



STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

REPORT ON THE UNITED NATIONS CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (UNCAT)



PARLIAMENT OF THE REPUBLIC OF FIJI
Parliamentary Paper No. 22 of 2015

March 2015

Published and Printed by the Department of Legislature, Parliament House, SUVA

TABLE OF CONTENTS

Chair’s Foreword	3
List of recommendations	5
List of acronyms	6
1.0 Chapter 1: Introduction.....	7
1.1 Background	7
1.2 The Standing Committee on Foreign Affairs and Defence	7
1.3 Procedure and Program.....	8
1.4 Committee Members.....	9
2.0 Chapter 2: United Nations Convention Against Torture (UNCAT)	10
2.1 Introduction	10
2.2 Key themes raised in submissions and at public hearings.....	10
2.3 Written and oral submissions received	12
2.4 Supplementary submissions	21
3.0 Chapter 3: Committee deliberations on UNCAT — Key issues	22
3.1 Articles 21 and 22	22
3.2 Gender analysis.....	23
3.3 Consideration of Convention Article by Article	23
3.4 Conclusion.....	28
References: (UNCAT)	31
Appendix 1: Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.....	34
Appendix 2: List of submissions	43
Appendix 3: Copies of written submissions received by the Standing Committee on Foreign Affairs and Defence	46

CHAIR'S FOREWORD

I am pleased to present the first report of the Parliament of the Republic of Fiji's Standing Committee on Foreign Affairs and Defence inquiry into the proposal by the Fiji Government on ratifying the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). This report recommends that the Fiji Government ratifies the UNCAT.

This report provides a summary and examination of submissions and oral evidence heard at the Committee's public hearings in February 2014, all of which were in favour of ratifying UNCAT at the first available opportunity. The report is divided into three chapters:

- **Chapter 1** covers the role and responsibilities of the Committee and the inquiry process in undertaking a review of the UNCAT.
- **Chapter 2** focuses on the UNCAT and examines the submissions received and the information provided at public hearings held by the Committee, including a summary of questions and answers from the public hearings.
- **Chapter 3** details the Committee's deliberations and analysis of the evidence received, followed by recommendations to Government.

The parliamentary committee system under the 2014 Constitution and Standing Orders aims to enhance transparency of, and accountability by, public agencies and officials. This report goes some way in helping to achieve this by recommending that UNCAT be ratified. The report also makes the following recommendations to the Fiji Government:

- the establishment of an independent national level agency to hear cases of torture and abuse and to advocate for redress on behalf of victims;
- commissioning an independent review at regular intervals of all government agencies adherence to, and training programs provided, in support of UNCAT principles;
- working with key human rights bodies to develop or enhance training programmes, ensuring fair and equity for all Fijians;
- working with government agencies and Non-Government Organisations (NGOs) to support the independent national level agency that offers a single point of entry for people seeking to make a complaint about a public body.

The Committee held its first meeting on 23 February 2015 and in response to a call for submissions, held a series of public hearings from 20th to the 27th of February 2015, on whether or not to recommend to the Fiji Government that UNCAT be ratified.

On behalf of the Honourable Members on the Committee, I would like to express my sincere thanks and appreciation to all those organisations and individuals who made a submission and/or attended public hearings. The strength and depth of the Committee's inquiry rests with the voluntary commitment and time of groups and individuals making submissions and appearing at public hearings. This was evident in the high quality of submissions received and with presenters at the public hearings, who candidly provided their opinions and advice to the Committee.

I also wish to extend my thanks to the Honourable Members and the Secretariat involved with the production of this bipartisan report: my Committee colleagues Hon. Ratu Isoa Tikoca MP (Deputy Chairman), Hon. Semi Koroilavesau MP (Member), Hon. Dr Neil Sharma MP (Member), Hon. Niko Nawaikula MP (Alternate Member) and Hon. Roko Tupou Draunidalo MP (Member). Also worthy of note, is the assistance provided by Mr Sean Coley of the Parliament of Victoria during his short attachment with the Committee.

I commend this report to the Parliament.

HON. NETANI RIKA MP
CHAIRMAN

LIST OF RECOMMENDATIONS

RECOMMENDATION 1: That the Fiji Government ratifies each and every article of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment without any exception or reservations whatsoever.

RECOMMENDATION 2: The establishment of an independent national level agency as a seamless one-stop-shop framework to hear complaints of torture and abuse and to advocate for redress on behalf of victims.

RECOMMENDATION 3: That an independent review be commissioned at regular and periodic intervals of all government agencies adherence to, and training programs provided in support of UNCAT principles. The key performance indicators of government agencies be tied to compliance by their agencies and staff, to UNCAT principles.

RECOMMENDATION 4: That enhanced training programs be developed in collaboration with key human rights bodies, for personnel in the Republic of Fiji Military Forces, Fiji Police Force and the Prisons and Corrections Services and other similar security institutions.

RECOMMENDATION 5: That the Fiji Government allows complaints to be made by all available means other than in writing, such as oral or electronic complaints.

RECOMMENDATION 6: That a truth and reconciliation process be part of the mandate given to the proposed independent national level agency to incorporate and reflect the full letter and spirit of the ratified UNCAT.

LIST OF ACRONYMS

APT	Association for the Prevention of Torture
FCS	Fiji Corrections Services
FLP	Fiji Labour Party
FNCDP	Fiji National Council for Disabled Persons
FNTC	Fiji Native Tribal Congress
FWCC	Fiji Women's Crisis Centre
FWRM	Fiji Women's Rights Movement
NFP	National Federation Party
NGO	Non-Government Organisation
RFMF	Republic of Fiji Military Forces
SCFAD	Standing Committee on Foreign Affairs and Defence
SO	Standing Orders
SODELPA	Social Democratic Liberal Party
UNCAT	United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UPR	Universal Periodic Review

1.0 INTRODUCTION

1.1 Background

This is the first report of the Fiji Parliament’s Standing Committee on Foreign Affairs and Defence (SCFAD). Using the legislative powers provided to the Committee, this report examines the Government’s proposal to ratify the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).

UNCAT is an international human rights instrument which mandates a global prohibition on torture and creates an instrument to monitor governments and hold them to account. UNCAT -

- a) defines “torture”;
- b) bans the use of torture, cruel and degrading treatment;
- c) bans the extradition of individuals at risk to countries where they may face torture;
- d) requires governments to actively prevent torture;
- e) requires governments to investigate torture allegations;
- f) requires governments to provide remedy to torture victims; and
- g) establishes an appropriate United Nations committee to deal with issues of redress, monitoring and investigation.

UNCAT requires governments to take effective and meaningful measures to prevent torture and specifically requires states to criminalise torture through their domestic laws; establish jurisdiction over acts of torture occurring within the state; make torture an extraditable offense; investigate any allegations of torture within the state; and provide effective and enforceable remedy to torture victims.

After Fiji’s ratification of UNCAT, Fiji will also be required to submit an initial report (after 12 months) and subsequent reports every four years detailing the measures undertaken to comply with the obligations prescribed in the Convention.

1.2 The Standing Committee on Foreign Affairs and Defence

The Committee is a standing committee of the Fijian Parliament and was established under Section 109(2)(e) of the Standing Orders (SO) of the Parliament of the Republic of Fiji. The Committee comprises five Honourable Members, drawn from both the Government and the Opposition parties.

