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**Human Rights Council**

**Thirty-fifth session**

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Agenda Item 9

**Racism, racial discrimination, xenophobia and related
forms of intolerance, follow-up to and implementation of
the Durban Declaration and Programme of Action**

 Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his mission to Fiji[[1]](#footnote-2)\*

 Note by the Secretariat

 At the invitation of the Government, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance visited Fiji from 7 to 12 December 2016 where he held meetings in Suva with representatives of the Government as well as the legislative, judicial branches, security forces, the Human Rights Commission, United Nations entities and international organizations, and non-governmental organizations as well as community members and other groups and individuals working on the field of racism.

 In the present report, the Special Rapporteur addresses the legal and institutional framework to combat racism as well as different policies and initiatives undertaken against racism and xenophobia.

 The Special Rapporteur then analyses the main challenges in the fight against racism, racial discrimination, xenophobia and related intolerance, including the relationship between the different communities, the issue of land ownership, the absence of disaggregated data and how to balance freedom of expression and protection against hate speech.

 The report concludes with recommendations to all relevant stakeholders.

 Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, on his visit to Fiji[[2]](#footnote-3)\*\*

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 I. Introduction

1. At the invitation of the Government, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance visited Fiji from 7 to 12 December 2016.

2. The Special Rapporteur travelled to the capital city, Suva, where he met with representatives of the Government at the highest level, such as the President of Fiji, the Attorney-General, the Solicitor-General, the Ministers for Education and Women, Children and Poverty Alleviation. The Special Rapporteur also had meetings with representatives of various ministries including the Ministry of Itaukei Affairs. He also met with Members of Parliament of all political parties, the Honourable Chief Justice and other High Court judges, the Director of Public Prosecution, the Director of Legal Aid, representatives of the Police, the Human Rights and Anti-Discrimination Commission, the Media Industry Development Authority, the Supervisor of Elections, as well as United Nations entities and international organizations, religious and faith-based organizations, political parties and movements and other non-governmental organizations; and community members and other groups and individuals working in the field of racism and anti-discrimination.

3. The Special Rapporteur also attended the annual Attorney-General Conference in Natandola on 10 and 11 December 2016 where he was honoured to be the keynote speaker at a session entitled “Black, White or Purple – Does it really matter?” He also visited the Vatukarasa Village near Sigatoka where he was received with warm hospitality and had the opportunity to interact with the traditional leaders as well as with the community.

4. The Special Rapporteur wishes to express his sincere gratitude to the Government of Fiji, in particular the Attorney-General’s Office for its cooperation and excellent coordination in the conduct of the visit. He is also particularly grateful to the Permanent Representative of Fiji to the United Nations Office in Geneva and in Switzerland for having personally arranged all the high-level meetings during his visit. He is indebted to his interlocutors from civil society and community organisations for the excellent cooperation they extended to him throughout the visit. He hopes his conclusions and recommendations will contribute to finding concrete ways and means of addressing the challenges raised in the present report in a peaceful and effective manner.

 **II. Background**

5. The Republic of Fiji, in the South Pacific is comprised of 332 islands and 522 smaller islets. Of those, more than 100 islands are permanently inhabited by a population of approximately 880,000. The two largest islands are home to approximately 80 per cent of the country’s population. The large island of Viti Levu accounts for over half of the country’s land area and is where the capital, Suva, is located. Vanua Levu, which lies 64 km north of Viti Levu, is another large island. The population of Fiji is about 60 per cent iTaukei and 35 per cent of Indian descent, with a few other ethnic groups, such as the Rotumans and persons of Chinese and European descent. Nearly 99 per cent of iTaukei are Christian, and Fiji Islanders of Indian descent are Hindu, Muslims and Christians. Fiji recognizes three official languages: English, iTaukei and Hindi. iTaukei is spoken as either a first or second language by indigenous Fiji islanders. Fiji islanders of Indian descent speak a local variant of Hindi known as Fiji Hindi. English is widely used as a *lingua franca* in more populated areas.

6. The Fiji islands were annexed in 1873 by Great Britain and declared a British colony on 10 October 1874. The colonial government protected Fijian land rights by prohibiting the sale of land to foreigners. The colonial government prohibited employment of indigenous Fijians as plantation laborers and therefore brought in laborers from India. Between 1879 and 1916, nearly 61,000 Indians came to Fiji at a rate of about 2,000 per year. The vast majority of these laborers remained in Fiji once their contracts ended and settled on the 2 main islands, Viti Levu and Vanua Levu. The colonial government discouraged interaction between Indians and Fijians and encouraged the separate economic development of the different ethnic groups. By the late 1940s, Indians outnumbered Fijians, a trend which continued until the 1980s causing indigenous Fijians to be concerned about their place and identity in their own land.[[3]](#footnote-4) The system created a three-tiered economic structure with Europeans and Chinese at the top tier, followed by ‘Indians’ in the middle tier, and ‘Fijians in the bottom tier’.[[4]](#footnote-5)

7. During the 1960s there was a movement towards self-governance of Fiji and the country gained independence on 10 October 1970. Between 1970 and 1987, an indigenous Fijian dominated political party known as the Fijian Alliance Party (FAP) led by Sir Kamisese Mara ruled the country. The 1987 elections brought a multiracial coalition, the Fiji Labour Party led by Dr Timoci Bavadra into power. In April 1987 the Fiji Labour Party (FLP) gained power after the elections. The majority of Members of Parliament in this new government were Fijians of Indian descent. The rise of this government escalated racial tensions and on 14 May 1987 Lieutenant Colonel Sitiveni Rabuka, supported by the Great Council of Chiefs, led a coup and ousted the government. In September 1987, the 1970 Constitution was declared invalid by Presidential decree and Fiji was declared a Republic with Rabuka as head of state. The coups caused economic hardship and escalated ethnic tensions.

