁵⁹ Regional Office and Attorney-General's Office, on 3 - 4 May 2023;
- (d) Human Rights Training for Police Officers in Rotuma, by OHCHR Regional Office, FPF, LAC, Medical Services Pacific, Fiji Disabled People Federation and the Council of Rotuma on 15-16 August 2022;
- (e) Human Rights Training for Police Office in the Eastern Division Maritime Zone by OHCHR Regional Office, UNDP and ILGA on 13 June 2022;
- (f) Human Rights Training, by OHCHR Regional Office, UN Women Pacific, UNDP Pacific Office, FWCC⁶⁰ and MWCSP on 28-29 April 2022;
- (g) Basic Recruitments Human Rights Training, organised by OHCHR Regional Office, UN Women Pacific, UNDP Pacific Office, FWCC and MWCSP on 11-13 April 2022; and
- (h) Gender-based Violence Training, organised by the FWCC on November 2020.

111. The training programme on the Proceeds of Crime Act 1997 in relation to illicit drugs is usually conducted from entry level to the FPF and during the basic recruits' course, now Certificate IV in Policing. It continues with the other development courses such as the Constables' Qualifying Course, Corporals' Qualifying, Sergeants' Qualifying Course and Inspector's Qualifying Course. The Proceeds of Crime Act 1997 is also part of the Promotional Exam package for police officers within the FPF. Likewise, this subject matter is fused into the Investigator's Course facilitated by the FPF's Criminal Investigation Department.

112. Additionally, police officers have been attending relevant courses overseas, as far as proceeds of crime and illicit drugs is concerned, which include the following:

- (a) Investigator's Programme by the Australian Federal Police (March 2024);
- (b) UNODC⁶¹ Digital Evidence Training and Maritime Domain Awareness;
- (c) Advance in Technology as an enabler of transnational crime, Indonesia;
- (d) Drug Unit Commanders Course, Thailand (2024);
- (e) 26th Asia Pacific Drug Operational Conference, Japan (January 2024);

- (f) Transnational Crime workshop, Tonga (February 2024);
- (g) Management of serious crime, Indonesia;
- (h) Investigator's Training, Brisbane (July 2024); and
- (i) Case Management Course, Bangkok (June 2024).

113. The FCS has also gone through various human rights training as organised and facilitated by international organisations, development partners including the national human rights institution on international human rights, standards and best practices with respect to the rights of prisoners.

Recommendations relating to measures taken to eliminate discrimination of women and gender-based violence⁶²

114. Fiji envisions a society where it is free of all forms of gender-based discrimination; women and girls fully participate as decision makers in their homes and societies and contribute to and benefit from development processes and outcomes equally. To advance gender equality and the empowerment of women and girls, Fiji recognizes gender equality as a key component of national development and economic growth. Within this framework, the Constitution, 5-Year and 20-Year NDP and the National Gender Policy 2014 aligned with CEDAW and the Beijing Platform for Action, guide the work of Government.

115. The Fiji National Action Plan to Prevent Violence Against All Women and Girls 2023-2028 was launched in June 2023. Fiji was the first Pacific Island Country and second of its kind in the world alongside Australia, to develop and launch a whole-of-government, whole-of-population, inclusive, and evidence-based national action plan that explicitly focuses on the prevention of violence against all women and girls. In addition to this, Fiji is considering the development of a National Action Plan on Human Rights to improve the overall promotion and protection of human rights in Fiji.

116. It is also important to note that several key agencies have initiatives, conducted to raise awareness, provide support, and ensure the well-being of GBV⁶³ victims while addressing this critical issue as a violation of human rights in Fiji.

117. The MHMS released the National GBV Guidelines for Health in 2023 for the management of gender-based violence. The FPF conducts several programs including the 'Duavata' Community policing awareness initiative program to raise awareness of GBV; implements initiatives like 'Neighbourhood Watch Zone,' 'Blue Light Program,' and 'Policing through Sports' to advocate against GBV and sexual offences. The FPF also conducts extensive GBV training and awareness programs with government and non-government organisations and also has a 'No Drop Policy' for a stringent, compliant institutional stance of 'Zero Tolerance' and 'No Reconciliation' for any case of GBV, domestic violence and sexual offences complaints.

118. MWCSP uses awareness strategies, including social media eCards and GBV referral pathways, and provides information for service providers and guidance notes for responding to GBV cases. MWCSP also launched initiatives like the "Children are a Precious Gift Package" and established a Child Helpline (toll-free number 1325) for emergencies at home; collaborate with civil society organisations and shelters to address and respond to GBV cases; and have set up a Domestic Violence Helpline (toll-free number 1560) which is operated by FWCC.

