



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Reports submitted by States parties under article  
9 of the Convention**

**Eighteenth to twentieth periodic reports of States parties due  
in 2012**

**Fiji**\* \*\* \*\*\*

[10 February 2012]

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\* This document contains the eighteenth, nineteenth and twentieth periodic reports of Fiji due in 2008, 2010 and 2012, submitted in one document. For the sixteenth and seventeenth periodic reports and the summary records of the meetings at which the Committee considered this report, see documents CERD/C/FJI/17 and CERD/C/SR.1850, 1851 and 1867.

\*\* In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\*\* Annexes are reproduced in the language of submission only.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Periodic report of the Republic of Fiji to the Committee on the Elimination of All Forms of Racial Discrimination .....	1–19	3
A. Introduction .....	1–7	3
B. Reservations.....	8–10	3
C. People’s Charter for Change and Progress .....	11–17	4
D. Free and fair elections.....	18–19	5
II. Legislation adopted by the Government of Fiji.....	20–85	6
Article 2 .....	20–38	6
Article 3 .....	39–40	11
Article 4 .....	41–45	12
Article 5 .....	46–74	12
Article 6 .....	75–76	17
Article 7 .....	77–85	17
III. Reporting process.....	86–89	19
<b>Annexes</b>		
I. Relevant domestic law incorporating CERD.....		20
II. List of schools renamed to remove racial connotation (2011).....		32

## **I. Periodic report of the Republic of Fiji to the Committee on the Elimination of Racial Discrimination**

### **A. Introduction**

1. With the recent naming of all citizens as “Fijians”, the Republic of Fiji [hereinafter “Fiji”] in accordance with article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination (the Convention) welcomes the opportunity to present to the Committee on the Elimination of Racial Discrimination (the Committee) its 18th, 19th and 20th combined reports on the legislative, judicial and administrative and other measures which it has adopted to give effect to the provisions of the Convention.

2. The Government of the Republic of Fiji (hereinafter “the Fijian Government”) submits its combined reports based on the guidelines adopted by the Committee at its seventy-first session (CERD/C/2007/1) from 30 July-17 August 2007. It has also taken into consideration the harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2006/3 and Corr.1).

3. The report focuses on the concluding observations (CERD/C/FJI/CO/17) that were made by the Committee on the 16th and 17th reports of Fiji [hereinafter the “last report”] and measures taken to give effect to articles 2 to 7 of the Convention. This report is intended to capture achievements and changes since the last report that was tabled in 2007.

4. As articulated in the common core document, Fiji is certainly in the transition period of what it confidently anticipates will be “A Better Fiji for All”. The Roadmap for Democracy and Sustainable Socio-Economic Development 2009-2014, which is a culmination of the People’s Charter for Change, Peace & Progress (the People’s Charter) and the Strategic Framework for Change call for the dismantling of the social and legal structures that have institutionalised racism.

5. Pillar 2 of the People’s Charter, “Developing a Common National Identity and Building Social Cohesion” expresses the Fijian Government’s commitment to unifying all Fijians through a common name and identity.

6. Government has issued a directive that all collection of data that typifies ethnicity is no longer to be conducted. Where available, information showing ethnic origin has been included. In this report, indigenous Fijians are referred to as iTaukei and all other citizens are referred to as Fijians.

7. This certainly addresses concerns raised by the Committee (CERD/C/FJI/CO/17) in the last report on the use of ethnicity on official forms. This is no longer a practice and all Government forms no longer include a race/ethnicity component.

### **B. Reservations**

8. The 1973 succession of Fiji to the International Convention on the Elimination of All Forms of Racial Discrimination also expressly affirmed the reservations and declarations subject to which the Government of the United Kingdom had ratified that Convention on behalf of the then colony of Fiji.

9. The commitment of Fiji to the elimination of racial discrimination was declared by the Fijian Prime Minister at the high-level meeting of the General Assembly held in New York on 22 September 2011 to commemorate the 10th anniversary of the adoption of the Durban Declaration and Programme of Action.

10. Fiji therefore has definite intentions to withdraw its reservations under the relevant provisions of the Convention upon the completion of the necessary consultation.

### **C. People's Charter for Change, Peace and Progress**

11. In response to the Committee's concerns about the inclusive process, the Government would like to convey to the Committee that the People's Charter as elaborated in the common core document was a product of extensive, nationwide consultations of the Draft People's Charter coordinated by the the National Council for Building A Better Fiji (NCBBF) carried out extensive, nationwide consultations on the Draft People's Charter.

12. This involved the:

- Publication (in English and the vernacular), and distribution throughout the country, of the Draft People's Charter, the Executive Summary of the SNE Report, and a pamphlet on Electoral Reform; and
- Direct consultation with the people to gauge public opinion on the Draft People's Charter. A Response Form to record public opinion was utilized.

13. The NCBBF identified all adult persons, aged 18 years and over, as the targeted audience for consultations on the Draft People's Charter. 250,000 copies of the People's Charter Documents were published, and these were distributed to as many people as possible across the country. In addition, information on the contents of the Draft People's Charter and the SNE Report were communicated extensively through the radio and print media. The documents were also made available through the internet on both the NCBBF and the Ministry of Information websites. Published documents were made available in the English, iTaukei and Hindi languages and distributed throughout Fiji from 21 August to 30th November, 2008.

14. Public outreach teams consisting of NCBBF and Technical and Support Secretariat (TASS) members, public servants, and representatives of various non-government organizations were established for each Division to undertake direct public consultations through:

- Public meetings in villages, settlements and urban centers throughout the country;
- House-to-house visits in towns, cities and most rural settlements; and
- Presentations to public servants in all Government Ministries and Departments and other State institutions, statutory bodies and business houses.

15. A brief presentation on the Draft People's Charter and clarification of any issues were provided during each visit and public forum, before people were requested to provide their views and opinions on the Draft People's Charter through the Response Forms provided.

16. Public consultations on the Draft People's Charter were completed in early December 2008. The NCBBF received a Report from its TASS on the outcomes of the nationwide consultation process. As of 10 December, 2008, of the 533,782 people in Fiji aged 18 years and above, the People's Charter process had outreached and consulted a total of 424,660 persons, this representing 80 per cent of the adult population. Of this number, a total of 372,311 persons provided their feedback by completing the Response Forms; and of these, a total of 342,592 or 92.0 per cent affirmed their support for the draft People's Charter. An additional 11,300 or 3.6 per cent of those completing the Response Forms, also expressed support for the draft People's Charter but subject to certain changes being incorporated. Those not supporting the draft People's Charter totaled 14,481, this representing 4.4 per cent of the respondents. The total number of respondents who

expressed support for the Draft People's Charter without any changes to its contents, i.e. 342,592, constitutes 64.2 per cent of the total adult population aged 18 years and above.

17. For the total adult population of 489,708 i.e. those of age 21 years and above, the consultation process outreached 391,586 people or 80 per cent. Of these, a total of 342,540 persons completed the Response Forms; and of that, 316,529 or 92.4 per cent indicated support for the Draft People's Charter without any changes to its contents. A further 10,327 or 3 per cent of the respondents expressed support but with some qualifications; and a total of 12,295 or 4 per cent of the respondents did not support the Draft People's Charter. Thus, the total number of respondents who expressed support for the Draft People's Charter without any changes to its contents constitutes 64.6 per cent of the total population aged 21 years and above.

#### **D. Free and fair elections**

18. The Committee had also raised its concerns anticipating the conduct of "free and fair elections". The Government is pleased to convey that it will commence nationwide consultation on the formulation of a new constitution as an integral component of the electoral reform process. To that end, Government in due course will announce the company that has been selected to prepare the country for the 2014 election in terms of the operation of the electronic voting, following rigorous vetting of proposals from companies of international reputation and experience.

19. The State of the Nation Report (SNE) published by the National Council for Building A Better Fiji (NCBBF), August 2009, sets out the proposed electoral reforms as follows:

- The complete abolition of the communal representation system and the use of a common roll for all future elections;
- The adoption of a Proportional Representation (PR) System under an Open List system;
- That specific anti-discrimination measures be incorporated into Fiji's electoral laws to ensure no person is discriminated against by political parties on the grounds of race, religion, gender or circumstance;
- That a relatively small number of large constituencies, but no more than five, is adopted to maximize the proportional benefits of a PR electoral system; and
- The reduction of the voting age from 21 to 18.

