

Fiji

CANDIDATE FOR THE
HUMAN RIGHTS COUNCIL
2019 - 2021

EQUALITY IN DIVERSITY



Fiji Mission To The United Nations And
Other International Organisations, Geneva
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OVERVIEW

Fiji is presenting its candidacy for the Human Rights Council (Council) for the term 2019 – 2021, the first Pacific Small Island Developing State (PSIDS) to declare its candidacy to the Council. Fiji intends to be actively involved in the Council to ensure the proper functioning of the Council in protecting, promoting and encouraging respect for human rights and fundamental freedoms for all.

ACTIONS AND PRIORITIES

Implementation of the Universal Periodic Review

The Fijian Government is firmly committed to advancing and protecting the fundamental principles and values of universal human rights enunciated in the Universal Declaration of Human Rights whilst cultivating an ethos of a responsible human rights culture. To this end, the Fijian Government at its second Universal Periodic Review Cycle (UPR) reaffirmed its commitment.

To date, Fiji has ratified **five** of the core international human rights instruments, which are:

- Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 1973;
- Convention on the Rights of the Child (CRC) in 1993;
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1995;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 2016; and
- Convention on the Rights of Persons with Disabilities (CRPD) in 2017.



In May 2018, the Fijian Parliament approved the ratification of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Fiji is currently in the process of drafting the relevant instruments for deposit.

For Fiji, the road to ratification of the core international human rights instruments has been made relatively easy because of the salient and salutary provisions in the Bill of Rights chapter in the Fijian Constitution. These rights are enforceable through an independent judiciary and by the Human Rights and Anti-Discrimination Commission which continues to strive to develop human rights jurisprudence under the Constitution. More importantly, the application of such rights in Fiji is no longer simply confined to their vertical application but also their horizontal application. In other words, these rights are also enforceable against private actors.

Also in accordance with its UPR commitments, Fiji has since issued a standing invitation to UN Special Procedures to assist in progressively realising the rights guaranteed under the Constitution. The first of such visit was undertaken in December 2015 by the Special Rapporteur on the Right to Education, followed by the Special Rapporteur on Racism and Xenophobia in December 2016; and subsequently by the Independent Expert on the enjoyment of human rights by persons with albinism in December 2017. Fiji was happy to welcome the High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, in February 2018. This was the first visit by a High Commissioner to Fiji and Fiji welcomed the constructive nature of his recommendations.

Climate Change and Human Rights

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



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Fiji was a strong voice in the discussions leading to the Paris Agreement and was among the first to ratify. Fiji's Presidency of the 23rd annual Conference of the Parties to the 1992 United Nations Framework Convention on Climate Change (COP23) as the first ever Small Island Developing State, transformed what was initially expected to be a low-profile working COP into a moment for inspirational political momentum for the full implementation of the Paris Agreement.

Fiji brought the 'Bula Spirit' to the climate conference, which infused both the formal negotiations and the climate action zone with a sense of urgency, warmth, inclusiveness and transparency. For a process that in the past has often been viewed as closed off and disconnected from the lives of ordinary people, this is the most important legacy of COP23. It was truly a people's COP.

COP23 introduced the first Open Dialogue between governments and civil society to discuss key issues related to the negotiations, national implementation of ambitions and how to better engage civil society in national and international climate action. One of the immediate effects was wider access to the intergovernmental negotiations.

Fiji has endeavoured to use the power of the COP Presidency to put people first and connect the complex negotiations with the real, everyday concerns and aspirations of people. COP23 saw a number of important processes launched and operationalised that will benefit the marginalised and most vulnerable by the impacts of climate change. Fiji will continue to prioritise the momentum of ambitious climate action and protection of human rights in the Council.

Gender Equality and Non-Discrimination

The Fijian Constitution, for the first time, guarantees freedom from discrimination on the grounds of sex, gender identity and expression, marital status, pregnancy, culture, social origin, social or health status, religion and conscience. Notwithstanding such constitutional guarantees, Fiji accepts that attitudinal change is necessary to protect all persons against discrimination. Fiji is committed to forging attitudinal change and removing all discriminatory practices through the implementation of the National Gender Policy.



Fiji affirms its respect and commitment to upholding all principals of human rights and will work to ensure compliance in all facets of civil, political and State conduct. As outlined previously under the implementation of CEDAW, the Fijian Government has rolled out a variety of initiatives in order to address issues surrounding gender based violence. Fiji successfully concluded its CEDAW review of its fifth periodic report in 2018 and will continue to forge its commitment in promoting gender equity, equality, social justice and sustainable development in the Council.

The Removal of Racism and Xenophobia from Laws and Policies

The Fijian Constitution for the first time has established the principle that every Fijian is equal. It does not define or divide Fijians by ethnicity and bestows the title of “Fijian” on every citizen of our country, while equally recognising and protecting their different cultures, customs, traditions and language.



Fiji has embarked on various reforms in the civil service and also in the education sector. The civil service policy is now one that is based on meritocracy. The Fijian Government has done away with discriminatory policies for the civil service put in place by previous governments. Our experience of such policies was that rather than addressing the



ostensible inequalities, these policies only further advanced an elite agenda and clique. In light of this experience, all appointments in the civil service are now made on the basis of qualification and performance alone. The civil service has undergone robust reform which ensures that the systemic prejudice based on race, ethnicity, gender identity and religion is eliminated.