The Committee is mandated to examine matters related to Fiji's relations with other countries, development aid, foreign direct investment, oversight of the military and relations with multi-lateral organisations. Section 110(1)(e) of the SO mandates the Committee to review international treaties and conventions ratified by the Government and to monitor their implementation.

On 10 February 2015 the Minister of Foreign Affairs moved a motion in the Fiji Parliament:

'That the Standing Committee on Foreign Affairs and Defence review the following treaties –

United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT);

Convention for the Unification of Certain Rules for International Carriage by Air, 1999 (Montreal Convention)¹

The Montreal Convention was considered by the Committee concurrently and is the subject of a separate report to Parliament.

The Standing Orders require the Committee to review and report back to the Parliament within 30 days on the two treaties.

1.3 Procedure and Program

On 21st February the Committee advertised the inquiry through the Parliament website (www.parliament.gov.fj) and the Fiji Sun. Due to the tight timeframe of 30 days for the Committee to consider and report back to Parliament on 16th March 2015, the deadline for submissions was Friday 27th February 2015. Interested individuals and groups were requested to respond to the following questions:

- 1) Should Fiji ratify the treaty or not?**
- 2) Why should Fiji ratify / not ratify this treaty?**
- 3) What would be the implications of ratification on you or your organisation?**
- 4) Any other relevant points related to the treaty and the ratification process.**

The Committee also wrote to government agencies and NGOs, seeking submissions and to appear before the Committee at a public hearing. The Committee then met between 23rd and

¹ Daily Hansard dated 10th February 2015, p. 736.

27th February 2015 to hold public hearings and consider submissions received. The Committee then undertook deliberations on 2 March and prepared its report, with recommendations, to the Parliament for the next session on 16th March 2015.

1.4 Committee Members

The members of the Standing Committee on Foreign Affairs and Defence are:

- Hon. Netani Rika MP (Chairman)
- Hon. Ratu Isoa Tikoca MP (Deputy Chairman)
- Hon. Semi Koroilavesau MP (Member)
- Hon. Dr Neil Sharma MP (Member)
- Hon. Roko Tupou Draunidalo MP (Member)

During the Standing Committee's meetings, the following alternate membership arose pursuant to Standing Order 115(5):

- Hon. Niko Nawaikula MP (Alternate Member for Hon. Roko Tupou Draunidalo MP)

2.0 UNITED NATIONS CONVENTION AGAINST TORTURE (UNCAT)

2.1 Introduction

The Committee received 20 submissions and heard evidence from 17 witnesses at public hearings held at Parliament Buildings, Suva, from 23rd to 27th February 2015.

Key themes raised in the submissions and at the public hearings are noted below, under each of the four Terms of Reference.

2.2 Key themes raised in submissions and at public hearings

All witnesses, whether in their written submissions or when presenting to the Committee, recommended the ratification of UNCAT. However, only one submission had reservations on the endorsement of Articles 21 and 22 as it was felt that provisions for redress were adequately covered under the domestic legal framework.

A summary of the key themes identified in submissions and during public hearings are outlined in the following table:

Key themes identified	Findings and recommended solutions
Ratification of UNCAT	Unanimous support for ratification of UNCAT. Minority of submissions believed qualified ratification was adequate and that the Fiji Constitution and domestic laws meant provisions contained in UNCAT Articles 21 & 22 were unnecessary.
Compliance with treaty	Witnesses noted that UNCAT establishes international obligations which can be tailored to the local environment.
Government agencies to have training on human rights awareness	Develop set of standard operating procedures and training programmes for government departments, incl. military, police and corrections services personnel.

Key themes identified	Findings and recommended solutions
Role of, and protection for, medical officers identifying and reporting episodes of torture	Protection provided to medical officers by treating them as an 'expert witness' (form of whistle-blower protection).
Redress past wrongs	Some witnesses called for establishment of a truth and reconciliation type commission or independent agency to address grievances.
What happens after ratification?	<p>Onus on individual to make a complaint to government.</p> <p>What government department is best equipped to resolve this? Fiji Independent Commission Against Corruption, Human Rights Anti-Discrimination Commission, or is an independent external agency required to hear complaints and seek redress?</p>
What are the benefits of ratification?	<p>Ratification seen as encouraging greater accountability and fairness, good governance, democracy and respect for rule of law and human rights.</p> <p>Will also assist Fiji with developing international alliances and in future peacekeeping assignments.</p>

2.3 Written and oral submissions received

Submission by	Should Fiji ratify the treaty or not?	Why should Fiji ratify / not ratify this treaty?	What would be the implications of ratification on you or your organisation?	Any other relevant points related to the treaty and the ratification process?
1) Ms Satya Jennings, UN Human Rights	The ratification of the UNCAT would show that the Government of Fiji is taking concrete steps to address issues.	Ratification will: <ul style="list-style-type: none"> ➢ Enhance Fiji's international image and regional leadership. ➢ Strengthen the rule of law and existing laws in Fiji. ➢ Provide an opportunity to identify national achievements and seek support as needed. ➢ Increase protection and redress to the victims of violations of the Convention. ➢ Strengthen Fiji's internal governance and policy framework. ➢ Assist in addressing allegations of unlawful use of force, torture and ill-treatment. ➢ Comply with recommendations by UN Human Rights mechanisms. 	<ul style="list-style-type: none"> ➢ Bringing national legislation in line with the UNCAT. ➢ Criminalize, investigate and prosecute acts of torture. ➢ Increase capacity of law enforcement officers. ➢ Guarantee safeguards in the criminal justice system ➢ Establish a complaint mechanism. ➢ Redress victims and their families. 	<ul style="list-style-type: none"> ➢ In ratifying the UNCAT, the Government of Fiji is not required to be in full compliance with its provisions. ➢ Ratification is the first step of an ongoing process to improve the professionalism and conduct of government officials to ensure respect for the rights of people in the country. ➢ Ratification leads to the implementation of necessary practices to prevent torture and ill-treatment. The assistance of the United Nations, including OHCHR, donors, national, regional and international organisations and civil society will help in developing this process.
2) Ms Tara Chetty, Fiji Women's Rights Movement and Ms Vandhna Narayan, Fiji Women's Crisis Centre	Fiji should ratify the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).	Torture is prohibited as a human rights norm and it is part of customary international law. Ratifying UNCAT strengthens this already accepted norm, so that all Fijians can be protected by the accountability mechanism and obligations it imposes on the state. The ratification of UNCAT must be without any reservations or exceptions	<p>Reporting: Reports are required to detail the measures undertaken to comply with the obligations prescribed in the Convention.</p> <p>Changes to Legislation:</p> <ul style="list-style-type: none"> ➢ only fairly minimal changes to the legislation will be required to ensure compliance with UNCAT. ➢ Section 87 of the Crimes Decree already makes torture as a separate offence punishable by law, and attracting a sentence of 25 years. ➢ Offenders can also be charged under other provisions of the Crimes Decree, as in the Soko case which we mentioned earlier. <p>Strengthening of Domestic Legislation: the</p>	<ul style="list-style-type: none"> ➢ The ratification of UNCAT contributes further to a culture of human rights within Fiji so it gives us the chance to strengthen our commitment to human rights at home. This can only benefit women and their families, as women face particular vulnerabilities related to the intersections of gender, their age, their ethnicity, sexuality, disability and socio-economic background. ➢ The ratification of UNCAT, without any reservations or exception is a really strong step towards protecting the basic human right of Fijian women, men and their families. Not just looking at the situation today, but also more