## II. Legislation adopted by the Government of Fiji

### Article 2

20. Domestic laws in Fiji encompass the definition of discrimination based on race, colour, descent, or national or ethnic origin. As articulated in the common core document, since the last report of Fiji, the abrogation of the Constitution has led to the formulation of various decrees that govern Fiji and its citizens. This has led to the current legislative reform with a genuine intention to put an end to archaic laws and legislations that allow for discrimination against any ethnic group or race-based legislation that would further the racial rift amongst the ethnic communities represented in Fiji.

21. However, there is yet to be specific race legislation or domestic law on “racial discrimination” per se, but there are laws that prohibit discrimination on the grounds of race. Tabulated as annex 1 are details of domestic laws that have incorporated the Convention and other related human rights conventions.

22. To highlight specific examples, the National Employment Centre Decree of 2000 articulates in its interpretation clause “indirect discrimination” to mean any apparently neutral situation, regulation of practice which in fact results in unequal treatment of persons with certain characteristics that occurs when the same condition, treatment or criterion is applied to everyone, but results in a disproportionately harsh impact on some persons on the grounds set out in section 9 of this Decree, and is closely related to any inherent requirement of the job.

23. Subsequent to the abrogation of the Constitution in 2009, the Fijian Government decreed that the Public Emergency Regulations would be used to administer public safety and public order in the Fiji Islands. This was a transition measure only to attune the political, legal, civil, economic and social institutions to protecting the domestic interests of Fiji whilst complying with our international obligations. The Fijian Government has not disallowed the gathering of groups or community members but has laid down a permit system administered by the Law Enforcement Agencies.

24. The Fijian Government as at 7 January 2012, lifted the PER and now has in place the Public Order (Amendment) Decree 2012 which safeguards communities and specifies the prohibition of racial vilification. This is critical given the past political history of Fiji in 1987 and 2000, when race and religious vilification were used to create public disorder, harassment and intimidation, holding the entire country to ransom. Such laws are necessary to enable Fijians to discuss their future equally without being threatened in the lead-up to the 2014 elections.

25. In response to the Committee’s request for an elaboration of the interpretation of “indigenous” Fijians, the Government wishes to inform the Committee that indigenous Fijians are referred to as “iTaukei”. In domestic laws, in particular the iTaukei Affairs (Amendment) Decree, which was formerly referred to as the Fijian Affairs Act, indigenous Fijians or iTaukei “includes every member of an aboriginal race indigenous to Fiji and also includes every member of an aboriginal race indigenous to Melanesia, Micronesia or Polynesia living in Fiji who has elected to live in a iTaukei village”.

#### 1. National identity

26. The Fijian Government is also pleased to convey to the Committee of the amalgamation of a common national identity and that all Fiji citizens regardless of their

ethnic origin can now call themselves “Fijian” with no fear of reprisal. This has removed the racial label which had been in existence in Fiji for more than 100 years.

27. The Fijian Government has approved the iTaukei Affairs (Amendment) Decree 2010 that came into effect on 1 July 2010, which replaces “Fijian” or “indigenous” or “indigenous Fijian” with the word “iTaukei” in all written laws and all official documentation referring to the original and native settlers of Fiji. To that effect, all Fiji citizens are now called Fijians. All Government agencies are to effect these changes in all their official communication in any form whatsoever. All State documents of any nature whatsoever have been amended by replacing the word “Fijian” (wherever it currently refers to indigenous Fijians) with the word “iTaukei”.

28. In responding to the Committee’s concerns regarding the low representation of Fijians of Indian origin in the Military, the Fiji Police Force and Public Administration, the Government would like to convey to the Committee its commitment to the elimination of all forms of discrimination. All recruitment is merit based.

29. As of December 2011, the ethnic representation in the Civil Service as tabulated below indicates that 63 per cent of the 22,652 civil servants consist of iTaukei followed by 34 per cent of Fijians of Indian origin and a minimal percentage of Fijians of other ethnic origin and expatriates. Since 2003, the ethnic proportion of the Civil Service has not changed significantly and closely resembles the ethnic proportion of Fiji’s population.

**Table 1: Composition of civil servants by ethnicity (2003 - 2010)**

Years	Fijian (iTaukei)		Fijian (Indian origin)		Fijian (Other Ethnic origin)		Expatriates		Total
	No	%	No.	%	No.	%	No.	%	
2003	11416	63	6252	34	388	2	150	1	18206
2004	11685	63	6247	34	423	2	131	1	18486
2005	11729	64	6058	33	422	2	105	1	18314
2007	12841	62	7478	36	469	2	88	0.4	20876
2008	13102	62	7419	35	477	2	99	0.5	21097
2009	12893	66	6170	32	422	2	86	0.4	19571
2010	13518	66	6597	32	425	2	87	0	20627
2011	14362	63	7677	34	477	2	136	1	22652

Source: Public Service Commission

30. The Republic of Fiji Military Forces (RFMF) is committed to promoting equality and diversity, both in the workplace and in its management practices, ensuring equal employment opportunities are accessible to everyone interested in joining the organization. The Army Legal Service and the Chaplaincy/Counseling department support military personnel at all levels to help maintain a working environment free of harassment and discrimination. Approximately 100 per cent of positions in the RFMF are available to females. Equity and diversity principles apply to all RFMF personnel. “Equity and diversity” means fair treatment with everyone given equal opportunity to make the most of their talents and abilities.

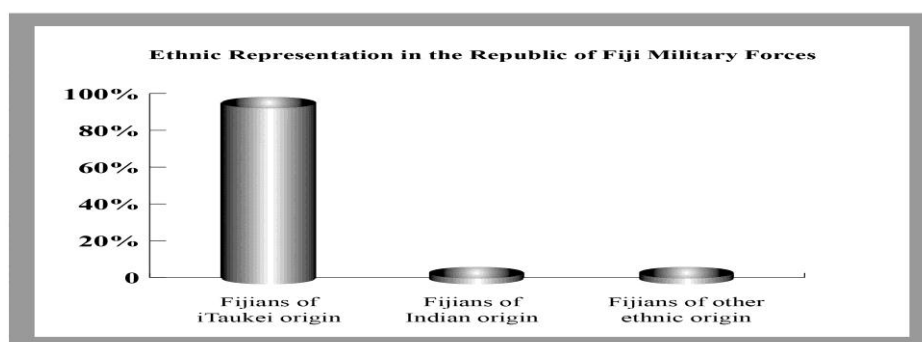
31. In response to concerns raised by the Committee, the RFMF invites expressions of interest and applications from all Fijians, yet experience has shown that non-iTaukei either show little interest in applying or have a high turnover rate when recruited. The Republic of Fiji Military Forces (RFMF) expects its members to be of the highest caliber, both physically and ethically, so it has in place a number of regulations which may impact on the lifestyle of military personnel. The criteria for eligibility for the RFMF are as follows:

- Be a Fiji citizen;
- Be aged from 18 - 25 years unless you are enlisted as a specialist, e.g. doctors, lawyers and chaplains;
- Pass specific medical and physical standards;
- No adverse police record;
- Meet the minimum educational standard, that is a good pass in the Fiji School Leaving Certificate or higher exams and qualifications; and
- The minimum height is 152 cm without shoes.

32. The following graph indicates the ethnic composition of the RFMF. The Government reiterates its commitment to a non-discriminatory approach in its recruitment and selection process.

