



人权理事会
第四十三届会议
2020年2月24日至3月20日
议程项目6
普遍定期审议

普遍定期审议工作组报告*

斐济

增编

受审议国对结论和/或建议提出的意见、作出的自愿承诺和答复

* 本文件在送交联合国翻译部门之前未经编辑。



1. 斐济共和国(“斐济”)充分重视普遍定期审议工作组第三十四届会议在 2019 年 11 月 6 日对其进行的第三轮审议期间提出的建议。
2. 根据人权理事会第 5/1 号决议附件第 27 和 32 段以及第 65/281 号决议附件第 16 段, 斐济在本增编中提供了资料, 说明了其对建议的立场, 特别是对普遍定期审议工作组报告草稿(“报告草稿”)第 140 段“有待审议的建议”(见 A/HRC/WG.6/34/L.5 号文件, 第 140-140.55 段)所载建议的立场。
3. 在通过报告草稿期间, 斐济于 2019 年 11 月 8 日向工作组宣布, 斐济赞同 242 项建议中的 187 项。斐济还表示, 它高兴地看到, 自第二轮审议以来, 参加斐济普遍定期审议的国家数量翻了一翻, 关于气候变化和灾害应对以及人权的建议数量增加, 关于经济、社会和文化权利的问题数量比前两轮都多。
4. 最后, 斐济表示, 将在稍后阶段对 55 项未决建议作出答复, 因为需要与相关独立机构协商, 或需将其提交相关政府机构征求意见和建议。
5. 本增编提供了斐济对 55 项未决建议的立场/答复。为清楚起见, 建议按其在报告草稿中出现的顺序排列(A/HRC/WG.6/34/L.5, 第 140-140.55 段)。

| 建议 | 斐济的立场 | 评论 |
|----------------------|-------|---|
| 140.1 ¹ | 接受 | |
| 140.2 ² | 注意到 | 在 2010 年第一轮普遍定期审议中, 斐济承诺到 2020 年批准所有 9 项核心人权公约和条约。 2019 年, 斐济履行了这一承诺, 批准了其余两项公约, 即《保护所有移徙工人及其家庭成员权利国际公约》; 和《保护所有人免遭强迫失踪国际公约》。 斐济最近已批准了所有 9 项核心人权公约和条约, 致力于在国内执行这些公约和条约。 |
| 140.3 ³ | 注意到 | 斐济重复其对第 140.2 号建议的评论。 |
| 140.4 ⁴ | 注意到 | 斐济重复其对第 140.2 号建议的评论。 |
| 140.5 ⁵ | 接受 | |
| 140.6 ⁶ | 注意到 | 斐济重复其对第 140.2 号建议的评论。 |
| 140.7 ⁷ | 注意到 | 斐济重复其对第 140.2 号建议的评论。 |
| 140.8 ⁸ | 注意到 | 在 2019 年 11 月对斐济进行普遍定期审议后, 斐济于 2020 年 1 月 28 日撤销了对《联合国禁止酷刑公约》第一条的保留。 关于斐济批准《联合国禁止酷刑公约任择议定书》问题的立场, 斐济重申其对第 140.2 号建议的评论。 |
| 140.9 ⁹ | 接受 | |
| 140.10 ¹⁰ | 接受 | |