Social, Economic and Cultural Rights

The right to development must be realized 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 and sanitation, to health and to social security. The right to vote is meaningless

without a recognition that poverty and lack of access to basic services and other socio-economic rights create barriers to democracy itself. Fiji devotes most of its resources on capital development to roads, bridges, hospitals and schools, and will continue to give priority to the development of economic, social and cultural rights in the human rights discourse at the Council.



Protection of Oceans

As with all SIDS, Fiji recognises the significance of its role as a large ocean state with more than 90 percent of its national boundaries made up of ocean. Fiji also recognises that a healthy ocean is critical to the economic, cultural and social wellbeing of vulnerable countries. A direct result of Fiji's critical relationship with the sea and the immediate threats to healthy oceans, inspired Fiji's role in co-hosting the first ever UN Oceans' Conference in June 2017

which mobilised action for the conservation and sustainable use of the oceans, seas and marine resources. In addition to this, Fiji also launched an Ocean Pathway Partnership with Sweden at COP23.

Fiji has, whilst losing its own coastal lands to the sea, offered a home to other PSIDs which are under threat as a result of climate change. Fiji looks to partnerships with all international organisations which share the vision of substantive equality and substantive democracy. Such partnerships will be guided and paved by Fiji's Council membership, which will provide a voice for PSIDs for the first time in its history.

Other Priorities

Fiji recognises that every State has much to learn and implement across the human rights spectrum and intends to contribute to the international development of these norms whilst challenging itself to do more, and better.

For the first time in Fiji's history, the Fijian Constitution includes in its Bill of Rights, enforceable rights to adequate housing and sanitation, food and water, education, health, social security, clean and healthy environment and reasonable access to transportation.



The constitutional right to education for all persons and to girls and boys equally, continue to be a priority for Fiji. The Fijian Constitution provides for free and compulsory primary and secondary education. Fiji recognises that an enlightened and progressive nation is one which invests in education that is non-discriminatory and performance based.

Fiji is committed to continuously strengthening and supporting its judiciary through judicial reforms which are consistent with the United Nations Declaration on the Independence of the Judiciary, and to removing barriers to substantive democracy and equality in its national institutions, policies and laws.

The Fijian Constitution establishes an independent Human Rights and Anti-Discrimination Commission (HRADC) which is responsible for promoting the protection and observance of, and respect for, human rights and to develop a culture of human rights in Fiji. The HRADC is also responsible for monitoring, investigating and reporting on observance of human rights, with the power to apply for redress for violation of human rights.

Protecting the rights and freedoms guaranteed under the Fijian Constitution is a priority for Fiji, which will be further translated through its Council membership.

VOLUNTARY PLEDGE AND COMMITMENTS



1. As a member of the Human Rights Council, Fiji will work in a spirit of cooperation and dialogue to drive progress with human rights around the world. The Council should be a forum for dialogue, mutual understanding, shared values and common progress.
2. As part of its commitment to cooperation, during its membership Fiji commits to further strengthening its engagement and cooperation with the Council and its mechanisms, and with the Treaty Bodies. Fiji has extended a standing invitation to Special Procedures to visit Fiji based on priority areas for Fiji. During its membership, Fiji will pursue, in particular, visits by the Special Rapporteur on human rights and the environment and by the Special Rapporteur on the right to freedom of religion. Fiji also commits to ratifying those international human rights instruments to which it is not yet Party, and clearing its backlog of periodic reports to the UN Treaty Bodies.
3. If elected, Fiji will become only the third Small Island Developing State to ever become a member of the Council. The fact that few SIDS and LDCs have stood for and won election to the Council undermines the body's legitimacy and effectiveness, and runs counter to the universality of human rights. If elected, Fiji will therefore work to increase the participation of SIDS, especially PSIDS, in the work of the Council, including by supporting and working with the LDC-SIDS Trust Fund, by working with the Commonwealth Small States Office to ensure all PSIDS have a presence in Geneva, and by exchanging experiences and good practices regarding Council membership with other SIDS.

4. Fiji will further develop its national mechanism for implementation, reporting and follow-up (NMIRF), so that it becomes one of the world's leading implementation mechanisms. This will include leveraging information technology to make the NMIRF more efficient and transparent. Fiji will also host a regional meeting of Pacific NMIRFs to exchange good practice.
5. Fiji will offer strong support to Council initiatives where it has a particular interest, including: human rights and climate change; human rights and environment; human rights and migration; human rights of internally displaced persons; women's rights, sexual and reproductive rights, and violence against women; independence of judges and lawyers; and torture prevention.
6. Fiji will continue to build bridges between the international human rights and climate change communities, so that human rights obligations and commitments may inform and strengthen the implementation of the UNFCCC Paris Agreement. Fiji will focus, in particular, on ensuring that climate policy takes into account the particular vulnerabilities and potential (as agents of change) of women, children and persons with disabilities.
7. Fiji pledges to champion global recognition of the universal right to a safe and healthy environment, as called for by the UN Special Rapporteur on human rights and the environment in March 2018.
8. Regarding situations of violations of human rights, Fiji will emphasise the importance of prevention (in accordance with the Council's mandate): both the prevention of violations at root cause level by building domestic resilience and local capacity, and by responding promptly to human rights emergencies via engagement and cooperation with the concerned State and region. In-so-doing, Fiji will remain objective, and will avoid politicisation or selectivity.
9. Fiji pledges to work with other interested States, including other Small States, to guide reform of the Council's work under item 10 of its agenda so that the body can better act as a forum for States to share information on progress with implementation, and request international technical assistance and capacity-building support in an atmosphere that inspires confidence and cooperation.



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