**Fiji**

*The purpose of the Housing Rights and Human Rights Brief is to provide a succinct overview of housing rights and human settlements-related human rights within a specific country. It is designed for project designers to familiarize themselves with the human rights situation in the country that they are working in. The ‘Housing Rights and Human Rights Brief’ is not intended to be a comprehensive analysis of all human rights, yet to provide an overview of housing rights and other human settlements-related human rights within the national and the UN Delivering as One contexts. Further, this Brief is not intended to cover the entire legislative and regulatory framework of the country concerned.*

*The Brief outlines specific articles of the Constitution, national and local legislation, and other human settlements-related policies and acts. It further explains specific international legal commitments, with particular emphasis on the key conventions that the country has signed and/or ratified. UN reviews and recommendations, particularly the Universal Periodic Review process, are also outlined. The final section provides information on previous UN-Habitat projects in the country and links for further information and elaboration.*

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**Revision History**

|  |  |  |
| --- | --- | --- |
| Revision | Date | Author |
| *1* | *01/10/15* | *SN* |
| *2* | *12/01/16* | *SN* |
| *3* | *08/02/2016* | *SG* |

**Summary**

Fiji is governed under its fourth Constitution which entered into force in September 2013. The Constitution of Fiji provides for basic human rights and freedoms. The Constitution of Fiji declares that the State shall take reasonable measures to achieve the progressive realisation of the right of every person to accessible and adequate housing and sanitation. The Constitution also stipulates that every person has the right to freedom from arbitrary evictions from their home or to have their home demolished. Furthermore, the Constitution expressly provides that no law may permit arbitrary evictions.

The Ministry of Local Government, Housing, Environment, Infrastructure and Transport, and the National Housing Authority, are mandated to carry out the implementation of the right to adequate housing. The government has also developed policies including the National Housing Policy of 2011, which has been revised in the 2015 National Budget, the Urban Policy Action Plan and the Roadmap for Democracy and Sustainable Socio-Economic Development.

The State of Fiji has ratified some of the major human rights conventions, but it has not ratified the Covenant on Economic, Social and Cultural Rights (ICESCR), which includes the right to adequate housing as a component of the right to an adequate standard of living.

UN review mechanisms have given positive feedback on endorsement of Fiji’s first National Housing Policy, but have recommended that Fiji ratifies all core international human rights instruments, and strengthens efforts to ensure women’s equal access to housing, land and property. UN-Habitat has worked on a number of projects in Fiji, most recently in participatory slum upgrading, climate change and regional knowledge management.

**Legal Framework**

***Constitution[[1]](#footnote-1)***

Fiji is governed under its fourth Constitution which entered into force in September 2013. The Constitution of Fiji provides for basic human rights and freedoms. It provides for the right to adequate housing and sanitation, and the freedom from arbitrary evictions.

‘Article 35 (1)

The State must take reasonable measures within its available resources to achieve the progressive realisation of the right of every person to accessible and adequate housing and sanitation.’

‘Article 39 (1)

Every person has the right to freedom from arbitrary evictions from his or her home or to have his or her home demolished, without an order of a court made after considering all the relevant circumstances.’

‘Article 39 (2)

No law may permit arbitrary evictions.’

**Government**

***Political System***

In 2006, a military coup installed a military dictatorship in Fiji. With the adoption of the Constitution of 2013, Fiji returned to a democratic system and in September 2014, democratic elections were held again. The President is Head of State, and the Prime Minister is the head of government. Legislative power is vested in the Parliament of Fiji. The judiciary is independent of the executive and the legislature.

Ministry of Local Government, Housing, Environment, Infrastructure and Transport[[2]](#footnote-2)

The work of the Ministry of Local Government, Housing, Environment, Infrastructure and Transport is focused on, among other functions, legislative reviews, urban planning and managing the impacts of rapid urbanization. It is also tasked with municipal reforms, fire protection and disaster management, and control and regulation of land use. The Ministry’s main focus is to develop and implement the local government and town and country planning legislations, policies and programmes. Furthermore the Ministry has a Squatter Resettlement Unit which is set to undertake squatter upgrading projects in affected areas.

National Housing Authority[[3]](#footnote-3)

The Fijian National Housing Authority was established by the Housing Act of 1955, and became operational in 1958. The Authority was established with the purpose of developing and producing affordable mortgage financing, focussing on low-income earners in Fiji.

The Housing Act[[4]](#footnote-4)

The provisions of the Fijian Housing Act enable workers to purchase or lease dwelling-houses at a reasonable cost and for purposes connected therewith.[[5]](#footnote-5)

National Housing Policy 2011 (Revised in 2015 National Budget)[[6]](#footnote-6)

The government of Fiji began work on a national housing policy in 2009. The aim of the Policy is to provide decent affordable housing for all Fijian citizens.

