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Fiji is a constitutional republic with a population of approximately 828,000. The constitution provides for a ceremonial president selected by the Great Council of Chiefs and an elected prime minister and parliament, but in December 2006 armed forces commander Commodore Voreqe Bainimarama overthrew the government of Prime Minister Laisenia Qarase of the Soqosoqo Duavata ni Lewenivanua (SDL) party in a bloodless coup d'etat, announced the establishment of an interim military government, and dissolved Parliament. On January 5, the interim military government was replaced by a nominally civilian interim government ("the interim government"), headed by Bainimarama as prime minister. Bainimarama and his Military Council controlled the security forces. There were numerous instances in which elements of the security forces acted independently.

During the year the interim government denied citizens the right to change their government peacefully. A state of emergency in effect for half of the year significantly restricted constitutional provisions for freedom of expression, movement, and assembly and subjected the right to privacy to the military's interpretation without recourse to the courts. The state of emergency was lifted on May 31 but was reimposed for 30 days on September 6 when Qarase returned to the capital from his home island. Under the interim government, the military and police arbitrarily detained and sometimes abused individuals, resulting in three deaths; conducted searches without warrants; engaged in intimidation of the media; and restricted the right to assemble peacefully. Other problems during the year included poor prison conditions; attacks against religious facilities, particularly Hindu temples; government corruption; deep divisions between indigenous Fijians (57 percent of the population) and Indo-Fijians (38 percent); violence and discrimination against women; and sexual exploitation of children.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces were implicated in three unlawful killings. On the morning of January 5, a group of Republic of Fiji Military Forces (RFMF) personnel seized Nimilote Verebasaga from his home in Tailevu Province for unspecified reasons. That evening they delivered his beaten body to a hospital. A military spokesman claimed Verebasaga's injuries were sustained before he was detained; local villagers disputed that assertion. In November one RFMF soldier was charged with murder in the case.

In early February RFMF and police personnel detained and severely beat several young men from the Nadi area, including 19-year-old Sakiusa Rabaka, ostensibly for smoking marijuana. On February 24, Rabaka died as a result of injuries sustained during the assault. In October eight soldiers and one police officer were charged with murder in that case.

On June 4, plainclothes police officers took Tevita Malasebe into custody in Nasinu, just outside of Suva, for questioning on undisclosed matters. His mother was later called to a hospital to identify his badly bruised body. Seven police officers were charged with his murder.

All three cases were scheduled for trial in 2008. The interim government earlier had sought to send the suspects in the Verebasaga and Rabaka cases out of the country on UN peacekeeping details.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment

While the constitution prohibits such practices, there were numerous reports of abuses by security forces during the year.

On January 4, after a local bus driver at the Nausori checkpoint complained that nearby villagers had damaged his bus, soldiers detained six persons from the village for several hours and beat them. On November 3, soldiers and police reportedly beat businessman Ballu Khan and several associates during their arrest in suburban Suva for allegedly plotting to assassinate Bainimarama. Khan suffered skull fractures; he remained hospitalized at year's end. The police commissioner claimed that Khan was injured resisting arrest, a claim disputed by witnesses, and initially characterized Khan's injuries as minor.

The Fiji Human Rights Commission (FHRC), a constitutionally mandated statutory body, reported that through June it had received 18 formal complaints "relating to the December coup" that it deemed within its jurisdiction. Of these, 16 related to the use of cruel, inhuman, or degrading treatment. However, human rights nongovernmental organizations (NGOs) reported that numerous individuals who were victims of such treatment were unwilling to make formal reports to the FHRC. According to human rights observers, this unwillingness reflected a climate of intimidation and fears of reprisal. The incidence of mistreatment declined significantly in the second half of the year, following local and international criticism and the ending of the state of emergency. The FHRC reported that during the third quarter of 2007, it received one complaint related to the right to life and six complaints related to use of cruel, inhuman, or degrading treatment.

Prison and Detention Center Conditions

Prison conditions did not meet international standards. The national prison system was seriously underfunded, with deteriorating infrastructure and poor delivery of essential services. The system had insufficient beds, inadequate sanitation, and a shortage of basic necessities. There were a large number of prison escapes during the year. The pretrial detention facility at Suva's prison remained closed due to its substandard condition.

In some cases pretrial detainees and convicted prisoners were held together. Courts released pretrial detainees, including some facing serious charges, on bail to minimize their exposure to an unhealthy and overcrowded prison environment.