Submission by	Should Fiji ratify the treaty or not?	Why should Fiji ratify / not ratify this treaty?	What would be the implications of ratification on you or your organisation?	Any other relevant points related to the treaty and the ratification process?
			Bill of Rights already provides for freedom from cruel and degrading treatment (section 11). Section 43 further states that this cannot be derogated from or it cannot be suspended even during times of emergency. The ratification of UNCAT will strengthen this constitutional provision because Section 7 of the Constitution permits courts, where relevant, to consider international law when interpreting the Bill of Rights.	importantly with a mind to the future.
3) Mr Romulo Nayacalevu, Secretariat of the Pacific Community	The United Nations Convention Against Torture should be ratified by the Fijian Government.	In terms of the ratification of the Convention, there are currently 157 State parties to the Convention. There are nine signatories and there are 31 States that have not actioned the Convention at all. Of those States, 11 are from our Pacific region and Fiji is one of them.	The progressive nature of Fiji's current criminal laws means that the State will not have the added burden of actually creating new laws to address the prevention of torture or inhumane treatment, as these are captured in the Constitution of Fiji and the Crimes Decree generally. However, ratification will strengthen the rule of law, as the Convention highlights clear definition of torture, as well as provides a clear framework necessary for legal policy and institutional reform on the prevention of torture.	By ratifying the Convention against torture, Fiji will adhere to its obligations under the Universal Periodic Review as well as continue to uphold its commitment under the Customary International Law to prohibit torture. Fiji's ratification will mean that it can request for further technical and financial assistance, to strengthen its processes in addressing the prohibition of torture and ill-treatment. Ratification will also strengthen Fiji's own domestic and legal frameworks, and mechanisms around the prohibition of torture while demonstrating strong national and regional leadership in this regard.
4) Mr Ashok Balgovind, Vice President, Sanatan Dharam Pratinidhi Sabha of Fiji	The treaty should be ratified	Ratification will enhance greater protection for Fijians and will provide avenues for redress and help guide the nation in its performance.	The submission identified the difficulty in seeking redress through government agencies when people have been aggrieved by the government.	Suggest that there be an independent 'Foundation of Citizens Forum Against Torture' formed, under the auspices of the UN.
5) Mr Filipe Nainoca, Fiji Red Cross Society and Ms Natalie	The Red Cross strongly urges the Committee to ratify the Treaty,	➤ Ratification will enhance Fiji's international reputation and strengthen international relations with	The Red Cross believes this would greatly assist in the enforcement of both the Constitution and Crimes	Ratification of the treaty is consistent with the principles of the Red Cross Red Crescent Movement,

Submission by	Should Fiji ratify the treaty or not?	Why should Fiji ratify / not ratify this treaty?	What would be the implications of ratification on you or your organisation?	Any other relevant points related to the treaty and the ratification process?
Deffenbaugh, Regional Detention Delegate, International Committee of the Red Cross		<p>other State parties who have acceded to or ratified the convention</p> <ul style="list-style-type: none"> ➤ It will complement the legal provisions already present in the Fiji Constitution (Section 11) and Crimes Decree (Section 87). The submission argued that this national framework provides the power of enforcement to people dedicated to upholding Fiji's laws and legal framework ➤ It strengthens human rights protections in Fiji. <p>Provides UN oversight: Fiji would be under the review of the UN Committee Against Torture, which is the agency responsible for monitoring implementation of the Treaty.</p>	Decree, while providing oversight of the activities of domestic enforcement bodies and officers as they undertake their work. This could help in preventing abuses of power.	namely promoting human dignity by rejecting the use of torture and cruel, inhuman or degrading treatment under any circumstances.
6) Deputy Commissioner Isikeli Vuniwaqa and SSP Sakeo Raikaci, Legal Officer, Fiji Police Force	The Police are in favour of the Committee recommending the ratification of UNCAT.	It upholds dignity and democratic rights in Fiji, offers greater integrity for Fiji's legal system, will push other countries to also ratify the treaty, will enhance human rights and development, while being a yardstick of progress and ultimately will provide greater confidence amongst investors looking at Fiji as an option.	The Police were in the process of including human rights awareness/education programmes in the training of police officers, along with regional and UN cooperation in developing training programs.	They also believed that enabling legislation, state party collaboration and legal frameworks, will help ensure the balance between ensuring rights of accused without using undue force.
7) Commander Land Force Colonel Sitiveni Qiliho and Captain Esira Kulavati, Republic of Fiji Military Forces (RFMF)	RFMF fully supports the notion that Fiji should endorse UNCAT.	Torture is prohibited under the 2013 Constitution and the Crimes Decree 2009.	<ul style="list-style-type: none"> ➤ Ratification of the UNCAT will enhance Fiji's image internationally and as a troop contributing country to UN peacekeeping forces. ➤ Ratification of UNCAT will ensure the RFMF enhances its capabilities and reputation internationally. 	The RFMF believes ratification of the UNCAT will assist the armed forces in developing their tactics, techniques and procedures in line with international standards.
8) Reverend Akula Yabaki, CEO, Ms Supreena Narayan, Legal Officer and Ms Bhavana	CCF strongly recommends the ratification of the UNCAT.	➤ Ratification would allow Fiji to improve on its response to acts of torture and cruel, inhuman and degrading treatment, while	<ul style="list-style-type: none"> ➤ Additional reporting requirements not too onerous. ➤ Domestic implementation of 	➤ Fiji's Constitution and domestic legislation already provides a national framework to prevent and prosecute cases of torture,

Submission by	Should Fiji ratify the treaty or not?	Why should Fiji ratify / not ratify this treaty?	What would be the implications of ratification on you or your organisation?	Any other relevant points related to the treaty and the ratification process?
Dhanasar, Legal Officer – Citizens Constitutional Forum Ltd		<p>demonstrating Fiji's commitment to respecting the human rights of Fijians.</p> <p>➤ Ratification can raise Fiji's regional and international standing Fiji's publicly stated commitment to human rights, as reinforced at the Universal Periodic Review in Geneva in 2014, will be strengthened by ratification.</p>	<p>Convention not too onerous.</p> <p>➤ The submission and presentation also noted that any reluctance to make a declaration under Articles 21 and 22 should not be a barrier to ratification, arguing that '...the State may be inclined to withhold ratification of UNCAT until the domestic response has further developed', and that '...the State may still ratify the Convention, and withhold the necessary declaration under Article 21 and 22 if the State considers that it requires more time to progress domestic implementation'.</p>	<p>under the following categories:</p> <ul style="list-style-type: none"> ❖ Legislative: ratification will complement the provisions in the Crimes Decree 2009, as well as Fiji complying with international standards. ❖ Judicial: ratification will encourage consistency in the application of the law in relation to torture and when developing stronger and more persuasive jurisprudence in Fiji, while redress is available as a result of decisions by the High Court. ❖ Institutional: ratification will allow the Human Rights and Anti-Discrimination Commission to effectively monitor, investigate and protect against torture and ill treatment. Individual complaints need to exhaust domestic remedies first, after which time international provisions are used to fill the domestic 'gaps'. Any deficiencies in Fiji's domestic provisions should be improved to ensure Fiji remains accountable.
9) Mr Pita Waqavonovono, SODELPA Youth Wing	Fully supports ratification of the treaty	Fiji owes it to the youth and children of this nation to sign the Convention and its optional protocols.	<p>Fiji is committed to signing UNCAT and the SODELPA Youth Wing fully support all attempts to ratify and allow the laws and behavior of our leaders to be transformed in the lens of UNCAT.</p> <p>The implementation of the Convention's basic requirements are not costly and many laws exist that compliment UNCAT.</p>	<p>➤ There must be no reservations or exceptions preventing Fiji citizens from communicating with the treaty body or the Committee against Torture.</p> <p>➤ There must be no exception or reservation on the right of other nations to call out member states for gross human rights violations, genocide and torture, especially if it involves citizens within our region.</p>