8. The new constitution which took effect on 25 July 1990 increased the political power of the Great Council of Chiefs and the military. Rabuka was elected in both 1992 and 1994 elections as Prime Minister. Following a Constitutional Review Commission in 1995, the government adopteda new Constitution in 1997 which was widely hailed as multiracial and democratic. In the 1999 elections the FLP again won the majority of seats and Mahendra Chaudhry became Fiji’s first Fijian of Indian descent Prime Minister. On 19 May 2000, armed men entered the parliamentary compound in Suva and took 30 hostages, including Prime Minister Chaudhry. Under pressure to end the situation, President Ratu Mara announced he was removing Chaudhry from power and then resigned himself. Military Commander Frank Bainimarama announced martial law and after eight weeks the hostages were released and the 1997 constitution revoked. Bainimarama assumed executive authority over Fiji. The High Court ordered the reinstatement of the Constitution, and in September 2001, a general election was held which was won by interim Prime Minister Laisenia Qarase's Soqosoqo Duavata ni Lewenivanua party. In 2005, the Qarase government amid much controversy proposed a Reconciliation and Unity Commission with power to recommend compensation for victims of the 2000 coup and amnesty for its perpetrators. However the military strongly opposed this bill.

9. In late November and early December 2006, the military under the leadership of Bainimarama handed down a list of demands to Prime Minister Qarase and gave him an ultimatum date of 4 December to accede to these demands or to resign from his post. Qarase refused either to concede or resign, and on 5 December 2006 the president, Ratu Josefa Iloilo, signed a legal order dissolving the parliament after meeting with Bainimarama. No significant protests or violence had occurred during this coup. In April 2009, the Fiji Court of Appeal ruled that the 2006 coup had been illegal. President Iloilo abrogated the Constitution, removed all office holders under the Constitution including all judges and the governor of the Central Bank. He then reappointed Bainimarama as Prime Minister under his "New Order" and imposed a "Public Emergency Regulation" limiting internal travel and allowing press censorship. The Great Council of Chiefs was abolished in 2012.

10. A new constitution was adopted in 2013 which includes protection of indigenous land rights. Under the new Constitution, all citizens of Fiji should be referred to as Fijians and have equal status and identity, which means that they are equally entitled to all rights, privileges, duties, benefits and responsibilities of citizenship. Fiji held elections in 2014 (the first ones since the 2006 coup), where the Fiji First party won majority of the seats. Bainimarama was elected Prime Minister.

 III. Legal framework for combating racism

 A. International human rights instruments and mechanisms

11. Fiji is a State party to the following international human rights instruments - the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It is a signatory but at the time of the visit not yet a party to the Convention on the Rights of Persons with Disabilities. It has also ratified the Convention on the Prevention of the Crime of Genocide and the Rome Statute of the International Criminal Court as well as the Refugee Convention (1951) and the Refugee Protocol (1967).

12. Fiji has not yet signed or ratified other important international human rights conventions including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Cultural and Social Rights (ICESCR), the Convention for the Protection of All Persons from Enforced Disappearance (CED), and the International Convention on the Rights of All Migrant Workers and Members of their Families (CMW), as well as the Geneva Conventions I, II, III, IV (1949), the Additional Protocol I, II and III (1977 and 2005).

13. Fiji is a party to the following ILO Conventions: Forced Labour Convention (1930), Freedom of Association and Protection of the Right to Organise Convention (1948), Right to Organise and Collective Bargaining Convention (1949), Equal Remuneration Convention (1950), Abolition of Forced Labour Convention (1957), Discrimination (Employment and Occupation) Convention (1958), Minimum Age Convention (1973) and Worst Form of Child Labour Convention (1999). However, it is not a party to the Indigenous and Tribal Peoples Convention, 1989 (C169).

14. In 2016, Fiji announced its candidacy for a seat at the United Nations Human Rights Council for the 2018-2020 term, but subsequently postponed its bid. Fiji was reviewed by the Universal Periodic Review in November 2014[[5]](#footnote-6), where the issues of concern included violence and discrimination against women, non-ratification of core UN human rights treaties, broad Constitutional grounds for restrictions on freedom of expression, opinion, association and assembly. Fiji issued a standing invitation to all Human Rights Council Special Procedures mandates on 15 March 2015[[6]](#footnote-7) and was visited by the Special Rapporteur on the right to education in December 2015[[7]](#footnote-8).

15. Fiji was last reviewed by the Committee on the Elimination of Racial Discrimination in August 2012[[8]](#footnote-9). The Committee regretted the lack of disaggregated data on the socioeconomic situation of members of ethnic groups, the lack of comprehensive legislation on racial discrimination, including “the lack of a definition of racial discrimination in line with article 1 as well as the non-compliance of existing legislation with article 4 of the Convention”; the “absence of complaints, prosecutions and convictions relating to ethnically or racially motivated crimes” lodged with courts or with the Fiji Human Rights Commission despite reports of institutionalized or de facto racial discrimination in the country, including by law enforcement officials; the very low level of representation of minorities in public and political life; reports of insufficient consultation with and participation of indigenous peoples as regards issues affecting them, such as equitable rent for the use of its land. The Committee also noted the lack of information on measures to address discrimination based on ethnicity and religion as a result of reports of religious intolerance, often linked with ethnicity absence as well as of information on the concrete results of a number of policies on the elimination of racial discrimination in schools.

16. The Committee recommended the ratification of international human rights treaties which have not yet been ratified by Fiji, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Protection of all Migrant Workers and Members of their Families. The Committee also recommended that Fiji give effect to the Durban Declaration and Programme of Action and include in its next periodic report specific information on action plans and other measures to implement it at the national level.

17. The visit of the Special Rapporteur follows the one conducted by the Special Rapporteur on right to education, Kishore Singh, from 8 to 15 December 2015, where he analyzed the important reforms initiated by the Government, along with national initiatives to overcome ethnic divides in the education system.

 B. United Nations agencies present in Fiji

18. The Special Rapporteur was pleased to have interacted with the OHCHR Regional Office for the Pacific located in Suva, Fiji, which has been present since 2005. The Office covers the countries from the South Pacific, including Australia and New Zealand. The Office’s mandate includes providing expert advice and technical assistance to government offices and institutions, regional organizations, national human rights institutions, academic institutions, civil society, professional associations, and other stakeholders; encouraging and assisting governments and civil society in the region to actively engage with the international human rights mechanisms: treaty bodies, special procedures, and in particular the Universal Periodic Review (UPR) process. At the time of the visit, the thematic focus areas of the Regional Office included support to States and civil society in their engagement with UN human rights mechanisms, the establishment and strengthening of NHRIs, the prevention of torture and ill-treatment; the promotion of accountability and combating impunity; countering discrimination especially with regards to LGBTI rights, indigenous peoples, migrants and asylum seekers; and protection of human rights in emergencies.