**Table 2: Ethnic representation in the Republic of Fiji Military Forces**

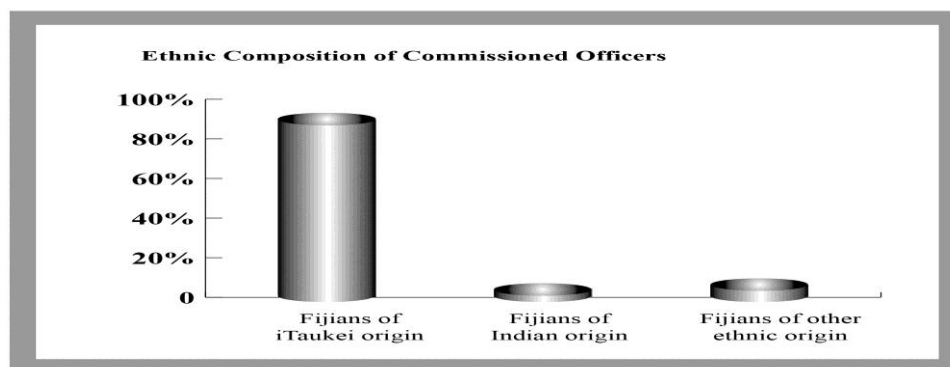
<i>Ethnic Origin</i>	<i>Percentage</i>
Fijians of iTaukei origin	95%
Fijians of Indian origin	2.8%
Fijians of other ethnic origin	2.2%



**Table 3: Ethnic composition of commissioned officers**

<i>Ethnic Origin</i>	<i>Percentage</i>
Fijians of iTaukei origin	89.5%
Fijians of Indian origin	4.2%
Fijians of other ethnic origin	6.3%

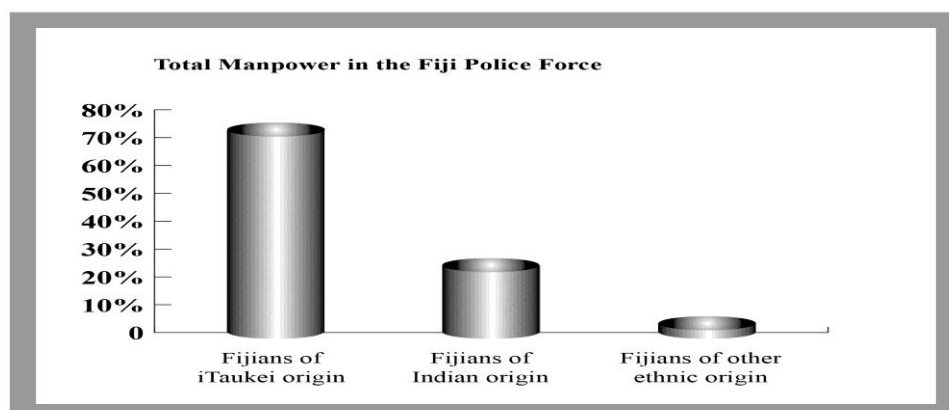




33. The Fiji Police Force is also committed to the elimination of all forms of discrimination. Illustrated below in response to the request by the Committee is the ethnic proportion of those in the Fiji Police Force.

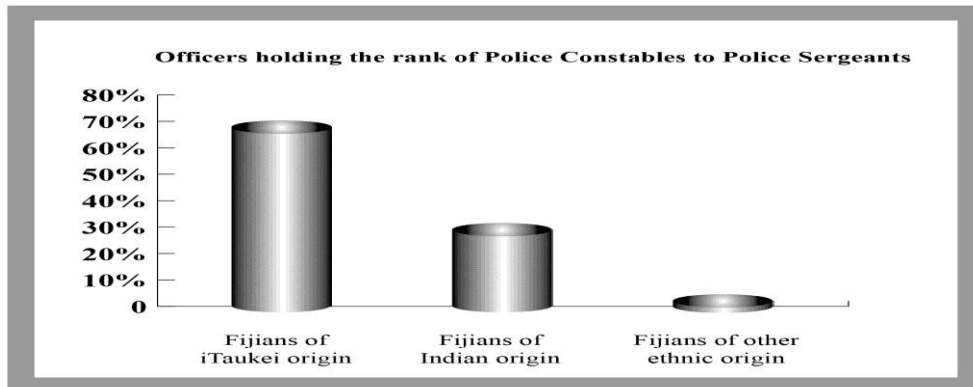
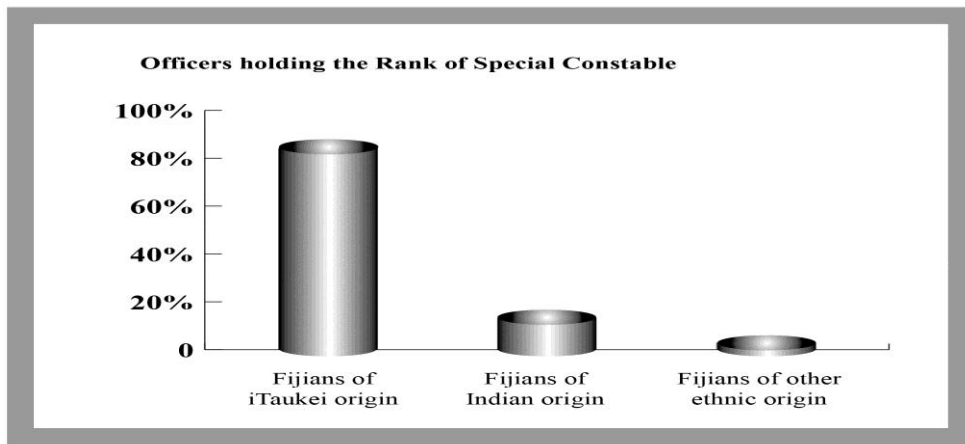
**Table 4: Total manpower in the Fiji police force**

<i>Ethnic Origin</i>	<i>Percentage</i>
Fijians of iTaukei origin	72.6%
Fijians of Indian origin	24.0%
Fijians of other ethnic origin	3.4%



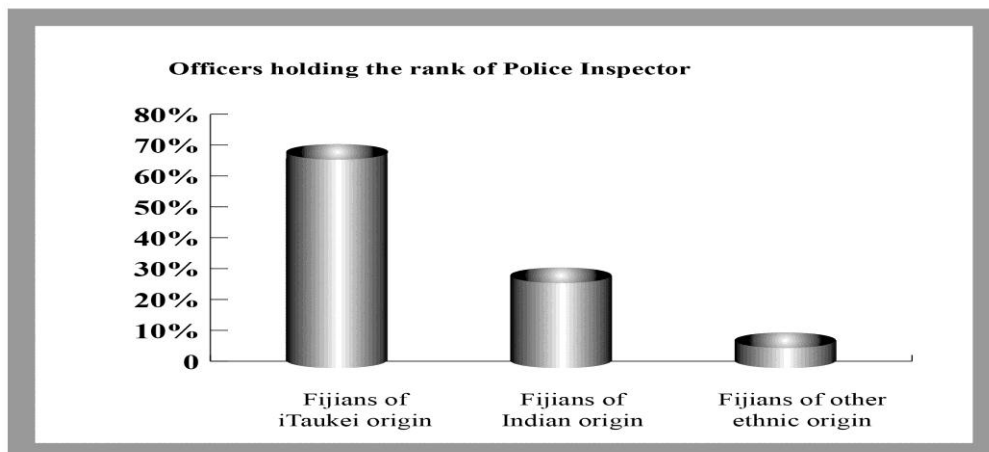
**Table 5: Special Constables**

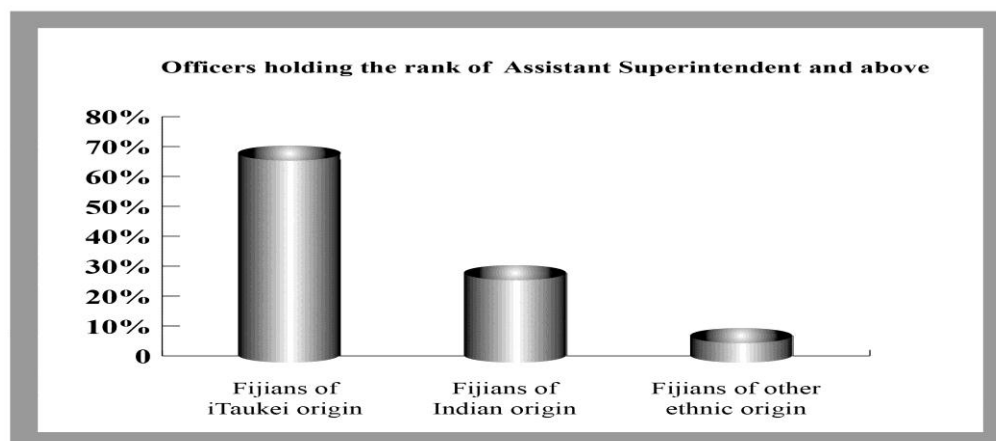
<i>Ethnic Origin</i>	<i>Percentage</i>
Fijians of iTaukei origin	84.1%
Fijians of Indian origin	13.2%
Fijians of other ethnic origin	2.7%



**Table 6: Inspectorate officers**

<i>Ethnic Origin</i>	<i>Percentage</i>
Fijians of iTaukei origin	65.6%
Fijians of Indian origin	27.7%
Fijians of other ethnic origin	6.7%





34. Illustrated above are ethnic compositions in the Fiji Police Force at various levels. From the lower levels of Special Constables to the higher ranks of Inspector and Assistant Superintendents, the composition closely resembles that of the Public Service.