Urban Policy Action Plan 2004 – 2006[[7]](#footnote-7)

The purpose of the Urban Policy Action Plan was to enhance coherence, effectiveness and efficiency of sector performance (including local council urban governance) and thus ensure a better utilisation of scarce resources.

Fiji’s Roadmap for Democracy and Sustainable Socio-economic Development (2010-2014)[[8]](#footnote-8)

‘4.1.5 Housing and Urban Development

Fiji‘s housing crisis is real and pervasive. An indicator of this is that there are currently about 200 squatter/informal settlements comprising of about 100,000 people in the country. The majority of these people constitute the bulk of the 387,000 people earning less than $7,000 per year.’

Strategic Priorities for Social Development (Reducing Poverty to a Negligible Level): ‘Emphasis will be placed on directing adequate resources to core priority sectors of health, education, housing, micro finance initiatives and infrastructure development, particularly in depressed and under-developed regions, in both rural and urban areas.’

‘4.2.3: Housing and Urban Development Goal: Access to adequate, quality and affordable accommodation for all citizens and to facilitate for accessible, decent and affordable housing for all citizens with a particular focus on low income groups and the poor.’

**Judiciary**

No legal decisions regarding housing could be sourced.

**International Conventions[[9]](#footnote-9)**

The State has ratified some of the major human rights conventions.

|  |  |  |  |
| --- | --- | --- | --- |
| Treaty Description | Treaty Name | Signature Date | Ratification Date, Accession(a), Succession(d) Date |
| Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment | CAT |   |   |
| International Covenant on Civil and Political Rights | CCPR |   |   |
| Convention on the Elimination of All Forms of Discrimination against Women | CEDAW |  | 19 Aug 1995 (a) |
| International Convention on the Elimination of All Forms of Racial Discrimination | CERD |  | 11 Jan 1973 (d) |
| International Covenant on Economic, Social and Cultural Rights | CESCR |   |  |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | CMW |   |   |
| Convention on the Rights of the Child | CRC | 2 Jul 1993  |  13 Aug 1993 |
| Convention on the Rights of Persons with Disabilities | CRPD | 2 Jun 2010 |   |
| Convention Relating to the Status of Refugees | Refugee Convention |  | 12 Jun 1972 (d) |
| Protocol Relating to the Status of Refugees | Protocol Relating to the Status of Refugees |  | 12 Jun 1972 (d) |

Fiji has not signed:

* Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
* International Covenant on Civil and Political Rights
* International Covenant on Economic, Social and Cultural Rights
* International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

**UN Agencies**

UN review mechanisms have given positive feedback on endorsement of Fiji’s first National Housing Policy, but have recommended that Fiji ratifies all core international human rights instruments, and strengthens efforts to ensure women’s equal access to housing, land and property.

***Universal Periodic Review (2010 and 2014)***

*The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.*

First UPR[[10]](#footnote-10)

Fiji was first reviewed in 2010.

‘Recommendation 3: To make a long-term plan for its step-by-step ratification of or accession to all core international human rights instruments, particularly the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.’

Second UPR[[11]](#footnote-11)

Fiji was subsequently reviewed in 2014. Fiji was commended for its efforts on social development, poverty reduction, the health service, decent housing and the risk of natural disasters. Though there were no recommendations specifically targeted on the right to adequate housing, Fiji received various recommendations after the process.

‘Recommendation 99.1: Consider expediting the ratifications of the core human rights treaties to which it is not yet a party, as recommended previously.’

‘Recommendation 99.22: Provide adequate funding to the Human Rights and Anti-Discrimination Commission and take steps to ensure its conformity with the Paris Principles.’

***Report of the United Nations High Commissioner for Human Rights (2010 and 2014)***

*The Report provides a comprehensive review of the Human Rights situation in a given country and is presented to the Human Rights Council.*

In 2010,[[12]](#footnote-12) the report indicated that the global economic crisis, exacerbated by events flowing from December 2006, led to the growth of informal/squatter settlements, fuelling the housing crisis and the low standard of living among Fiji’s more marginalized citizens.

In 2014,[[13]](#footnote-13) the report noted that in 2011, Fiji had endorsed its first National Housing Policy, which emphasized improving the quality of life of people living in over 200 informal settlements nationwide, protecting the right to housing and sanitation, and ensuring freedom from arbitrary evictions. Concern was also expressed that the most vulnerable of the households targeted for support under the new 2013 Disaster Rehabilitation Housing Policy would be ineligible for that support if proof of security of tenure could not be provided. In the report it was also noted that existing customary practices could allow for exclusion of women, and recommended strengthening efforts to ensure women’s equal access to housing, land and property.