19. The Special Rapporteur also met with the United Nations Country Team and its Resident Coordinator, as well as the heads of the different UN agencies present in Fiji. With regards to Fiji, the Special Rapporteur was informed that UNDP has launched the Rights, Empowerment and Cohesion (REACH) for Rural and Urban Fijians Project, which “aims to promote peacebuilding, social cohesion and inclusiveness through awareness of rights, access to services, provision of legal advice and institutional capacity building in Fiji.”

 C. Legislation prohibiting racism, racial discrimination, xenophobia and related intolerance

20. The Constitution of Fiji was adopted in 2013 and replaced previous Constitution of 1997. It makes reference to the unique cultures, customs, traditions, and languages of the iTaukei, the Rotumans, the descendants of the indentured laborers from British India, and the descendants of the settlers and immigrants to Fiji (Preamble). It guarantees the right to life (sec. 8) and provides for the inviolability of personal liberty (art. 9) and for freedom of assembly (sec. 18) and association (sec. 19) as well as freedom of speech, expression, thought, opinion and publication (sec. 17). These rights may be limited to protect the right of people to be free from hate speech (sec. 17(3) (b)). Furthermore, freedom of speech, expression, thought, opinion, and publication do not protect advocacy of hatred that is based on grounds included in section 26 or that constitute incitement to harm (sec. 17(2)). The 2013 Constitution also eliminated the quotas imposed on Parliament seats available to each ethnic group, as under the previous Constitution of 1997, the iTaukei were entitled to 23 seats, Fijians of Indian descent to 19, Rotuman islanders to one seat, other ethnic groups to three; and 25 seats were opened to all ethnic groups.

21. Section 26 of the Constitution guarantees that every person is equal before the law and therefore entitled to equal protection, treatment, and benefit of the law. It specifically prohibits unfair discrimination of a person, directly or indirectly, on a broad range of grounds including race, culture, ethnic or social origin, colour, place of origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy, or opinions or beliefs. There are several exceptions to this guarantee, including laws or administrative actions that appropriate revenue, relate to adoption or marriage, and give effect to the communal ownership of iTaukei, Rotuman, and Banaban lands and access to marine resources (sec. 26(8)).

22. The Special Rapporteur notes that the Constitution provides protections against forced labour (sec. 10) and torture and cruel, inhumane, degrading, or disproportionate severe treatment or punishment (sec. 11). Every person who is arrested or detained has the right to receive legal counsel and be heard before a court (sec. 13) and all people charged with an offense have the right to a fair trial before a court of law (sec. 15). The Constitution guarantees the right to education (sec. 31), economic participation (sec. 32), to work and receive a just minimum wage (sec. 33), to have reasonable access to transportation (sec. 34), to have accessible and adequate housing and sanitation (sec. 35), to have adequate food and water (sec. 36), to social security schemes (sec. 37), and to health (sec. 38). The Constitution has articles enumerating the specific rights of children (sec. 41) and of individuals with disabilities (sec. 42).

23. The Constitution also provides for the continuance of the Human Rights Commission, established under the Human Rights Commission Decree 2009 as the Human Rights and Anti-Discrimination Commission (sec. 45).

24. In addition to the Constitution, there are several Decrees, Acts and Promulgations which relate to non-discrimination and prohibit racism and racial discrimination[[9]](#footnote-10). The Human Rights Decree 11 of 2009[[10]](#footnote-11) contains provisions relating to discrimination. Section 19(1) defines unfair discrimination as when a person, while involved in the areas outlined in subsection (3)[[11]](#footnote-12), directly or indirectly differentiates adversely against or harasses any other person by reason of a prohibited ground of discrimination. There are various areas listed in subsection (3), including employment, provision of goods, services, or facilities, provision of land or housing, and access to education.

25. In terms of labour relations, the Employment Relations Promulgation of 2007[[12]](#footnote-13) the prohibited grounds for discrimination whether direct or indirect include race, culture, ethnic or social origin, colour, place of origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, HIV/AIDS status, disability, age, religion, conscience, marital status or pregnancy..

26. The Public Order Act[[13]](#footnote-14), in its section 17 criminalizes spreading or stating words, whether spoken, intended, or by signs or visible representation, that are likely to: incite racial dislike or hatred of any race or community; promote feelings of enmity or ill will between different races or communities; or prejudice the public peace. It also criminalizes making intimidating or threatening statements “in relation to a race or community other than his/her own which is likely to arouse fear, alarm or a sense of insecurity amongst members of that race.” A person convicted of this offense may be imprisoned for up to one year and/or receive a fine of up to five hundred dollars.

27. This Act is complemented by the Public Order Amendment Decree 2012[[14]](#footnote-15) which defines “racial vilification” 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 grounds of their race, colour, national or ethnic origin.” It also defines “religious vilification” as “conduct that offends, insult, humiliate, intimidate, incite hatred against, serious contempt for, or revulsion or severe ridicule of another person or group of people on the grounds of their religious belief or activity.”

28. The Immigration Act 2003[[15]](#footnote-16) is the main law governing migration and regulates the entry into Fijian territory and deportation of individuals as well as providing asylum procedures and defining the offenses of trafficking and smuggling of persons. UNHCR has reviewed this Act and determined that Part 6, which governs asylum-seekers and refugees, is “very brief and should provide more specific RSD statutory guidance.” Additionally, some of the provisions of the 1951 Convention relating to the expulsion of refugees are not correctly reflected in this Act.[[16]](#footnote-17)

29. In 2010 Fiji was the first Pacific island nation to decriminalize homosexuality after the government repealed the anti-sodomy laws in 2010[[17]](#footnote-18). The 2013 Constitution also includes sexual orientation and gender identity as prohibited grounds for discrimination.[[18]](#footnote-19)In 2010, a decree was issued whereby all citizens of the country are to be known as “Fijians,” a term that was previously understood to refer only to indigenous Fijians. Indigenous Fijians are known as “iTaukei,” which translates literally to “owners” in the indigenous language.[[19]](#footnote-20)

30. In terms of schooling, the Government mandated that schools with ethnic names remove the ethnic connotations to promote schools with mixed ethnic groups.[[20]](#footnote-21) The Government also launched an anti-bullying campaign in August 2012 directed at preventing the targeting of lesbian, gay, bisexual and transgender young people in schools.[[21]](#footnote-22) Fiji “committed to pursuing measures to raise awareness around bullying on the basis of sexual orientation and gender identity and to introduce safeguards in their educational systems.”[[22]](#footnote-23)

 IV. Institutional Framework for combating racism and discrimination

31. The present Fiji Human Rights and Anti-Discrimination Commission (FHRADC) was established under Section 45 of the Fijian Constitution[[23]](#footnote-24) and by the Human Rights Commission Decree 11 of 2009.[[24]](#footnote-25) It succeeds the previous Human Rights Commission, created by the Human Rights Commission Act of 1999.