## 2. National Human Rights Institution

35. The current Fiji Human Rights Commission is established under the Human Rights Commission Decree No 11 of 2009, repealing the Human Rights Act 1999. The Commission promotes human rights and educates the public about these rights, making recommendation to the Government on complaints and investigations that breach these rights.

36. The Fiji Human Rights Commission (FHRC) operates under the Human Rights Decree No. 11 of 2009.

37. Section (4) The functions of the Human Rights Commissions are:

*“ to educate the public about the nature and content of this Decree, including its origins in international conventions and other international instruments, and the responsibilities of the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and other organs of the General Assembly of the United Nations for promoting respect for human rights;”*

38. The FHRC continues to investigate alleged human rights breaches without an official Ombudsman and Chairperson. In 2010, the FHRC received 42 complaints, 29 of which were taken to court and 16 of those before the courts were in relation to complaints by women. These complaints were largely in relation to domestic violence and family court cases.

## Article 3

39. Government has now supported its combat against all forms racial discrimination with appropriate legislation as identified under Article 2 (annex 1).

40. Government is committed to creating a just society that is free from all forms of discrimination. A key underlying principle of the People’s Charter and the Roadmap for Democracy and Sustainable Socio-economic Development is the right to equal opportunity and equality under the law for all citizens regardless of race, gender, or circumstance in all areas of Government and society.

## Article 4

41. The Government remains committed to the elimination of racial discrimination and is against any organisation that disseminates ideas based on racial superiority or hatred, acts of violence or incitement of such acts. Such organisations are condemned and discouraged by the Government in accordance with the Laws of the country. The Government maintains its strong rejection of any doctrine that conveys racial superiority or inferiority along with theories which attempt to discriminate between the races in Fiji.

42. The existence of the Public Order (Amendment) Decree of 2012 maintains public security, which in effect limits the assembly of such organisations and propaganda from inciting racial discrimination on the basis of superiority of certain groups over others or based on race.

43. The Media Decree 2009 (Decree No. 29) is a clear demonstration of the State's commitment to the Convention by prohibiting, limiting or discouraging discrimination on the grounds of race and ethnicity via the powerful medium of the media by setting certain standards in terms of reporting and advertising and provides a wider range of penalties to compel compliance with the Media Code and the provisions of the Decree, namely:

(a) Order the media organization to pay a penalty not exceeding a sum of \$100,000;

(b) Order the publisher or editor of any media organization to pay a penalty of a sum not exceeding \$25,000;

(c) Order the journalist or an employee, officer, servant or agent of any media organization to pay a financial; penalty of a sum of not exceeding \$1,000;

(d) Order the media organization or an employee, officer, servant or agent of that media organization to make a written apology to the complainant or the Authority, as the case may be;

(d) Order the media organization to pay monetary compensation of a sum not exceeding \$100,000 to any person aggrieved or adversely affected by the conduct of the media organization or any employee, officer, servant or agent of that media organization;

(e) Order that the publisher or editor of a media organization pay monetary compensation of a sum not exceeding \$25,000 to any person aggrieved or adversely affected by the conduct of the media organization or any employee, officer, servant or agent of that media organization.

44. The Ministry for Local Government has issued a written directive to Municipal Councils to ensure equal opportunities for all races. Furthermore a later directive issued to the Housing Authority, Public Rental Board and the Housing Assistance & Relief Trust (HART) stated that the names of both husbands and wives shall be registered on the leases issued to their tenants.

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## Article 5

46. The Fijian Government is committed to ensuring the rights of all Fijians. Through the policy directions from the Government which are embedded in domestic laws, the

Roadmap for Democracy and Socio-Economic Development is a guiding framework for all Government Ministries. All policies and programmes are monitored closely by the Strategic Framework for Change Coordinating Office to ensure the implementation of Government Reforms.

47. Fiji has four main types of land holdings: State Lands, Freehold Lands, iTaukei Leases and *vakavanua* iTaukei Lands. These land holdings can be further classified into two different types of land tenure systems: as a “western” land tenure system, and a “customary” land tenure system. Freehold Lands, State Lands and the portion of iTaukei Land that are leased out as “iTaukei Leases” operate under the “western” land tenure system; while the communally held iTaukei Lands operate under the “customary” or *vakavanua* land tenure system.

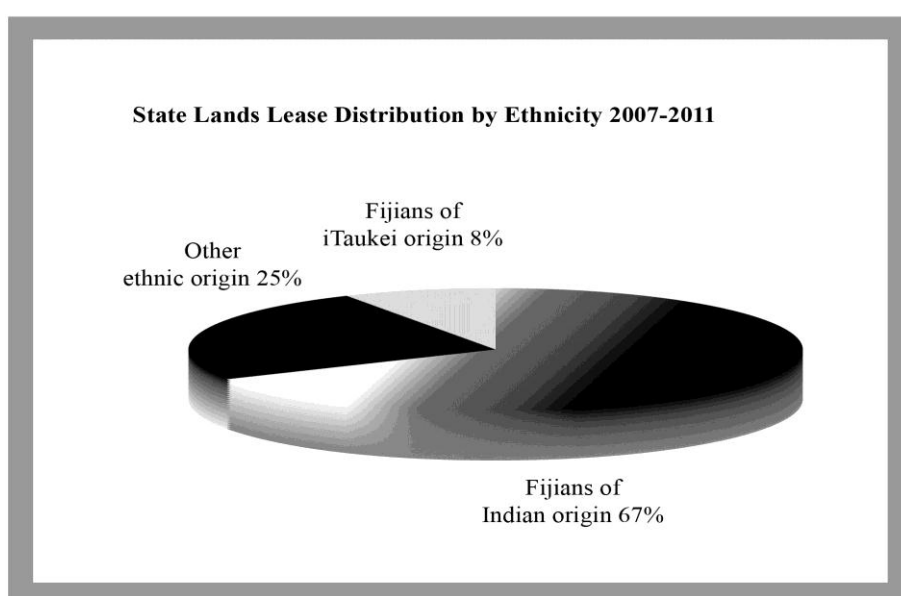
48. In response to the Committee’s concerns in the last report regarding land ownership, statistics indicate that 88 per cent of land in Fiji comprises of iTaukei land, 4 per cent State land and 8 per cent is Freehold land. iTaukei land is based on the system of communal ownership. Under this system land and communal land owners are registered, with no individual titles issued. Ownership of land is vested in the *mataqali* or tribal group as registered in the Register of iTaukei Lands (RTL). Individual membership of the land-owning unit is recorded in the Register of iTaukei (*Vola ni Kawa Bula-VKB*).

49. However, along with other Fijians they may access such land through the system of leasing administered by the iTaukei Lands Trust Board, pursuant to the provisions of the iTaukei Land Trust Act (Cap 134) or through the informal arrangements with land owners.

50. As for communally owned land, the Fijian Government promulgated the Land Use Decree 2010 to ensure access for everyone including non-citizens for sustained livelihood and economic growth. The Land Use Decree 2010 provides security for tenure by increasing the term of agricultural leases from 30 to ninety-nine (99) years.

51. State land is owned and administered by the State through the Ministry of Lands and Mineral Resources and can be leased by any person/entity for residential, agricultural and other commercial purposes.

**Figure: State Lands Lease Distribution by Ethnicity 2007-2011:**



Source: Ministry of Lands and Mineral Resources 2011

### 1. Right to equal treatment before courts, tribunals and other organs administering justice

52. All Courts and Tribunals in Fiji follow the same rules and procedures that existed under the abrogated 1997 Constitution, and in that all are treated equally adhering to natural justice and the independence of the courts is provided for in Section 4 of the Administration of Justice Decree 2009.