| 建议 | 斐济的立场 | 评论 |
|----------------------|-------|---|
| 140.11 ¹¹ | | 注意到 斐济于 2020 年 1 月 28 日撤销了对《联合国禁止酷刑公约》第一条的保留，并将考虑以后撤销其余的保留。 |
| 140.12 ¹² | 接受 | 斐济重复其对第 140.11 号建议的评论。 |
| 140.13 ¹³ | | 注意到 斐济重复其对第 140.11 号建议的评论。 |
| 140.14 ¹⁴ | | 注意到 斐济重复其对第 140.11 号建议的评论。 |
| 140.15 ¹⁵ | | 注意到 斐济重复其对第 140.11 号建议的评论。 |
| 140.16 ¹⁶ | | 注意到 斐济重复其关于第 140.11 号建议的评论。 |
| 140.17 ¹⁷ | 接受 | |
| 140.18 ¹⁸ | 接受 | |
| 140.19 ¹⁹ | 接受 | |
| 140.20 ²⁰ | 接受 | |
| 140.21 ²¹ | 接受 | |
| 140.22 ²² | 接受 | |
| 140.23 ²³ | | 注意到 斐济《宪法》第 26 条载有强有力的反歧视规定，其中包括基于各种理由的交叉形式的歧视，包括性别、性取向、性别认同和表达。这些规定也纳入了就业法。 关于基于性别的暴力或针对任何人任何形式的暴力，施暴者根据《斐济刑法》受到相应指控。 |
| 140.24 ²⁴ | | 注意到 斐济重复其对第 140.23 号建议的评论。 |
| 140.25 ²⁵ | | 注意到 斐济重复其对第 140.23 号建议的评论。 |
| 140.26 ²⁶ | | 注意到 斐济重复其对第 140.23 号建议的评论。 |
| 140.27 ²⁷ | | 注意到 斐济重复其对第 140.23 号建议的评论。 |
| 140.28 ²⁸ | | 注意到 斐济重复其对第 140.23 号建议的评论。 |
| 140.29 ²⁹ | | 注意到 斐济目前正在审查《国家妇女行动计划》，其中也包括与消除针对男女同性恋、双性恋、跨性别者和双性者的暴力有关的问题。 斐济重复其对第 140.23 号建议的评论。 |
| 140.30 ³⁰ | | 注意到 斐济重复其对第 140.23 号建议的评论。 |
| 140.31 ³¹ | | 注意到 斐济重复其对第 140.29 号建议的评论。 |
| 140.32 ³² | 接受 | |
| 140.33 ³³ | | 注意到 不清楚该建议提到的是毒罪办具体哪一次访问。 |

| 建议 | 斐济的立场 | 评论 |
|----------------------|-------|--|
| 140.34 ³⁴ | 接受 | |
| 140.35 ³⁵ | 接受 | 斐济法律不限制工会或人权维护者的工作。 所有工会和人权维护者都能够开展工作，而不用担心 恐吓或报复。 |
| 140.36 ³⁶ | 注意到 | 《斐济宪法》允许所有斐济人和平和非武装地集会、 示威、抗议和请愿的权利以及结社自由。 |
| 140.37 ³⁷ | 注意到 | 《斐济宪法》保障言论和结社自由。对言论和结社自 由的任何限制均符合国际接受的标准和做法。 |
| 140.38 ³⁸ | 接受 | |
| 140.39 ³⁹ | 注意到 | 斐济在言论、表达和出版自由方面有强有力的宪法规 定。 斐济关于媒体的法律受相关宪法条款制约。 |
| 140.40 ⁴⁰ | 注意到 | 斐济重复其对第 140.35 至 140.39 号建议的评论。 |
| 140.41 ⁴¹ | 注意到 | 斐济重复其对第 140.36 至 140.39 号的评论。 |
| 140.42 ⁴² | 注意到 | 斐济重复其对第 140.36 至 140.39 号建议的评论。 |
| 140.43 ⁴³ | 注意到 | 斐济重复其对第 140.36 至 140.39 号建议的评论。 |
| 140.44 ⁴⁴ | 注意到 | 斐济重复其对第 140.36 至 140.39 号建议的评论。 |
| 140.45 ⁴⁵ | 接受 | |
| 140.46 ⁴⁶ | 接受 | |
| 140.47 ⁴⁷ | 注意到 | 自 2013 年以来，斐济实施了有力的立法改革，以解 决公共和私营部门就业歧视妇女的问题。 《斐济宪法》中也载有强有力的反歧视条款，这些条 款也被纳入了《斐济就业法》。 |
| 140.48 ⁴⁸ | 注意到 | 斐济女性参政记录有所改善，且在这方面处于区域领 先地位。 56 名妇女参加了 2018 年的选举，占有候选人的 23.8%，比 2014 年的 18% 有所增加。其中有 10 人当 选，占议员总数的 19.6%，比 2014 年的 16.0% 有所 增加。 除了斐济政府推动的态度转变和法律改革之外，斐济 的选举制度允许通过公开名单实现比例代表制，从而 使议会中当选妇女人数达到我国历史最高水平。 |
| 140.49 ⁴⁹ | 注意到 | 斐济将在今后考虑这项建议。 |
| 140.50 ⁵⁰ | 接受 | |

| 建议 | 斐济的立场 | 评论 |
|----------------------|-------|----------------------------|
| 140.51 ⁵¹ | 接受 | |
| 140.52 ⁵² | | 注意到 斐济重复其对第 140.49 号建议的评论。 |
| 140.53 ⁵³ | | 注意到 斐济重复其对第 140.49 号建议的评论。 |
| 140.54 ⁵⁴ | 接受 | |
| 140.55 ⁵⁵ | | 注意到 斐济将在今后考虑这项建议。 |