Family members were routinely permitted to visit prisoners.

The interim government permitted prison visits by independent human rights observers. During the year the International Committee for the Red Cross (ICRC) visited official detention facilities and interviewed detainees. Coup opponents detained by the military for questioning and intimidation were typically held in cells at the main military barracks in Suva for short periods, generally overnight. No independent human rights observers were permitted to visit the military detention cells.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, but during the year military personnel detained numerous persons without warrants for interrogation and intimidation and, in some cases, brief incarceration. Although military personnel do not have arrest powers under the law, the military and the director of the FHRC cited the state of emergency proclamation and public order statutes as justification for the detentions.

Role of the Police and Security Apparatus

The Ministry of Home Affairs, headed by interim Prime Minister Bainimarama, oversees the Fiji Police Force, which is responsible for law enforcement and the maintenance of internal security. The RFMF is responsible for external security. The RFMF maintained that it has a broad constitutional responsibility for national security that also extends to domestic affairs; many constitutional scholars in the country rejected that assertion. In June the former deputy commander of the RFMF was appointed as police commissioner.

The police maintained a network of 31 stations and 54 police posts throughout the country. Policing of more remote and smaller islands was done through regularly scheduled visits. Military personnel were assigned to accompany police patrols and jointly man roadblocks, blurring the lines of authority between the two forces.

The police internal affairs unit is statutorily responsible for investigating complaints of police misconduct. The interim government created a Fiji Independent Commission Against Corruption with wide-ranging investigative powers. The commission undertook numerous investigations of public agencies and officials, including some members of the police force. Some officers were removed from the force. However, impunity and corruption remained problems.

In most cases the interim government took no action against military or police personnel alleged to have committed abuses against coup opponents and prodemocracy activists.

Arrest and Detention

By law police officers may arrest persons without a warrant for violations of the penal code. Police also arrest persons in response to warrants issued by magistrates and judges. Arrested persons must be brought before a court without "undue delay," normally interpreted to mean within 24 hours, with 48 hours as the exception. Detainees have the right to a judicial review of the grounds for their arrest. There was a well-functioning bail system.

The military detained and held incommunicado, in most cases briefly, a significant number of persons who publicly opposed its actions and policies. Reports indicated that the detentions were usually for several hours, typically overnight, and included threats and physical and verbal abuse. Those detained by the military were not taken before a court. The military eventually began transferring some detainees to the police for further investigation and possible charges.

Detainees, other than those detained briefly by the military, were allowed prompt access to counsel and family members. The Legal Aid Commission provided counsel to some indigent defendants in criminal cases, a service supplemented by voluntary services from private attorneys.

The courts had a significant backlog of cases, and processing was slowed by, among other things, a shortage of prosecutors and judges, made worse by resignations in the wake of the coup. As a result some defendants faced lengthy pretrial detention.

Amnesty

In a widely criticized action on January 18, the president issued a proclamation granting to all persons who took part in or supported the removal of the Qarase government, including members of the disciplined forces, "full and unconditional immunity from all criminal or civil or legal or military disciplinary or professional proceedings or consequences" for their actions in this regard. The amnesty covered any such actions taken prior to or on December 5, 2006, and subsequently until January 5.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but during the year the interim government interfered with judicial independence in practice. In January Chief Justice Daniel Fatiaki was suspended from duty and barred from leaving the country, pending an investigation into unspecified allegations of misconduct. The naming of Justice Anthony Gates as acting chief justice to replace Fatiaki attracted widespread criticism amid allegations that the appointment process was not constitutional. In July the president of the Court of Appeal left the bench, declining to renew his contract. His home subsequently burned down under unexplained circumstances. In September six additional Court of Appeal judges jointly resigned, citing interference in the court's management by the acting chief justice. On November 20, the interim attorney general announced the appointment of a panel of three foreign judges to hear specific allegations against Fatiaki, primarily involving allegedly failing to declare income, falsifying tax returns, and acting outside judicial bounds during Fiji's 2000 coup. The matter was pending at year's end.

In October it was revealed that the police commissioner--the former deputy commander of the RFMF--had written a confidential letter to the Ministry of Justice accusing two High Court judges of bias against the military and requesting they not be permitted to preside over cases involving the military or its personnel. While the ministry indicated it would follow up, it was not known whether the letter had any effect on the assignment of cases to particular judges.