### 2. Right to security

53. The Fijian Government is committed to enhancing the operation of Fijian law and order institutions and to ensuring the country's national security and sovereignty. The National Security Strategy of Fiji endorsed by Government in 2010 including protecting the country's sovereignty, ending the cycle of coups and maintaining law and order. Fiji has put in place key strategies to enhance the operation of institutions within the law and justice sector including: developing capacity to effectively tackle crime; increasing focus on crime prevention and police accountability; strengthening the independence and accountability of the judiciary; effective rehabilitation of offenders; revision of laws and access to justice and accountability for legal practitioners.

54. Fiji is a signatory to the 1951 Convention relating to the Status of Refugees. The Department of Immigration has reported eight refugee applications to date. The Department ensures that any refugee applicant must be given all the necessary support and protection while their application is being processed. The Department also complies with the requirements of the Convention that a person must not be returned to their country or territory where they could become victims of human rights abuses.

55. In response to the Committee's request for the ethnic composition of the Prison Population, the Fijian Government is availing this information for 2011.

**Table: Ethnic composition of the prison population**

<i>Division</i>	<i>Indian origin</i>	<i>iTaukei</i>	<i>Other Ethnic Origins</i>	<i>Pacific Islanders</i>	<i>TOTAL</i>
Western	80	159	17	5	261
Northern	25	73	7	1	106
Southern	61	298	8	7	374
Central /Eastern	72	377	21	0	470
Total	238	907	53	13	1211

*Source: Fiji Corrections Service 2011*

### 3. Political rights

56. Fiji is at a crucial crossroads for the reforms necessary to break the barriers of "racial divide" if it is to realise a Common National Identity and Social Cohesion.

57. The Electoral Reforms that the Fijian Government has embarked on are captured in the Roadmap for Democracy and Sustainable Socio-Economic Development. The ultimate objective of the Electoral Reforms is to achieve "one person, one vote and one value" ensuring that no Fijian is discriminated against on the basis of race.

#### **4. Freedom of movement and residence**

58. Freedom of movement is protected under the Human Rights Decree 2009, Public Emergency Decree 2006 and Public Order (Amendment) Decree 2012 to name a few, with some exceptions in the interest of public order, public safety and in light of anti-discrimination provisions in the human rights-based domestic laws.

#### **5. The right to nationality**

59. Every Fijian is entitled to multiple citizenship pursuant to Section 14 of the Citizenship of Fiji Decree 2009 (Decree 23). Fijian citizenship may be acquired by birth, registration or naturalisation. Every child born in Fiji becomes a citizen unless at the date of birth, a parent of the Child has diplomatic immunity or neither parent is a citizen. An infant found abandoned in Fiji is deemed to have been born in Fiji in the absence of proof to the contrary. Any foreigner who has satisfied the requirements may apply for citizenship but the Fijian Government reserves the right to refuse the application if information has been received that the person(s) applying is/are a threat to national security. Anyone may apply for residence and marriage in Fiji, provided they comply with the conditions set out in the Citizenship of Fiji Decree No. 23 of 2009.

60. Prevention of Statelessness of Fijians is provided for under Section 19 of the Citizenship of Fiji Decree No. 23 of 2009.

#### **6. The right to work**

61. The Ministry for Labour, Industrial Relations and Employment (MLIRE) is responsible for overseeing labour relations in Fiji. Fiji has been a member of the International Labour Organization (ILO) since 1974 and to date has ratified a total of 30 ILO Conventions including the 8 core labour standards Conventions (Nos. 29, 87, 98, 100, 105, 111, 138, and 182).

62. MLIRE has focused its strategy on establishing an enabling and sustainable environment created through progressive policies, laws, programmes and actions. MLIRE is reforming all outdated labour policies, legislations, institutions and administration systems with the aim of providing a progressive business environment that promotes flexibility in wage setting, stable employment relationships, progressive health and safety standards, a better workers compensation system, improved terms and conditions of employment, a speedy and effective conflict resolution system and good faith bargaining that will prohibit discrimination on the grounds of race.

63. In reforming the labour policies, the MLIRE adopts the “Fundamental Principles and Rights at Work” enshrined in the eight (8) “core” ILO Conventions and other Conventions ratified by Government. It also ensures that these policies comply with the good governance principles. The strategic positioning of these new labour policies and institutions will also promote and facilitate trade and employment creation locally due to the insistence of the World Trade Organization (WTO) on core labour standards compliance as an important precondition to international trade in a democratized world.

#### **7. Employment Relations Promulgation 2007 (ERP)**

64. The ERP came into force on 2 April 2008. The ERP covers a very wide range of labour matters such as the fundamental principles and rights at work, the Employment Relations Advisory Board, compliance officers and their powers, contracts of service, protection of wages, holidays and leave, hours of work, equal employment opportunities (EEO), children, maternity protection, redundancy, employment grievances/disputes, registration/rights/liabilities of trade unions, collective bargaining, strikes and lockouts, essential services and the disputes resolution institutions.

65. The Government is committed to ensuring access to employment opportunities and has established its National Employment Centre through the National Employment Centre Decree 2009 (Decree No. 54), which provides a legislative framework enabling the provision of employment services. A salient feature of the National Employment Centre Decree is the elimination of direct and indirect discrimination towards any unemployed person or volunteer involved in any employment creation service on the basis of race, colour, gender, sexual orientation, age, physical or mental disability, HIV/AIDS status, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

#### 8. The right to form and join trade unions

66. Under the Employment Relations Promulgation 2007 (ERP), workers in Fiji have the right to form and join trade unions, and employers have the right to form employers' organizations. Workers and employers have the right to organize and bargain collectively.

110. The Public Service (Amendment) Decree of 2011 in section 10. B (5) allows for the right of employees to join a trade union.

#### 9. The right to housing

67. The Fijian Government through the National Housing Policy of 2010 ensures that all Fijians have access to affordable housing. The criteria used by the Ministry of Local Government, Urban Development, Housing and Environment are based on the family income thresholds.

#### 10. The right to public health, medical care, social security and social services

68. The following data highlights statistics in relation to poverty and unemployment for the various ethnic groups and figures from the 2007 Census and the Poverty and Household Incomes in Fiji from 2008 to 2009.

**Table: Poverty and unemployment for various ethnic groups and figures**

<i>2007 Census</i>	<i>Unemployment Rate (%)</i>
Fijian of iTaukei origin	9.8
Fijian of Indian origin	7.0
Total	8.6
<i>2008-09 Poverty &amp; Household Incomes</i>	<i>Poverty Rate (%)</i>
Fijian of iTaukei origin	31
Fijian of Indian origin	32
Fijian of Other Ethnic origin	25
All Fijians	31

69. A targeted approach to poverty alleviation is central to enhancing and sustaining “inclusive” economic and social development for all sections of the communities. On this note, the Fijian Government has implemented initiatives such as the family assistance scheme, food voucher programme and transportation assistance scheme, to name a few.

70. New laws in the area of Public Health, namely the Pharmacy Profession Decree 2011, Medical and Dental Practitioners Decree, Mental Health Decree, HIV/AIDS Decree ensure that their Code of Conduct is non discriminatory on the basis of race.



71. In response to the Committee's concerns about the Government's approach to suicide prevention, the Fijian Government had investigated the dynamics of suicide (motives) through broader research efforts and identified the following preliminary findings as contributing factors for the high suicide rates prevalent amongst Fijians of Indian origin:

- (a) Low tolerance to financial stress
- (b) Isolation of females and the low status of women in the culture
- (c) A general lack of emotional support systems in cases of personal despair
- (d) Extreme pressure to succeed.

72. The Fijian Government has engaged a consultant to undertake further research on the preliminary findings, established stress management units in the main hospitals and continuous education and awareness programmes to all communities.

73. Police statistics recently released for 2011 have recorded a drop in suicide rates.

#### **11. The right to education and training**

74. The Employment Relations Promulgation 2007 (ERP) and the National Employment Centre Decree provides for fundamental rights work based on non-discriminatory principles.

#### **Article 6**

75. As articulated under Article 2 of this report, the Fijian Government has implemented laws in the period under review such as the Crimes Decree, HIV & AIDS, Criminal Procedure Decree and the Employment Promulgation, to name a few, that expressly provide for the application of the human rights-based Conventions.

76. Individuals in breach of Fijian Laws (refer to annex 1) are subject to the following:

- (a) Imprisonment;
- (b) Payment of compensation;
- (c) Declaration;
- (d) Restraining orders;
- (e) Performance orders;
- (f) Disciplinary action;
- (g) Reconciliation; and
- (h) Apology.