119. The MTA runs awareness programs targeting iTaukei communities through various initiatives. Programs include the 'Sauvaki ni Vanua' Program, Cultural mapping program, Cultural awareness program, Leadership program, and exhibitions for women through the Fiji Arts Council.

120. The MOE has a Child Protection Policy and counsellors to address child protection issues and have recently reintroduced pastoral counselling in schools. initiatives, conducted by various government agencies, aim to raise awareness, provide support, and ensure the

well-being of GBV victims while addressing this critical issue as a violation of human rights in Fiji.

121. It is important to highlight the increased number of women entrepreneurs with a total of 365 women, who participated at the 2023 National Women's Expo after a lapse of 4 years. The MWCSP launched the Fiji National Women's Expo in 2014 to recognize and celebrate the talents of Fijian women artisans. It intends to improve the economic position of women by using a national platform to showcase their products, connect them to markets, collaborate and co-create.

Recommendations relating to advancement of women⁶⁴

122. Women empowerment and gender equality play key roles in driving economic progress. Ensuring women have equal opportunities and rights is especially crucial in Fiji where cultural norms and traditional beliefs act as barriers to women being able to participate in Fiji's economic development. Empowering women in economic development involves several aspects, such as providing access to education, opportunities for skill development, and financial resources for operating small businesses. Importantly, promoting gender equality not only improves the well-being and economic status of women but also provides broader societal benefits.

123. In Fiji, the Government, private sector, development partners, and key stakeholders play a pivotal role in enhancing women's roles and abilities to actively contribute to economic development. The MWCSP is dedicated to empowering women and promoting inclusivity in socio-economic development.

124. Local and international training programs offer women avenues for skill enhancement while the creation of new positions facilitates diverse roles, fostering career growth. International and regional engagement fosters collaboration, networking, and learning, aligning Fiji's commitments with global goals. Adoption of best practices, centralised data systems, and reviewed planning frameworks ensure evidence based decision-making and inclusivity.

125. Fiji has also announced a significant strategic achievement in advancing gender equality and empowerment of women and girls by commencing a first of a kind Fiji Women's Economic Empowerment National Action Plan 2024-2029 (WEE NAP) marking the commencement of its development starting March 2024. The WEE NAP aims to create a level playing field for all Fijian women and girls to have greater access to and control over economic opportunities and decision making. The WEE NAP will be developed through a whole of government approach ensuring broad stakeholder engagement. Fiji also acknowledges the support of the Australian Government who is funding the development of the WEE NAP.

126. The Department for Women, also known as the National Women's Machinery (NWM) is responsible for advocating, coordinating efforts, and providing policy advice to the government on gender equality and the empowerment of women and girls in Fiji. The department focuses on Women's Economic Empowerment, Ending Violence against Women, and Girls and Gender, Climate Change, and Disaster Risk Reduction. Improving the availability, access, and use of gender data and statistics is crucial for guiding strategic interventions to address gender gaps and issues. The department strengthens partnerships and networks with NGOs, CSOs, FBOs, development partners, and institutions to address gender gaps and issues.

127. The department's budget allocation has fluctuated over the years, with the highest growth rate in 2021/2022 financial year. In the 2023/2024 financial year, the department has been allocated a budget of \$5.24m, representing a 20% increase compared to the 2022/2023 financial year. The total budget allocated to the MWCSP for the past 7 years, amounts to \$892.2 million, of which \$30.3 million was allocated to the NWM.

128. In 2020, Fiji also conducted a country gender assessment called the Fiji Country Gender Assessment (FCGA). This initiative was the first of its kind in the Pacific region and demonstrated the Government's commitment to gender equality and the SDGs. The

assessment gathered existing data through collaboration with government agencies and a thorough desk review. The FCGA has resulted in strengthened partnerships, the establishment of a Data Steering Working Group and a Peer Review Committee, and the launch of the assessment in March 2023. The national women's machinery has planned programs to raise awareness and disseminate information to address the gender issues identified in the assessment and implement policy recommendations across the government.

129. The ICD⁶⁵ is a “whole of government” initiative with an emphasis on strengthening technical knowledge, skill, competence and resources on Transformative Gender Analysis/Mainstreaming and Gender Responsive Budgeting and Planning across government institutions along with the establishment of effective coordination and accountability mechanisms.

