

BASELINE ASSESSMENT OF R2P IMPLEMENTATION



The following Baseline Assessment Annex provides an overview of Fiji's efforts in implementing R2P as of 2019. For a full description of the methodology used in this study, see Part II of 'Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges', available <a href="https://example.com/here/baseline/basel

Fiji is a relatively strong supporter of R2P and of multilateral measures to address peace and security issues more broadly. It has repeatedly voted and spoken in favour of R2P in UN settings, and supported and contributed to relevant regional initiatives such as RAMSI and the strengthening of the Pacific Islands Forum. Fiji is a significant contributor to UN peacekeeping and supports the spirit of the Kigali Principles on civilian protection. It has also looked to strengthen training and capacity on civilian protection and committed to the voluntary compact for the prevention of sexual exploitation and abuse by peacekeepers.

Fiji has acceded to and implemented most of the relevant instruments of international law and is a party to the Rome Statute. However, it has not yet adopted R2P-specific policy initiatives such as appointing an R2P Focal Point. Fiji's record on domestic implementation is similarly strong overall. It has a relatively strong legislative protections for individual human rights and group rights. It has a fairly robust civil society, but more could be done to strengthen some of the core protections. Although tensions between different ethnic groups exist, Fiji does a relatively good job of managing them constructively. The most significant problem confronting the country is its long history of military coups, though these have never resulted in atrocity crimes and are unlikely to do so in the foreseeable future.

Assessment	Indicator
Very Strong	Protection of populations from atrocity crimes
	Reduction of atrocity crime risks
	Dealing with past atrocities
	Sign, ratify and implement relevant instruments of international law
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court
	Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate)
Strong	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations
	Ensure equal access to justice
	Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity
	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law
	Cultivate and protect an active, diverse and robust civil society
	Participate in international, regional and national discussions on the further advancement of R2P
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system
	Support preventive actions on atrocity crimes
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness
	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping
	Support the Kigali Principles
Fair	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles
	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination
	Take measures to counter and prevent violent extremism
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender- based violence
	Support atrocity prevention through development and assistance partnerships
	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P
	Prevent nationals committing atrocity crimes overseas
	Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy
	Strengthen the role and capacity of regional organisations

Weak	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect			
	Strengthen regional and international networks for atrocity crime prevention			
	Support the development and work of regional human rights and other preventive capacities			
Very Weak	Appoint national R2P Focal Point			
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships			
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect			
	Conduct a national assessment of risk and resilience			
	Ensure a legitimate, effective and civilian controlled security sector			
	Support UN Security Council veto restraint on issues relating to atrocity prevention			

Fiji Score: 57

A small Pacific Islands state, Fiji has a long and proud history of contributing to UN peacekeeping operations. Considering its size, Fiji is a significant supporter of R2P and has contributed to the development of regional and global capacities. It has also used its vote in the UN to support atrocity prevention measures. Domestically, Fiji has a strong record of protecting its population from atrocity crimes, but has experienced periodic military coups.

Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Very Strong	In the past, Fiji is a country that has been riven with ethnic tensions between the indigenous Fijians and the Indo-Fijian population brought to the country under colonial rule. These tensions were the basis of four coups that have occurred since 1987. Since the latest 2006 coup and with the new constitution in 2013, the government has instituted changes that have improved the ethnic situation and in turn reduced the chances of more coups and the
	Reduction of atrocity crime risks.	Very Strong	commission of atrocity crimes. While risks remain, especially regarding violence and impunity in the security sector, Fiji's population is currently at a low risk of atrocity crimes.
	Dealing with past atrocities.	Very Strong	Despite a long history of political and social upheaval, Fiji has remained remarkably free of any past atrocity crimes.
Policy Mechanisms	Appoint national R2P Focal Point. Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Very Weak Very Weak	Fiji has not appointed an official to act as a national R2P Focal Point. ³ No evidence of atrocity crime risks or dynamics has been incorporated into conflict analysis or development practices in Fiji.
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Very Weak	There are no domestic mechanisms holding the Fijian government accountable to the responsibility to protect.
International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Very Strong	Fiji has signed and ratified eleven of the twelve international human rights laws (IHRL) most relevant to R2P. They are: ⁴
			 Convention on the Prevention and Punishment of the Crime of Genocide (Ratification/Accession: 1973). Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [CAT] (Ratification/Accession: 2016). International Covenant on Civil and Political Rights [ICCPR] (Ratification/Accession: 2018).

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¹ Minority Rights Group International, 2017. Fiji Islands, https://minorityrights.org/country/fiji-islands/.

² BBC News, 2018. 'Fiji profile – timeline'. *BBC News*, 4 January. Available at: https://www.bbc.com/news/world-asia-pacific-14919688.

³ Global Centre for the Responsibility to Protect (GCR2P), 2018. *Global Network of R2P Focal Points*, http://www.globalr2p.org/media/files/regional-breakdown global-network-of-r2p-focal-points-2.pdf.