The country's judicial structure is patterned on the British system. The principal courts are the magistrates' courts, the High Court, the Court of Appeal, and the Supreme Court. In addition to its jurisdiction in civil and criminal cases, the High Court has special-interest jurisdiction on behalf of the public and is empowered to review alleged violations of individual rights.

Except for the Family Court, there are no special civilian courts. Military courts try members of the armed forces, and there is an internal police tribunal mechanism.

Trial Procedures

The constitution provides for the right to a fair trial. Defendants have the right to a public trial and to counsel, and the court system generally enforced these rights in practice. The Legal Aid Commission, supplemented by voluntary services of private attorneys, provided free counsel to some indigent defendants in criminal cases. Most cases were heard in the magistrates' courts, but a case cannot be tried in a magistrate's court without the defendant's consent. Absent such consent, cases are tried in the High Court. Trials in the High Court provide for the presence of assessors, typically three, who are similar to jurors but only advise the presiding judge. Magistrates are not authorized to impose prison sentences longer than 10 years. Sentences in the magistrates' courts in most domestic and family law cases were relatively light. Defendants enjoy a presumption of innocence and can question witnesses, present evidence on their own behalf, and access government-held evidence relevant to their case. The right of appeal exists but often was hampered by delays in

the process.

The military court system provides for the same basic rights as the civilian court system, although bail is granted less frequently in the military system.

Political Prisoners and Detainees

There were no reports of political prisoners or long-term political detainees. However, human rights activists, lawyers, journalists, and others were detained briefly and in some cases beaten for making statements against the coup or the interim government and its policies.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters. There is access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations. In the event of a human rights violation, an individual also can make a complaint to the FHRC, which could resolve complaints through conciliation without referring them to the courts. A number of those negatively affected by the coup and by policies of the interim government filed court cases alleging violations of the constitution and of human rights. Those cases were pending at year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, but the interim government frequently ignored these prohibitions in practice. RFMF forces searched without warrants the homes and offices of a number of persons the military accused of corruption. Soldiers also entered private property without warrants to warn and threaten persons who spoke publicly against the coup.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, but the government did not fully respect these rights in practice.

The independent media were active and expressed a wide variety of views; however, the government warned media outlets against making "inciting comments," and most practiced some degree of self-censorship. The country's television news program production was owned and operated by Fiji One, one of two national noncable television stations. A trust operated on behalf of Fiji's provincial councils owned 51 percent of Fiji One; the remainder was privately held. The government owned the Fiji Broadcasting Corporation, which operated six radio stations, and also retained a shareholding of less than 20 percent in the *Daily Post* newspaper.

In February a newspaper photographer on assignment at a church in Suva was assaulted by soldiers in front of a large group of witnesses. He was taken to a military camp and detained for approximately one hour. In August RFMF personnel detained and questioned another newspaper reporter.

In August the FHRC's director hired a foreign NGO official with minimal media experience to undertake an assessment of the country's media. The study focused in particular on media independence and ownership. The major private media outlets and most journalists refused to cooperate with the assessment, criticizing the study as reflecting a progovernment bias and intended to intimidate the media. The draft report made a number of controversial proposals, including not renewing existing work permits for foreign media workers, a 7 percent levy on the media to fund a watchdog and media training body, and the adoption of new sedition legislation covering the media. At year's end the report had not yet been publicly released in final form.

The Media Council, a voluntary private watchdog group of media and academic figures, receives and seeks to resolve complaints of bias and malfeasance within the media. In March the council issued a statement condemning RFMF intimidation of the media.

Legislation pertaining to the press is contained in the Newspaper Registration Act and Press Correction Act. Under these acts all newspapers must register with the government before they can publish. The acts give the minister of information sole discretionary power to order a newspaper to publish a "correcting statement" if, in the minister's view, a false or distorted article was published. A newspaper refusing to publish the minister's correction can be sued in court and, if found guilty, fined. Individuals in such cases can be fined, imprisoned for six months, or both. These acts authorize the government to arrest any person who publishes "malicious" material. This would include anything the government considered false, likely to create or foster public alarm, or result in "detriment" to the public. However, this authority has never been used.

The 1992 Television Decree permits the government to influence programming content. The government did not attempt to use the programming authority during the year.