Recommendations relating to the rights of persons with disabilities⁶⁶

130. The Constitution and the Rights of Persons with Disabilities Act 2018 provide Fiji with a robust legal framework to protect, promote and preserve the rights of persons with disabilities. Furthermore, in 2017 Fiji ratified the Convention on the rights of persons with disabilities which complements and strengthens the national legal framework. More recently in 2019 Fiji adopted an implementation plan with respect to the rights of persons with disabilities.

131. Fiji has undertaken various initiatives in order to empower persons living with disabilities to ensure their full, active and indiscriminate participation in society.

132. Social Protection Programmes target poor households, persons with disabilities, vulnerable children and older persons, and are administered by the Department of Social Protection (DSP) of MWCSP. The Government has introduced and continued initiatives:

(a) the Disability Allowance Scheme assists women with disability;

(b) the High-Risk Sanitation program under the MRMD is a fully funded program aligned to the 2013 Constitution which guarantees the right for every Fijian to have access to clean and safe sanitation facilities. The initiative covers the construction of flush toilets and specifically targets vulnerable community members such as older persons, persons living with disability and single mothers;

(c) The MCS⁶⁷ also has the Discipline Guideline and Harassment Guideline across the civil service which is referred to in circumstances whereby social inclusion and disability issues are raised for discussions.

133. Fiji has also made significant efforts to ensure the rights and inclusion of persons with disabilities in various aspects of society, including education, health, employment, and legal recognition. Key highlights of these efforts include:

(a) Legal Framework and Ratification: Fiji ratified the CRPD in 2017 and passed the Rights of Persons with Disabilities Act in 2018. This legal framework upholds the rights of persons with disabilities and ensures equal citizenship, rights, and responsibilities;

(b) Access to Justice: Fiji has introduced initiatives to enhance access to justice for persons with disabilities. This includes the Rights Empowerment and Cohesion program and Access to Justice Services provided by organisations like the Fiji Disabled Peoples Federation and the Fiji Association of the Deaf. District Disability Committee members often participate in these awareness programs;

(c) Training of Personnel: Various organisations and associations collaborate to provide training to personnel within the justice and prison systems. This includes awareness programs, sensitization, and interpreter services, ensuring that justice and legal services are inclusive and accessible;

(d) Equal Recognition Before the Law: Fiji's Constitution and the Rights of Persons with Disabilities Act uphold equal recognition before the law for all citizens, including those with disabilities. Institutions like the Legal Aid Commission and the Human

Rights and Anti-Discrimination Commission are established to support the exercise of constitutional rights and provide legal assistance when needed;

(e) Health Services: Fiji ensures financial accessibility to health services by providing healthcare and medication at no cost to recipients. Assistive technologies are also made available through disability service providers, supported by government grants. Additionally, there are initiatives to make health information and services accessible to persons with disabilities in various formats and languages;

(f) Employment: Fiji promotes equal employment opportunities for persons with disabilities through policies like the National Employment Policy, employment quotas, and tax incentives for employers who hire individuals with disabilities. Initiatives like "Include Disability Employ 'THIS' Ability" (IDEA) prepare individuals with disabilities for employment and combat stigma;

(g) Vocational Training and Self-Employment: Fiji offers accessible vocational guidance programs and vocational training. There is a focus on entrepreneurship, with initiatives supporting self-employment and small business ventures for persons with disabilities;

(h) Education: To ensure equal access to education, Fiji provides scholarship programs for persons with disabilities. The Scholarship Scheme for Students with Special Needs covers tuition and related costs. Additionally, organizations like the Fiji Society for the Blind offer scholarships to visually impaired students.

134. Overall, Fiji's commitment to inclusivity and equal rights for persons with disabilities is reflected in its legal framework, policies, and collaborative efforts across various sectors. These initiatives aim to create a more inclusive and accessible society for all citizens.

Recommendations relating to children⁶⁸

135. The Constitution provides safeguards against corporal punishment whether it be at home, school, work or in any other place. The Domestic Violence Act 2009 reaffirms these protections by prohibiting all forms of violence against children, even prescribing the witnessing of violence by a child as a form of violence. The Juveniles Act 1973 provides a guide to the Court on the punishment of offenders which does not include any form of violence and prohibits corporal punishment.

136. Apart from legislation and judicial interpretation, MOE has policies that reflect the prohibition of corporal punishment through the Child Protection Policy and the Behaviour Management Policy. There is no right provided in the law for teachers to "administer reasonable punishment". Clause 6.1.2.1 of the Behaviour Management Policy allows for "some form of punishment to be performed in school in the case of an offence", this policy must be read in context of the entire policy as Clause 6.2 outlines some measures that the school can take such as detention or suspension from school.