32. The Special Rapporteur was informed that this institution is responsible for promoting protection, observance, and respect for human rights; educating the public about the rights and freedoms in the Constitution; monitoring, investigating, and reporting on human rights issues; making recommendations to government offices; receiving and investigating complaints about alleged human rights violations and taking steps to secure appropriate redress; and monitoring the State’s compliance with international human rights obligations. The Commission also discharges its mandate by educating the public about human rights, and promoting and protecting the human rights of everyone in Fiji. The Complaints Division receives complaints of allegations of breaches of human rights or unfair practices, assesses and investigates the complaints, and resolves them by conciliation or refers them to the legal division for court action or to the appropriate government ministry or department.[[25]](#footnote-26)

33. Section 45(7) of the 2013 Constitution requires that the Commission be independent in the performance of its functions or the exercise of its authority and powers and allows the Commission control of its own budget and finances. However, the law prohibits the Commission from investigating any human rights and discrimination cases relating to the 2006 coup and the 2009 abrogation of the previous Constitution.[[26]](#footnote-27) In 2015, the Constitutional Offices Commission appointed five members to the Commission. These positions had been vacant since the 2009 abrogation of the previous Constitution. Two of the Commissioners have resigned since then and have not been replaced to date. However, despite the resignation of two of the Commissioners of the Human Rights and Anti-Discrimination Commission, the Commission has continued its functions and activities.

34. The previous Commission had in 2000 received an A classification from the Global Alliance of National Human Rights Institutions (GANHRI). In March 2007 the Commission’s accreditation was suspended, following a Commission statement supporting the military takeover in 2006.[[27]](#footnote-28) As of the date of the visit of the Special Rapporteur, the Commission had not regained its A classification from GANHRI.

 **V. Public policies and initiatives to combat racism, racial discrimination, xenophobia and related intolerance**

35. The Special Rapporteur is fully aware that Fiji’s history is significantly shaped by its colonial past and that since its independence in 1970, the country has experienced political instability in the form of several military coups. He has noted that Fiji is addressing that past by putting into place new institutions, laws and a new Constitution. He was informed of the Government’s stated commitment to guarantee equality for all citizens, irrespective of their race, ethnic background, religion, and efforts to redress past policies of racial and ethnic discrimination. He was also informed that the current governmental programmes have the stated aims of improving the social and economic welfare of all and that these are also intended to promote social cohesion and non-discrimination.

36. The Special Rapporteur was impressed by the Government’s policy of inclusiveness which has resulted in a comprehensive reform of the education system, and in particular the end of the practice of separate ethnic schools and the policy of enhancing the accessibility of education at all levels through substantive aid and scholarship programs based on merit and financial needs. The comprehensive reforms Fiji has undertaken concerning its education system include the following main characteristics: (a) implementation of a curriculum framework to enhance spiritual, intellectual, social and physical development and strengthen instruction in iTaukei and Hindi, as well as English; (b) improvement in the number and abilities of competent and motivated teachers, reduction of pupil-teacher ratios and increased use of standard improvement measurement in schools; (c) enhancement of the rural education programme by establishing appropriate infrastructure, improving standards, reviewing school performance and piloting a distance education programme; (d) strengthened partnership between government, communities, development partners, municipal councils, school management committees, developers and parents; (e) expanded technical and vocational educational and training for skills development; and (f) effective and efficient allocation of subsidies to tertiary institutions. These reforms should be seen together with the *Fiji National Action Plan for Human Rights Education 2003-2005*[[28]](#footnote-29) which had set the tone for the start of a comprehensive reform of education and the teaching of human rights education.

37. The Special Rapporteur on the right to education had underscored these important reforms as well as the commitment the Government towards implementing the right to education. The unprecedented increase in financial resources dedicated to education demonstrated a deep commitment to overcome the “ethnic divide and build a better Fiji for all, in an era of stability and progress.” [[29]](#footnote-30)

38. The Special Rapporteur was also informed of several poverty alleviation programs that the Government has undertaken to tackle social and economic challenges faced in particular by persons living in rural and remote areas and has noted that all Government departments are working together in a cohesive and coordinated approach to ensure quality delivery of social services to beneficiaries.

 VI. Challenges in the fight against racism, racial discrimination, xenophobia and related intolerance

 A. The relationship between the iTaukei and Indo-Fijian communities

39. The Special Rapporteur has been informed about the complex relationships between the iTaukei and Indo-Fijian communities which have roots from the colonial era when the colonial government discouraged interaction between labourers of Indian descent and indigenous Fijians and encouraged the separate economic development of the various ethnic groups.[[30]](#footnote-31) “Racial and ethnic groups had separate schools, places of worship, social clubs and sports activities”[[31]](#footnote-32) The subsequent changes in government and transfers of power, many of which took place through military coups reversed the balance of power in favour of one of the two ethnic groups, lasting until the next change of government, whether peaceful or not.

40. Since the late 1980s over 120,000 Fijians of Indian descent have left Fiji as a result of discrimination and political and economic problems in the country.[[32]](#footnote-33) This increase in emigration has been significantly after 1987 and has resulted in a decrease of the population of Indian descent. Furthermore, the then political culture of racial patronage driven by coups claiming political leadership as a ‘birthright’ and diminishing employment and advancement in career opportunities for Fijians of Indian descent has also had an economic impact through the loss of skill workers and has been estimated at over $200 million USD.[[33]](#footnote-34) The Special Rapporteur was informed that before 2006, , public policies had favoured iTaukei persons in areas such as employment and scholarships in education. Under the former program, there were three categories of government scholarships for tertiary educations: the Public Services Commission (PSC) scholarships, the iTaukei Affairs Board scholarships, and the Multi-ethnic scholarships. The PSC awards were available to everyone, but 50 percent were reserved for iTaukei and Rotumans persons. The iTaukei Affairs Board scholarships were available only to iTaukei and Rotuman persons. The Multi-ethnic scholarships were available to all ethnicities but did include an income threshold of F$10,000[[34]](#footnote-35), which de facto excluded most of the applicants from Fijians of Indian descent backgrounds.