Internet Freedom

There were no government restrictions on general public access to the Internet. However, the military attempted to censor or shut down a number of antigovernment blogs that appeared after the coup, and the Public Service Commission warned civil servants against accessing or taking part in antigovernment Web sites. The military extensively monitored Internet chat rooms on these Web sites. In May the RFMF announced that it was following three individuals alleged to be involved with antigovernment blogs. Also in May, a businessman accused by the military of involvement with such a blog was detained by RFMF personnel at an army camp, where he was verbally and physically abused. Several other individuals suspected of maintaining blogs or posting on blogs were threatened or intimidated. Two senior civil servants accused of contributing to a blog were suspended from duty and subjected to disciplinary action. At least two persons were arrested for allegedly authoring or forwarding e-mail messages critical of the interim government.

The Internet was widely available and used in and around urban centers, and the majority of the population lived in areas with Internet coverage. However, low-income persons generally could not afford individual service, and other public access was very limited. Access outside urban areas was minimal or nonexistent.

Academic Freedom and Cultural Events

Academic freedom was generally respected; however, government work-permit stipulations prohibit foreigners from participating in domestic politics. University of the South Pacific contract regulations effectively restrict most university employees from running for or holding public office or holding an official position with any political party. RFMF agents reportedly infiltrated the university campus to monitor any political activity. The RFMF also threatened to terminate scholarships from the Fijian Affairs Board, a government-funded statutory body, for university students who contributed to antigovernment blogs.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, but under the state of emergency regulations the interim government restricted this right. Although some civic organizations were granted permits to assemble, permits for all political demonstrations and marches were denied, as was a permit for the annual meeting of the National Federation Party. In March police broke up the annual general meeting of the National Union of Public Workers, citing unspecified public order issues. In July police broke up a peaceful picketing action by striking nurses.

Freedom of Association

The constitution provides for freedom of association. During the year the interim government did not restrict persons from joining NGOs, professional associations, or other private organizations, but it targeted for threats and harassment prominent members of the political party of the deposed prime minister and members of NGOs who criticized the coup.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice. Some municipal restrictions on opening hours for businesses during Christmas and Easter were imposed on all communities, not just those that were predominantly Christian.

Societal Abuses and Discrimination

Racial polarization was reflected in religious differences, which were largely along ethnic lines; this contributed to political problems. Most ethnic Fijians were Christians, and most Indo-Fijians were Hindu, with a sizable minority of Muslims. The dominant Methodist Church has closely allied itself with the interests of the pro-indigenous Fijian movement.

Break-ins, vandalism, and arson directed at houses of worship, predominantly Hindu temples, were common. The attacks were broadly viewed as reflections of intercommunal tensions, although there was often evidence that theft was a contributing factor. There was no known Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but the interim government frequently restricted or denied these rights in practice. Under the emergency regulations, the RFMF and later the police maintained checkpoints in the Suva, Nadi, and Lautoka areas, where some persons were stopped, questioned, and occasionally detained. The checkpoints were largely discontinued after the state of emergency ended in May. The interim government drew up a list of persons banned from leaving the country, including the suspended chief justice. Names on the list were not made public; travelers discovered their inclusion when they were turned back by airport immigration authorities.

The law prohibits forced exile, but until September the interim government effectively prohibited ousted prime minister Qarase from leaving his isolated home island to return to the capital, Suva.

Protection of Refugees

The country is a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the country's laws do not specifically provide for the granting of refugee or asylum status in accordance with the convention and protocol. The government handles applications for refugee status or asylum on an ad hoc basis. There were two applications for refugee status or asylum during the year, which remained pending at year's end. The government does not have an established procedure for providing protection against refoulement, the forced return of persons to a country where there is reason to believe they feared persecution. The government provided nominal cooperation with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although the constitution provides citizens the right to change their government peacefully, the country was ruled by a military-backed interim government following the military overthrow of the popularly elected government in December 2006.

Elections and Political Participation

The most recent elections, held in May 2006, were judged generally free and fair. Party politics was largely race based, although this did not limit participation in the political process. The governing SDL party was primarily ethnic Fijian, and the Fiji Labor Party (FLP), the second largest party, was primarily Indo-Fijian, although both parties had membership across racial lines.

In January, one month after the military coup, a military-led, nominally civilian government was established by coup leader Commodore Bainimarama, with himself as its prime minister. Ratu Josefa Iloilo, who had been temporarily replaced as president by Bainimarama after the coup, was reinstalled as president. Bainimarama declared the May 2006 elections fraudulent and said no further elections would be held until the interim government had carried out an extensive "clean-up" of government.