⁴ United Nations Human Rights Office of the High Commissioner (UNOHCHR), n.d. *View the ratification status by treaty or by country*, https://tbinternet.ohchr.org/ layouts/15/TreatyBodyExternal/Treaty.aspx; United Nations Treaty Collection (UNTC), 2019. 8. *Arms Trade Treaty*, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVI-8&chapter=26&clang=_en; United Nations High Commissioner for Refugees (UNHCR), 2015. *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*, p. 2, https://www.unhcr.org/en-au/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html; International Committee of the Red Cross (ICRC), n.d. *Geneva Conventions of 1949 and Additional Protocols*, and their Commentaries, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreaties1949.xsp; UNTC, 2019. *1. Convention on the Prevention and Punishment of the Crime of Genocide*, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4&clang==en; International Criminal Court (ICC), n.d. *The States Parties to the Rome Statute*, https://asp.icc-cpi.int/en_menus/asp/states%20parties/pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#F

Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with	Very Strong	 Convention on the Elimination of All Forms of Discrimination against Women [CEDAW] (Ratification/Accession: 1995). Convention on the Elimination of All Forms of Racial Discrimination [CERD] (Ratification/Accession: 1973). International Covenant on Economic, Social and Cultural Rights [ICESCR] (Ratification/Accession: 2018). Convention on the Rights of the Child [CRC] (Ratification/Accession: 1993). 1951 Refugee Convention and its 1967 Protocol (Ratification/Accession: 1972). Geneva Conventions (Ratification/Accession: 1971). Geneva Protocol I (Ratification/Accession: 2008). Rome Statute of the International Criminal Court (Ratification/Accession: 1999). Fiji has not signed or ratified the Arms Trade Treaty [ATT]. Fiji signed and ratified the Rome Statute on 29 November 1999.
the Court. Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.	Fair	In 2007 the Fiji Human Rights Commission was suspended from the Global Alliance of National Human Rights Institutions (GANHRI), due to concerns it lacked independence in the wake of the 2006 coup. Before this time, it had a rating of 'A', showing full compliance with the Paris Principles. In 2009, it was reconstituted by presidential decree as the Fiji Human Rights and Anti-Discrimination Commission. The Commission has a wide remit to promote human rights in Fiji and interact with international human rights bodies and fora. Yet, this decree establishes limits to the independence of the institution. Section 11(2) of the decree states the Commission will not concern itself with "receiving complaints against, or investigating, questioning or challenging, the legality or validity of the <i>Fiji Constitution Amendment Act 1997 Revocation Decree 2009</i> , or such other Decrees made or as may be made by the President." It currently has no accreditation, according to GANHRI.
Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.	Fair	Fiji's human rights record has a tumultuous history under military dictatorships, but recently it has been on a positive trajectory. The country's most recent constitution (2013) guarantees the rights to life and liberty, freedom of speech, assembly, association

⁵ ICC, 2003. Fiji, https://asp.icc-cpi.int/en_menus/asp/states%20parties/asian%20states/Pages/fiji.aspx.

⁶ GANHRI, 2018. Chart of the Status of National Institutions, p. 11, https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/Status%20Accreditation%20Chart.pdf; Radio New Zealand (RNZ), 2007. 'Fiji Human Rights Commission suspended from international body'. RNZ, 2 April. Available at: https://www.rnz.co.nz/international/pacific-news/168893/fiji-human-rights-commission-suspended-from-international-body">https://www.rnz.co.nz/international/pacific-news/168893/fiji-human-rights-commission-suspended-from-international-body. Fiji Government. 'Human Rights Commission Decree 2009 (Decree No. 11)'. (12 May 2009). Human Rights and Anti-

Discrimination Commission. Section 11(2). http://www.fhradc.org.fj/about-us/constitutional-provisions/hrc-decree-no-112009/. See also: United Nations, General Assembly, Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15(b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, 18 August 2014, A/HRC/WG.6/20/FJI/2, p. 4.

		needom nom disemmation.
		Human rights violations remain after the recent election, which was deemed to be mostly fair and respected citizens' rights to participate in the political process. The major issues involve violence and impunity in the police and military forces, media censorship and forced labour. Despite Fiji's ascension to the vice-presidency of the Human Rights Council, little progress has been
		recorded on ameliorating these issues. 12
Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.	Very Strong	Fiji has participated in two rounds of the UPR, first in 2010 and again in 2014. It is set for its third review in November 2019. In its first UPR, Fiji received 103 recommendations. It accepted 97 and rejected the other six. These rejected recommendations were mostly regarding the reinstatement of democratic rule following the coup. 13 At its second UPR, Fiji accepted 112 and took note of the remaining 26 recommendations of the total 138 it received. Those it took note of mostly regarded acceded to IHRL it had not yet done at the time. 14
		Fiji has two overdue reports (CAT and CERD), both less than five years overdue. ¹⁵
Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.	Strong	Fiji extended a standing invitation to UN mandate holders in 2015. Reports on the sale of children, mercenaries, education and racism have already been completed, with another on the environment forthcoming. More reports have been requested in 2019. 16
Ensure equal access to justice.	Strong	According to the constitution, every person charged with an offence in Fiji has the right to a fair trial. ¹⁷ This right is generally respected by the justice system. ¹⁸

and the rights to religious freedom and education.⁸ Article 26 also provides for the right to equality and

freedom from discrimination.9

https://tbinternet.ohchr.org/ layouts/15/TreatyBodyExternal/LateReporting.aspx.

⁸ Republic of Fiji, The Parliament of the Republic of Fiji. *Constitution of the Republic of Fiji*, *Chapter 2*, *Articles 8*, *9*, *17*, *18*, *19*, 22 and *31*. Suva, 2013.

⁹ Ibid., Chapter 2, Article 26.

¹⁰ Ibid., Chapter 2, Article 23; Graue, Catherine, 2018. 'Fiji election: PM Frank Bainimarama's FijiFirst party narrowly wins election'. *ABC News*, 18 November. Available at: https://www.abc.net.au/news/2018-11-18/fiji-incumbent-prime-minister-party-narrowly-wins-election/10508928.

¹¹ U.S Department of State, 2019. *Fiji 2018 Human Rights Report*, https://www.state.gov/wp-content/uploads/2019/03/FIJI-2018.pdf; Hill, Bruce, et al. 2016. 'Fiji's Bainimarama still dogged by rights issues 10 years on from his coup'. *ABC News*, 5 December. Available at: https://www.abc.net.au/news/2016-12-05/fijis-bainimarama-still-dogged-by-rights-issues/8087246.