#### **Article 7**

##### **1. Education**

77. The vision of the Fijian Government is to attain a just society that is free from all forms of discriminations. In pursuit of this, the laws and policies adopted by the Ministry of Education prohibit any form of discrimination.

#### **Minister's directive on school name change**

78. Pursuant to the Minister of Education's directive on changes to school names that bear a racial connotation, a total of 56 schools have changed names as at December 2011. A list of schools is attached at annex 2.

#### **Language policy implementation**

79. The Fijian Government in 2007 issued a policy directive through the Ministry of Education for all students to undertake compulsory iTaukei and Hindi language studies as part of the school curriculum. The Ministry of Education piloted in 2008 the compulsory teaching of conversational Hindi and iTaukei language studies. The overall implementation rate was at 80 per cent as of December 2011. Compliance measures with effect from 2012 will include the non-payment of Grants for the schools that fail to adhere to the policy directive.

#### **School zoning policy**

80. The major intended outcome of the school zoning policy is to ensure access for all students living within the school proximity.

#### **School citizenship education programme**

81. The citizenship curriculum aims to develop students' ability to participate in communities and wider society as informed and responsible global citizens. The purpose of "active citizenship" is to teach students to work together and take practical action, using their citizenship knowledge and understanding to contribute to a better Fiji.

#### **Education for all**

82. To fulfill its commitment to increase access to education for all, the Fijian Government has implemented the following initiatives in the education sector to benefit the economically disadvantaged:

(a) Bus fare assistance: In 2009, Government paid bus transport costs for students who come from economically disadvantaged families.

(b) Expanded food voucher program: The Fijian Government provides financial support through food vouchers for families whose combined income is less than \$5000 a year.

(c) Free tuition, text books and stationery: From 2009, the Fijian Government has provided free textbooks to all students from primary school level. In addition to the tuition fee grants that are provided to all primary and secondary schools, supplementary grants are also given to schools in disadvantaged communities.

## **2. Culture**

83. The Fijian Government is committed to enhancing social and cultural cohesion at all levels of society through the budgetary allocation for cultural and arts festivals to showcase artistic creation and allow for the cross pollination of cultural values.

## **3. Information**

84. The Fijian Government through the Ministry of Information has allocated human and financial resources for promoting a Common National Identity and Building Social Cohesion as stated in Pillar 2 of the People's Charter.

85. The onus is for the leaders of the churches, mosques and the temples in Fiji to take the lead role in promoting co-existence and the values of multi-culturalism in their

congregations. This is the only way they can successfully cultivate the next generation of Fijians to sustain “A Better Fiji for All”.

### **III. Reporting process**

86. In obtaining the required information for this report, the Ministry of Foreign Affairs and International Cooperation established an inter-agency committee consisting of all the relevant stakeholders.

87. The formulation of Fiji’s 18th, 19th and 20th combined reports solicited views from civil society through a consultation hosted by the Fiji based Office of the High Commissioner of Human Rights.

88. Prior to submission to any of the international treaty bodies, all Fijian reports would have to be endorsed by Cabinet.

89. The Ministry of Foreign Affairs has increased its focus on public diplomacy and as such will be making available on line Fiji’s reports to the various international treaty bodies. As part of the universal periodic review, the Ministry of Foreign Affairs and International Cooperation envisages the establishment of a permanent working mechanism that would guide both the reporting and implementation of obligations under all the human rights conventions.

## Annexes

## Annex I

[English only]

No.	Relevant Domestic Law Incorporating CERD	Relevant Provisions	Remarks
1.	<b>EXECUTIVE AUTHORITY OF FIJI DECREE 2009 (Decree No. 2)</b>	Section 4	Lawful basis of the President to make new laws for the peace, order and good government of Fiji, in accordance with the advice of the Prime Minister and the Cabinet.
2.	<b>STATE SERVICES DECREE (Decree No. 6)</b>	Part 6 of the Decree - State Services - Recruitment and Promotion policy Section 9	The recruitment of persons to a state service, the promotion of persons within a state service and the management of a state service must be based on the following principles: (a) government policies should be carried out effectively and efficiently and with due economy; (b) appointments and promotions should be on the basis of merit; (c) men and women equally, and the members of all ethnic groups, should have adequate and equal opportunities for training and advancement; (d) the composition of the state service at all levels should reflect as closely as possible the ethnic composition of the population, taking account, when appropriate, of occupational preferences- [same provision of Section 140 [Chapter 10] of the Abrogated 1997 Constitution]
3.	<b>ADMINISTRATION OF JUSTICE DECREE 2009 (Decree No. 9)</b>	Independence of the Judicial Branch - Section 4.	Every Court and the judges of the State are independent of the executive branch of Government or any other authority, in the exercise of its judicial functions.
4.	<b>EMPLOYMENT RELATIONS PROMULGATIONS 2007 (Decree No. 36 of 2007)</b>	Sections 6(2) & 75 defines "discrimination" Section 6 (2)	Fundamental Principles and Right at Work "No person shall discriminate against any worker on the grounds of ethnicity, colour, gender, religion, political opinion, national extraction, sexual orientation, age, social origin, marital status, pregnancy, family responsibilities, state of health including real or perceived HIV/AIDS status, trade union membership or activity, or disability in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship.

No.	Relevant Domestic Law Incorporating CERD	Relevant Provisions	Remarks
7.	<b>CRIMES DECREE 2009</b> (Decree No. 44 of 2009)	Section 65.—(2)	<p>Inciting communal antagonism</p> <p>A person commits an indictable offence (which is triable summarily) if the person by any communication whatsoever including electronic communication, or by signs or by visible representation intended by the person to be read or heard —</p> <p>(a) makes any statement or spreads any report which is likely to —</p> <p>(i) incite dislike or hatred or antagonism of any community; or</p> <p>(ii) promote feelings of enmity or ill-will between different communities, religious groups or classes of the community; or</p> <p>(iii) otherwise prejudices the public peace by creating feelings of communal antagonism; or</p> <p>(b) makes any intimidating or threatening statement in relation to a community or religious group other than the person's own which is likely to arouse fear, alarm, or insecurity amongst members of that community or religious group</p> <p>Penalty — Imprisonment for 10 years.</p>
		Section 66. — (1)	<p>A "seditious intention" is an intention —</p> <p>(i) to bring into hatred or contempt or to excite disaffection against the Government of Fiji as by law established; or</p> <p>(ii) to excite the inhabitants of Fiji to attempt to procure the alteration, otherwise than by lawful means, of any matter in Fiji as by law established; or</p> <p>(iii) to bring into hatred or contempt or to excite disaffection against the administration of justice in Fiji; or</p> <p>(iv) to raise discontent or disaffection amongst the inhabitants of Fiji; or</p> <p>(v) to promote feelings of ill-will and hostility between different classes of the population of Fiji.</p>

No.	Relevant Domestic Law Incorporating CERD	Relevant Provisions	Remarks
		Section 67. — (1)	<p>Seditious offences</p> <p>A person commits an indictable offence (which is triable summarily) if the person —</p> <p>(a) does or attempts to do, or makes any preparation to do, or conspires with any person to do any act with a seditious intention;</p> <p>(b) utters any seditious words;</p> <p>(c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;</p> <p>or</p> <p>(d) imports any seditious publication, unless he has no reason to believe that it is seditious.</p> <p>Penalty — Imprisonment for 7 years.</p>
		<p>PART 12 — Offences Against the International Order</p> <p>Division 1 — Purpose of this Part and definition of Covenant</p> <p>Section 76. — (1)</p>	<p>The purpose of this Part is to create certain offences that are of international concern and certain related offences.</p>
		Section 76. — (2)	<p>Any law providing for the jurisdiction of the International Criminal Court in Fiji is to be complementary to the jurisdiction of Fiji with respect to offences in this Division (and any other law prescribing such offences) that are also crimes within the jurisdiction of that Court.</p>
		Section 77.	<p>Genocide by killing</p> <p>A person (the perpetrator) commits an indictable offence if —</p> <p>(a) the perpetrator causes the death of one or more persons; and</p> <p>(b) the person or persons belong to a particular national, ethnical, racial or religious group; and</p> <p>(c) the perpetrator intends to destroy (in whole or in part) that national, ethnical, racial or religious group, as such.</p> <p>Penalty — Imprisonment for life.</p>