***Committee on Economic, Social and Cultural Rights[[14]](#footnote-14)***

*The Committee specifically reviews states that have ratified the ICESCR on their compliance with the rights enshrined in it, including the Right to Adequate Housing.*

Fiji has not ratified the ICESCR and is therefore not reviewed by the Committee on Economic, Social and Cultural Rights.

***United Nations Country Team (UNCT)[[15]](#footnote-15)***

*The UNCT ensures inter-agency coordination and decision-making at the country level. The main purpose of the Country Team is for individual agencies to plan and work together, as part of the Resident Coordinator system, to ensure the delivery of tangible results in support of the development agenda of the Government.*

No relevant information on the right to adequate housing could be sourced.

***United Nations Development Assistance Framework (UNDAF)[[16]](#footnote-16)***

*The UNDAF is the strategic programme framework that describes the collective response of the UN system to national development priorities. The United Nations Development Assistance Framework (UNDAF) for the Pacific Sub-Region is a five-year strategic programme framework that outlines the collective response of the UN system to development challenges and national priorities in fourteen Pacific Island Countries and Territories (PICTs), namely Cook Islands, Fiji, Federated States of Micronesia, Kiribati, Nauru, Niue, Palau, Marshall Islands, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu for the period 2013-2017.*

Highlights from country consultations under Outcome Area 4 (Basic Services) urged Fiji to, ‘improve and advance its social protection policy and implementation, access to affordable and decent housing and the advancement of access to safe drinking water and sanitation facilities.’

**UN-Habitat[[17]](#footnote-17)**

The Pacific has a very rapid rate of urbanization and high population growth and is trying to cope with the challenges and opportunities that urban growth presents. UN-Habitat assists Fiji to improve its urban management and planning practices and enable new thinking and actions about how best to evolve cities, towns and peri-urban areas for the future.

UN-Habitat has worked on a number of projects in Fiji, most recently in participatory slum upgrading, climate change and regional knowledge management.

* Total value of UN-Habitat investments (2008-2015): US$ 199,782
* Total number of UN-Habitat projects (2008-2015): 4 projects
* Main donors:  European Commission and the Africa, Caribbean and Pacific Secretariat through the Participatory Slum Upgrading Programme and the Government of Norway (Cities and Climate Change Initiative)

UN-Habitat remains the key urban advocate in Fiji and maximized opportunities for continued building awareness of both national and development partners surrounding the benefits of improved management of urban growth. An immediate outcome has been for continued support for policy dialogue (a new post-disaster component to the national housing policy) and strategic implementation as well as increased press coverage of inadequate housing, and the urgent need to address the challenges that the rapid rate of urbanization brings.

The Participatory Slum Upgrading Programme (PSUP) has provided initiative for strengthening relationships between national and sub-national government and with NGOs such as the Peoples Community Initiative as well as active inclusion of land stakeholders such as the iTaukei Land Trust Board as a critical partner in the Town Wide Upgrading project (accessing traditional land for development). The Pacific’s inaugural regional Housing Workshop (October 2012) allowed for a learning exchange of Fiji’s housing policy development with other Pacific Island Countries. In terms of its climate and risk management projects, UN-Habitat’s role has been one of capacity building, technical input and knowledge management.

UN-Habitat projects in Fiji include:

Participatory Slum Upgrading Programme (PSUP), Greater Suva, Lautoka and Nadi

The Participatory Slum Upgrading Programme has provided initiative for strengthening relationships between national and sub-national government and with NGOs such as the Peoples Community Network (and associated City Wide Upgrading project with the Asian Coalition of Housing Rights) as well as active inclusion of land stakeholders such as the Taukei Land Trust Board as a critical partner in the Town Wide Upgrading project (accessing traditional land for development).

Cities and Climate Change Initiative (CCCI), Lami Town

UN-Habitat’s Cities and Climate Change Initiative (CCCI) seeks to enhance the preparedness and mitigation activities of cities in developing countries. It emphasizes good governance, responsibility, leadership, and practical initiatives for local governments, communities, and citizens.

Regional Knowledge Management: Strengthening Pacific Urban Agenda Implementation

The overall objectives of this project are to strengthen capacity for urban development and settlement upgrading, build a regional knowledge base to help individual countries in meeting their commitments to the Pacific Urban Agenda and associated national goals, facilitate and integrate policy discussions into regional and national planning, and strengthen monitoring of the implementation of the PUA.