An assessment of the 2006 elections commissioned by the director of the FHRC drew light participation, mostly from losing parties and candidates. The FHRC released its report in September. Human rights activists rejected the exercise as an attempt to justify the coup. The review largely reiterated previous criticism by election observers at the time, noting in particular flaws in the voter registration process that resulted in some hundreds of voters being unable to cast their votes.

In January the Pacific Islands Forum convoked a four-member "Eminent Persons Group" to investigate the coup. The group's report called for elections within 18 months to two years. Bainimarama subsequently stated a willingness to hold elections in March 2009, although his rhetoric continued to create uncertainty about the firmness of his commitment to that date.

In April the interim government suspended the Great Council of Chiefs after the council declined to appoint the interim government's choice as vice president. That position remained vacant at year's end.

There were two women in the 17-member interim government cabinet. Women played important roles in the traditional system of chiefs and could be chiefs in their own right.

There were four Indo-Fijian ministers in the interim government cabinet and one other minority minister. Indo-Fijians, who accounted for 38 percent of the population, continued to be underrepresented at senior levels of the civil service and greatly so in the military. Indo-Fijians comprised approximately 35 percent of the civil service overall.

The political primacy of indigenous Fijians is to some extent enshrined in the constitution, which mandates that 14 of

Parliament's 32 senators be appointed by the indigenous Fijian Great Council of Chiefs, a hereditary body, and one by the Rotuma Island Council. The remainder are appointed by the government and opposition. This arrangement essentially ensured indigenous Fijians effective control in the Senate. Under the 1997 constitution, the prime minister and the president may be of any race or ethnicity. The constitution establishes a 71-member lower house with 25 seats open to any ethnicity and 46 seats allocated to the different ethnic communities. Of the 46 communal seats, 23 are allotted to indigenous Fijians, 19 to Indo-Fijians, three to "general voters" (for the most part mixed-race, Caucasian, and East Asian voters), and one to Rotumans (an ethnically distinct Polynesian group). These allotments were generally proportional to the ethnic composition of the country's population in 1996, but the constitution does not provide for future changes in the allotments to reflect changes in the composition of the population.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, corruption, including within the civil service, has been a significant problem for post-independence governments, and officials frequently engaged in corrupt practices with impunity. Despite measures by the interim government during the year to combat corruption within the bureaucracy, systemic corruption continued. In the absence of parliamentary oversight and other checks and balances, much government decision making was not transparent. The media raised numerous allegations of nonaccountability, abuse of office, fraud, nepotism, misuse of public property, financial mismanagement, failure to complete statutory audits, and conflicts of interest regarding officials and ministries during the year. In its annual report, which dealt chiefly with practices prior to the coup, the auditor general's office highlighted numerous instances of corrupt practices in government offices and ministries.

Citing what it characterized as a culture of corruption, poor governance, and inefficiency, the interim government summarily dismissed a large number of senior career bureaucrats and office holders linked to the government of ousted prime minister Qarase. The interim government also established an anticorruption commission by decree, with extensive powers to investigate and prosecute corrupt practices. Although several cases of malfeasance were brought to light, by year's end the commission had not uncovered any new cases of large-scale government corruption. Hastily created, the commission itself was widely criticized by the media, the legal community, and the public for a lack of accountability and transparency in its operations.

Under the interim government, many military personnel were appointed to positions within government ministries, the diplomatic corps, and other agencies, ostensibly to improve the inefficient bureaucracy.

Public officials are not subject to financial disclosure laws.

Although the 1997 constitution instructs Parliament to enact a freedom of information law as soon as practicable, no such law has been enacted. The interim government was frequently unresponsive to public requests for government information.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Under the interim government, the operations of domestic and international human rights groups were closely scrutinized. Members of the government frequently singled out individual NGO officials for criticism and harassment. Accusations by Bainimarama that NGOs were only doing the bidding of foreign donors, primarily to garner funding, engendered a climate of uncertainty within the NGO community, and most NGOs practiced varying degrees of self-censorship. Government officials were only cooperative and responsive to the views of NGOs that avoided criticizing the coup and the interim government.

There were several NGOs that concentrated on a variety of local human rights causes, such as the Regional Rights Resource Team, the Pacific Center for Public Integrity, the Citizens' Constitutional Forum, the Fiji Women's Rights Movement, and the Fiji Women's Crisis Center. A number of UN organizations concerned with human rights had regional offices in the country and sought to work with the government on various human rights issues. The ICRC continued to operate in the country. The interim government refused to permit a requested visit by the UN Rapporteur on the Independence of Judges and Lawyers.