No.	Relevant Domestic Law Incorporating CERD	Relevant Provisions	Remarks
		Section 78. — (1)	<p>Genocide by causing serious bodily or mental harm</p> <p>A person (the perpetrator) commits an indictable offence if —</p> <p>(a) the perpetrator causes serious bodily or mental harm to one or more persons; and</p> <p>(b) the person or persons belong to a particular national, ethnical, racial or religious group; and</p> <p>(c) the perpetrator intends to destroy (in whole or in part) that national, ethnical, racial or religious group, as such.</p> <p>Penalty — Imprisonment for life.</p>
		Section 79.-(1)	<p>Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction</p> <p>A person (the perpetrator) commits an indictable offence if —</p> <p>(a) the perpetrator inflicts certain conditions of life upon one or more persons; and</p> <p>(b) the person or persons belong to a particular national, ethnical, racial or religious group; and</p> <p>(c) the perpetrator intends to destroy (in whole or in part) that national, ethnical, racial or religious group, as such; and</p> <p>(d) the conditions of life are intended to bring about the physical destruction of that group, in whole or in part.</p> <p>Penalty — Imprisonment for life.</p>
		Section 80. —(1)	<p>Genocide by imposing measures intended to prevent births</p> <p>A person (the perpetrator) commits an indictable offence if —</p> <p>(a) the perpetrator imposes certain measures upon one or more persons; and</p> <p>(b) the person or persons belong to a particular national, ethnical, racial or religious group; and</p>

No.	Relevant Domestic Law Incorporating CERD	Relevant Provisions	Remarks
			<p>(c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such; and</p> <p>(d) the measures imposed are intended to prevent births within that group.</p> <p>Penalty — Imprisonment for life.</p>
		Section 81. —(1)	<p>Genocide by forcibly transferring children</p> <p>A person (the perpetrator) commits an indictable offence if —</p> <p>(a) the perpetrator forcibly transfers one or more persons; and</p> <p>(b) the person or persons belong to a particular national, ethnical, racial or religious group; and</p> <p>(c) the perpetrator intends to destroy, in whole or in part, that national, ethnical, racial or religious group, as such; and</p> <p>(d) the transfer is from that group to another national, ethnical, racial or religious group; and</p> <p>(e) the person or persons are under the age of 18 years; and</p> <p>(f) the perpetrator knows that, or is reckless as to whether, the person or persons are under that age.</p> <p>Penalty — Imprisonment for life.</p>
		<p>Division 3 — Crimes Against Humanity</p> <p>Section 91. —(1)</p>	<p>Crime against humanity—forced pregnancy</p> <p>A person (the perpetrator) commits an indictable offence if —</p> <p>(a) the perpetrator unlawfully confines one or more women forcibly made pregnant; and</p> <p>(b) the perpetrator intends to affect the ethnic composition of any population or to destroy, wholly or partly, a national, ethnical, racial or religious group, as such; and</p> <p>(c) the perpetrator’s conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.</p> <p>Penalty — Imprisonment for 25 years.</p>



No.	Relevant Domestic Law Incorporating CERD	Relevant Provisions	Remarks
		Section 94. — (1)	<p>Crime against humanity—persecution</p> <p>A person (the perpetrator) commits an indictable offence if—</p> <p>(a) the perpetrator severely deprives one or more persons of any of the rights referred to in paragraph (b); and</p> <p>(b) the rights are those guaranteed in articles 6, 7, 8 and 9, paragraph 2 of article 14, article 18, paragraph 2 of article 20, paragraph 2 of article 23 and article 27 of the Covenant; and</p> <p>(c) the perpetrator targets the person or persons by reason of the identity of a group or collectivist or targets the group or collectivist as such; and</p> <p>(d) the grounds on which the targeting is based are political, racial, national, ethnic, cultural, religious, gender or other grounds that are recognised in paragraph 1 of article 2 of the Covenant; and</p> <p>(e) the perpetrator’s conduct is committed in connection with another act that is:</p> <p>(i) a proscribed inhumane act; or</p> <p>(ii) genocide; and</p> <p>(f) the perpetrator’s conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.</p> <p>Penalty — Imprisonment for 17 years.</p>
		Section 97.	<p>Crime against humanity—other inhumane act</p> <p>A person (the perpetrator) commits an indictable offence if—</p> <p>(a) the perpetrator causes great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act; and</p> <p>(b) the act is of a character similar to another proscribed inhumane act; and</p> <p>(c) the perpetrator’s conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.</p> <p>Penalty — Imprisonment for 25 years.</p>

No.	Relevant Domestic Law Incorporating CERD	Relevant Provisions	Remarks
		Section 305	<p>Sacrilege</p> <p>A person commits an indictable offence (which is triable summarily) if he or she :</p> <p>(a) breaks and enters any place of worship (of any religion) and commits any offence in that place; or</p> <p>(b) breaks out of any place of worship (of any religion) having committed any offence in that place; or</p> <p>(c) enters any place of worship (of any religion) and commits any act of intentional disrespect in that place of worship.</p> <p>Penalty — Imprisonment for 14 years.</p>
9.	<p><b>NATIONAL EMPLOYMENT CENTRE DECREE 2009 (Decree No. 54 of 2009)</b></p>	Section 8(2)	No person shall discriminate against any unemployed person, attaché, volunteer or prospective worker on any of the prohibited grounds.
		Section 9(1)	<p>Prohibited grounds of discrimination.</p> <p>For the purposes of this Part, the prohibited grounds for discrimination whether direct or indirect are actual or supposed personal characteristics or circumstances, including: ethnic origin, religion or belief, colour, place of origin, gender, sexual orientation, birth, primary language, economic status, age, disability, HIV/AIDS status, social class, marital status (including living in a relationship in the nature of a marriage), family status, opinion or former criminal conviction, except to the extent that those opinions or beliefs involve harm to others or the diminution of the rights or freedoms of others.</p>
		Section 13. (1)	<p>Redress for discrimination, sexual harassment or harassment</p> <p>An attaché or volunteer or unemployed person complaining of discrimination, sexual harassment or harassment may take his or her case</p>

No.	Relevant Domestic Law Incorporating CERD	Relevant Provisions	Remarks
			to the Employment Tribunal or the Fiji Human Rights Commission for resolution within six (6) months from the time a complaint has been lodged with an employer, worker or perpetrator.
10.	<b>REGULATION OF THE PENSION &amp; RETIREMENT ALLOWANCES 2009 (Decree 56 of 2009)</b>	Section 2(1)	<p>If the Prime Minister is satisfied that the person has, in any way, whether in Fiji or abroad and whether before or after the commencement of this Decree, acted or attempted to:</p> <ul style="list-style-type: none"> <li>• promote or incite feelings of ill-will and hostility amongst the different classes of population in Fiji; or</li> <li>• incite communal antagonism or racial discontent or disaffection amongst the inhabitants of Fiji or against the Government of the Republic of Fiji, or any institution or authority of the Government,</li> </ul> <p>The Prime Minister may, by notice in writing, order the cessation of any allowance, salary, pension, gratuity to pensioner(s) entitled under the Parliamentary Retirement Allowances Decree 1989, the Prime Minister's Pensions Act 1994, the Judges' Remuneration and Emoluments Act (Cap. 16), the Pensions Act 1983 or any other related law on pensions.</p>
11.	<b>MEDIA DECREE 2009 (Decree 29 of 2009)</b>	Section 18 - Media Code of Ethic and Practice	<p>No 6 of the Media Code is the Principle of Discrimination:</p> <ul style="list-style-type: none"> <li>(a) media organisations to avoid discriminatory or denigrating references based on the prohibited grounds of discrimination as explained above.</li> <li>(b) media organisations shall not refer to a person in accordance with prohibited grounds of discrimination in a prejudicial or pejorative context except where it is strictly relevant to the matter reported;</li> <li>(c) media organisations shall not be sensitive to and particularly careful about the possible</li> </ul>

No.	Relevant Domestic Law Incorporating CERD	Relevant Provisions	Remarks
			effects of discriminatory references to vulnerable minorities in a prejudicial or pejorative contexts; (d) whole media organisations are free t to report and comment on all matters of public interest, it is their duty not to publish or broadcast material in a form likely to promote r encourage communal hatred or discord
		General Code of Practice for Advertisements Code No. 3	Spirit of the Code Media are responsible for ensuring that the advertisement comply with the spirit as well as the letter of this Code and any written law of Fiji and must be rejected if they do not do so.
		Code No.6	Taste and decency Advertisement shall not include material which is offensive to prevailing general standards of taste, decency, or likely to prejudice human dignity among its audience
		Code No. 8	Discrimination exploitation Advertisements may legitimately aim at particular audiences or specialised sections of the population but they must not seek to exploit or denigrate ethnicity, religion, age, sexual orientation or preferences, or cultural, political or religious beliefs
		Section 29	Enforcement of Media Standards Penalties for breaches of Section 18 attracts a penalty of \$10,000 fine or life imprisonment not exceeding 2 years or both.
12.	iTAUKEI AFFAIRS (AMENDMENT) DECREE 2010 ( Decree No. 31 of 2010)	New Section 2A (1) of the iTaukei Affairs Act.	All written laws, including any Act, Promulgation, Decrees and subsidiary legislation, ( including the titles of any written law) are amended by deleting the word “ Fijian” wherever it currently appears and wherever it currently refers to indigenous Fijians, and replacing it with “i Taukei”, unless the context requires.

