

Universal Periodic Review
(20th session, Oct–Nov 2014)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Fiji

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	21/11/1990 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	19/01/2010 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Not state party to this Convention			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. Fiji adopted a new constitution in September 2013.¹ **Article 31** enshrines the right to education: “(1) Every person has the right to (a) early childhood education; (b) primary and secondary education; and (c) further education.” The same article also provides that “the State must take reasonable measures within its available resources to achieve the progressive realisation of the right (a) to free early childhood, primary, secondary and further education; and (b) to education for persons who were unable to complete their primary and secondary education.”

3. **Article 26** affirms the Right to equality and freedom from discrimination and provides that “(5) Every person has the right of access, membership or admission, without discrimination on a prohibited ground, to [...] education institutions, [...]”

4. With regard to languages, **article 31** provides that “(3) Conversational and contemporary iTaukei and Fiji Hindi languages shall be taught as compulsory subjects in all primary schools.”

5. With regard to religion, conscience, and belief, **Article 22 (4)** provides that “Every religious community or denomination, and every cultural or social community, has the right to establish, maintain and manage places of education [...], provided that the educational institutions maintains any standard prescribed by law”. In addition, “(5) In exercising its rights under subsection (4), a religious community or denomination has the right to provide religious instruction as part of any education that it provides [...]. (6) Except with his or her consent or, in the case of a child, the consent of a parent or lawful guardian, a person attending a place of education is not required to receive religious instruction [...] if the instruction [...] relates to a religion that is not his or her own or if he or she does not hold any religious belief.”

6. The Constitution also promotes Human Rights Education in **article 45 (4)**, which specifies that the Human Rights Commission is responsible for “(b) education about the rights and freedoms recognised in this Chapter, as well as other internationally recognised rights and freedoms”.

Legislative Framework:

7. The basic legislative framework for education in Fiji is made up of:

¹ <http://www.unesco.org/education/edurights/media/docs/99ce20f9f1f64c7d96a4de313201f830d03c3d4f.pdf>

- The *Education Act of 1978*² specifies that the Minister of Education may, with the consent of parliament, by order, specify any area or areas of Fiji in which all children of such age or ages as may be specified in such order shall be required to attend a school.
- The *Compulsory Education Regulations of 1997* and subsequent Orders of 1997, 1998 1999 and 2000 (issued for completion of compulsory education in different districts) provide for the gradual achievement of compulsory education for children aged 6-15 years.³
- The *Training and Productivity Authority Act of 2002*⁴
- The *Higher Education Promulgation No. 24 of 2008*⁵
- The *Teachers Registration Board Promulgation No. 25 of 2008*⁶
- The *Fiji National University Decree No. 39 of 2009*⁷
- The *Higher Education (Qualifications) Regulations of 2009*⁸

Policy Framework:

8. The first **Education Sector Strategic Plan 2009-2011**⁹ was developed in 2008. This is a new development in education planning guided by Fiji's commitment to improve the quality of education for the people of Fiji. The shift is aimed at consolidating all support towards education through maximum use of government resources to education and donor agency support for improved educational outcomes. The plan highlights seven broad outcomes encompassing all major areas in education. These goals have incorporated the goals and objectives of the Education for All initiative of UNESCO and the United Nations Millennium Development Goals which are part of the international protocols on education which Fiji subscribes to. There are:

1. All children especially kindergarten, disadvantaged students and those with special needs will have access to an expanding, improving and inclusive quality education and care;

² <http://planipolis.iiep.unesco.org/upload/Fiji/Fiji%20Education%20Act%201978.pdf> (Accessed 27 August 2013)

³ World Data on Education, IBE, 7th Edition 2010/11, p. 3, accessible at :

http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Fiji.pdf (Accessed 27 August 2013)

⁴ Ibid, p.3

⁵ Ibid., p.3

⁶ Ibid., p.3

⁷ Ibid., p.3

⁸ Ibid., p.4

⁹ http://planipolis.iiep.unesco.org/upload/Fiji/Fiji_Education_Sector_Strategy_2009-2011.pdf (Accessed 27 August 2013)

2. All children especially kindergarten, disadvantaged students and those with special needs will have access to a relevant, flexible and innovative curriculum that promotes development of lifelong skills and good citizenship;

3. All schools are well resourced to offer learning programmes that are responsive to the needs of students and stakeholders;

4. A workforce that is appropriately qualified, competent, committed and motivated to deliver quality education services with integrity and transparency;

5. The increased prominence of TVET in education and the strengthening and consolidation of its role in developing a competent, skilled and productive workforce for sustainable development in Fiji;

6. Communities, stakeholders and donors are responsive to the education and development needs of students;

7. Improved management through accountability, transparency and good governance processes.

9. With regard to the monitoring, the Education Sector Strategic Plan will involve establishing steering committees or task force who will have a quality assurance role in monitoring the progress of activities and programs in the major output portfolio areas. The education sector plan in collaboration with the developmental partners and key education stakeholders will be reviewed against the agreed performance measures on an annual basis. This will enable key players in the delivery of education in Fiji such as the government; donor agencies, NGO's and communities to be fully informed of the progress and the factors that continue to impact on education in Fiji.