41. The Special Rapporteur was informed that these scholarships have since been replaced by a new Tertiary Education Loan Scheme (TELS) which does not refer to ethnic origin. TELS grant loans to students enrolling in tertiary educational institutions with interest rates varying depending on income and includes National Toppers Scheme (NTS) that grants full scholarships for the top 600 applicants from priority areas.[[35]](#footnote-36)

42. The Special Rapporteur was also informed about the removal of the Great Council of Chiefs (GCC), an institution from the colonial era which regrouped the traditional indigenous leaders and had gained significant power under previous governments. The Special Rapporteur recalls that the CERD Committee had expressed concern that various actions were taken in Fiji without consultation with the indigenous peoples, including the dissolution of the Great Council of Chiefs.[[36]](#footnote-37)

43. The Special Rapporteur was also informed that over 50 percent of iTaukei respondents in a recent survey had stated in a report that “inter-ethnic relations were ‘not good’ or had deteriorated recently because of government policies that were seen as anti-iTaukei, and undermining their status compared to other ethnic groups, especially Fijians of Indian descent, although recent natural disasters have helped communities come together to contribute to the rehabilitation of flood victims.[[37]](#footnote-38) Similarly, the Special Rapporteur was told of indigenous nationalists who remain an underground political force promoting ‘fijianisation’ of the country and reclaiming indigenous authority. In this regard, a main opposition party is split into two factions between liberals and nationalists, the latter who are supported by individual pastors in promoting a Christian state.

44. On another subject, the Special Rapporteur was made aware about the under-representation of Fijians of Indian descent in government. Currently, the Cabinet and Parliament are slightly more diverse than in the past, as the 2013 Constitution allows for more diversity in Parliament than the 1997 Constitution did. Previously, seats in Parliament were allocated on ethnic lines, but the 2013 Constitution eliminated this system based on ethnic lines. In the private sector where businesses are mainly split on ethnic lines, there is also an under-representation of iTaukei persons.

45. In the 13-member Cabinet, there are five Fijian of Indian descent ministers and one Rotuman minister. In the 50-member Parliament there are 16 Fijians of Indian descent, one Rotuman, two of European descent, and 32 iTaukei persons. Furthermore, regarding public service officials, in mid-2012, Fiji’s civil service was comprised of nearly 70 percent iTaukei and the highest ranks of the government consisted of nearly 90 percent iTaukei people.[[38]](#footnote-39) This is particularly striking in the police and the armed forces, where iTaukei make up more than 90% of the composition of these forces and for Fijians of Indian descent less than 5%, and about one-third in the police force.

 B. Land ownership

46. The Special Rapporteur was informed about the issue of land ownership which has been an ongoing source of contention between the iTaukei and Fijians of Indian descent. For many iTaukei or indigenous Fijians, “the underlying belief is that Fiji is their God-given land and, as owners of the land, they have special rights and privileges that override the rights of citizens of other ethnicities. This belief has been nurtured and reinforced historically by the notion of the ‘paramountcy of Fijian interests’.”[[39]](#footnote-40)

47. The Special Rapporteur was informed that under the colonial administration, Indian settlers were unable to own land. Many of them who were brought over as indentured labourers during the British colonial era decided to remain in Fiji, and they and their descendants began leasing land from the iTaukei people. Many of these leases were long-term, lasting up to 99 years. During the late 1990s to early 2000s many of these agricultural leases began to expire and many iTaukei landowners began evicting the predominantly Fijian of Indian descent tenants from the land. By 2003, 70 percent of the vacated farms were no longer productive and sugar cane production had decreased by one-third. Many of these farmers were forced to relocate to urban areas and live in “squatter settlements.” Some settled on land allocated by the government for “evicted” farmers, but the land allocated was insufficient for the number of individuals. The majority moved to settlements of precarious nature consisting for many of makeshift homes.[[40]](#footnote-41) Other Fijians of Indian descent have entered into informal agreements to settle on iTaukei land.[[41]](#footnote-42) These settlements offer no security of tenure as arrangements usually grant right of use to one member of the household. The Special Rapporteur was informed that often when that member passes away, other members may be required to pay the initial upfront fees again or may be forced to leave. Furthermore, informal settlements often have limited access to water and electricity. During recent years there has also been “disagreement over what constitutes fair rent for agricultural leases.”[[42]](#footnote-43)

48. The Special Rapporteur was informed that the iTaukei currently hold approximately 87 percent of all land, the government 4 percent, and the remaining land is freehold land, which private individuals or companies hold. It is estimated that Fijians of Indian descent own about 3 percent of this freehold land.[[43]](#footnote-44)

49. The 2013 Constitution provides protections for the current system of land ownership. The provisions listed in section 28 guarantee that iTaukei land will always remain with the customary land owners and it can never be alienated whether by sale, grant, transfer or exchange except in accordance with section 27 of the Constitution. In the anti-discrimination section, an exception is provided for laws or administrative actions that give “effect to the communal land ownership of iTaukei, Rotuman and Banaban lands and access to marine resources.” Section 28 of the Constitution concerns rights of ownership and protection of iTaukei, Rotuman and Banaban lands. Among other protections, it states that the ownership of all iTaukei, Rotuman, and Banaban lands “shall remain with the customary owners of that land.”

50. The Special Rapporteur was informed that one institution, the iTaukei Land Trust Board (TLTB) holds all indigenous land in a statutory trust. The TLTB was established in 1940 as the Native Land Trust Board under the iTaukei Land Trust Act. The rights given to landowners include the rights to occupy the land, use the land for their own maintenance or support, to lease land to others and determine the terms and conditions of leases, and the right of reversion after the lease is over.[[44]](#footnote-45) The TLTB manages all dealings with iTaukei lands by negotiating leases and licenses for their use by tenants, receiving rents on behalf of the landowners and distributing these to the beneficiaries. These lands cannot be sold unless to the State and only for public purposes. Various leases are available, including ones for up to 30 years for agricultural purposes up to 99 years for other uses, including residential, commercial, and industrial purposes.[[45]](#footnote-46)

51. Most of the cash-crop farmers are Fijians of Indian descent, the majority of whom are the descendants of the Indian indentured laborers. Almost all lease their land from iTaukei landowners. Concerns have been raised that the limits placed on their ability to own land and consequent dependency on the iTaukei constitutes de facto discrimination.[[46]](#footnote-47) Currently there are ongoing tensions between the governments proposed restructuring of the sugar industry, being accepted by sugar growers and landowners and Fijian of Indian descent tenants who are unable or unwilling to meet the higher rentals under new lease agreements, in a context of a crash of price of the sugar industry, which further strains relations between indigenous landowners and farming Fijians of Indian descent.