**Further Information**

* Constitution of Fiji: http://www.fiji.gov.fj/getattachment/8e981ca2-1757-4e27-88e0-f87e3b3b844e/Click-here-to-download-the-Fiji-Constitution.aspx
* Housing Act: <http://www.housing.com.fj/wp-content/uploads/2014/12/Housing-Act-Chap-2671.pdf>
* National Housing Policy 2011 (Revised in 2015 National Budget): <https://www.sheltercluster.org/sites/default/files/docs/Fiji%20National%20Housing%20Policy.pdf>
* Urban Policy Action Plan 2004 – 2006:

 <http://www.fijiroads.org/sites/default/files/UPAP_Urban_Policy_Action_Plan_2004-06.pdf>

* Fiji’s Roadmap 2010-2014:

 <http://www.fiji.gov.fj/getattachment/Govt--Publications/Peoples-Charter/RSSED.pdf.aspx>)

* Ministry of Local Government, Housing, Environment, Infrastructure and Transport: [http://www.fiji.gov.fj/Government-Directory/Ministries-and-Department/Ministry-of-Local-Government,-Urban-Dev,-Housing--.aspx](http://www.fiji.gov.fj/Government-Directory/Ministries-and-Department/Ministry-of-Local-Government%2C-Urban-Dev%2C-Housing--.aspx)
* National Housing Authority: <http://www.housing.com.fj/?page_id=1838>
* OHCHR Convention Ratification Status: <http://indicators.ohchr.org/>
* Universal Periodic Review (2010): <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/FJSession7.aspx>
* Universal Periodic review (2014): http://www.ohchr.org/EN/HRBodies/UPR/Pages/FJSession20.aspx
* Report of the United Nations High Commissioner for Human Rights (2010): <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/170/01/PDF/G0917001.pdf?OpenElement>
* Report of the United Nations High Commissioner for Human Rights (2014): <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/139/30/PDF/G1413930.pdf?OpenElement>
* UNCT: <http://reliefweb.int/organization/unct-fiji>
* UNDAF: <http://www.asia-pacific.undp.org/content/dam/fiji/docs/UNDAF_Summary_Report_Final_LR.pdf>
* UN-Habitat Fiji Summary: <http://unhabitat.org/fiji/>
* OHCHR: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>
* UN-Habitat: <http://unhabitat.org/>
* Universal Periodic Review: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
* Special Rapporteur on Adequate Housing: <http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>
1. http://www.fiji.gov.fj/getattachment/8e981ca2-1757-4e27-88e0-f87e3b3b844e/Click-here-to-download-the-Fiji-Constitution.aspx [↑](#footnote-ref-1)
2. [http://www.fiji.gov.fj/Government-Directory/Ministries-and-Department/Ministry-of-Local-Government,-Urban-Dev,-Housing--.aspx](http://www.fiji.gov.fj/Government-Directory/Ministries-and-Department/Ministry-of-Local-Government%2C-Urban-Dev%2C-Housing--.aspx) [↑](#footnote-ref-2)
3. http://www.housing.com.fj/?page\_id=1838 [↑](#footnote-ref-3)
4. http://www.housing.com.fj/wp-content/uploads/2014/12/Housing-Act-Chap-2671.pdf [↑](#footnote-ref-4)
5. http://www.paclii.org/fj/legis/consol\_act\_OK/ha107/ [↑](#footnote-ref-5)
6. https://www.sheltercluster.org/sites/default/files/docs/Fiji%20National%20Housing%20Policy.pdf [↑](#footnote-ref-6)
7. http://www.fijiroads.org/sites/default/files/UPAP\_Urban\_Policy\_Action\_Plan\_2004-06.pdf [↑](#footnote-ref-7)
8. http://www.fiji.gov.fj/getattachment/Govt--Publications/Peoples-Charter/RSSED.pdf.aspx [↑](#footnote-ref-8)
9. http://indicators.ohchr.org/ [↑](#footnote-ref-9)
10. <http://www.ohchr.org/EN/HRBodies/UPR/Pages/FJSession7.aspx> [↑](#footnote-ref-10)
11. <http://www.ohchr.org/EN/HRBodies/UPR/Pages/FJSession20.aspx> [↑](#footnote-ref-11)
12. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/170/01/PDF/G0917001.pdf?OpenElement> [↑](#footnote-ref-12)
13. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/139/30/PDF/G1413930.pdf?OpenElement> [↑](#footnote-ref-13)
14. <http://www.refworld.org/publisher/CESCR.html> [↑](#footnote-ref-14)
15. <http://reliefweb.int/organization/unct-fiji> [↑](#footnote-ref-15)
16. http://www.asia-pacific.undp.org/content/dam/fiji/docs/UNDAF\_Summary\_Report\_Final\_LR.pdf [↑](#footnote-ref-16)
17. <http://unhabitat.org/fiji/> [↑](#footnote-ref-17)