17

Permanent Mission
of the Federal Republic of Germany
to the Office of the United Nations and
to the other International Organizations
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United Nations Human Rights Council

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Geneva, 29 October 2014

German questions and recommendations to

Fiji

National Statement

by

Germany

1. Oral Statement for the Interactive Dialogue

Mister President,

Germany welcomes the delegation of Fiji to the second cycle of the UPR. We appreciate the government's good will to improve the human rights situation in Fiji, in particular the Bill of Rights contained in the Constitution promulgated in 2013. Germany would like to offer the following recommendations to Fiji:

Germany recommends bolstering the constitutional Bill of Rights by acceding to the International Covenant on Civil and Political Rights and the First Optional Protocol thereto. In this context we recommend also to initiate a process in order to ensure compatibility of existing national laws and decrees with the new constitution. Part of this process should be strengthening the judiciary.

Germany recommends bringing legislation on freedom of expression, assembly and association in line with international human rights standards, in particular by repealing "The Media Industry Development Decree" 2010 in order to end intimidation and harassment of those that express criticism of the State, to change the climate of fear and self-censorship and to ensure that no one is arbitrarily arrested and detained for exercising their rights.

Germany recommends acceding to the Convention against Torture and taking measures to ensure that no torture or mistreatment occurs in prisons or in custody of the police.

Germany recommends repealing the right "to administer reasonable punishment" in the Juveniles Act 1974 and prohibit all corporal punishment of children, including in the home.

Germany commends Fiji's having been abolitionist for over two decades and recommends acceding to the Second Optional Protocol to the International Covenant of Human and Political Rights, aiming at the abolition of the death penalty.

Germany recommends taking concrete measures to end discrimination and counter stigmatization of marginalized groups, including minorities and LGBTI persons.

I thank you.

2. Advance written questions

- Could Fiji inform us about the extent to which civil society was involved in the preparation for this review?

- Have all regulations causing censorship of the media been abolished? Will the freedom of media, including the safety of journalists, be ensured in the future?

- Could Fiji elaborate on what kind of measures have been prepared to implement the rule of law and an accountable and independent judiciary?

- Has there been any action taken to eliminate discrimination against women and to eliminate domestic and sexual abuse of girls and women?

- What measures have been taken to improve the capacity of the police and prison personnel with regard to allegations of brutality in arrest and in detention?