 C. The lack of Disaggregated Data

52. The Special Rapporteur was informed about the absence of disaggregated data, especially regarding the socioeconomic situation of members of the different ethnic groups as well gender analysis, regarding the different policies and programs the current Government has put in place. He believes that in order to measure progress made on the elimination of racism and racial discrimination, and to evaluate the effectiveness of the policies of inclusiveness set up by the current Government, there needs to be an objective evaluation which can only be undertaken if statistics and in particular disaggregated data are collected and made available. This does not mean only data on race and ethnicity, but a whole range of different factors such as gender, age, sexual orientation, geography, income, access to social and economic services and rights. Without disaggregated data, it will be difficult to assess the effectiveness of the merit-based measures that the Government has adopted in recruitment and in awarding scholarships as well as in the other areas. Such data is also valuable as it provides the baselines upon which new policies and programmes can be designed.

53. The Special Rapporteur recalls that the CERD Committee highlighted in its recommendations to Fiji in 2012, that if progress is to be monitored, such disaggregated data is needed to measure whether the policies are effective and are reaching those most in need. More specifically, the Committee commented on the Government directive that “all collection of data that typifies ethnicity is no longer to be conducted.”[[47]](#footnote-48) While this directive was aimed at eliminating racial profiling, the CERD Committee regretted “the lack of disaggregated data on the socioeconomic situation of members of ethnic groups as well as the lack of gender analysis of data provided.” This concern was based on the premise that “if progress in eliminating discrimination based on race, colour, descent, or national or ethnic origin is to be monitored, some indication of the number of persons who might be treated less favourably on the basis of these characteristics is needed.”[[48]](#footnote-49) Other committees, including the Committee on the Rights of the Child, have expressed similar concerns. The Committee on the Rights of the Child regretted the “the lack of reliable and disaggregated data in many areas of the Convention, as well as of any mechanism to systematically assess the impact of policies and programmes in relation to the implementation of the Convention.”[[49]](#footnote-50) The Special Rapporteur is fully aware that in some instances laws prohibit the official collection of ethnically disaggregated data and statistics. Under such circumstances, there are still innovative ways of ensuring that such data is available for policy making and change. He recalls that in such a case, the collection of disaggregated data was undertaken by independent research institutes and universities, with the support of the State.

54. The Special Rapporteur would also like to reiterate the recommendation made by the CERD Committee that Fiji adopts a comprehensive legislation against racism and racial and ethnic discrimination, including a National Action Plan and establishing racial/ethnic motives as aggravating circumstances in the criminal legislation. In this regard, the Human Rights and Anti-Discrimination Commission has a fundamental role to play in providing guidance to the Government but also in receiving complaints and providing assistance and guidance to victims of alleged acts of racism and discrimination. To this end, strengthening this Commission and providing it with the necessary resources to ensure that it can secure the necessary confidence and legitimacy of relevant actors as an independent and professional human rights body should be a priority, in accordance with section 45 of the Constitution which states that "Parliament shall ensure that funding and resources are made available to the Human Rights and Anti-Discrimination Commission to enable it to independently and effectively exercise its powers and perform its functions and duties".

 D. Hate Speech

55. The Special Rapporteur has been informed that although the Government has taken a clear and unequivocal stance against any form of hate speech and racial vilification, whether in the media, in Parliament or in public, such messages remain strong in the internet and social media, where it is much more difficult to regulate and remove such messages given the complexities of the system and the limitations of various possible measures.

56. In this regard, although the Fiji Constitution grants the freedoms of “speech, expression, thought, opinion and publication”, these freedoms do not protect advocacy of hatred that “is based on any prohibited ground of discrimination listed or prescribed under section 26 and constitutes incitement to cause harm.” Furthermore, this section also provides for laws to limit these rights and freedoms. Among other reasons, laws may limit the rights and freedoms for “the protection or maintenance of the reputation, privacy, dignity, rights or freedoms of other persons, including” the right to be free from hate speech and to prevent “attacks on the dignity of individuals, groups of individuals or respected offices or institutions in a manner likely to promote ill will between ethnic or religious groups or the oppression of, or discrimination against, any person or group of persons.” The Constitution vaguely defines hate speech as “an expression in whatever form that encourages, or has the effect of encouraging discrimination on a ground listed or prescribed under section 26.”[[50]](#footnote-51)

57. The Special Rapporteur recalls that other laws also prohibit hate speech. Section 17 of the Public Order Act criminalizes the spreading or stating of words, whether spoken or intended, or by signs or visible representation, that are likely to: incite racial dislike or hatred of any race or community; promote feelings of enmity or ill will between different races or communities; or prejudice the public peace. It also criminalizes making intimidating or threatening statements “in relation to a race or community other than his own which is likely to arouse fear, alarm or a sense of insecurity amongst members of that race.” The Public Order Amendment Decree of 2012 prohibits grants of permits to any person or organization that on previous occasion has engaged in racial or religious vilification. Furthermore, the Media Industry Development Decree of 2010 prohibits media content that: (a) is against the public interest or order; (b) is against national interest; or (c) creates communal discord.[[51]](#footnote-52) The Special Rapporteur also recalls that the lack of a proper definition of what constitutes racist or hate speech gives wide ranging discretionary powers to MIDA and the executive to prohibit contents by the media.