The interim government directed all those claiming human rights violations to report them to the FHRC. The FHRC received and investigated reports of human rights violations and requests for assistance, some involving alleged abuses by the military, the police, and prison officials. During the year the FHRC director repeatedly failed to publicly object to significant allegations of human rights abuses by the military and police, including three incidents that resulted in the deaths of uncharged detainees. The FHRC's sole remaining pre-coup commissioner strongly criticized the director's statements in support of the coup and her failure to take action in support of persons abused by the security forces, and called for the director to resign. In January the director published a lengthy analysis of the coup that was widely criticized by legal and human rights figures as an attempt to justify the takeover. In a follow-up publication in August, she argued that the overthrow of the Qarase government did not constitute a coup. In July the FHRC director resigned her position when

the interim government named her to be the new national ombudsman. As ombudsman, she is a human rights commissioner and chairs the FHRC.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, sex, place of origin, ethnicity, sexual orientation, color, primary language, economic status, age, or disability. The government generally enforced these provisions effectively, although there were problems in some areas.

The constitution also cites the "paramountcy" of Fijian interests as a guiding principle for the protection of the rights of indigenous citizens. A compact included in the constitution specifically provides for affirmative action and "social justice" programs to "secure effective equality" for ethnic Fijians and Rotumans, "as well as for other communities." The compact chiefly benefited the indigenous Fijian majority. The interim government publicly stated its opposition to such policies, which it characterized as racist, and called for the elimination of discriminatory laws and practices that favored one race over another; however, as of year's end, they remained in place.

Women

Rape, domestic abuse, incest, and indecent assault were significant problems. The penal code provides for a maximum punishment of life imprisonment for rape; however, most rapes were prosecuted in the magistrates' courts, which have a sentencing limit of 10 years. There were inconsistencies in the sentences imposed by different magistrates, generally ranging from one to six years' imprisonment. The Fiji Women's Rights Movement and the Fiji Women's Crisis Center pressed for more consistent and severe punishments for rape. The Court of Appeal has ruled that 10 years is the minimum appropriate sentence in child rape cases. Women's activists continued to press for the formal criminalization of spousal rape, which is not a specific offense; however, husbands have been convicted of raping their wives.

Although there is no specific law against domestic violence, it can be prosecuted as assault. The police claimed to practice a "no-drop" policy, under which they pursued investigations of domestic violence cases even if a victim later withdrew her accusation. However, women's organizations reported that although the police generally were more responsive to domestic violence cases than in the past, they were not always consistent. The courts dismissed some cases of domestic abuse and incest or gave the perpetrators light sentences. Incest was widely believed to be underreported. Traditional practices of reconciliation between aggrieved parties were sometimes taken into account to mitigate sentences in domestic violence cases, particularly in cases of incest. An active women's rights movement sought to raise public awareness about domestic violence.

Four women's crisis centers funded by foreign governments operated in the country. The centers offered counseling and assistance to women in cases of domestic violence, rape, and other problems, such as child support.

Prostitution is illegal, but it occurred, particularly in cities. Sex tourism is prohibited by law but reportedly occurred, particularly in tourist centers such as Nadi and Savusavu, including cases involving children. Taxi drivers, hoteliers, bar workers, and others reportedly acted as middlemen, facilitating the commercial sexual exploitation of children.

The law does not specifically prohibit sexual harassment, but laws against "indecent assaults on females" prohibit offending the modesty of women and could be used to prosecute sexual harassment cases.

Women have full rights of property ownership and inheritance but often were excluded from the decision-making process on disposition of communal land. Many women were successful entrepreneurs. Other than a prohibition on working in mines, there were no legal limitations on the employment of women. Women generally were paid less than men for similar work. According to the Asian Development Bank, approximately 30 percent of the economically active female population was engaged in the formal economy, and of these a large proportion worked in semisubsistence employment or self-employment.

Children

The government devoted approximately 25 percent of the national budget to education and also worked to improve children's health and welfare. School is mandatory until age 15, but the inability of some families to pay for uniforms, school fees, and bus fares limited attendance for some children. There was no significant difference between the school enrollment rates for boys and girls. According to a UN Children's Fund report (based on 2000-2005 data), the net primary school enrollment rate was 97 percent for boys and 96 percent for girls.

The government provided free medical care for children at public health centers and hospitals, including immunizations in primary schools, and boys and girls had equal access.