Submission by	Should Fiji ratify the treaty or not?	Why should Fiji ratify / not ratify this treaty?	What would be the implications of ratification on you or your organisation?	Any other relevant points related to the treaty and the ratification process?
				<ul style="list-style-type: none"> ➤ That a truth and reconciliation commission be established to strengthen the work already done in Fiji on the elimination of torture as an acceptable practice.
<p>10) Mr Sharvada Sharma, Solicitor-General and Ms Seema Chand, Legal Officer, Solicitor-General's Office</p>	<p>Supports ratification of the treaty</p>	<p>The Solicitor General noted that 151 countries have now signed the Convention and the Solicitor-General's Office supported its ratification, on the basis that it is:</p> <ul style="list-style-type: none"> ➤ one of the most ratified of all UN treaties; ➤ consistent with the Constitution; ➤ an example of international best practice; ➤ likely to improve Fiji's relations with the rest of the world; ➤ important for greater modernisation; and ➤ confirmation of Fiji's commitment to protecting human rights 	<p>The Fiji Constitution provides a right of redress and there is now strong constitutional protection available for torture.</p>	<p>Ratification of Articles 21 and 22 may not be required as the domestic legal framework is now adequate.</p>
<p>11) Mr Emosi Toga, Mr Inia Qoli and Hon. Niko Nawaikula, Fiji Native Tribal Congress (FNTC)</p>	<p>The Fiji Native Tribal Congress fully supports the ratification of UNCAT.</p>	<ul style="list-style-type: none"> ➤ Fiji already recognizes under its Constitution and laws that torture and degrading acts of violence are inhuman and a person has a right not to be treated as such. ➤ Ratification will allow Fiji to be part of the majority of the UN family that is conscious of the dignity of a human being's right against torture. ➤ Ratification will make Fiji legally obliged and subject to a monitoring process which means that Fiji's position is bound to improve. ➤ Ratification will give assurance to the local population especially indigenous Fijians that their dignity as a person and as a human being will be respected at all times. 	<p>FNTC is making its submission on the basis that the indigenous peoples of Fiji have suffered the most torture and degrading acts at the hands of the government agencies since the 2000 coup</p>	<ul style="list-style-type: none"> ➤ An independent body needs to be set up (or maybe enlarge the jurisdiction of FICAC) to also receive complaints from individuals subjected to torture and degrading and inhuman treatment by government agencies, ➤ Policies and laws need to be put in place to look after victims of torture. ➤ Training and awareness programs need to be conducted for agencies like the police, military and correctional services. ➤ Expansion of charges in the criminal jurisdiction to cover degrees of torture for example murder by torture.

Submission by	Should Fiji ratify the treaty or not?	Why should Fiji ratify / not ratify this treaty?	What would be the implications of ratification on you or your organisation?	Any other relevant points related to the treaty and the ratification process?
12) Mr Rajinesh Mishra, Officer in Charge and Ms Swasti Chand, Manager Complaints and Resolutions, Fiji Human Rights and Anti-Discrimination Commission	The Commission urges the State party to take immediate steps to ratify the UNCAT.	Ratification will complement the Bill of Rights provisions enshrined in the 2013 Constitution which protects people from torture, cruel and degrading treatment.	<ul style="list-style-type: none"> ➤ Ratification of UNCAT comes with reporting obligations which need to be carried out. ➤ Ratification would be a milestone achievement for Fiji to ratify the Convention, which would also provide the opportunity for capacity building in the Office of Fiji Human Rights and Anti-Discrimination Commission. 	<ul style="list-style-type: none"> ➤ All peacekeeper and members of the disciplined forces need to be aware of the contents of our national and international laws as well. ➤ In response to complaints being received, the Commission has produced a number of handbooks for the armed forces, police and corrections services, although they are currently inadequately resourced in terms of legal and referral capabilities. ➤ The complaints area needs to be strengthened, especially in relation to complaints against the police, armed forces, corrections services and hospitals, with there being a delay in obtaining medical records from torture victims. The Commission has developed a 'torture template' after seeking international advice and assistance from the Fiji Medical Association.
13) Ms Faye Volatabu and Ms Tauga Vulaono, National Council for Women (NCW)	Ratification of UNCAT is a welcome move.	NCW Fiji agrees that it is about time that we ratify UNCAT. Fiji is a 21 st Century developed nation so it is only right that we move our archaic laws to be in line with modern international standards.	<ul style="list-style-type: none"> ➤ Ratification would mean there would be no more inhumane or cruel treatment of women advocates and sex workers, while ratification would prevent future torture, inhuman and cruel treatment of all Fijians, with the perpetrators of any future acts held to account and punishable under law. ➤ Ratification will also mean 'closure' for women who have lost family through torture and abuse in the past, as well as opening avenues for seeking legal redress. 	<ul style="list-style-type: none"> ➤ NCW is hopeful that education and information regarding prohibition against torture are included in training programs for law enforcement and medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment (Article 10). ➤ That there is prompt and impartial investigation wherever there is reasonable ground to believe that an act of torture has been committed (Article 12).