58. While appreciating the history of political instability that the people of Fiji are endeavouring to put behind them, the Special Rapporteur is concerned that the space and opportunities to constructively discuss issues of ethnicity and race within society at large remains quite limited. In order to effectively address the troubled past and ensure healing and reconciliation among all Fijians, there needs to be open conversations and dialogue as well as forums where such issues can be discussed openly.[[52]](#footnote-53)

59. The Special Rapporteur recalls the essential role of civil society, the media, academics as well as religious groups and faith-based organizations in spearheading such conversations and dialogues. Such institutions are the building blocks for the emergence of a strong, open, and inclusive Fijian society. Measures to address racial and ethnic incitement on the internet and social media should be designed and implemented from a multi-stakeholder approach while keeping within the provisions in international human rights law and in particular the protections on freedom of expression and opinion. In this regard, he recalls the recommendations made in his 2014 report to the Human Rights Council which addressed the challenges of racism and hate speech on the internet and social media and provided several examples of good practices which could be followed.[[53]](#footnote-54)

60. The Special Rapporteur would also like to reiterate the responsibility of political leaders of all parties who need to work together to address this crucial issue of reconciliation and move towards a more inclusive society. The elimination of racial and ethnic divisions will depend on the unequivocal commitment of the country’s political leadership and willingness to denounce and reject those seeking to organize politics along ethnic or racial lines.

 **VII. Conclusions and recommendations**

61. **In the meetings with all interlocutors, the Special Rapporteur was impressed by the commitment of the Government as well as all other actors to build a strong, open, inclusive and resilient Fijian society, independent of one’s ethnic or racial background or religion.**

62. **The Special Rapporteur is well aware about Fiji’s history, shaped by its colonial past and of the political instability it has faced since its independence in 1970. The Special Rapporteur is encouraged by the fact that the Government is addressing the injustices of the past by putting in place new laws and institutions. He is encouraged by the stated commitment of various political leaders to build a Fiji that guarantees equality for all citizens, irrespective of their race, ethnic background, religion, and of efforts to redress past policies of racial and ethnic discrimination, such as the different programmes and policies put in place by the Government in order to improve the social and economic welfare of all, to promote social cohesion and non-discrimination, to tackle social and economic challenges faced by those living in rural and remote areas, and to ensure quality delivery of social services to all the beneficiaries.**

63. **In this connection and in a spirit of constructive dialogue the Special Rapporteur wishes to make the following recommendations:**

 (a) **The Government should promptly sign and ratify the key international instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Discrimination in Education, and the International Convention on the Rights of All Migrant Workers and Members of their Families as well as the ILO Convention on Indigenous and Tribal Peoples, 1989 (C169). The Government should also ratify the Convention on the Rights of Persons with Disabilities, signed in 2010;**

 (b) **The Fiji Human Rights and Anti-Discrimination Commission should be strengthened to meet the requirements of the Paris Principles and should seek accreditation as soon as possible to provide an independent mechanism for Fiji islanders to enforce their human rights. In particular, the vacant positions of Commissioners should be duly filled. Guidance should also be given to the Commission, as well as the national courts, on how complaints should be adjudicated. The experience of other national Human Rights Institutions from the region can serve as a valuable example to strengthen this Commission;**

 (c) **The Special Rapporteur is fully aware about the complexities of combating hate speech. In this regard, the Special Rapporteur recommends that measures to address racial and ethnic incitement on the internet and social media be designed and implemented from a multi-stakeholder approach while keeping within the provisions on international human rights law and in particular the protections on freedom of expression and opinion. The recommendations made in his 2014 report to the Human Rights Council where he addressed the challenges of racism and hate speech on the internet and social media can serve as examples of good practices to be followed;**

 (d) **The Special Rapporteur recalls the essential role of civil society, the media, academics as well as religious groups and faith-based organizations in spearheading conversations and dialogues between the different ethnic, linguistic and religious groups. Such institutions are the building blocks for the emergence of a strong, open, and inclusive Fijian society and have an essential role in the promotion of a national dialogue among all Fijians beyond their ethnic, linguistic or religious background. Such dialogue should address the injustices of the past but also offer possibilities of redressing the current inequalities of wealth and distribution of resources. In this regard, United Nations agencies and programmes present in Fiji should play a facilitator role in helping bring about this dialogue as they are in a unique position of independence and good reputation with all their Fijian counterparts;**

 (e) **The Special Rapporteur calls upon the Government to evaluate the effectiveness of the policies and programmes of inclusiveness which have been put in place. This can only be achieved with detailed statistics and in particular disaggregated data which needs to be collected and made available. In order to measure progress made on the elimination of racism and racial discrimination, a whole range of different factors such as gender, age, sexual orientation, geography, income, access to social and economic services and rights need to be assessed in order to provide an objective evaluation of the different measures the Government has adopted and to provide the baselines upon which future policies and programmes can be designed;**

 (f) **The Special Rapporteur is aware of the fact of the reluctance to gather official collection of ethnically disaggregated data and statistics. Under such circumstances, the Special Rapporteur recalls that there are innovative ways of ensuring that such data is available for policy making and change. In this regard, the Special Rapporteur call upon independent research institutes and universities to collect this disaggregated data, with the support of the State in order to be able to assess the progress made ;**

 (g) **The Special Rapporteur recalls the fundamental role the Human Rights and Anti-Discrimination Commission has in providing guidance to the Government in all the issues discussed above, but also in receiving complaints and providing assistance and guidance to victims of alleged acts of racism and discrimination. To this end, strengthening this Commission and accord it with the necessary resources to ensure that it can function properly and secure the necessary confidence and legitimacy of relevant actors is an urgent priority for all stakeholders.**