Corporal punishment was common both in homes and in schools, despite a Ministry of Education policy forbidding it in the

classroom. Increasing urbanization, overcrowding, and the breakdown of traditional community and extended family-based structures led to an increasing incidence of child abuse and appeared to be factors that increased a child's chance of being exploited for commercial sex. Child prostitution was reported among homeless and jobless urban youth.

Under the penal code, commercial sexual exploitation of children is a misdemeanor, punishable by sentences of up to two years' imprisonment. Children's rights advocates criticized this as inadequate and called for more severe criminal sanctions.

Increasing urbanization led to more children working as casual laborers, often with no safeguards against abuse or injury.

Trafficking in Persons

The law prohibits trafficking in persons, with penalties of up to 20 years' imprisonment and fines up to \$482,000 (F\$750,000) for convicted traffickers. Several citizens of China who entered Fiji on student visas and who were arrested for prostitution may have been trafficked. However, no further investigations were conducted before the women were deported to their country of origin. There were some reports of commercial sexual exploitation of children within the country during the year.

The government did not sponsor or provide assistance to any programs specifically designed to combat or prevent trafficking in persons.

Persons with Disabilities

All persons are considered equal under the law, including persons with disabilities. Discrimination against persons with disabilities in employment, education, provision of housing and land, or provision of other state services is illegal. In addition the law provides for the right of access to places and modes of transport generally open to the public and obliges proprietors of such places and services to "facilitate reasonable access for disabled persons to the extent provided by law." Public health regulations provide penalties for noncompliance; however, there was very little enabling legislation on accessibility for persons with disabilities, and there was little or no enforcement of laws protecting persons with disabilities. Building regulations issued in 2004 require new public buildings to be accessible to persons with disabilities, but only a few existing buildings met this requirement. There were only a small number of disabled-accessible vehicles in the country. There were a number of community organizations to assist those with disabilities, particularly children.

Most persons with mental disabilities were separated from society and typically were supported at home by their families. Institutionalization of persons with severe mental disabilities was in a single overcrowded, underfunded public facility in Suva. There were a number of special schools for persons with physical, cognitive, and sensory disabilities; however, costs and location limited access. Opportunities for a secondary school education for those with disabilities were very limited.

The government-funded Fiji National Council for Disabled Persons worked to protect the rights of persons with disabilities. Several NGOs also promoted attention to the needs of persons with various disabilities.

National/Racial/Ethnic Minorities

Tension between ethnic Fijians and Indo-Fijians has been a longstanding problem. The constitution notes that "the composition of state services at all levels must be based on the principle of reflecting as closely as possible the ethnic composition of the population," but it also specifies the "paramountcy of Fijian interests" as a protective principle.

Prior to the coup, most postindependence governments pursued a policy of political predominance for ethnic Fijians. Land tenure remained a highly sensitive and politicized issue. Ethnic Fijians communally held approximately 85 percent of all land, the government held approximately 4 percent, and the remainder was freehold land, which private individuals or companies may hold.

Ethnic Fijians' traditional beliefs, cultural values, and self-identity are closely linked to the land. Most cash-crop farmers were Indo-Fijians, the majority of whom are descendants of indentured laborers who came to the country during the British colonial era. Virtually all Indo-Fijian farmers were obliged to lease land from ethnic Fijian landowners. Many Indo-Fijians believed that their very limited ability to own land and their consequent dependency on leased land from indigenous Fijians constituted de facto discrimination against them. A pattern of refusals by ethnic Fijian landowners to renew expiring leases continued to result in evictions of Indo-Fijians from their farms and their displacement to squatter settlements. This situation contributed significantly to communal tensions. Many indigenous Fijian landowners in turn believed that the rental formulas prescribed in the national land tenure legislation discriminated against them as the resource owners.

Other Societal Abuses and Discrimination

The constitution prohibits discrimination on the basis of sexual orientation. The preexisting penal code criminalizes homosexual acts between males, but the judiciary has held these provisions to be unconstitutional. There was some societal discrimination against homosexuals and persons with HIV/AIDS, although there was no systemic discrimination. There were no known cases of violence directed at homosexuals or person with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The constitution and law protect the right of workers to form and join unions, elect their own representatives, publicize their views on labor matters, and determine their own policies, but the authorities did not always respect all of these rights in practice. In March, citing state of emergency regulations, police stopped the annual meeting of the National Union of Public Workers and briefly detained the union's general secretary and lawyer for questioning.