6. 斐济高兴地宣布，55 项建议中有 20 项被视为接受，35 项被视为注意到。因此，斐济接受了总共 242 项建议中的 207 项。

注

- ¹ Ratify the Kampala amendments to the Rome Statute on the crime of aggression, and review its national legislation in order to ensure full alignment with the Rome Statute (Liechtenstein).
- ² Ratify the Optional Protocols to the core human rights instruments the State has acceded to (Ukraine).
- ³ Ratify the Optional Protocol 1 and Optional Protocol 2 to the International Covenant on Civil and Political Rights (Armenia).
- ⁴ Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the optional protocols of the International Covenant on Civil and Political Rights (Germany).
- ⁵ Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Slovenia).
- ⁶ Step up its efforts for the prevention of torture, particularly by ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Switzerland).
- ⁷ Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark).
- ⁸ Adopt a definition of torture in line with the international legal framework as well as ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Mexico).
- ⁹ Ratify all Optional Protocols to the Convention on the Rights of the Child in order to improve the implementation of the rights of the child in all settings (Croatia).
- ¹⁰ Ratify the two Optional Protocols to the Convention on the Rights of the Child signed by Fiji in 2005, and consider becoming a party to the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Seychelles).
- ¹¹ Withdraw signatory reservations to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Ukraine).
- ¹² Consider the withdrawal of its reservations to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, particularly relating to the definition of torture (Armenia).
- ¹³ Withdraw its reservation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New Zealand).
- ¹⁴ Withdraw all its reservations to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and intensify its effort to prevent torture in all settings (Germany).
- ¹⁵ Withdraw the reservations to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Italy).
- ¹⁶ Withdraw all reservations to the Convention against Torture (Liechtenstein).
- ¹⁷ Consider the ratification of the ILO Domestic Workers Convention no. 189 (Philippines).
- ¹⁸ Ratify and implement the ILO Protocol of 2014 to the Forced Labour Convention, 1930 (United Kingdom of Great Britain and Northern Ireland).

- 19 Ratify the Convention against Discrimination in Education, as recommended by UNESCO (Serbia).
- 20 Ensure that national legislation does not grant immunity to those responsible for serious human rights violations (Costa Rica).
- 21 Consider developing through stakeholder dialogue a National Human Rights Action Plan (Sri Lanka).
- 22 Join the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes, as elaborated by the Accountability, Coherence and Transparency Group (Liechtenstein).
- 23 Enact and implement a holistic Anti-Discrimination and Equality Law which, inter alia, includes provisions to comprehensively address the multiple and intersecting forms of violence and discrimination faced by the LGBTI persons (Portugal).
- 24 Adopt comprehensive anti-racism and ethnic discrimination legislation, including a national action plan, and determinate racial/ethnic motives as aggravating circumstances in criminal legislation (Serbia).
- 25 Adopt a comprehensive anti-discrimination or equality act and put in place public awareness-raising campaigns, which will address the issue of discrimination and stigmatization against LGBTI persons (Slovenia).
- 26 Enact a holistic Anti-Discrimination and Equality Legislation to comprehensively address social discrimination faced by the LGBTI community (Iceland).
- 27 Take more decisive action in adapting legislation, including prosecution and adequate punishment of the perpetrators of discrimination, hate speech and violence against lesbian, bisexual and transgender women (Montenegro).
- 28 Legislate to address hate crimes against the LGBTI-community (Germany).
- 29 Develop a national strategy on lesbian, gay, bisexual, transgender and intersex persons, in collaboration with the lesbian, gay, bisexual, transgender and intersex community, to guide its work in eliminating multiple and intersecting forms of violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons (Iceland).
- 30 Take specific measures, including strengthening the legal framework, to eliminate discrimination, hate speech and violence against LBT women, including by prosecuting and adequately punishing perpetrators, and adopt awareness-raising measures to address stigma within society (Liechtenstein).
- 31 Draft and implement an Action Plan to eradicate violence and discrimination based on sexual orientation and gender identity (Mexico).
- 32 Consider conducting a national dialogue on climate change, bringing together all stakeholders and the public to outline priorities to mobilize domestic and global partners and align resources according to the country's most urgent needs (Marshall Islands).
- 33 Ensure implementation of recommendations from the visit of the United Nations Office on Drugs and Crime to prevent, investigate, prosecute and punish acts of trafficking (Botswana).
- 34 Continue its efforts to guarantee the exhaustive investigation and prosecution of the authors of trafficking in persons and take all necessary steps to guarantee the effective application of the National Plan of Action for the Eradication of Trafficking in Persons (Honduras).
- 35 Adopt concrete measures to ensure that trade unions and human rights defenders are able to carry out their work, guaranteeing their freedom of expression, association, assembly and freedom of the press (Spain).
- 36 Repeal all laws and policies that unlawfully restrict fundamental rights of freedom of expression, assembly and association, including sections of the Public Order (Amendment) Act, the Media Industry Development Decree, the Electoral Act 2014 and the Online Safety Act (Netherlands).
- 37 Review decrees limiting freedom of expression and association, particularly the Media Industry Development Decree, the Essential National Industries (Employment) Decree and the Public Order (Amendment) Act (United Kingdom of Great Britain and Northern Ireland).
- 38 Take measures to permit lawful labor, political, and social protests, and to safeguard activists' and human rights defenders' rights to speak and peacefully assemble freely, without harassment, and unimpeded by inappropriately applied administrative impediments (United States of America).
- 39 Take the necessary measures in order to revise the law on the development of the media (Albania).
- 40 Review legislation that affects freedom of speech, particularly the Crimes Act, the Media Industry Development Decree and the Public Order Amendment Act, to bring them in compliance with Fiji's obligations under the International Covenant on Civil and Political Rights (Belgium).
- 41 Enhance measures aimed at protecting and promoting freedom of expression and the right to peaceful assembly, including by removing any legal obstacle to the exercise of these rights (Brazil).