Submission by	Should Fiji ratify the treaty or not?	Why should Fiji ratify / not ratify this treaty?	What would be the implications of ratification on you or your organisation?	Any other relevant points related to the treaty and the ratification process?
				<ul style="list-style-type: none"> ➤ That states shall submit reports on measures taken to give effect to their undertakings under UNCAT within a year of its ratification and submit supplementary reports every four years on any new measures taken, and such other reports as the Committee may request (Article 19).
<p>14) Deputy Commissioner of Prisons Akuila Namakadre and Assistant Commissioner Viliame Bulewa, Fiji Correction Services (FCS)</p>	<p>Yes, UNCAT should be ratified by Fiji.</p>	<p>Fiji Corrections Services fully supports the initiatives by the Government for Fiji to recognize, observing and maintain the Rule of Law.</p>	<ul style="list-style-type: none"> ➤ Ratification would also assist in providing an internationally recognised definition of torture and its interpretation in addition to providing guidance on improved methods of torture prevention in the FCS. ➤ Ratification will also strengthen compliance with legislation, such as regulating the circumstances in which a corrections officer can use force against a prisoner (such as Section 40(1) of the Corrections Service Act 2006), circumstances regulating the use of arms by an officer (such as S 41 (1) of the Fiji Corrections Service Act 2006) and restrictions on the restraints that can be used on a prisoner (see Sections 41 (1), (2), (3), (4) and (5)), while provisions in the previous Prisons Act 1986, providing for solitary confinement with a reduced diet and corporal punishment, have now been removed. 	<ul style="list-style-type: none"> ➤ FCS fully recommends that UNCAT would support the national law by providing an internationally recognized definition for torture as well as guidance on improved methods of prevention within the Fiji Corrections Services. ➤ The presentation and submission also noted other benefits of ratification, such as enhanced economic development. The FCS submission recorded that prison order and discipline has been streamlined and is now consistent, such as in the uniformity of prisoners clothing, use of CCTV, set times for wake up calls, food drills, bed times, etc.
<p>15) Ms Florence Swamy, Ms Vani Catanasiga and Mr David Whippy, Pacific Centre for Peacebuilding</p>	<p>The organization welcomed the ratification of UNCAT.</p>	<p>Ratification would demonstrate a commitment and political will to '...effectively reverse the cycle of violence and coups embedded in State structures and systems.</p>	<p>Ratifying this UN Convention would speak immensely of the commitment of Government towards building a more peaceful Fiji because the convention will compel Government to take an</p>	<ul style="list-style-type: none"> ➤ The importance of capacity building on peacebuilding initiatives was highlighted, with there being a need to train staff in government ministries and departments as well as young people through the

Submission by	Should Fiji ratify the treaty or not?	Why should Fiji ratify / not ratify this treaty?	What would be the implications of ratification on you or your organisation?	Any other relevant points related to the treaty and the ratification process?
			uncompromised approach to any acts of torture and to the protection of human dignity.	education system and school curriculum, so they in turn can raise citizen awareness about options for peaceful conflict resolution rather than a resort to violence. ➤ The PCP also recommended that the Fiji Human Rights Commission be reviewed and strategically enhanced, so that it can deal, and provide effective redress, for people making complaints of torture and abuse, including funding being provided for counselling and reintegration programmes for both victims and perpetrators of torture.
16) Mr Parmod Rae and Ms Seini Nabou, National Federation Party (NFP)	➤ The intention of the Government to review and hopefully ratify UNCAT is commendable.	➤ NFP remains cautious about the sincerity of those intentions if Fiji's profiling on the global arena by way of the stated idea that Fiji intends to become elected in the Human Rights Council in 2016 is a motivating factor. ➤ NFP will only support ratification of the UNCAT if the Government is fully committed in the same way as it was with the Constitution.	Mr Rae spoke of the Fiji Human Rights and Anti-Discrimination Commission which, he believed, has a valuable role and its functions are consistent with Section 110 (e) of the Constitution. However, he believed a separate, independent body, free from state agencies influence, is required to hear and resolve complaints of torture and abuse.	➤ The Standing Committee must also seek to rebuild and heal the nation, and whether by way of a Truth, Reconciliation process or some other appropriate mechanism. It is necessary to have a 'national conversation' to move forward by learning from the past. ➤ The NFP believed that reservations by some groups presenting to the Committee on Articles 21 and 22 are unfounded and that Fiji must fully uphold its international obligations.
17) Mr Ben Padarath, Fiji Labour Party	Supported the ratification of UNCAT.	Ratification of the UNCAT also needs to include redressing past wrongs, with political instability not needing to have a direct link to torture.		➤ Mr Padarath called for the establishment of a Reconciliation Commission, as emotional torture is constantly 'hanging over torture victims', with the Fiji Labour Party willing to work with the Government to establish such a body. ➤ He told the Committee that education and training programmes are needed for military, police and correctional services

Submission by	Should Fiji ratify the treaty or not?	Why should Fiji ratify / not ratify this treaty?	What would be the implications of ratification on you or your organisation?	Any other relevant points related to the treaty and the ratification process?
				personnel, so they are aware that they don't have to follow their superiors' orders if torture or abuse is involved.
18) Dr Sitiveni Yanuyanutawa, Fiji National Council for Disabled Persons (FNCDP)	Supports ratification of UNCAT.		A high number of people became disabled after being victims of torture as opposed to being disabled congenitally.	A new data collection survey is scheduled for 2015 - 2016 in conjunction with the Ministry of Health
19) Association for the Prevention of Torture (APT)	Strongly supports the ratification of UNCAT.	<ul style="list-style-type: none"> ➤ Secure and safeguard Fiji's commitment to the rule of law and guide ongoing legal and policy reforms in line with absolute human rights to prohibit torture and other forms of ill-treatment'. ➤ Ratification reiterates Fiji's ongoing commitment to further professionalise its law enforcement agencies and improve domestic human rights mechanisms, including with the judiciary. ➤ Ratification of UNCAT will secure and safeguard Fiji's commitment to the rule of law and enhance ongoing legal and policy reforms, to prohibit torture and other forms of ill-treatment. ➤ Ratification will further support the work of the Government to strengthen the capacity, training, and law enforcement role of the Human Rights Commission. 	<ul style="list-style-type: none"> ➤ UNCAT ratification builds respect for the rule of law, supports democratic development and guides the functioning of security forces. ➤ Ratification ensures the right of all Fijians to be free from torture and other forms of ill-treatment. ➤ International partners, including the APT, will be able to offer implementation assistance and support, following Fiji's ratification of UNCAT. ➤ UNCAT provide a systemic framework to guide other states in the region. ➤ Will act as a 'road map' to guide long term and cost effective implementation of the UNCAT. ➤ Will allow the provision of advice to policy makers, politicians and State agencies on UNCAT. ➤ Assist with the design and trial of systematic and sustainable training with partners developing training materials which are suited to Fiji. 	<ul style="list-style-type: none"> ➤ Fiji's planned legal reforms (e.g. Police Act) and the Fiji National Human Rights Commission, will significantly benefit from UNCAT standards following ratification. ➤ UNCAT is flexible in its provisions and will allow Fiji to develop its own laws, policies, practices and mechanisms that conform to local conditions. ➤ With ratification, international bodies such as the UN, will be able to further assist Fiji in its implementation of UNCAT. ➤ Ratification will also provide a framework for a constructive dialogue on the Police Act.

2.4 Supplementary submissions

The Committee also received supplementary submissions from Ms Vandhna Narayan, Fiji Women's Crisis Centre and Mr Romulo Nayacalevu, Secretariat of the Pacific Community. The supplementary submissions were based on an invitation by the Hon. Roko Tupou Draunidalo MP to respond to whether there were any provisions in the Fiji Constitution 2013 (including entrenched decrees) that would hinder the full implementation of UNCAT principles in domestic law.

The legal opinions raise matters relevant to the Fiji Constitution, which are outside the Committee's scope and functions. Any potential inconsistencies between UNCAT and the provisions contained in the Constitution may be a matter for the Government to address.

Copies of all written submissions presented to the Committee are attached as Appendix 3.