An estimated 36 percent of the work force was unionized. All unions must register with, but are not controlled by, the government. While some unions were ethnically based, most were not, and both Indo-Fijians and ethnic Fijians held leadership roles in the trade union movement.

The Employment Act makes it an offense for an employer to victimize any worker or make it a condition of employment for a worker not to belong to a union. Unions reported some cases of victimization of workers who expressed a desire to join a union, but the Ministry of Labor reported that it was unable to verify these cases, and no employers were prosecuted.

b. The Right to Organize and Bargain Collectively

Workers have the right to organize and bargain collectively. However, wage negotiations generally were conducted at the level of individual companies rather than industry wide. Employers are required to recognize a union if more than half of the employees in a workplace have signed membership cards; no ballots are held to determine representation. The government has the power to order recalcitrant employers to recognize unions, and it has done so in the past. Traditional key sectors of the economy, including sugar and tourism, were heavily unionized. Although the law allows unionization, union organizers' jobs were not protected, resulting in low unionization in some sectors.

Strikes are legal, except in connection with union recognition disputes. Trade unions can conduct secret strike ballots without government supervision. To carry out a legal strike, organizers must give an employer 28 days' notification. The Ministry of Labor also must be notified and receive a list of all striking employees and the starting date and location of the strike. This requirement is intended to give organizers, unions, employers, and the ministry time to resolve the dispute prior to a strike. There were strikes during the year, including by teachers, nurses, and other civil servants demanding that the interim government restore a pay increase granted by the Qarase government in 2006 but dropped by the interim government following the coup. The interim government accused the strikers of harboring political agendas in opposition to government policies. Permits for strike-related demonstrations were denied, and police broke up one picketing action. The interim health minister actively encouraged retired nurses to fill in for striking nurses. Although most labor disputes, including those in which strike action is deemed illegal, were typically settled by referral to a permanent arbitrator, the government refused to refer the protracted nurses' strike to arbitration. The nurses eventually returned to work but did not receive any concessions from the government and lost their pay for the period they were on strike. Their union sued the interim minister for labor for not referring the matter to arbitration, and in December a court ruled the government had erred by refusing to refer the dispute to an arbitrator.

Union organizers were occasionally vulnerable to dismissal or to other interference by employers, particularly when operating on company premises, although in theory they have legal protection.

Export processing zones (EPZs) are subject to the same laws as the rest of the country. With the decline of the garment industry in the country, the number of workers employed in the EPZs also declined significantly. The Fiji Trade Union Congress reported that it was able to negotiate collective bargaining agreements with some employers in the EPZs but that not all employers were cooperative.

c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, including by children, but there were reports of commercial sexual exploitation of children.

d. Prohibition of Child Labor and Minimum Age for Employment

Inadequate enforcement of existing child labor regulations failed to fully protect children from workplace exploitation. Under the law children under age 12 may not be employed except in a family-owned business or agricultural enterprise. Children between ages 12 and 15 may be employed on a daily wage basis in nonindustrial work not involving machinery, provided

they return to parents or guardian every night. Persons between the ages of 15 and 17 may be employed in certain occupations not involving heavy machinery; however, they must be given specified hours and rest breaks. The Ministry of Labor deploys 42 inspectors nationwide to enforce compliance with labor laws, including those covering child labor. However, there was no comprehensive government policy to eliminate the worst forms of child labor. During the year migration of rural youth to urban areas continued, and youths continued to find employment in the informal sector, including work as shoeshine boys, casual laborers, and prostitutes. There were reports of commercial exploitation of children during the year.

e. Acceptable Conditions of Work

There was no single, national minimum wage, although the Ministry of Labor set minimum wages for certain sectors. Entry-level wages in unregulated sectors, especially service industries, provided a sparse and often only marginally adequate standard of living for a worker and family. There was no single national limitation on maximum working hours for adults; however, there were restrictions and overtime provisions in certain sectors. Workers in some industries, notably transportation and shipping, worked excessive hours.

There are workplace safety regulations, a worker's compensation act, and an accident compensation plan. Safety standards applied equally to citizens and foreign workers; however, government enforcement suffered from a lack of trained personnel and delays in compensation hearings and rulings. Unions generally monitored safety standards in organized workplaces, but many work areas did not meet standards and not all were monitored by the Ministry of Labor for compliance. The law accords employees the right to remove themselves from a hazardous work site without jeopardizing their employment, but most feared the loss of their jobs if they did so.



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