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- 42 Amend the Media Industry Development Decree, the Public Order (Amendment) Act and the sedition provisions of the Crimes Act, which restrict freedom of expression, the press and assembly (Denmark).
 - 43 Guarantee freedom of expression and opinion and freedom of the press, by ensuring respect for the rights of journalists and human rights defenders and reviewing the Media Industry Development Decree (2010) that punishes any journalistic publication against general interest or public order, in order to avoid abusive interpretations (France).
 - 44 Bring 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 (Germany).
 - 45 Increase public funds to guarantee in the case of natural disasters the right to food, health and water and sanitation, as well as the construction of shelters that take into account the particular needs of women (Paraguay).
 - 46 Consider introducing a universal basic income in order to better combat poverty and reduce inequalities, and improve the existing social protection system (Haiti).
 - 47 Strengthen temporary special measures so as to reduce the gender gap and systematically address the concerns and rights of women in the public and private spheres (Togo).
 - 48 Consider taking temporary measures, including the introduction of a minimum quota of at least 30 per cent of women candidates on the electoral lists of political parties, and facilitate the selection and training of women candidates for public office, in particular at the decision-making level (Bulgaria).
 - 49 Raise to 18 years the age of criminal responsibility and combat all forms of violence against children, including child labour and sexual exploitation (Italy).
 - 50 Take urgent steps to eliminate commercial sexual exploitation of children by ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, activating the Inter-Agency Working Group on People Trafficking, and ensuring that the Inter-Agency Trafficking Task Force meets regularly and facilitates the implementation of the National Plan of Action to Eliminate Trafficking in Persons and Child Trafficking (Canada).
 - 51 Finalize the adoption of the National Plan of Action to combat all manifestations of sexual exploitation of children and provide adequate human and financial resources for its implementation (Democratic Republic of the Congo).
 - 52 Raise the minimum age of criminal responsibility and make the necessary legal modifications so that children cannot be sentenced to life imprisonment (Paraguay).
 - 53 Bring the juvenile justice system fully into line with the Convention on the Rights of the Child by raising the minimum age of criminal responsibility to an internationally accepted level (Ukraine).
 - 54 Guarantee access to the participation and representation of ethnic minorities in the different instances of public and private life (Ecuador).
 - 55 Enrich the Immigration Act by incorporating special provisions for the protection of refugees and asylum-seeking children, and introduce provision of family reunification into the Act (Afghanistan).
-