¹² Amnesty International, 2019. *Fiji: Despite UN scrutiny ahead, no progress on human rights*, https://www.amnesty.org/en/latest/news/2019/03/fiji-despite-un-scrutiny-ahead-no-progress-on-human-rights/; Hill, Bruce, 2018. 'Fiji and human rights: the limits of influence'. *The Interpreter*, 16 October. Available at: https://www.lowyinstitute.org/the-interpreter/fiji-and-human-rights-limits-influence.

¹³ UPR Info, 2010. *Responses to Recommendations: Fiji*, https://www.upr-info.org/sites/default/files/document/fiji/session-7-february-2010/recommendationstofiji2010.pdf.

¹⁴ UPR Info, 2014. 2RP: Responses to Recommendations & Voluntary Pledges: Fiji, https://www.upr-info.org/sites/default/files/document/fiji/session 20 - october 2014/recommendations and pledges fiji 2014.pdf. ¹⁵ UNOHCHR, n.d. Late and non-reporting States,

¹⁶ UNOHCHR, n.d. View Country visits of Special Procedures of the Human Rights Council since 1998, https://spinternet.ohchr.org/layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=FJI.

¹⁷ Republic of Fiji, The Parliament of the Republic of Fiji. Constitution of the Republic of Fiji, Chapter 2, Article 15.

¹⁸ U.S Department of State, 2019. Fiji 2018 Human Rights Report, p. 6.

Criminalise incitement to commit Strong genocide, war crimes, ethnic cleansing and crimes against humanity.

Take measures to counter and prevent violent extremism.

Government interference in the judiciary has continued since the 2006 coup, limiting its independence. In 2012, an amendment removed court jurisdiction over challenges to government decisions or judicial restructuring. Subsequent amendments have further limited judicial input on decisions made by members of parliament and government departments.19

Genocide, war crimes and crimes against humanity are criminal offences under the Fijian Crimes Decree 2009. Genocide and some crimes against humanity carry a life sentence in prison, while other crimes against humanity carry between 17 and 25 year prison terms.20

Fair

At a 2018 meeting on implementing the UN's Global Counter-Terrorism Strategy, Fiji reiterated its condemnation of terrorism in all its forms. In his speech at the meeting, Fiji's Secretary for Defence stressed the importance of cooperation and information sharing in combating terrorism and violent extremism. He further said the Fiji's role in peacekeeping, and the Fijian way of cultural exchange through their peacekeepers, was crucial in maintaining peace and security.²¹

At the Global Counter-Terrorism Strategy Review in the General Assembly in 2018, Fiji again voiced its condemnation and drew attention to its peacekeeping efforts. The delegation stressed "... that countering terrorism must start by confronting the financial networks that funded terrorism."22 Fiji has taken measures in this area, establishing a Financial Intelligence Unit (FIU) in 2004, after joining the Asia Pacific Group on Money Laundering (APG) in 1998.²³ Fiji's FIU coordinates and shares information well with other organisations, although there were shortcomings in its capability and policy architecture. Despite (or perhaps because of) having a low risk of terrorism and terrorism financing, Fiji "... lacks a comprehensive national strategy informed by its understanding of risks to combat ML [money laundering] and TF [terrorism financing]."24

An act of terrorism is not defined in either the Penal Code or the Crimes Decree 2009.

¹⁹ Ibid., p. 5 – 6; Wickberg, Sofia, 2013. Corruption and Anti-corruption in Fiji, p. 6,

https://knowledgehub.transparency.org/assets/uploads/helpdesk/Overview of corruption and anti-corruption in Fiji.pdf. ²⁰ Library of Congress, 2016. Genocide, Crimes Against Humanity, and War Crimes Jurisdiction,

https://www.loc.gov/law/help/genocide/chart.php#Fiji; Government of the Republic of Fiji. 'Crimes Decree 2009 (No. 44 of 2009)'. (11 May 2009). International Labour Organization. Chapter III, Part 12, Division 2 and 3, p. 1057 – 1065. https://www.ilo.org/dyn/natlex/docs/SERIAL/86223/97166/F1417546453/FJI86223.pdf>.

²¹ United Nations, 2018. Statement by the Permanent Secretary For Defence Mr. Osea Cawaru United Nations High-Level Conference of Heads of Counter-Terrorism Agencies of Member States,

https://www.un.org/counterterrorism/ctitf/sites/www.un.org.counterterrorism.ctitf/files/S4-Fiji.pdf.

²² United Nations, General Assembly, Speakers Discuss Efforts to Eliminate Radicalization, Violent Extremism, as General Assembly Concludes Global Counter-Terrorism Strategy Review, 27 June 2018, GA/12036.

²³ Fiji Financial Intelligence Unit, 2014. Our Main Functions, https://www.fijifiu.gov.fj/Pages/About-FijiFIU/What-we-do.aspx; APG, 2019. Members & Observers: Fiji, http://www.apgml.org/members-and-observers/members/details.aspx?m=49b3f6d3e03f-4d4e-a2fa-faaab935098a.

²⁴ APG, 2016. Anti-money laundering and counter-terrorist financing measures: Fiji Mutual Evaluation Report, p. 3, http://www.apgml.org/members-and-observers/members-documents.aspx?m=49b3f6d3-e03f-4d4e-a2fa-faaab935098a. (Download via the link on this page).