No.	Relevant Domestic Law Incorporating CERD	Relevant Provisions	Remarks
			purpose of this Part, the prohibited grounds of discrimination whether direct or indirect are actual or supposed personal characteristics,
			including: ethnic origin, colour, place of origin, gender, sexual orientation, birth, primary language, economic status, age, disability, HIV/AIDS status, social class, marital status (including living in the relationship in the nature of a marriage), employment status, family status, religion or belief.
		Section 6 of the Public Service Act 1999 is amended by deleting subsection (3) with an amended version;	An employee, when acting in the course of employment in the public service, must treat everyone with respect and courtesy, and without coercion or harassment of any kind, including sexual harassment, or discrimination (whether direct or indirect) on any of the prohibited grounds of discrimination in Part 2A and 2B of this Act.
		(b) inserting the following new subsection (4A) after subsection (4)	“(4A) An employee, when acting in the course of employment in the public service, must uphold and comply with provisions governing the fundamental principles of rights at work and equal employment opportunities, as prescribed under Parts 2A and 2B of this Act”.
14.	<b>PUBLIC ORDER (AMENDMENT) DECREE 2011 (Decree No.1 of 2012)</b>	Section 2 of the Public Order Act - new definition of Public Order - “racial vilification”	“racial vilification”- is defined as “conduct that offend, insult, humiliate, intimidate, incite hatred against serious contempt for, or revulsion or severe ridicule of another person or group of people on the ground of their race, colour, national or ethnic origin”  Appropriate Authority has absolute discretion to refuse permit for marches or procession if the intended objective is driven by racial vilification
		Section 5 of the (Amendment) Decree amends Section 8 (5) of the Public Order Act	Commissioner of Police or any Divisional Police Commander may stop any procession, meeting or assembly in any place (public or private) if the intended objective is driven by racial vilification

No.	Relevant Domestic Law Incorporating CERD	Relevant Provisions	Remarks
		Section 6 of the (Amendment) Decree repeals Section 9 and creates new provision	Offence & Penalty provision for breach of Section 8 & 9 in contravention of the conditions of the permit with a stiff penalties of \$10,000 fine or 5 years imprisonment - [deterrence for persons/ organisations whose objectives are driven by racial vilification]
		Section 6 of the (Amendment) Decree repeals Section 10 and creates new provision	Offence & Penalty provision for breach of Section 8 & 9 in contravention of the conditions of the permit imposes stiff penalties of \$10,000 fine or 5 years imprisonment.
		Section 13 of the Public Order (Amendment) Decree 2011 amends Section 17 of the Public Order Act.	The offence of “racial antagonism” is now comprehensively defined to include” incite or promote religious, ethnic or communal hatred or dislike “ and include words like “religion, ethnic or community”. Penalties - imprisonment increased from 1 year to 10 years and fine from \$500 to \$50,000.
		A new sub- section 17(5)	Offence in Section 17 has extra- jurisdiction application i.e it is an offence, if the breach occurred, in or outside Fiji Islands.

## Annex II

[English only]

**List of schools renamed to remove racial connotation (2011)**

<i>No.</i>	<i>Reg No.</i>	<i>Old Name</i>	<i>New Name</i>
1.	1061	Koronubu Indian School	Koronubu Sanatan Primary
2.	1069	Natawa Indian School	Natawa Primary School
3.	1095	Navoli Indian School	Navoli Sanatan Primary School
4.	1091	Veisaru Indian School	Veisaru Sanatan Dharam School
5.	1071	Rabulu Indian School	Rabulu Sanatan Primary School
6.	3017	Vulavula Indian School	Bulabula Sanatan Dharam School
7.	3010	Davota Indian School	Davota Primary School
8.	1037	Nadarivatu Fijian School	Nadarivatu Primary School
9.	1727	Nadrau Fijian School	Nadrau Primary School
10.	1240	Taveuni Central Indian	Taveuni Central Sanatan Primary
11.	1247	Sth Taveuni Indian Primary	Sth Taveuni Bhartiya Primary
12.	1401	Daliconi Fijian School	Daliconi Primary School
13.	1533	Lovoni Fijian School	Lovoni Primary School
14.	1528	Nasau Fijian School	Nasau-Tuatua Primary School
15.	1317	Levuka Fijian School	Levuka Primary School
16.		Davetarua Fijian School	Davetarua Primary School
17.	1054	Drasa Indian School	Drasa Primary School
18.	1012	Lautoka Fijian School	Lautoka Delana Primary
19.	3040	Viwa Fijian School	Viwa District School
20.	1100	Lautoka Chinese School	Lautoka Zhong Hua Primary School
21.	1011	Vakabuli Fijian School	Rt Saimoni Raseru Memorial
22.	1088	Vakabuli Indian School	Vakabuli Primary School
23.		Vaivai Indian School	Shri Ram Govind Memorial Primary School
24.		Sabeto Indian School	Sabeto Central School
25.	1137	Baravi Fijian School	Baravi Primary School
26.	1636	Batinikama Indian School	Batinikama Bhartiya School
27.	1130	Bua Indian School	Bua Primary School

<i>No.</i>	<i>Reg No.</i>	<i>Old Name</i>	<i>New Name</i>
28.	1637	Dreketi Indian School	Dreketi Primary School
29.	1647	Nagigi Indian School	Nagigi Primary School
30.	1133	Nasarawaqa Indian School	Nasarawaqa Primary School
31.	1648	Valelawa Indian School	Valelawa Primary School
32.	1646	Wavuwavu Indian School	Wavuwavu Primary School
33.	1702	Loma Indian School	Loma Primary School
34.	1742	Lomawai Indian School	Lomawai Primary School
35.	1731	Nabitu Indian School	Nabitu Primary School
36.	1744	Naidovi Indian School	Naidovi Primary School
37.	1703	Namata Indian School	Namata Primary School
38.	1704	Raunitogo Indian School	Raunitogo Primary School
39.	1719	Tau Fijian School	Tau Primary School
40.	1748	Tuva Indian School	Tuva Primary School
41.	2510	Kaba Fijian School	Kaba Primary School
42.	2543	Korociriciri Indian School	Korociriciri Primary School
43.	1842	Koroqaqa Indian School	Koroqaqa Primary School
44.	1843	Muaniweni Indian School	Muaniweni Primary School
45.	1822	Naduruloulou Fijian School	Kasavu Primary School
46.	1848	Vunidawa Indian School	Vunidawa Sanatan Primary
47.	2030	Barotu Indian School	Barotu Primary School
48.	2043	Madhuvani Indian School	Madhuvani Primary School
49.	2023	Naroko Fijian School	Naroko Primary School
50.	2014	Navatu Fijian School	Navatu Primary School
51.	2040	Wairuku Indian School	Wairuku Primary School
52.	2324	Draiba Fijian School	Draiba Primary School
53.	1812	Kalabu Fijian School	Kalabu Primary School
54.	2326	Nabua Fijian School	Nabua Primary School
55.	2341	Tacirua Bhartiya Pathshala School	Tacirua Primary School
56.	2349	Indian College	Jai Narayan College

*Source:* Ministry of Education, Culture & Heritage, Youth & Sports