1. \* The present report was submitted after the deadline in order to reflect the most recent developments. [↑](#footnote-ref-2)
2. \*\* Circulated in the language of submission only. [↑](#footnote-ref-3)
3. Lal, Brij Fiji Islands: From Immigration to Emigration, Migration Policy Institute, 2001, http://www.migrationpolicy.org/article/fiji-islands-immigration-emigration [↑](#footnote-ref-4)
4. Vijay Naidu, Fiji: The Challenges and Opportunities of Diversity, Minority Rights Group International, 2013, http://minorityrights.org/wp-content/uploads/old-site-downloads/download-1202-Fiji-the-challenges-and-opportunities-of-diversity.pdf. [↑](#footnote-ref-5)
5. Report of the Working Group on the Universal Periodic Review: Fiji, A/HRC/28/8, 17 December 2014, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/245/67/PDF/G1424567.pdf?OpenElement. [↑](#footnote-ref-6)
6. <http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx> [↑](#footnote-ref-7)
7. A/HRC/32/37/Add.1 [↑](#footnote-ref-8)
8. Concluding observations on the eighteenth to twentieth period reports of Fiji, CERD/C/FJI/CO/18-20, 23 October 2012, http://tbinternet.ohchr.org/\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/FJI/CO/18-20%20%20&Lang=En. [↑](#footnote-ref-9)
9. All decrees, acts and promulgations were consolidated at the end of 2016 [↑](#footnote-ref-10)
10. Human Rights Commission Decree 2009, http://www.fhrc.org.fj/images/doc/Decree%2011.pdf. [↑](#footnote-ref-11)
11. Part 3 Unfair Discrimination above http://www.paclii.org/fj/promu/promu\_dec/hrcd2009280.pdf [↑](#footnote-ref-12)
12. Employment Relations Promulgation 2007, and Employment Relations (Amendment) Act No. 4 of 2015 http://www.ilo.org/dyn/travail/docs/820/Employment%20Relations%20Promulgation%202007.pdf. [↑](#footnote-ref-13)
13. Public Order Act, http://www.paclii.org/fj/legis/consol\_act\_OK/poa133/. [↑](#footnote-ref-14)
14. Public Order (Amendment) Decree 2012, http://www.fijifiu.gov.fj/getattachment/Law-Regulations/Other-Relevant-Laws/Public-Order-Amendment-Decree-2012.pdf.aspx. [↑](#footnote-ref-15)
15. Immigration Act 2003, http://www.paclii.org/fj/legis/num\_act/ia2003138/index.html#p6. [↑](#footnote-ref-16)
16. Submission by the United Nations High Commissioner for Refugees for the OHCHR Compilation Report – Universal Periodic Review, March 2014, http://www.refworld.org/country,,UNHCR,,FJI,,5541db4a4,0.html. [↑](#footnote-ref-17)
17. The anti-sodomy laws were struck down initially by the Courts in the case of McCosker vs. State in 2004 and the Government made no attempt to re-introduce such laws in passing the Crimes Act in 2010 [↑](#footnote-ref-18)
18. Freedom in the World 2015: Fiji, Freedom House, https://freedomhouse.org/report/freedom-world/2015/fiji. [↑](#footnote-ref-19)
19. Ministry of iTaukei Affairs, http://www.fijianaffairs.gov.fj/iTaukei.html. [↑](#footnote-ref-20)
20. NGO Alternate Report to the Committee on the Elimination of Racial Discrimination for the Republic of Fiji, June 2012, http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/FJI/INT\_CERD\_NGO\_FJI\_13663\_E.pdf. [↑](#footnote-ref-21)
21. Campaign to stop gay bashing in Fiji schools, ABC Radio Australia, 17 May 2012, http://www.radioaustralia.net.au/international/radio/program/pacific-beat/campaign-to-stop-gay-bashing-in-fiji-schools/945850. [↑](#footnote-ref-22)
22. Asia-Pacific Countries Stand United Against Homophobic and Transphobic Bullying in Schools, UNDP, 19 June 2015, http://www.asia-pacific.undp.org/content/rbap/en/home/presscenter/pressreleases/2015/06/19/asia-pacific-countries-stand-united-against-homophobic-and-transphobic-bullying-in-schools-.html. [↑](#footnote-ref-23)
23. Constitution of the Republic of Fiji 2013, http://www.paclii.org/fj/Fiji-Constitution-English-2013.pdf. [↑](#footnote-ref-24)
24. Human Rights Commission Decree 2009, http://www.fhrc.org.fj/images/doc/Decree%2011.pdf. [↑](#footnote-ref-25)
25. Fiji Human Rights & Anti-Discrimination Commission, http://www.fhrc.org.fj/. [↑](#footnote-ref-26)
26. Sections 11(2), 27 (2), 28(2), 37 (3), 38(1), 38(2), 38 (4), 38 (5), 40(6), 40(7), 42 (5), 42 (6) and 52(3) of the Decree prohibits the Commission from receiving complaints against, or investigating, questioning or challenging the legality or validity of the Fiji Constitution Amendment Act 1997, Revocation Decree 2009 or such other decrees made or as may be made by the President from 10 April 2009. in http://www.paclii.org/fj/promu/promu\_dec/hrcd2009280.pdf [↑](#footnote-ref-27)
27. http://www.radionz.co.nz/international/pacific-news/168893/fiji-human-rights-commission-suspended-from-international-body. [↑](#footnote-ref-28)
28. Fiji National Action Plan for Human Rights Education 2003-2005, http://www2.ohchr.org/english/issues/education/training/docs/actions-plans/Fiji.pdf [↑](#footnote-ref-29)
29. A/HRC/32/37/Add.1 [↑](#footnote-ref-30)
30. Vijay Naidu, Fiji: The Challenges and Opportunities of Diversity, Minority Rights Group International, 2013, http://minorityrights.org/wp-content/uploads/old-site-downloads/download-1202-Fiji-the-challenges-and-opportunities-of-diversity.pdf. [↑](#footnote-ref-31)
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39. Vijay Naidu, Fiji: the challenges and opportunities of diversity, Minority Rights Group International, 2013, http://minorityrights.org/wp-content/uploads/old-site-downloads/download-1202-Fiji-the-challenges-and-opportunities-of-diversity.pdf. [↑](#footnote-ref-40)
40. Fiji: the challenges and opportunities of diversity, Minority Rights Group International, 2013, http://minorityrights.org/wp-content/uploads/old-site-downloads/download-1202-Fiji-the-challenges-and-opportunities-of-diversity.pdf. [↑](#footnote-ref-41)
41. NGO Alternate Report to the CERD for the Republic of Fiji, June 2012, http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/FJI/INT\_CERD\_NGO\_FJI\_13663\_E.pdf. [↑](#footnote-ref-42)
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48. <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/FJI/CO/> 18-20%20%20&Lang=En. [↑](#footnote-ref-49)
49. http://tbinternet.ohchr.org/\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/FJI/CO/2-4&Lang=En. [↑](#footnote-ref-50)
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51. http://www.fiji.gov.fj/getattachment/5765b9b4-1b96-4f0d-afc1-3a80e0e2a316/Decree-No-29---Media-Industry-Development-Decree-2.aspx. [↑](#footnote-ref-52)
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53. A/HRC/26/49 [↑](#footnote-ref-54)