3.0 COMMITTEE DELIBERATIONS ON UNCAT — KEY ISSUES

3.1 Articles 21 and 22

The Committee received submissions which highlighted the particular importance of Articles 21 and 22 of UNCAT. However, the Solicitor-General argued that the Fiji Constitution provides a sufficient right of redress and there is now strong constitutional protection available for victims of torture and therefore Sections 21 and 22 may not be required as the domestic legal framework was now adequate.

The Citizens Constitutional Forum (CCF) strongly encouraged the Committee to endorse the required declaration under Articles 21 and 22, recognising the competence of the Committee to consider individual and inter-State complaints. In the alternative, if the State of Fiji is unwilling to adopt the complaints mechanisms provided for by Articles 21 and 22 at this point in time, CCF strongly submits that this should not be considered a barrier to ratification.²

Similarly, the SODELPA Youth Wing was of the view that there must be no reservations or exceptions preventing Fiji citizens from communicating with the treaty body or the Committee against Torture. Also, it should be stated that there must be no exception or reservation on the right of other nations to call out member states for gross human rights violations, genocide and torture, especially if it involves citizens within our region.³

The National Federation Party (NFP) believed that the resistance to Articles 21 and 22, where one State Party can report on another State Party's non-adherence to UNCAT, appears to be unfounded because Article 30 provides for negotiation, arbitration and ultimately dispute resolution to the International Court of Justice between State Parties. The NFP was of the view that all limitations should be removed if Fiji was indeed sincere about ratification of UNCAT and upholding its commitment.⁴ In addition, it stated that Fiji must fully uphold its international obligations and ratify the treaty without reservations.

The Committee noted the views expressed in a written submission by Ms Michelle Reddy and her group. They mentioned that the procedures established by Articles 21 and 22 are fundamental and core accountability mechanisms in UNCAT. Reservations to these Articles, or any others, will

² CCF submission to the Standing Committee on Foreign Affairs and Defence

³ SODELPA Youth Wing submission to the Standing Committee

⁴ Submission by National Federation Party

lessen the effectiveness of UNCAT and will diminish the ability of Fijians to hold the State accountable for incidences of torture.⁵

3.2 Gender analysis

Under SO 110(2), where a committee conducts an activity listed in clause (1), the committee shall ensure full consideration will be given to the principle of gender equality so as to ensure all matters are considered with regard to the impact and benefit on both men and women equally. The Committee considered a range of issues including whether ratification would have equitable benefits for women and men, and whether they had the same opportunities to provide comment during the consultation process.

Submissions were received from the Fiji Women’s Rights Movement, the Fiji Women’s Crisis Centre and the National Council of Women, among others, with all submissions supporting ratification.

The Fiji Women’s Rights Movement and the Fiji Women’s Crisis Centre were of the view that ratification of the treaty would further contribute to a culture of human rights in Fiji, and more broadly, benefit women and their families as women face particular vulnerabilities related to the intersections of gender, age, ethnicity, sexuality, disability and socio-economic background.⁶

The Committee is satisfied that the matters considered in this report, namely the ratification of UNCAT, impacts on men and women equally and as such, ratification of UNCAT will assist in upholding the rights of all Fijians.

3.3 Consideration of Convention Article by Article

Summary of the overall articles

UNCAT is divided into three parts:

- Articles 1 to 16 contains the substantive provisions which States Parties must implement in their national laws.
- Articles 17 to 24 deal mainly with the mandate of the Committee against Torture, which is the treaty monitoring body responsible for overseeing the implementation of the Convention by States Parties.

⁵ Submission by Ms Michelle Reddy and others

⁶ Submission by FWRM and FWCC

- Articles 25 to 33 deal with technical matters relating to the signature or ratification of the Convention, procedure of amendments', and reservations by State Parties regarding parts of the Convention.

Article 1 (Definition of Torture)

This Article 1 specifically stipulates the definition of torture. Most submissions intend not to expand on the Article 1 definition. Article 1 Clause 2 declares it is without prejudice to any international instrument or national legislation.

Article 2 (Prohibition)

Every act of torture within the meaning of the Convention is illegal under existing State law. The 2013 Constitution of the Republic of Fiji Chapter 2 Section 11 Clause (1) under the Bill of Rights specifies; every person has the right to freedom from torture of any kind, whether physical, mental or emotional, and from cruel, inhumane, degrading or disproportionately severe treatment or punishment. And any individual who commits such an act is subject to criminal law and other relevant legislation in place against torture. Torture cannot be justified by exceptional circumstances, nor can it be excused on the basis of an order from a superior officer.

Article 3 (Non – refoulement)

Under the Fiji Islands Extradition Act 2003, Part 1 paragraph 4 clearly explains the Extradition objection.

There is an extradition objection to a request for the surrender of a person for an extradition offence if:

- a) the extradition offence is regarded as a political offence;
- b) there are substantial grounds for believing that surrender of the person is sought for the purpose of prosecuting or punishing the person because of his or her race, religion, nationality, political opinion, sex or status, or for a political offence in the requesting country.
- c) on surrender, the person may be prejudice at his or her trial, or punished, detained or restricted in his or her personal liberty, because of his or her race, religion, nationality, political opinions, sex or status.

Article 4 (Torture as a criminal offence)

All acts constituting torture are criminal offences, punishable by appropriately severe penalties.

Under the Crimes Decree 2009 Section 87: Crime against Torture:

A person (the perpetrator) commits an indictable offence if:

- a) the perpetrator inflicts severe physical or mental pain or suffering upon one or more persons who are in the custody or under the control of the perpetrator;
- b) the pain or suffering does not arise only from, and is not inherent in or incidental to, lawful sanctions; and
- c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty – Imprisonment for 25 years.

Article 5 (Jurisdiction)

The UNCAT's prohibition of torture is absolute. 'No exceptional circumstances whatsoever, whether a state of war or a threat or war, internal political instability or any other public emergency, may be invoked as a justification of torture'. In most instances public emergencies are commonly invoked as a source of extraordinary powers or as justification for limiting fundamental rights and freedoms.

The 2013 Constitution and the Laws of Fiji covers the different areas stated above on board the ship or aircraft registered to the State.

Clauses (b) and (c) are closely covered by the Fiji Islands Extradition Act 2003 and the bilateral agreement between Fiji and other countries.

Article 6 (Detention and preliminary inquiry of extradition cases)

The Fiji Island Extradition Act 2003 Section 7 (1) stipulates the issue of provision arrest warrant by the magistrate. The issue of arrest warrant should meet the following:

- appropriate documents must be in place
- the magistrate must satisfy that the offence is an extradition offence, and
- the magistrate is satisfied that an extradition country makes the request.

Under Section 8(1) a person arrested under a provisional arrest warrant must be brought before a magistrate as soon as practicable. The magistrate must:

- remand the person in custody; or
- if the magistrate is satisfied that the person is unlikely to abscond remand the person on bail, until the Minister issues an authority to proceed.

The Fiji Islands Extradition Act 2003 and the Bilateral Extradition Treaties clearly stipulate the detail of conducting a preliminary inquiry and quick notification to the representative of that State of the details of offender and the offence.

Article 7 (Extradite or prosecute)

The Fiji Islands Extradition Act 2003 Part 1 to Part 7 deals thoroughly with extradition issues.