Cooperation:

10. Fiji is not party to the 1960 UNESCO Convention against Discrimination in Education.

11. Fiji did not report to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- Sixth Consultation of Member States, 2001 (covering the period 1994-1999)
- Seventh Consultation of Member States, 2007 (covering the period 2000-2005)
- Eighth Consultation of Member States, 2013 (covering the period 2006-2011)

12. Fiji did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- Fourth Consultation of Member States, 2009 (covering the period 2005-2008)
- Fifth Consultation of Member States, 2013 (covering the period 2009-2012)

13. Fiji did not report to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education in the framework of the First Consultation of Member States (1993). However, it reported within the framework of the Second Consultation of Member States (2011).

14. Fiji is not party to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

Constitutional and Legislative Framework:

15. Freedom of expression is guaranteed under Article 30 of the Fijian Constitution (1997, suspended since 2009), but with limitations regarding national security; public safety and morality; other's reputation, dignity and privacy.¹⁰

16. The press is regulated under the Media Industry Development Decree (2010) that established the Fiji Media Industry Development Authority with powers to enforce the Decree and investigate violations. The Decree also established a separate media tribunal to hear cases and impose prison sentences and fines on journalists whose work is considered to be against "public interest or public order." Violations are punishable by a monetary fine or imprisonment of up to two years for journalists.

17. Seditious is a criminal offence under Article 66 of the Fijian Penal Code (1971) that is punishable with a maximum prison term of three years and/or a monetary fine. Article 67 of the Code imposes penalties for publications in any newspaper with a seditious intention, either in lieu or in addition to any other punishment. The penalties include prohibiting future publication and prohibiting the publisher or the editor from publishing, editing or writing in any newspaper for a certain period.¹¹ Article 68 provides the court the power to prohibit circulation of seditious publications.

18. Defamation, including by the means of the press, is a civil offence under the Defamation Act (1971).¹²

19. A freedom of information law does not currently exist in the country.

Media Self-Regulation:

20. Media self-regulatory mechanisms exist such as through the Fiji Press Council.

¹⁰ http://www.wipo.int/wipolex/en/text.jsp?file_id=184423

¹¹ http://www.paclii.org/fj/legis/consol_act_OK/pc66/

¹² http://www.paclii.org/fj/legis/consol_act_OK/da99/

Safety of Journalists:

21. UNESCO recorded no killing of journalists in Fiji between 2008 and 2012.

Freedom of scientific research and the right to benefit from scientific progress and its applications

22. The Constitution of Fiji guarantees academic freedom and freedom of scientific research in Article 17(I) (d)¹³:

- Freedom of speech, expression and publication:
17.—(1) Every person has the right to freedom of speech, expression, thought, opinion and publication, which includes—
 - (a) freedom to seek, receive and impart information, knowledge and ideas;
 - (b) freedom of the press, including print, electronic and other media;
 - (c) freedom of imagination and creativity; and
 - (d) academic freedom and freedom of scientific research.

III. RECOMMENDATIONS

23. In the Report of the Working Group on the Universal Periodic Review of 23 March 2010¹⁴, Fiji several recommendations regarding education were formulated.

Two recommendations below enjoyed the support of Fiji.

- *10. To ensure the full enjoyment by all children of the rights recognized in the Convention on the Rights of the Child, particularly with regard to access to education and health services (Slovenia);*
- *43. To integrate the component of human rights education and training into its education system (Morocco).*

24. Analysis: The new Constitution of 2013 reiterates that the Human Rights Commission is in charge of education on human rights, but Fiji did not report to UNESCO on specific measures which implement the subject of human rights within the curriculum.

¹³ <http://www.fiji.gov.fj/getattachment/8e981ca2-1757-4e27-88e0-f87e3b3b844e/Click-here-to-download-the-Fiji-Constitution.aspx>.

¹⁴ <http://www.upr-epu.com/files/159/G.E.pdf>

Specific Recommendations on the right to education for the 2nd UPR cycle:

25. Fiji is strongly encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.
26. Fiji is encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
27. Fiji is encouraged to intensify its efforts to overcome traditional attitudes and gender stereotypes that may constitute obstacles to girls' and women's education and to the retention of girls in school.
28. Fiji is encouraged to strengthen its efforts to make basic education free and compulsory for all children and within the whole territory and to ensure that education is allocated sufficient financial and human resources.

Freedom of opinion and expression

29. Fiji is encouraged to align with international standards and accordingly revise the Penal Code to remove sedition charges for acts of speech. Prohibitions on future exercise of freedom of expression through the press is not in line with international standards.
30. A statutory tribunal outside of the normal courts system that decides on whether journalists' work in in the "public interest" is not in line with international standards, and Fiji is encouraged to reform the Media Industry Development Decree accordingly.
31. Fiji is encouraged to introduce a freedom of information law that is in accordance with international standards

**Freedom of scientific research and
the right to benefit from scientific progress and its applications**

32. With regard to contribution of science and technology to development, Fiji is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.