Enact and implement laws Fair Rape and sexual assault is criminalised in the protecting vulnerable groups, Crimes Decree 2009, as is sexual slavery and particularly in relation to sexual trafficking in persons and children.²⁵ Yet, these are and gender-based violence. ongoing problems in Fiji. 72% of Fijian women experience some form of sexual violence or assault, far above the global average of 35%. 26 To address this, the government initiated a number of public awareness campaigns in conjunction with NGOs and religious groups. Its National Development Plan also prioritised gender equality to counter the deeply rooted gender stereotyping prevalent in Fijian society.²⁷ Despite these measures, discrimination against women is still widespread, and the police and courts sometimes dismissed domestic violence cases.²⁸ Fiji is also currently lacking specific anti-discrimination legislation for women, especially lesbian, bisexual and intersex women.²⁹ Sexual exploitation and trafficking in children is also prevalent, and over 70% of Fijian children suffer physical and psychological violence at home.³⁰ Civil society organisations, such as the Fiji Women's Crisis Centre conduct meetings, run campaigns to educate Fijians, and provide 24/7 counselling to victims of domestic violence. Yet violence against women and girls remains pervasive. Protect individuals and groups Strong Fiji signed and ratified the 1951 Refugee fleeing atrocity crimes and their Convention and its 1967 Protocol in 1972. In risk, in accordance with general, the government abides by these treaties and has a good track record of managing asylum International Refugee Law. seekers and refugees. According to a UNHCR report for Fiji's latest UPR, the country "... has played a leadership role for other Pacific Island countries in the region, despite the relatively small number of asylum-seekers and refugees in Fiji and competing domestic priorities."31 As mentioned by UNHRC, the numbers of refugees in Fiji are small, and was confirmed at 12 in 2017, most fleeing from countries such as Pakistan and the Congo.³² Due to the risks of climate change and natural disasters, Fiji, itself a victim of such events, has acknowledged it will take refugees from Kiribati and Tuvalu if such disasters occur in those countries.33

²⁵ Government of the Republic of Fiji. 'Crimes Decree 2009 (No. 44 of 2009)'. (11 May 2009). *International Labour Organization*. Chapter III, Part 12, Division 5 & 6; Chapter III, Part 12. (Note: There are two separate sections labelled 'Part 12' in the *Crimes Decree 2009*. The first concerns genocide, the second sexual offences. The second chapter reference in this footnote refers to sexual offences, and is actually Part 14 of the *Decree*.)

²⁶ Pacific Women, 2017. *Ending Violence Against Women*, https://pacificwomen.org/our-work/focus-areas/ending-violence-against-women/.

²⁷ UNOHCHR, 2018. Committee on the Elimination of Discrimination against Women assesses the situation of women in Fiji, https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22699&LangID=E.

²⁸ U.S Department of State, 2019. Fiji 2018 Human Rights Report, p. 15.

²⁹ UNOHCHR, 2018. Committee on the Elimination of Discrimination against Women assesses the situation of women in Fiji.

³⁰ Ibid.; UNICEF, 2014. *Hidden in Plain Sight: A statistical analysis of violence against children*, p. 96, http://files.unicef.org/publications/files/Hidden in plain sight statistical analysis EN 3 Sept 2014.pdf.

³¹ UNHCR, 2014. Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: The Republic of the Fiji Islands, p. 1, https://www.refworld.org/country.,UNHCR,FJI.,5541db4a4,0.html.

³² McDavid, Trisha Noel, 2017. 9 Facts About Refugees in Fiji, https://borgenproject.org/9-facts-about-refugees-in-fiji/.

³³ Ibid.

Domestic Implementation Conduct a national assessment of very Weak risk and resilience. Cultivate and protect an active, diverse and robust civil society. Constitutional guarantees mean appearance enjoy the right to information an speech, expression and associations.	d out drew criticism ack of due process reatment once they
Cultivate and protect an active, Strong Constitutional guarantees mean diverse and robust civil society. Cultivate and protect an active, Strong constitutional guarantees mean diverse and robust civil society. Enjoy the right to information and speech, expression and associations.	and resilience has
successive Fijian governments h tumultuous relationship with the public at large, due in some part coups that have taken place in F Media in Fiji, and civil society a by two pieces of legislation that actors and give police and secur ranging powers. The <i>Public Ord</i> amendment in 2017 allows the g restrict many constitutional right reasons. These include public sa morality, protecting the reputation and preserving the peace. While and of itself, there is evidence the this <i>Act</i> has been misused by the prevent peaceful protests. There that it is limiting the actions of F movements. The movements. The movements. The second piece of legislation in <i>Industry Development Act</i> , wide limiting the scope of reporting in anything that is not in the public prevent sedition. This has cultive environment of intimidation and censorship. A visit by a UN Sp criticised the vague wording of the second process.	and the freedoms of tion. Yet, in practice, have had a ne media and the rt to the successive Fiji. at large, are affected at restrict civil society prity forces wide reder Act and its government to hts for a variety of safety, publication of individuals de not insidious in that the wording of the Fijian police to the is also concerns Fiji's union a is the Media dely regarded as in Fiji by banning ic interest and to

³⁴ Amnesty International, 2018. *Fiji 2017/2018*, https://www.amnesty.org/en/countries/asia-and-the-pacific/fiji/report-fiji/; Davidson, Helen, 2017. "I know they'll kill me": refugee who fled PNG for Fiji arrested and deported'. *The Guardian*, 3 February. Available at: https://www.theguardian.com/australia-news/2017/feb/03/refugee-who-fled-png-for-fiji-arrested-and-facing-deportation-to-manus-island">https://www.theguardian.com/australia-news/2017/feb/03/refugee-who-fled-png-for-fiji-arrested-and-facing-deportation-to-manus-island.

³⁵ Amnesty International, 2018. *Fiji 2017/2018*; Agence France-Presse, 2017. 'Mass deportation of Chinese from Fiji in latest offshore crackdown by Beijing'. *The Guardian*, 8 August. Available at: https://www.theguardian.com/world/2017/aug/08/mass-deportation-of-chinese-from-fiji-in-latest-offshore-crackdown-by-beijing; Hill Bruce, 2017. 'Dozens of Chinese fraud suspects deported from Fiji arrived handcuffed, in hoods'. *ABC News*, 8 August. Available at: https://www.abc.net.au/news/2017-08-08/chinese-suspects-deported-from-fiji-arrive-hooded-and-handcuffed/8786080.

³⁶ U.S Department of State, 2019. *Fiji 2018 Human Rights Report*, p. 7, 10 – 11; CIVICUS, 2019. *Republic of Fiji: Joint Submission to the UN Universal Periodic Review 34th Session of the UPR Working Group*, p. 5, 10, https://civicus.org/documents/CIVICUSJointUPRFijiSubmisson.pdf.

³⁷ U.S Department of State, 2019. *Fiji 2018 Human Rights Report*, p. 8; Fox, Liam, 2014. 'Fiji's media freedom under the spotlight as long-awaited elections approach'. *ABC News*, 10 June. Available at: https://www.abc.net.au/news/2014-06-09/fiji-media-freedom/5509912.

not define what material could be construed as not in the 'public interest'.38 Despite the restrictions and heavy penalties that come by breaching them, recent developments have shown the resiliency of the civil and media landscapes of Fiji. The recent release of New Zealand journalists after being detained by Fijian police,³⁹ and the continued efforts of independent media outlets are encouraging signs of civil sector liveliness. Reporters Without Borders (RSF) rates Fiji at 52 in the World Press Freedom Index of 2019, up five points from 2018; and Freedom House rates Fiji as 'Partly Free', with a score of 61/100.40Ensure a legitimate, effective and Very Weak The four coups that have impacted the country civilian controlled security sector. since 1987 have left the security apparatus of Fiji with a reputation for violence and impunity. Even before independence and under administration of the British, the Fijian armed forces were utilised "... for coercing troublesome groups in the interests of internal political stability."41 Human rights monitors and UN organisations have noted the brutality Fijian police use on suspects for a number of years, including the torture of suspects.⁴² The Public Order Act "... authorizes the government to use whatever force is deemed necessary to enforce public order."43 Therefore, despite the security sector being under the control of an elected civilian government, the legislative framework facilitates an environment of impunity. There remains strong ties between the military, police and members of the Fijian parliament since the coups. Coupled with a lack of an independent oversight mechanism,⁴⁴ human rights violations by Fiji's security sector are unlikely to be investigated.45 Ensure the education system Strong Recent reforms to the education sector in Fiji have reflects the ethnic, national and created an effective system, with compulsory cultural diversity of society, and education for Grades 1 - 12, with students having sets examples of inclusiveness. the option in Grade 10 to leave and pursue vocational training. The 2016 Special Rapporteur on the right to education said the Fijian education

³⁸ CIVICUS, 2019. Republic of Fiji: Joint Submission to the UN Universal Periodic Review 34th Session of the UPR Working Group, p. 8.

system was open to all children regardless of their background, and classes included subjects in the indigenous iTaukei and Fiji Hindi languages. 46

³⁹ Movono, Lice, 2019. 'New Zealand journalists arrested in Fiji after probing 'illegal' Chinese resort development'. *ABC News*, 4 April. Available at: https://www.abc.net.au/news/2019-04-04/new-zealand-journalists-arrested-in-fiji/10970956.

⁴⁰ RSF, 2019. *Fiji*, https://rsf.org/en/fiji; Freedom House, 2019. *Freedom in the World 2019: Fiji*, https://freedomhouse.org/report/freedom-world/2019/fiji.

⁴¹ Australian National University, n.d. The Military in Fiji – The Military Versus Democracy in Fiji: Problems for Contemporary Political Development, http://press-files.anu.edu.au/downloads/press/p33231/mobile/ch09s04.html.

⁴² Hayward-Jones, Jenny, 2013. 'Fiji police brutality: World is watching'. *The Interpreter*, 11 March. Available at: https://www.lowyinstitute.org/the-interpreter/fiji-police-brutality-world-watching; Amnesty International, 2016. *Beating Justice: How Fiji's Security Forces Get Away With Torture*, https://www.amnestyusa.org/files/fiji report as a 1851492016.pdf.

⁴³ U.S Department of State, 2019. Fiji 2018 Human Rights Report, p. 2.

⁴⁴ The Law on Police Use of Force, 2019. Fiji, https://www.policinglaw.info/country/fiji.

⁴⁵ Amnesty International, 2016. Beating Justice: How Fiji's Security Forces Get Away With Torture, p. 5.

⁴⁶ United Nations, Human Rights Council (HRC), Report of the Special Rapporteur on the right to education in his mission to Fiji, 27 May 2016, A/HRC/32/37/Add.1, p. 6.

			Previous investment by Australia ⁴⁷ and continuing investment by the government ⁴⁸ have contributed to the sector. There remains issues around gender segregation and access to education for people with disabilities, but current investment and focus on education from the government seems to be improving the situation. ⁴⁹
	Prevent nationals committing atrocity crimes overseas.	Fair	Fijian legislation covers the commission of atrocity crimes both within Fijian borders as well as overseas. 50
Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Strong	Fiji participated in the 2016 UN General Assembly Informal Interactive Dialogue on R2P. During this dialogue the delegation stated Fiji's endorsement of the norm, and called for the implementation of all three pillars. ⁵¹ During the 2018 General Assembly Debate on R2P,
			Fiji's representative reiterated the responsibility of individual states to take appropriate action against atrocity crimes: "The obligation is on us to ensure the international system acts in time proactively and decisively." The State went further by supporting R2P's inclusion on the agenda of the General Assembly, and that the Human Rights Council needed to "become better at its work" to better prevent atrocities. 53
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.	Weak	Fiji has abstained from voting on UN General Assembly resolutions that have referenced R2P. ⁵⁴ As a newly elected member to the HRC (in 2019), it has voted in favour of one resolution that referenced R2P (A/HRC/RES/40/17: The human rights situation in the Syrian Arab Republic). ⁵⁵
	Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.	Fair	Through membership of the Pacific Islands Forum, Fiji recognises both the Biketawa and Boe Declarations. Fi It also participated in the Regional Assistance Mission to Solomon Islands (RAMSI, see Solomon Islands Baseline Assessment) to rebuild state infrastructure and community policing. For

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⁴⁷ Pennington, Bill, Nelson Ireland, Wadan Narsey, 2010. *Fiji Education Sector Program: Independent Completion Report*, https://www.oecd.org/countries/fiji/48473721.pdf.

⁴⁸ Pratap, Ritika, 2019. 'Billion dollar year for the Fijian education system: PM'. *FBC News*, 14 January. Available at: https://www.fbcnews.com.fj/news/education/billion-dollar-year-for-the-fijian-education-system-pm/.

⁴⁹ Agostini, Isabella, 2018. *Bright Future for Girls' Education in Fiji*, https://borgenproject.org/girls-education-in-fiji/; U.S Department of State, 2019. *Fiji 2018 Human Rights Report*, p. 18.

⁵⁰ Library of Congress, 2016. Genocide, Crimes Against Humanity, and War Crimes Jurisdiction.

⁵¹ GCR2P, 2016. Statement delivered by Fiji – Informal Interactive Dialogue on R2P, 6 September 2016, http://www.globalr2p.org/media/files/fiji.pdf.

⁵² Asia Pacific Centre for the Responsibility to Protect, 2018. *Spotlight on R2P: 2018 United Nations General Assembly formal Debate on the Responsibility to Protect Asia Pacific Perspectives*, p. 2, https://r2pasiapacific.org/files/2469/Spotlight%20UNGA%20September%202018FINAL%20DFAT.pdf.

⁵³ United Nations, 2018. Speakers Disagree over Suitable Level of Intervention for Stopping Atrocity Crimes, as General Assembly Concludes Debate on Responsibility to Protect, https://www.un.org/press/en/2018/ga12038.doc.htm.

⁵⁴ GCR2P, 2017. *UN General Assembly Resolutions Referencing R2P*, http://www.globalr2p.org/resources/1133. (Voting records for each resolution can be accessed here: https://digitallibrary.un.org/search?ln=en&cc=Voting+Data).

⁵⁵ Universal Rights Group, 2019. *Country Voting History Portal: Fiji*, https://www.universal-rights.org/country-voting-history-portal/country-Porta

⁵⁶ Pacific Islands Forum Secretariat, 2018. *Forty-Ninth Pacific Islands Forum Nauru*, 3rd – 6th September 2018, https://www.forumsec.org/forty-ninth-pacific-islands-forum-nauru-3rd-6th-september-2018/.

⁵⁷ Fiji Police Media Cell, 2017. 'Our Police Round Off RAMSI Mission'. *The Fiji Sun*, 18 July. Available at: https://fijisun.com.fj/2017/07/18/our-police-round-off-ramsi-mission/; Nautilus Institute, 2019. *Coalition forces – Fiji*, https://nautilus.org/publications/books/australian-forces-abroad/solomon-islands/coalition-forces-fiji/.

	Strengthen regional and international networks for atrocity crime prevention.	Weak	Fiji ended its tenure as Chair of the Group of 77 and China at the start of 2014. In his outgoing address, Fiji's Minister for Foreign Affairs and International Cooperation made reference to Fiji's achievements during its time as Chair. While not directly related to atrocity prevention, Fiji stressed poverty reduction and the importance of cooperation for increased development in the global South. ⁵⁸
	Strengthen the role and capacity of regional organisations.	Fair	Fiji has had a role in developing new regional bodies in response to being banned from the Pacific Islands Forum and the Commonwealth following the coups. These include the Pacific Islands Development Forum and the Melanesian Spearhead Group, which Fiji alleges are more inclusive and are not dominated by Australian or New Zealand interests. ⁵⁹ Fiji's involvement in both of these organisations led to their strengthening, ⁶⁰ yet the emphasis was on economic and trade initiatives, ⁶¹ rather than human rights or atrocity prevention measures.
	Support the development and work of regional human rights and other preventive capacities.	Weak	In 2012, Fiji hosted a week-long training program for officials from Small Island States (SIS) in the Pacific, concentrating on human rights work. In particular, it focused on treaty ratification, reporting and implementation of human rights policies. ⁶²
	Support atrocity prevention through development and assistance partnerships.	Fair	Fiji is a partner to many development agreements with countries in the region, particularly Australia. Australia and Fiji's partnership is wide ranging, 63 involving security arrangements, economic cooperation, civil sector investment and women's rights. The recent Fiji-Australia Vuvale Partnership seeks to deepen these connections further, 64 although specific atrocity prevention measures are not mentioned.
			The British High Commission, along with the United Nations Development Program (UNDP), funded a workshop on human rights training to members of Fiji's police force. The course gave participants skills and knowledge within a human rights framework, and may help in alleviating the

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⁵⁸ Group of 77, 2014. Statement by His Excellency Ratu Inoke Kubuabola, Minister of Foreign Affairs and International Cooperation of the Republic of Fiji, Chair of the Group of 77 for 2013, at the Handover Ceremony of the Chairmanship of the Group of 77 and China (New York, 8 January 2014), http://www.g77.org/statement/getstatement.php?id=140108c.

⁵⁹ The Fijian Government, 2013. Address at the Inaugural Pacific Islands Development Forum (PIDF) Meeting – PM Bainimarama, https://www.fiji.gov.fj/Media-Center/Speeches/ADDRESS-AT-THE-INAUGURAL-PACIFIC-ISLANDS-DEVELOPME.aspx; Dobell, Graeme, 2014. 'Ranking Fiji in Australia's South Pacific interests'. The Strategist, 6 March. Available at: https://www.aspistrategist.org.au/ranking-fiji-in-australias-south-pacific-interests/.

⁶⁰ Komai, Makereta. 2015. "Fiji's Foreign Policy and the New Pacific Diplomacy", in G. Fry, S. Tarte, eds. The New Pacific Diplomacy. Australian Capital Territory: ANU Press, p. 118 – 119.

⁶¹ Radio NZ, 2017. 'Fiji signs MSG trade agreement'. *Radio NZ*, 21 January. Available at: https://www.rnz.co.nz/international/pacific-news/322793/fiji-signs-msg-trade-agreement.

⁶² Pacific Islands Forum Secretariat, 2012. *Smaller Island States Officers Now Engage in Human Rights Work*, https://www.forumsec.org/smaller-island-states-officers-now-engage-in-human-rights-work/.

⁶³ Australian Government Department of Foreign Affairs and Trade (DFAT), 2019. *Overview of Australia's aid program to Fiji*, https://dfat.gov.au/geo/fiji/development-assistance/Pages/development-assistance-in-fiji.aspx; DFAT, 2019. *Improved human development in Fiji*, https://dfat.gov.au/geo/fiji/development-assistance/Pages/improved-human-development.aspx; Pacific Women, 2017. *Fiji*, https://pacificwomen.org/our-work/locations/fiji/.

⁶⁴ Prime Minister of Australia, 2019. *Media Release: Joint Statement with the Prime Minister of Fiji*, https://www.pm.gov.au/media/joint-statement-prime-minister-fiji.

			environment of abuse Fiji's security sector fosters. ⁶⁵
United Nations, prevention, Peacekeeping, and assistance	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P.	Fair	The Fiji delegation was absent from the vote on the Venezuelan amendment to not fund additional posts to the UN Office of the Special Advisor on the Prevention of Genocide. ⁶⁶ In its address at the 2016 UN General Assembly Interactive Dialogue, Fiji reiterated its support for averting the occurrence of atrocity crimes, and that prevention is always preferable to resolution after
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system.	Strong	the fact. ⁶⁷ Fiji has supported international initiatives that indirectly support atrocity prevention. It signed, in conjunction with 10 other Pacific countries, the 2015 Denarau Declaration on Human Rights and Good Governance. This declaration guides implementation of UN human rights treaties by national governments, as well as other human rights initiatives such as women's rights and climate change. ⁶⁸ Fiji also took over chairmanship of the Small States Forum, focusing on how international development and World Bank funding could support disaster risk management and technology innovation in small and developing countries. ⁶⁹
	Support preventive actions on atrocity crimes.	Strong	In recent years Fiji has supported R2P and atrocity prevention at international fora, mostly in reference to its peacekeeping record (see Indicator below). The UN Secretary-General congratulated the country for its work on climate change in a speech to parliament in 2018. During this speech he also praised Fiji for its inclusiveness and openness to human rights and protection of refugees. The country set the example for implementing measures that mitigate the humanitarian consequences of climate change as well as the advancement of the Sustainable Development Goals. ⁷⁰
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).	Very Strong	The central role of the military in Fiji's domestic sphere also gives the country great capacity to deploy on UN peacekeeping missions. Peacekeeping is arguably the defining aspect of Fiji's commitment in international affairs. The country takes pride in its long and extensive record participating in peacekeeping operations, showcasing its commitment to atrocity prevention through its 40 years of peacekeeping. ⁷¹

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⁶⁵ UNDP Pacific Office in Fiji, 2019. *Specialised training for Fiji Police Officers to benefit vulnerable persons*, http://www.pacific.undp.org/content/pacific/en/home/presscenter/articles/2019/specialised-training-for-fiji-police-officers-to-benefit-vulnerable-persons.html.

⁶⁶ Serrano, Monica, 2011. *The Responsibility to Protect – True consensus, false controversy*, p. 110, http://responsibilitytoprotect.org/dd55_web_art8.pdf; GCR2p, 2011. *ACABQ and Fifth Committee Negotiations on the Joint Office*, p. 10, http://www.globalr2p.org/media/files/report-acabq-and-fifth-committee-negotiations.pdf. (Fiji is listed in neither the 'in favour' or 'against' lists of voting countries.)

⁶⁷ GCR2P, 2016. Statement delivered by Fiji – Informal Interactive Dialogue on R2P, 6 September 2016.

⁶⁸ Pacific Community, 2015. *First-ever Pacific MPs' declaration on human rights for good governance*, https://www.spc.int/updates/news/2015/01/first-ever-pacific-mps-declaration-human-rights-good-governance.

⁶⁹ The World Bank, 2018. *Small States Forum 2018: Building Resilience and Connectivity*, https://www.worldbank.org/en/events/2018/10/10/small-states-forum-2018#1.

⁷⁰ United Nations, 2019. Secretary-General Hails Fiji's Courage, Conviction in Taking on Global Challenges, including Climate, Development, Peacekeeping, in Address to Parliament, https://www.un.org/press/en/2019/sgsm19582.doc.htm.

⁷¹ United Nations, 2018. Statement by the Permanent Secretary For Defence Mr. Osea Cawaru United Nations High-Level Conference of Heads of Counter-Terrorism Agencies of Member States; GCR2P, 2016. Statement delivered by Fiji – Informal Interactive Dialogue on R2P, 6 September 2016.

Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping. Since the 1970s, when Fiji was admitted to the UN General Assembly, Fijian peacekeepers have served in Angola, Bosnia & Herzegovina, Cambodia, Croatia, Darfur, Iraq, Kosovo, Lebanon, Liberia, Sinai, Namibia, Solomon Islands, Rwanda, Somalia, Southern Sudan and Timor-Leste. Their involvement in peacekeeping is seen by the government as its commitment to being a good global citizen and UN member. Per capita, Fiji has committed more personnel to peacekeeping missions than any other State, and it has employed thousands of Fijians and garnered over FJ\$200 million in revenue and remittances.

Currently (May 2019), it has 451 personnel deployed in seven different UN missions, two of which (UNIFIL and UNMISS) have a protection of civilians mandate.⁷⁴

It should be noted that Fiji's strong record of peacekeeping and the experience it gives its soldiers in turn makes them prime recruits for private military and security companies. The government encourages the employment of its citizens and soldiers in these companies, as the salaries earned provide much needed income to families back in Fiji. This is despite the risk of Fijian nationals engaging in mercenary activities in places like Bougainville.⁷⁵

Training of its peacekeepers in civilian protection is vital for the upkeep of Fiji's peacekeeping activities and it has engaged in several initiatives that retain and increase its effectiveness.

In 2018 a Fijian captain was part of the Female Military Officers Course designed to bridge the gender gap in UN peacekeeping and enhance the effectiveness towards women in populations peacekeepers patrol. ⁷⁶ Fiji is also a signatory of the Voluntary Compact. The Compact is offered to all UN member states involved in UN operations (either peacekeeping, humanitarian or development) and seeks to provide commitment and accountability in preventing sexual exploitation and abuse. ⁷⁷ Fiji seems to have taken this Compact seriously, as a peacekeeper who was found guilty of sexual exploitation in Lebanon after a UN

http://www.unwomen.org/en/news/stories/2018/5/feature-fmoc-peacekeeper-training.

Strong

⁷² Fiji Ministry of Foreign Affairs, 2019. [Untitled], http://www.foreignaffairs.gov.fj/news-release/10-foreign-policy/foreign-policy/5-peacekeeping.

⁷³ Komai, Makereta. 2015. "Fiji's Foreign Policy and the New Pacific Diplomacy", p. 115; Wyeth, Grant, 2018. 'Fiji: The Peacekeepers'. *The Diplomat*, 27 September. Available at: https://thediplomat.com/2018/09/fiji-the-peacekeepers/.

⁷⁴ UN Peacekeeping, 2019. *Summary of Contributions to Peacekeeping by Mission, Country and Post*, https://peacekeeping.un.org/sites/default/files/5-mission and country 1.pdf.

⁷⁵ Maclellan, Nic, 2006. *Fiji, the war in Iraq, and the privatisation of Pacific Island security*, https://nautilus.org/apsnet/0611a-maclellan-html/; see also: United Nations, HRC, Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, 8 January 2008, A/HRC/7/7/Add.3.

⁷⁶ UN Women, 2018. *Ready for peacekeeping deployment, with a gender lens*,

⁷⁷ United Nations, 2019. *Member States Signatories to the Voluntary Compact with the Secretary-General of the United Nations on the Commitment to Eliminate Sexual Exploitation and Abuse*, https://www.un.org/preventing-sexual-exploitation-and-abuse/files/compact countries list 23 january 2019.pdf.

		investigation was subsequently dismissed from the Fiji military. The Fiji also invests in more concrete training initiatives, signing an MOU with Australia to design the new Blackrock Camp in Nadi, a proposed regional hub for police and peacekeeping training. The Figure 19 to
Support the Kigali Principles.	Strong	As of July 2018, Fiji has not signed the Kigali Principles on the Protection of Civilians. 80 However, they have consistently striven to augment their peacekeeping capability, 81 including a pledge to endorse the Principles. 82 In the Leaders' Summit on Peacekeeping Declaration, Fiji, along with other participating countries, would "develop, as relevant, the best practices set out in the Kigali Principles."83
Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Weak	Fiji is not a signatory to the Code of Conduct regarding Security Council action against atrocity crimes, ⁸⁴ nor is it a supporter of the French/Mexican initiative on veto restraint in the case of mass atrocities. ⁸⁵

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⁷⁸ U.S Department of State, 2019. *Fiji 2018 Human Rights Report*, p. 2; Smith, Mackenzie, 2019. 'Fijian UN peacekeeper dismissed for sexual exploitation'. *Radio NZ*, 26 March. Available at: https://www.rnz.co.nz/international/pacific-news/385585/fijian-un-peacekeeper-dismissed-for-sexual-exploitation.

⁷⁹ Kuper, Stephen, 2019. 'Australia confirms Blackrock Camp MoU with Fiji'. *Defence Connect*, 23 April. Available at: https://www.defenceconnect.com.au/key-enablers/3921-australia-confirms-blackrock-camp-mou-with-fiji.

⁸⁰ APR2P, 2018. *The Kigali Principles on the Protection of Civilians*, https://r2pasiapacific.org/files/2942/2018 kigali principles.pdf.

⁸¹ United Nations, Security Council, United Nations peacekeeping operations, 12 September 2018, S/PV.8349, p. 40 – 42.

⁸² Bolatiki, Maika, 2017. 'Fiji Set to Fulfil Peacekeeping Pledges', *Fiji Sun*, 18 November. Available at: https://fijisun.com.fj/2017/11/18/fiji-set-to-fulfill-peacekeeping-pledges/.

⁸³ UN Peacekeeping, 2015. Leaders' Summit on Peaceekeeping, https://peacekeeping.un.org/en/leaders-summit-peaceekeeping.

⁸⁴ GCR2P, 2019. List of Supporters of the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes, as elaborated by ACT, http://www.globalr2p.org/media/files/2019-1-1-coc-list-of-supporters.pdf.

⁸⁵ GCR2P, 2016. Support to the French Mexican initiative on veto restraint in case of mass atrocities, http://www.globalr2p.org/media/files/veto-list.pdf.