Article 8 (Extraditable offence)

The Fiji Islands Extradition Act 2003 Part 3 states the Extradition from Fiji Islands to Commonwealth countries and Part 4 states the Extradition from Fiji to other Pacific islands Forum countries. There are also bilateral arrangements between Fiji and other countries in regards to extradition.

Article 9 (Mutual legal assistance)

The 2013 Constitution of the Republic of Fiji Chapter 2 Section 14 and supported by the Fiji Islands Extradition Acts 2003 and the Crime Decree 2009 clearly stipulates the assistance rendered in connection with criminal proceedings and the bilateral treaties agreement between the States involved.

Article 10 (Education & Awareness)

Presentations by the security forces have highlighted some proactive measures taken, the process of including HR training programs in their training curricula. There is a need to organise a joint awareness team to include UN bodies, NGOs and the Ministry of Education to go around the country and visit security institutions for the mere purpose of educating the population on Human Rights Laws and Conventions.

The 2013 Constitution also stipulates in Chapter 2, Section 11(1) that every person has the right to freedom from torture of any kind, whether physical, mental or emotional, and from cruel, inhumane, degrading or disproportionately severe treatment or punishment.

Article 11 (Interrogation)

The Constitution of the Republic of Fiji, Chapter 2, Sections 11, 12, 13 & 14 stipulates: the Freedoms and Rights of a person, Freedom from cruel and degrading treatment, Freedom from unreasonable search and seizure, Rights of arrested and detained persons and Rights of accused persons.

Article 12 (Prompt and impartial investigation)

The 2013 Constitution of the Republic of Fiji in Chapter 2, Sections 13 & 14 clearly explains the Rights of arrest and detained persons and the Rights of accused persons.

Article 13 (Right to complain)

The 2013 Constitution of the Republic of Fiji Chapter 2 Section 9(1) stipulates the Right to personal liberty and Section 11 stipulates the Freedom from cruel and degrading treatment.

Article 14 (Compensation)

UN interpretation

If the investigation referred to in Article 12 and 13 forms the start of possible penal measures, Article 14 provides for civil legal recourse for victims of torture. State Parties are obliged to guarantee in their national laws that a victim of an act of torture obtains redress and also has an enforceable compensation, including the means for as full rehabilitation as possible.

In the case of the Republic of Fiji if a person believes that they have suffered and their rights have been infringed, they will go to the High Court. If the High Court was to award compensation, what authority would release or authorise that compensation? The High Court will be responsible because the person has filed the case against the Government. In that case, the High Court will do an assessment of the person's losses which is of equal assessment of their damages. If that is the case, then the court will identify an amount which will be paid to the claimant. The State is obligated under the Crown Proceedings Act that is the right to sue the Crown.

Article 15

UN interpretation:

State Parties are obliged to ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings. This also indirectly gives the provision a preventive effect; declaring that such statements are worthless removes an important motive for the use of torture. Article 15 applies only to statements made under torture and not to statements made under cruel, inhuman, or degrading treatment.

Article 16 (Other cruel, inhuman or degrading treatment or punishment).

The 2013 Constitution of the Republic of Fiji clearly stipulates this in Chapter 2, Section 11 Clause 1 under the Bill of Rights.

3.4 Conclusion

The Foreign Affairs and Defence Standing Committee was mandated to examine matters relating to Fiji relations with other countries, development aid, foreign direct investment, oversight of the military as well as the relations with multi-lateral organisations. Section 110(1)(e) of the Parliament's Standing Orders authorises the Committee to review international treaties and conventions ratified by the Government and to monitor their implementation.

The Committee has fulfilled its mandate approved by Parliament which was to review UNCAT.

The Committee is a bi-partisan one and both sides' contribution has provided the final report, closely supported by the Secretariat.

This report intends to provide evidence from public submissions and hearings for the ratification of UNCAT. The responses were overwhelming and the input was from a good cross-section of society. The submissions received were both orally and in written form.

The Committee has assembled six recommendations as the result of the overall public submissions made to the Committee. The Committee's terms of reference was primarily focused

on the ratification of the UNCAT. However, some submissions extended beyond our parameters due to the nature of UNCAT.

It is very encouraging to see the progress of the democratic process in play. Through this parliamentary committee process, it is apparent that the Fijian people have unanimously supported the ratification of UNCAT without any reservation whatsoever.

REFERENCES: (UNCAT)

CONSTITUTION OF THE REPUBLIC OF FIJI, 2013 Chapter 2, Section 11(1).

EXTRAORDINARY: GOVERNMENT OF FIJI GAZETTE. 2014. AMMENDED STANDING ORDERS. Vol. 16 TUESDAY, 13 JANUARY 2015 No. 3. Chapter 10, Sections 109 to 122.

FIJI ISLAND EXTRADITION ACT 2003

Extradition Act (Cap 23) LAWS OF FIJI CHAPTER 23 Act No. 9 Of 1972. AN ACT TO PROVIDE FOR THE EXTRADITION OF FUGITIVE OFFENDERS (27 May, 1977.)

BILATERAL EXTRADITION TREATIES. (1931). Treaty Series 849 U.S.T. LEXIS 60; 12 Bevan 482. Signed at London December 22, 1931.

EXTRAORDINARY: GOVERNMENT OF FIJI GAZETTE Vol. 10 THURSDAY, 5TH NOVEMBER 2009, No. 95 (1165). DECREE NO. 44 OF 2009 SECTION 87 (Crime against humanity – torture).

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 entry into force 26 June 1987, in accordance with article 27 (1).

UNITED NATION CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT. COMMITTEE AGAINST TORTURE: CONSIDERATION ON REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION. Initial Reports of States Parties due in 1995, Addendum, United States of America. (15 October 1999).

Schokman, B and Lynch, P. (2012) Human Right Law Centre. Submission: Australia Ratification of OPCAT.

Ingelse, C: "The UN Committee against Torture – An assessment," Kluwer Law International, 2001.

Amnesty International: Universal Jurisdiction: "The Duty of the States to Enact Legislation," September 2001, AI Index: IOR/53/002/2001.

International Human Rights Instrument (HRI): "HARMONIZED GUIDELINES ON REPORTING UNDER THE INTERNATIONAL HUMAN RIGHTS TREATIES, INCLUDING GUIDELINES ON A CORE DOCUMENT AND TREATY-SPECIFIC DOCUMENTS." Document HRI/MC/2006/3, issued on 10 May 2006.

Garcia, M.J. (2009): U.N. Convention Against Torture (CAT): Overview and Application to interrogation Techniques. Congressional Research Service 7-5700 www.crs.gov

APPENDICES

APPENDIX 1

CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

CONVENTION AGAINST TORTURE and Other Cruel, Inhuman or Degrading Treatment or Punishment

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975 (resolution 3452 (XXX)),

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

Part I

Article 1

1. For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
2. No exceptional circumstances whatsoever, whether a state of war or a threat or war, internal political instability or any other public emergency, may be invoked as a justification of torture.
3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:
 1. When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
 2. When the alleged offender is a national of that State;
 3. When the victim was a national of that State if that State considers it appropriate.
2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in Paragraph 1 of this article.
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present, shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.
2. Such State shall immediately make a preliminary inquiry into the facts.
3. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, to the representative of the State where he usually resides.
4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said State and shall indicate whether it intends to exercise jurisdiction.