137. The Minimum Standards for Residential Homes provides overall guidance on safety and protection of children in residential homes. MOE also has developed a draft Parental Engagement Policy intended to address corporal punishment.

138. Further to the above, it is a criminal offence to marry a minor and to aid and abet a person to marry a minor in Fiji. The Marriage Act 1968 was amended in 2009 increasing the age of marriage from 16 to 18 years and further repealed the minor's ability to marry with parental consent. The Marriage Act 1968 also prohibits forced marriages which are fortified through processes under the Act, including the requirement to obtain a licence and certificate, disclosures of particulars to the Registrar-General and providing consent in the presence of 2 witnesses.

Recommendations relating to NMIRF⁶⁹

139. Fiji established the FHRTF on 30 August 2024 with a mandate to administer effective coordination of Fiji's engagement with international human rights mechanisms. The FHRTF

is chaired by the Office of the Attorney-General and its membership comprises representatives from all Government ministries, statutory bodies, HRADC and civil society organisations. It should be noted that the FHRTF is still in its early stages and its capacity will be built overtime.

Recommendations relating to minority groups and human rights defenders⁷⁰

140. The Government has continued to engage with non-state actors to foster dialogue on issues of national interest. Fiji once again supported the resolution to protect and extend the mandate of the independent expert for the persons of LGBTIQ from violence and harassment. Fiji remains committed to ensuring the rights of minority groups are promoted and protected.

141. All allegations made against the State are investigated independently by the FPF and then prosecuted by the ODPP⁷¹. Non-state actors continue to enjoy media access and remain vocal.

142. All accused persons must be brought before a court as soon as possible but no later than 48 hours after the time of the arrest. All arrested or detained persons have the right to conditions of detention which are humane and the State has to provide adequate accommodation, nutrition and medical treatment. These constitutional rights also apply to human rights defenders and the police are legally bound by the Constitution to protect, promote and respect these rights.

143. Since the last reporting cycle there has been no evidence of threats, harassment, intimidation and arbitrary arrests of human rights defenders.

144. Further, the HRADC also plays a vital role in protecting human rights defenders in their policy-making and advocacy work. Reforms such as the repeal of the MIDA have strengthened freedom of expression, creating a more conducive environment for human rights defenders to operate.

145. Fiji is committed to implementing the declaration on human rights defenders and ensuring they can carry out their work freely and this has also been translated into indigenous pacific languages one of which is the iTaukei language.

Recommendations relating to cooperation and meaningful consultation with civil societies⁷²

146. Civil societies and minorities' participation in national public debates are necessary and a crucial element to deliberative democracy. The Parliament through its Standing Committees plays a pivotal role by actively engaging through the consultation process on various matters with members of the public, including civil societies. The Standing Committees usually call for submissions and accordingly report their findings to Parliament and can make recommendations for changes to laws and administration.

147. Parliament has carried out a host of public consultations for various bills and proposed legislative amendments including the recent the Child Justice Bill, Child Care and Protection Bill, Traditional Knowledge and Cultural Expression Bill, Immigration (Amendment) Act 2023, Births, Deaths and Marriages Registration (Amendment) Act 2021 and proposed amendments to the Statistics Act 1961. These consultations ensure the meaningful participation and contribution of CSO's, relevant stakeholders and members of the public.

Recommendations relating to right to development and economic, social and cultural rights⁷³

148. In terms of development, Fiji's mining sector is set to contribute to economic growth with the upgrade of two operating gold mines, the Vatukoula Gold Mine and the newly commissioned Tuvatu Gold mine which will increase production. The Constitution also guarantees the right of landowners to a fair share of royalties from mineral extraction,

ensuring that local communities benefit directly from mining activities. Fiji also enforces strict environmental impact assessments for all mining projects, in line with the Environment Management Act 2005. These assessments ensure that mining activities are conducted in a manner that minimises harm to ecosystems and promotes sustainable use of natural resources.

Recommendations relating to juvenile justice⁷⁴

149. Fiji is currently reviewing its legislation related to the minimum age of criminal responsibility, being the Juveniles Act 1973, and has tabled the Child Justice Bill in May 2024, wherein the age of criminal responsibility is raised from 10 to 14 years old, and if passed, will replace the Juveniles Act of 1973.

IV. Achievements and challenges

150. Significant progress has been made by the Government since the first, second and third review cycles. Given the ratification of the core 9 human rights conventions and treaties and recommendations received by treaty bodies in this regard coupled with annual recommendations received by SR and independent experts, Fiji established its national mechanism for monitoring, implementation and follow-up to ensure consistent and timely reporting to treaty bodies and to ensure that Fiji consistently monitors the implementation of recommendations received by UN mechanisms.

V. Conclusion

151. In the third cycle of review 242 recommendations were made to Fiji where Fiji committed itself to implementing 207 of those recommendations. This report highlights the tangible efforts made by the Government through legislative reforms to implement these recommendations in order to advance and protect the human rights of all Fijians.

Notes

- ¹ Universal Periodic Review.
- ² Fiji Human Rights Task Force.
- ³ Civil Society Organization.
- ⁴ National Human Rights Institution.
- ⁵ UPR recommendations outlined on page 1 of Annex 1.
- ⁶ UPR recommendations outlined on pages 1-2 of Annex 1.
- ⁷ United Nations.
- ⁸ Special Rapporteur.
- ⁹ Convention on the Elimination of All Forms of Discrimination against Women.
- ¹⁰ United Nations Convention Against Torture.
- ¹¹ National Mechanism for Implementation, Reporting and Follow-up
- ¹² UPR recommendations outlined on pages 2 of Annex 1.
- ¹³ National Adaptation Plan.
- ¹⁴ National Development Plan.
- ¹⁵ UPR recommendations outlined on pages 2-3 of Annex 1.
- ¹⁶ Human Rights and Anti-Discrimination Commission.
- ¹⁷ UPR recommendations outlined on pages 3-4 of Annex 1.
- ¹⁸ Open Merit Recruitment System.
- ¹⁹ Tertiary Scholarships and Loans Service.
- ²⁰ Fiji Corrections Service.
- ²¹ UPR recommendations outlined on pages 4-6 of Annex 1.
- ²² National Climate Change Coordination Committee.
- ²³ Standard Operating Procedures.
- ²⁴ Disaster Risk Reduction.
- ²⁵ Non-Governmental Organisation.

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- 26 Ministry of iTaukei Affairs.
 27 National Disaster Management Office.
 28 Sustainable Development Goals.
 29 Climate Change Act 2021.
 30 National Disaster Management Office.
 31 Ministry of Education.
 32 Ministry of Women, Children and Social Protection.
 33 Japan International Cooperation Agency.
 34 UPR recommendations outlined on pages 6-7 of Annex 1.
 35 Fiji Police Force.
 36 Convention against Torture Initiative.
 37 UPR recommendations outlined on page 7 of Annex 1.
 38 Rights Empowerment and Cohesion Programme.
 39 Ministry of Women, Children and Social Protection.
 40 Ministry of Justice.
 41 UPR recommendations outlined on pages 7-8 of Annex 1.
 42 Media Industry Development Act 2010.
 43 International Convention on the Elimination of All Forms of Racial Discrimination.
 44 UPR recommendations outlined on pages 8-9 of Annex 1.
 45 Faith Based Organisation.
 46 UPR recommendations outlined on pages 9-10 of Annex 1.
 47 Ministry of Rural & Maritime Development.
 48 International Labour Organisation.
 49 UPR recommendations outlined on pages 10-11 of Annex 1.
 50 International Covenant on Civil and Political Rights.
 51 International Covenant on Economic, Social and Cultural Rights.
 52 World Health Organisation.
 53 United Nations Children's Fund.
 54 Ministry of Health and Medical Services.
 55 UPR recommendations outlined on page 11-12 of Annex 1.
 56 United Nations Development Program.
 57 Convention on the Rights of the Child.
 58 Convention on the Rights of Persons with Disabilities.
 59 Office of the High Commissioner for Human Rights.
 60 Fiji women's Crisis Centre.
 61 United Nations Office on Drugs and Crime.
 62 UPR recommendations outlined on pages 12-14 of Annex 1.
 63 Gender Based Violence.
 64 UPR recommendations outlined on page 14 of Annex 1.
 65 Institutional Capacity Development Initiative.
 66 UPR recommendations outlined on page 14-16 of Annex 1.
 67 Ministry of Civil Service.
 68 UPR recommendations outlined on page 16 of Annex 1.
 69 UPR recommendations outlined on pages 16-17 of Annex 1.
 70 UPR recommendations outlined on page 17 of Annex 1.
 71 Office of the Director of Public Prosecutions.
 72 UPR recommendations outlined on page 18 of Annex 1.
 73 UPR recommendations outlined on page 18 of Annex 1.
 74 UPR recommendations outlined on page 18 of Annex 1.
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