Article 7

1. The State Party in territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found, shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.
2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.
3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.
2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offenses. Extradition shall be subject to the other conditions provided by the law of the requested State.
3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested state.
4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

Article 9

1. States Parties shall afford one another the greatest measure of assistance in connection with civil proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.
2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

Article 10

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.
2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such persons.

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined by its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependents shall be entitled to compensation.
2. Nothing in this article shall affect any right of the victim or other person to compensation which may exist under national law.

Article 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture or references to other forms of cruel, inhuman or degrading treatment or punishment.
2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibit cruel, inhuman or degrading treatment or punishment or which relate to extradition or expulsion.

Article 17

1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of 10 experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominating persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and are willing to serve on the Committee against Torture.
3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
4. The initial election shall be held no later than six months after the date of the entry into force of this Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3.
6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.
7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 18

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that
 1. Six members shall constitute a quorum;
 2. Decisions of the Committee shall be made by a majority vote of the members present.
3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.
4. The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
5. The State Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement of the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 above.

Article 19

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of this Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken, and such other reports as the Committee may request.
2. The Secretary-General shall transmit the reports to all States Parties.
3. [Each report shall be considered by the Committee which may make such comments or suggestions on the report as it considers appropriate, and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.
4. The Committee may, at its discretion, decide to include any comments or suggestions made by it in accordance with paragraph 3, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph 1.]

Article 20

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.
2. Taking into account any observations which may have been submitted by the State Party concerned as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.
3. If an inquiry is made in accordance with paragraph 2, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.
4. After examining the findings of its member or members submitted in accordance with paragraph 2, the Committee shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.
5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

Article 21

1. A State Party to this Convention may at any time declare under this article 3 that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:
 1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, references to domestic procedures and remedies taken, pending, or available in the matter.
 2. If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee by notice given to the Committee and to the other State.
 3. The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.
 4. The Committee shall hold closed meetings when examining communications under this article.
 5. Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in the present Convention. For this purpose, the Committee may, when appropriate, set up an ad hoc conciliation commission.
 6. In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information.
 7. The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing.

8. The Committee shall, within 12 months after the date of receipt of notice under subparagraph (b), submit a report.

1. If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached.

2. If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 22

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party to the Convention which has not made such a declaration.

2. The Committee shall consider inadmissible any communication under this article which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.

3. Subject to the provisions of paragraph 2, the Committee shall bring any communication submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

4. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.

5. The Committee shall not consider any communication from an individual under this article unless it has ascertained that:

1. The same matter has not been, and is not being examined under another procedure of international investigation or settlement;

2. The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.

6. The Committee shall hold closed meetings when examining communications under this article.

7. The Committee shall forward its views to the State Party concerned and to the individual.

8. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 23

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 21, paragraph 1 (e), shall be entitled to the facilities, privileges and immunities of experts on missions for the United

Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 24

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

Part III

Article 25

1. This Convention is open for signature by all States.
2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 26

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 27

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.
2. Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 29

1. Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to this Convention with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the State Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.
2. An amendment adopted in accordance with paragraph 1 shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.
3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

Article 30

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other States Parties shall not be bound by the preceding paragraph with respect to any State Party having made such a reservation.
3. Any State Party having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 31

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective. Nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.
3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

Article 32

The Secretary-General of the United Nations shall inform all members of the United Nations and all States which have signed this Convention or acceded to it, or the following particulars:

1. Signatures, ratifications and accessions under articles 25 and 26;
2. The date of entry into force of this Convention under article 27, and the date of the entry into force of any amendments under article 29;
3. Denunciations under article 31.

Article 33

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.

On February 4, 1985, the Convention was opened for signature at United Nations Headquarters in New York. At that time, representatives of the following countries signed it: Afghanistan, Argentina, Belgium, Bolivia, Costa Rica, Denmark, Dominican Republic, Finland, France, Greece, Iceland, Italy, Netherlands, Norway, Portugal, Senegal, Spain, Sweden, Switzerland and Uruguay. Subsequently, signatures were received from Venezuela on February 15, from Luxembourg and Panama on February 22, from Austria on March 14, and from the United Kingdom on March 15, 1985.

(signatures)

APPENDIX 2

LIST OF SUBMISSIONS

The Committee subsequently received 20 submissions and heard evidence from 17 witnesses at public hearings held at the Parliament Committee Room East Wing from 20th to 27th February 2015. Oral submissions on the UN Convention Against Torture were received from the following individuals and organisations:

- 1) Ms Satya Jennings, UN Human Rights
- 2) Ms Tara Chetty, Fiji Women's Rights Movement and Ms Vandhna Narayan, Fiji Women's Crisis Centre
- 3) Mr Romulo Nayacalevu, Secretariat of the Pacific Community
- 4) Mr Ashok Balgovind, Vice President, Sanatan Dharam Pratinidhi Sabha of Fiji
- 5) Mr Filipe Nainoca, Fiji Red Cross Society and Ms Natalie Deffenbaugh, Regional Detention Delegate, International Committee of the Red Cross
- 6) Deputy Commissioner Isikeli Vuniwaqa and SSP Sakeo Raikaci, Legal Officer, Fiji Police Force
- 7) Commander Land Force Colonel Sitiveni Qiliho and Captain Esira Kulavati, Republic of Fiji Military Forces
- 8) Reverend Akuila Yabaki, CEO, Ms Supreena Narayan, Legal Officer and Ms Bhavana Dhanasar, Legal Officer, Citizens Constitutional Forum Ltd
- 9) Mr Pita Waqavonovono, SODELPA Youth Wing
- 10) Mr Sharvada Sharma, Solicitor-General and Ms Seema Chand, Legal Officer, Solicitor-General's Office
- 11) Mr Emosi Toga, Mr Inia Qoli and Hon. Niko Nawaikula MP, Fiji Native Tribal Congress
- 12) Mr Rajinesh Mishra, Officer in Charge and Ms Swasti Chand, Manager Complaints and Resolutions, Fiji Human Rights and Anti-Discrimination Commission
- 13) Ms Faye Volatabu and Ms Tauga Vulaono, National Council for Women
- 14) Deputy Commissioner of Prisons Akuila Namakadre and Assistant Commissioner Viliame Bulewa, Fiji Prisons and Correction Services
- 15) Ms Florence Swamy, Ms Vani Catanasiga and Mr David Whippy, Pacific Centre for Peacebuilding
- 16) Mr Parmod Rae and Ms Seini Nabou, National Federation Party
- 17) Mr Ben Padarath, Fiji Labour Party
- 18) Association for the Prevention of Torture

- 19) Joint submission by Michelle Reddy, Veena Singh, Mamta Chand, Tavai Bale, Shyana Ali, Ronita Singh and Lusiana Caucau

Supplementary Submissions:

- 20) Ms Vandhna Narayan, Fiji Women's Crisis Centre
- 21) Mr Romulo Nayacalevu, Secretariat of the Pacific Community

APPENDIX 3

COPIES OF WRITTEN SUBMISSIONS RECEIVED BY THE
STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE