



Fiji

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Until May 19, the country was governed by a democratically elected Government; however, on that date, following a protest march against Indo-Fijian Prime Minister Mahendra Chaudhry's Government, armed indigenous Fijian supremacists led by George Speight, with the support of a number of rebel soldiers and hundreds of civilians, seized Parliament and took Chaudhry hostage along with several Members of Parliament. On May 29, President Ratu Mara was ousted in a nonviolent coup led by the military forces. Military commander Frank Bainimarama appointed himself Head of State, attempted to abrogate the Constitution, declared martial law, and began to rule by decree. After the May 19 takeover of Parliament, violent incidents occurred in many parts of the country. Roads were barricaded, public and private property was seized by rebel sympathizers, troops on Vanua Levu mutinied, Indo-Fijian settlements were terrorized by Ethnic Fijians, and Indo-Fijian businesses were looted and burned. In July a military-backed civilian interim administration was installed after lengthy negotiations between the military regime and the rebels, and a meeting of the ethnic Fijian Great Council of Chiefs. In late July, the military-backed civilian interim administration arrested the rebel leadership, charged the leaders with treason, and began to assert control over the country. A Constitutional Review Commission (CRC) was endorsed by the Great Council of Chiefs in September and was asked to draft a new constitution. However, the CRC suspended its work in December following a High Court ruling that the CRC had no legal standing. In November the High Court ruled that the 1997 Constitution remained in force. The interim administration appealed this decision and requested a stay of the High Court's ruling. The Court of Appeal denied the request. The full Court of Appeal is scheduled to hear the appeal in February 2001.

The 1997 Constitution was designed to promote greater political stability. Ethnicity remains a dominant factor in Fijian life and affects the country's politics, economy, and society. The population is a multiracial, multicultural mix, with indigenous Fijians comprising 51 percent, Indo-Fijians (descendants of immigrants from the Indian subcontinent) approximately 42 percent, and Asians, Caucasians, and other Pacific Islanders making up the rest of the population of more than 775,000 persons. The ethnic division is illustrated by the contrast between the private and public sectors; Indo-Fijian families largely control most private businesses, while indigenous Fijians largely head the government ministries and the military forces. Prior to the May takeover of Parliament, the judiciary was independent; however, with the purported abrogation of the Constitution and other events, including the abolition of the Supreme Court, the status of the judiciary is uncertain.

Until the military coup in late May, the Fiji Military Forces (FMF), a small professional force, came under the authority of the Ministry for Home Affairs, as did the police. The Fiji Intelligence Service was dissolved by the Cabinet in 1999, but its functions were absorbed by the Police Special Branch and by a new analytical unit that was established in the Ministry of Home Affairs. Police and military forces committed human rights abuses.

Sugar and tourism are the mainstays of the economy, accounting for more than half of foreign exchange earnings. Investment is depressed due to continuing concerns over the resolution of land lease issues and political upheaval. Economic growth of approximately 7 percent was achieved in 1999 due to record numbers of tourists and a large sugar crop following 2 years of droughts and floods. However, the economy has suffered significantly as a result of the political turmoil. Targeted sanctions were imposed on the country by a number of states, and the key garment, sugar, and tourism sectors were affected adversely. Tourism remained depressed at year's end. The gross domestic product (GDP) has declined by an estimated 10 percent since 1999. Skilled workers and professionals have departed the country in large numbers. Health and education services in particular were affected.

The Government's human rights record deteriorated during the year and is generally poor. With the ouster of a

democratically elected Government, the purported abrogation of the Constitution in May, and the installation of a military-backed civilian interim administration in July, citizens lost the right peacefully to change their government. The Constitution contains provisions that reduce previous factors that abridged the right of citizens to change their government. However, it also maintained a partially ethnically based electoral system. A major human rights problem remains ethnically based discrimination. A number of government policies, including hiring practices, education policies, and land tenure preferences continue to provide protection for indigenous Fijian interests. Other human rights problems include several political and extrajudicial killings; occasional police and military abuse of detainees and suspects; informal and formal constraints on the freedom of speech and the press and self-censorship; restrictions on freedom of assembly and movement; violence and discrimination against women; instances of abuse of children; racial discrimination and violence; reports of forced labor; and trafficking in persons.

Ethnically motivated societal violence led to abuses, including looting and destruction of property.

Rebel forces committed abuses, including killings and beatings.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

At least 16 persons died as a result of political turmoil arising from the takeover of Parliament on May 19 and culminating in the mutiny in Queen Elizabeth barracks on November 2 (see Section 1.c., 3, and 5). Throughout this period, a number of rebel supporters reportedly were beaten in detention, and five rebel soldiers implicated in the November 2 mutiny were beaten to death (see Section 1.c.). Two of the five rebels were not directly involved in the attack on the barracks, but were arrested elsewhere and subsequently killed. By year's end, no disciplinary action had been taken against the soldiers involved in these incidents.

In July in Naboro prison, security officers killed one prisoner in quelling a violent uprising (see Section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

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

Police and military personnel sometimes abuse detainees and suspects; the authorities have punished some of the offending officers, but these punishments have not deterred all police abuses. There were a number of reports that military and police authorities used excessive force when apprehending and interrogating suspects, and there continued to be incidents of abuse of persons after they were released on bail. The Police Department's Internal Affairs Unit is required to investigate complaints of police brutality. The law permits corporal punishment as a penalty for criminal acts but this provision seldom is invoked by the courts.

On July 26, the military-backed civilian interim administration arrested the rebel leadership, including George Speight, and charged them with treason (see Section 1.d.). Two to three dozen rebels reportedly were injured while resisting arrest by the military forces; one reportedly was shot and injured. In early September, Varinava Tiko, a cousin of George Speight and the rebel who led the takeover of Korovou town, was admitted to a hospital after being interrogated by the military forces. He reportedly suffered a broken jaw and broken ribs. In August the Chief Magistrate stated publicly that he was concerned that military and prison officials abused rebel leader George Speight and his supporters following their arrests in July. At their first court appearance, a number of rebels bore visible signs of beatings.

Concerns were raised regarding the police investigation of the takeover of Parliament in May. The Police Commissioner was placed on leave and subjected to a closed disciplinary hearing before the Chief Justice regarding alleged negligence and other misdeeds with respect to the May 19 rebel takeover of Parliament. He was reinstated after the review found that a number of accusations were unsubstantiated. A number of nongovernmental organizations (NGO's) continued to express concerns about the Commissioner's alleged behavior during the takeover of Parliament and subsequent events as well as the manner in which he was "cleared" of any wrongdoing by the Chief Justice.

In early July, Speight supporters burned and looted shops in Levuka. Also in July, the 50 Indo-Fijian families in

a settlement at Tailevu reportedly were robbed and beaten by ethnic Fijians. Livestock, vehicles, and household items were stolen(see Section 5).

On November 2, members of the Special Forces First Meridian Squadron (also known as the Counter Revolutionary Warfare Unit) mutinied at the Queen Elizabeth barracks in Suva. Approximately 50 soldiers reportedly participated in the mutiny, and at least 8 soldiers were killed, 5 of them due to beatings in custody. Two of the rebel soldiers killed or wounded were not at the barracks when the mutiny occurred. By year's end, no disciplinary action had been taken against the soldiers involved in the beating deaths of the mutineers. By year's end, over 30 rebel First Meridian Squadron members were detained. International observers have not been granted access to the detained rebel soldiers, and family members have been granted only restricted access to them, after an initial period of being denied access (see Section 1.d.).

Soon after the November mutiny, a relative of former Prime Minister Sitiveni Rabuka was forcibly taken from his car and beaten by soldiers. The victim was a member of the Fiji Military Forces and was suspected of having been part of the mutiny.

On December 15, while free on bail, one of the rebels involved in the May takeover of Parliament was beaten severely and threatened with death by several soldiers. He suffered a broken arm and three broken ribs as a result of the attack. The military forces admitted to having detained the rebel briefly for spreading false rumors that had the potential to destabilize the country. By year's end, no disciplinary action had been taken against the soldiers involved in the incident.

Former Prime Minister Chaudhry stated that he and his son were assaulted while being held hostage in Parliament by George Speight and his supporters. Chaudhry also stated that his life was threatened while he was held hostage.

After the May 19 takeover of Parliament and subsequent military takeover, unrest developed in many parts of the country (see Sections 1.a., 3, and 5). Much of the violence was directed at Indo-Fijian settlements; many such settlements, especially in rural areas, were terrorized (see Section 5). Some Indo-Fijian residents in the Muaniveni area reported that they went to the nearest police station to report the attacks, only to find that some of the police officers assisted the attackers. Indo-Fijian businesses also were looted and burned by mobs made up mainly of ethnic Fijians. On June 16, the home of the Permanent Secretary for Fijian Affairs was subjected to an attempted firebombing by unknown persons; the Permanent Secretary is the brother of Commander Frank Bainimarama. On July 11, supporters of George Speight seized the police station in Labasa on Vanua Levu; five police officers reportedly were beaten. The same day, the airport in Lomaloma in the Lau islands was occupied by supporters of George Speight. Following the July 26 arrest of George Speight, two foreign pilots were held hostage briefly when their airplane was seized at the Savusavu airport on Vanua Levu. In June and July, several resorts were taken over and some foreign tourists were held hostage. On July 11, 45 resort guests were released; they had been held at the Turtle Bay resort after it was taken over by persons claiming indigenous rights to the land.

There were reports of arbitrary arrests of persons by civil and military authorities, followed by beatings and release in remote places.

Prison conditions do not meet minimum international standards, and conditions are extremely harsh, particularly at Suva and Naboro prisons. Food and sanitation in prisons are limited. The Government established a separate detention center on Nukulau island outside of Suva to hold George Speight and a number of his supporters, all of whom were charged with treason.

A number of prison disturbances (some politically motivated) and escapes occurred during the year. In one incident in July at Naboro prison, 20 prison officials were held hostage by inmates. The Prison Department's Special Response Unit, reportedly with the aid of military forces, quelled the uprising, but 1 prisoner was killed by security officers, 15 were injured, and 9 prisoners escaped (see Section 1.a.). Many of the injured prisoners were hospitalized with serious wounds; some officers also were injured in the incident. Concerns exist that rules requiring the use of "appropriate force" to subdue prisoners were ignored.

The Government permits visits to prisons, other than restricted Nukulau Island, by church groups, family members, and the Fiji Red Cross; however, the military-backed civilian interim administration has been less willing to allow the Fiji Red Cross access to prisoners since the November 2 mutiny (see Sections 1.a.). The International Committee of the Red Cross (ICRC), which established a permanent office in the country during the year, has been denied access to prisoners.

d. Arbitrary Arrest, Detention, or Exile

The Law of Arrest and Detention provides that a person may be arrested only if police believe that a criminal law has been broken or is about to be broken; however, there were instances of arbitrary arrest and detention. Arrested persons must be brought before a court without "undue delay." This requirement normally is taken to mean within 24 hours, with 48 hours as the exception (such as when an arrest is made during a weekend). Under the Emergency Powers Decree presently in force, the police and military forces may detain individuals for up to 7 days before charges are brought. Rules governing detention are designed to ensure that suspects are questioned fairly. Detainees have the right to a judicial review of the grounds of their arrest; in urgent cases, detainees may apply to a judge at any time, whether he is sitting or not. Incommunicado and arbitrary detention, both illegal, occasionally occur.

There were reports of arbitrary arrests and beatings during the year (see Section 1.d.). The military forces periodically "release," then immediately rearrest, persons in order to remain in nominal compliance with the Emergency Powers Decree.

On July 26, the military-backed civilian interim administration arrested the rebel leadership, including George Speight, and charged them with treason. Hundreds of rebel supporters were arrested, charged with various offenses, but released. Treason charges also were dropped against four persons associated with the May 19 takeover of Parliament (see Section 1.e.). Several persons who reportedly were involved, including a number of chiefs, were not charged. Nine persons who were charged with treason remain under detention on Nukulau Island.

The head of the Fiji Trade Union Congress, Diwan Shankar, was detained briefly by soldiers in June while traveling in the western part of the country (see Section 6.a.). He was not charged with any crime.

In July hundreds of Indo-Fijians temporarily were held hostage by ethnic Fijians on Vanua Levu (see Section 5).

In September the National Fire Authority Administrator was detained briefly but not charged by the military forces after holding a union meeting.

Family members and international NGO's questioned the lengthy detainment without charge of persons allegedly involved in the November 2 mutiny. More than 30 soldiers of the First Meridian Squadron remained in detention while their investigations continued at year's end. Access to these detainees by the ICRC is prohibited (see Section 1.c.). Family access is severely restricted, and the detainees have been moved repeatedly for security reasons.

Exile is not practiced.

e. Denial of Fair Public Trial

The 1997 Constitution provided for an independent judiciary, and prior to the takeover of Parliament in May, the judiciary was independent; however, with the putative abrogation of the Constitution and subsequent events, including the abolition of the Supreme Court, the status of the judiciary is uncertain. The Supreme Court was abolished by decree. The independence of the High Court, in particular that of the Chief Justice, was questioned following the participation of the Chief Justice in the drafting of a number of the decrees issued by the military-backed civilian interim administration. One of the decrees extended the time in office of the Chief Justice. The Chief Justice also was criticized for his role in "interfering" in a case brought by the deposed Chaudhry Government in Lautoka and for deciding to exclude the public and media from hearings regarding the conduct of the Police Commissioner. In October the Lautoka court rebuked the Chief Justice for attempting to move a case in which he was one of the accused to Suva and for attempting to select a judge to hear the case. A number of judges resigned. Fiji's Law Society met on several occasions and issued a number of critical statements regarding the status of the judiciary.

The judicial structure is patterned on the British system. The principal courts are the magistrate courts, the High Court, the Court of Appeal, and the Supreme Court. However, in late May the Supreme Court was abolished by decree; the Court of Appeal, the High Court, and the magistrate courts continued to function.

There are no special courts; military courts try members of the armed forces.

Magistrate courts continue to try the large majority of cases. In addition to its jurisdiction in serious civil and criminal cases, the High Court is granted special interest jurisdiction on behalf of the public and is empowered to review alleged violations of individual rights in addition to its jurisdiction in serious civil and criminal cases.

Defendants have the right to a public trial and to counsel. Trials in the High Court provide for the presence of assessors (citizens randomly selected to represent the community); cases in magistrate court do not. In litigation involving lesser complaints, a public legal advisor assists indigent persons in domestic or family law cases. The right of appeal exists but continues to be hampered by delays in the appeals process. Bail is granted freely, and most defendants do not experience pretrial detention. There is no provision for bail for the charge of treason.

The Muanikau Accord between the rebels and the military regime, which led to the release of the hostages taken at Parliament in May, included an immunity decree for the rebels covering unspecified "political crimes" (see Section 3). However, on July 26, the military-backed civilian interim administration arrested the rebel leadership, including George Speight, and charged them with treason. In early October, the High Court ruled that the immunity decree did not apply to one rebel leader, who is accused of shooting two police officers and a foreign journalist. It is unclear whether other rebel leaders likewise may be found not to be immune from prosecution. In October the military-backed civilian interim administration stated its intention to prosecute those involved in the May 19 takeover of Parliament. However, treason charges against eight soldiers involved in the takeover of Parliament were dropped on October 11. A number of the soldiers released after treason charges were dropped on October 11 were involved in the November 2 mutiny. Five rebels were beaten to death following the mutiny (see Sections 1.a. and 1.c.). Four others, including the former chief of the Fiji Intelligence Service, had their treason charges dismissed and were released in December. The soldiers who were not released reportedly are to be tried under military law.

The law sometimes treats women differently from men. In some instances, there is a presumption of reduced competence and thus reduced responsibility for women. For example, only women can be charged with infanticide (if a man kills an infant the act is treated as murder, a more serious charge). A female defendant in an infanticide case is presumed to have diminished mental capacity, and sentences are reduced or suspended accordingly.

There were no reports of political prisoners.

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

In general the Government respects the privacy of the home; however, the Home Affairs Ministry has powers, within specific operational guidelines, to search persons and property, access private financial records, and monitor mail and telephones when a warrant is issued by the National Security Council. The military forces and police have similar capabilities. The Home Affairs Ministry conducts surveillance of persons whom it believes represent a security threat.

A military curfew initially imposed countrywide in May ended in the capital in December. An all-day curfew was imposed briefly in Suva after the mutiny by rebel soldiers on November 2; it ended on November 4. Military checkpoints continue to be manned countrywide and impromptu checkpoints occasionally are erected. All curfews had been lifted by year's end, and special passes for travel after curfew are no longer required (see Section 2.d.).

Section 2 Respect for Civil Liberties, Including

a. Freedom of Speech and Press

Freedom of speech generally is respected; however, there were both informal and formal governmental constraints on freedom of speech and press. The Chaudhry Government was criticized for attempts to regulate the independent media, and there were credible reports of attempts by individual members of the Chaudhry Government and the military-backed civilian interim administration to pressure editors or otherwise interfere with the press. The former editor of the Fiji Times was denied a renewal of his work permit in April by the Chaudhry Government. One foreign television crew was prevented from transmitting a news story following the May 19 takeover of Parliament because of allegations that it altered certain photos. After the assumption of power by the military-backed civilian interim administration in July, a number of steps were taken to limit citizens' ability to speak publicly or privately about issues such as human rights and democracy; meetings and protests concerning such topics were canceled and otherwise limited by the authorities (see Section 2.b.).

Political figures and private citizens can and do speak out against the Government. However, the Public Order Act and other laws prohibit actions that are likely to incite racial antagonism.

Legislation pertaining to the press is contained in the Newspaper Registration Act and the Press Correction Act. Under the Newspaper Registration Act, all newspapers must be registered with the Government before

they can publish. The Press Correction Act gives 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 is published; however, this provision has never been used. Should the newspaper refuse to publish the Minister's correction, it may be sued in court and, if found guilty, fined approximately \$500 (FJ\$1,000). Individuals may be fined \$150 (FJ\$300) and imprisoned for 6 months or both. The acts allow the Government to arrest anyone who publishes "malicious" material. This includes anything the Government considers false news that could create or foster public alarm or result in "detriment to the public."

The media operate without prior censorship but with considerable self-censorship. Government ownership of shares in the Fiji Post newspaper and its links to the Fiji Sun newspaper through Fijian Holdings, an investment company on whose board a number of ministers have served, call into question the complete independence of the press. Newspapers occasionally print editorials critical of the Government and occasionally conduct investigative reporting. They widely report statements about the political situation by opposition figures and foreign governments. In addition the letters-to-the-editor columns of the two daily newspapers frequently carry political statements from a wide cross section of society, including members of the deposed precoup government. These letters are highly critical of the Government, its programs, and the Constitution. Criticism, albeit muted, of the once-sacrosanct traditional chiefly system is appearing more frequently. However, the Government still views negative comments about individual chiefs with disfavor.

An active local organization, the Fiji Islands Media Association, is an affiliate of the Pacific Islands News Association (PINA). These associations provide training opportunities for journalists and have established a code of ethics for the media. The Fiji News Council strives to promote high journalistic standards, safeguard media independence, and resolve complaints from the public.

In 1999 the Chaudhry Government bought one of the country's two daily newspapers, the Fiji Post, and announced that all government advertising and official statements would be published only in the Fiji Post. The Fiji Islands Media Association noted its concern about these developments and their effect on media freedom. However, the military-backed interim civilian administration has placed ads in all three daily newspapers.

The country's television news production is owned and operated by Fiji One, the only national non-cable television station. A trust operating on behalf of the provincial governments owns 51 percent of Fiji One; the other 49 percent is owned by private individuals and interests. The Chaudhry Government commenced legal proceedings against Fiji One in an attempt to cancel its exclusive license. The company reached an out-of-court agreement with the Chaudhry Government agreeing to the early termination of its exclusive license. The television station was attacked in May by coup supporters following a broadcast that was perceived to be critical of George Speight. The lives of a number of reporters were threatened, and the station stopped broadcasting for a number of days as a result of extensive damage to its equipment. On October 20, several soldiers detained the executive director, the news director, and a journalist of the public radio station at the offices of the Fiji Broadcasting Corporation in Suva. Earlier in the month, the radio station had reported on tensions within the military forces, and the arresting soldiers reportedly asked the journalists for the names of their sources within the military forces. The authorities have accused the radio station of trying to destabilize the military-backed civilian interim administration. On October 21, the Fiji Sun reported that the Minister of Information sent a letter to Fiji Television asking that former Prime Minister Chaudhry not be interviewed on the "Close Up" program.

Both the Chaudhry government and the military-backed civilian interim administration were forbidden to comment on politically sensitive issues such as the Constitution, land issues, and relations between communities, citing the need to respect the sovereignty of the State and noninterference in internal matters.

Academic freedom generally is respected; however, government work permit stipulations and University of the South Pacific (USP) contract regulations effectively deter university employees from participating in domestic politics. The USP media center web site was temporarily closed in August by the university chancellor following the posting of an editorial considered too "political" by the head of the media center. Student groups organize freely.

b. Freedom of Peaceful Assembly and Association

The 1997 Constitution provided for the right to assemble for political purposes, subject to restrictions in the interest of public order; however, both the Chaudhry Government and the military-backed civilian interim administration restricted this right in practice. Permits for public gatherings had to be obtained from the district officer, and the Chaudhry Government did not always grant permits for large outdoor political meetings or demonstrations, particularly if the police advised of difficulties with the anticipated crowd size or their ability to assure public safety. Nevertheless, until May the Chaudhry Government routinely issued permits for rallies

organized by political parties, religious groups, and groups opposed to government policies. Authorities allowed two protest marches against the elected Government to proceed, one in April and one in May, despite concerns about security. The April protest march, however, was one of the largest antigovernment protests in the country's history, with 2,000 marchers and up to 8,000 participants. On May 4, Home Affairs Minister Joji Uluinakauvadra announced that no further permits would be issued to groups protesting against the Government. According to press reports, the police and other authorities were ordered not to allow any such protests.

The military-backed civilian interim administration also banned all requests for political rallies or marches, and a number of marches and other protests that called for the restoration of the 1997 Constitution and the reinstatement of the elected government were not allowed by the military forces or the interim administration, including a "peace march" organized by the son of one of the hostages that was to be held on June 12.

An Emergency Powers Decree and a series of other decrees provide sweeping powers to the military and police forces to prevent all types of meetings and gatherings. For example, the military-backed civilian interim administration announced on September 13 that all meetings, public or private, would require a special permit. Agendas of proposed meetings reportedly were required to be submitted to the military forces for review before the permits were to be issued, and no permits for events deemed political would be issued. However, meetings for some indigenous political parties were allowed.

The military and police forces prevented a protest march in July that was scheduled to take place between Lautoka and Suva. The head of the Fiji Trade Union Congress (FTUC) was detained briefly in July by the military forces while on union business in Lautoka (see Section 6.a.). He was released without being charged (see Section 1.d.). The executive meeting of the Fiji Public Service Association in August was disrupted by the military forces. In September the National Fire Authority Administrator was held briefly but not charged by the military forces after holding a union meeting. A private meeting of Indo-Fijian leaders in mid-September was delayed due to a demand by the police and the military forces that they be allowed to attend. A youth rally for democracy scheduled to be held at Suva's Civic Center in mid-September did not take place after the military authorities informed organizers that they could not hold the meeting as Commander Bainimarama was "out of the capital." A meeting organized by Fiji's Women's Rights Groups in December was canceled only hours before it was scheduled to have been held and after initial approval had been granted.

The 1997 Constitution provides for freedom of association, and the Government generally respected this provision in practice. Opposition parties operate largely without government interference. Political organizations operate and issue public statements. However, the deposed prime minister was accused of treason by political leaders associated with the military-backed civilian interim administration for his activities to try to restore constitutional democracy.

c. Freedom of Religion

The 1997 Constitution provides for religious freedom, and this provision was respected in practice by both the Chaudhry Government and the military-backed civilian interim administration. The Government does not restrict foreign clergy and missionary activity or other typical activities of religious organizations.

However, the role of religion in the State continued to be a political issue. In the past, former Prime Minister Sitiveni Rabuka publicly indicated his willingness to consider making the country "a Christian state;" however, he helped to create the Constitution's compromise language. From September until its demise, a number of submissions were made to the Constitutional Review Commission calling for the country to be considered a Christian state. Several predominantly ethnic Fijian political parties that participated in the 1999 general elections called for a Christian state and the reintroduction of measures to mandate respect for Christian values, such as a ban for all but essential services on Sunday (such a ban was introduced following the two 1987 coups, but it was lifted in 1995). Other parties, which are dominated by Indo-Fijians, do not support such actions and insist that church and State should remain separate. The president of the Methodist Church, the dominant religion particularly among ethnic Fijians, has stated that the church has no official role in politics. However, senior Methodist leaders, including a past church president, were candidates for office in the 1999 general elections. The Christian Democratic Party used the Methodist Church headquarters to hold the swearing-in ceremony for its candidates.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government generally does not restrict freedom of movement within the country or abroad; however, a military curfew was imposed countrywide from 10 p.m. to 5 a.m. daily; it was removed in December in the capital area. An all-day curfew was briefly imposed in Suva after the mutiny by rebel soldiers on November 2; it was lifted on November 4. During periods when curfews were in effect, military checkpoints were located

across the country, and special passes were required for travel after curfew. Access to Nukulau Island, located near Suva, was curtailed, since it is being used to detain individuals charged with treason.

Citizens are free to emigrate. More than 50,000 have done so since the 1987 coups. There was a significant increase in the number of citizens who took steps to leave the country during the year. The Government does not restrict the return of citizens if they choose to do so and has encouraged those who left after the 1987 coups to return. Occasional detentions at the airport occur, but the courts have ordered redress where warranted.

An internally displaced persons (IDP) camp was established in Lautoka, which houses over 300 Indo-Fijians from the Nausori area. As of December, over 400 displaced Indo-Fijians were housed in camps set up in Labasa and Western Viti Levu. The ICRC and the Fiji Red Cross visited the camps and provided assistance.

The law includes provisions for providing refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. In the past, the Government has been reluctant to grant first asylum without assurances that the asylum seeker would be moved to a third country. There were no reports of the forced return of persons to a country where they feared persecution.

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

Until May 19, the country was governed by a democratically elected Government; however, citizens subsequently lost the right to change their government peacefully as a result of a military takeover, which followed the seizure of Parliament by indigenous Fijian supremacists.

On May 19, following a protest march against Prime Minister Chaudhry's Government, armed indigenous Fijian supremacists led by George Speight, with the support of over 50 rebel soldiers and hundreds of civilians, seized Parliament and took Prime Minister Mahendra Chaudhry and members of parliament hostage. On May 29, President Ratu Mara was ousted in a nonviolent coup led by the military forces. On the same day, military commander Frank Bainimarama seized executive power and issued a number of decrees, including the purported abrogation of the 1997 Constitution and the implementation of emergency powers imposing martial law. Bainimarama then began to rule by decree. In July a military-backed civilian interim administration was installed after lengthy negotiations between the new military regime and the rebels, and a meeting of the ethnic Fijian Great Council of Chiefs. With these events, citizens lost the right to change their government peacefully. The last of the hostages held in Parliament were released on July 13. In late July, the military-backed civilian interim administration arrested the rebel leadership, including George Speight, despite an immunity decree and began to assert effective control over the country (see Section 1.e.).

In October the military-backed civilian interim administration stated its intention to prosecute those involved in the takeover of Parliament on May 19. A number of persons have been charged with treason and other crimes. However, treason charges against eight soldiers involved in the takeover of Parliament were dropped on October 11 (see Section 1.e.). A number of the soldiers released later were involved in the November 2 mutiny. Treason charges also were dropped in December against four others, including the former head of the Fiji Intelligence Service. The soldiers reportedly are to be tried under military law. The police force and the acting Police Commissioner were criticized for not charging high profile senior figures, particularly ethnic Fijian chiefs, who allegedly were involved in criminal acts. Media and public criticism has focused on what has been called "two sets of laws," one for the elite Fijian community and another for other persons.

From September until its demise later in the year, a Constitutional Review Commission endorsed by the military-backed civilian interim administration was charged with drafting a new constitution. Its terms of reference, approved by the Great Council of Chiefs for the commission, would ensure ethnic Fijian political supremacy. A number of concerns were raised regarding the legitimacy, membership, and terms of reference of the Commission. There were no Indo-Fijian representatives on the Commission and its membership included a number of individuals closely associated with the ouster of the elected Government.

The deposed "People's Coalition" government of former Prime Minister Chaudhry initiated a legal challenge to the putative abrogation of the Constitution and the removal of the elected Government. In November the High Court ruled that the 1997 Constitution remained in force and that the military-backed civilian interim administration had no legal basis. The decision was appealed by the interim administration, which asked for a stay of the High Court ruling. The Court of Appeal denied the request for a stay. The full Court of Appeal is scheduled to hear the appeal in February 2001. Former Prime Minister Chaudhry, the country's first Indo-Fijian Prime Minister, also began an international campaign to restore constitutional democracy.

The Constitution, as amended in 1997, reduced the ethnically based factors that previously abridged the right of citizens to change their government. Under its provisions, the Prime Minister and the President can be of any race. It established a 71-member lower house with 25 open seats and 46 seats allocated to different ethnic communities. The open seats, which were unprecedented, were established by an electoral commission and apportioned into districts of approximately equal population. Of the 46 communal seats, 23 were allotted to indigenous Fijians, 19 to Indo-Fijians, 3 to "general voters" (for the most part Caucasians and East Asians), and 1 was allotted to the Rotumans (an ethnically distinct Polynesian group), roughly proportional to the different communities' representation in the population. The amended Constitution also contained an alternate vote system for elections to the lower house to replace the winner takes all system of the previous constitution. The Senate remained an appointed body--the President appoints 32 members, of which the Great Council of Chiefs nominates 14 members, the Prime Minister nominates 9, the opposition leader nominates 8, and the Council of Rotuma nominates 1 member.

Included in the 1997 Constitution was a strengthened bill of rights and a compact among the country's citizens to protect their respective rights and interests; however, the Constitution acknowledged that the paramountcy of indigenous Fijian interests could not be subordinated to the interests of other communities. In July 1998, Parliament passed a new Emergency Powers Act that could be invoked if Parliament determined that there was a threat to the life of the nation. International media organizations criticized the law due to concerns that the Government could close or censor publications during times of crisis. The Emergency Powers Act was amended by decree by the military-backed civilian interim administration, which also invoked the amended act. The amended Emergency Powers Decree has been in force since May 29.

The military-backed civilian interim administration, which had no cabinet representatives from the Indo-Fijian minority (44 percent of the population), stated that it intended to promulgate a new constitution that would protect the rights of ethnic Fijians, institute affirmative action for ethnic Fijians, and safeguard the property rights of ethnic Fijians. The interim administration also stated that it intended to hold elections by March 2002.

Women in both the Fijian and Indian communities have functioned primarily in traditional roles, and are underrepresented in government and politics. However, until the takeover of Parliament in May, an increasing number of women were rising to prominent positions in politics and public service. The May 1999 elections resulted in an increased number of women elected to Parliament. Five women were members of the 27-member Cabinet, with 1 selected as Deputy Prime Minister. There is one female cabinet member in the military-backed civilian interim administration--the Minister for Women's Affairs. Women also play important roles in the chiefly system and can be chiefs in their own right. The former President's wife is one of the three highest ranking chiefs.

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

Several new local nongovernmental organizations began campaigns that focus on human rights. These include the Citizens' Constitutional Forum and Fiji Blue. In addition women's rights' organizations, the labor movement, religious groups, and political parties have begun campaigns focused on human rights issues. The Fiji Red Cross was permitted access to the hostages held at Parliament and assisted communities throughout the country affected by the political turmoil. However, the military-backed civilian interim administration has been less willing to allow the Fiji Red Cross access to prisoners since the November 2 mutiny (see Sections 1.a. and 1.c.).

There are also several small, foreign-based organizations that concentrate on local human rights causes, including the Coalition for Democracy in Fiji (with offices in New Zealand and Australia) and two United Kingdom-based groups, the International Fiji Movement and the Movement for Democracy in Fiji. There is little interaction between the Government and these groups.

The ICRC established a permanent office in the country during the year.

The Fiji Human Rights Commission, which was established by the Chaudhry Government, while still in place, ceased to function in practice. One commissioner resigned. The chair of the commission was accused of conflict of interest because of his marriage to a minister in the military-backed civilian administration. The Commission staff reportedly was denied permission by its chairman to investigate human rights abuses in the Muaniveni area--the site of a number of abuses against the Indo-Fijian community. A number of reports were compiled by the Citizens' Constitutional Forum and the Fiji Human Rights Group documenting alleged human rights violations, mostly concerning crimes against rural Indo-Fijian settlements. These reports were submitted to the United Nations, the European Union, and the British Commonwealth.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The amended 1997 Constitution, prohibits discrimination on the basis of race, sex, place of origin, political opinion, color, religion, or creed, and contains specific affirmative action provisions for those disadvantaged as a result of such discrimination. In the compact included in the amended Constitution, there was a specific provision for affirmative action and "social justice" programs to secure effective equality of access to opportunities, amenities, and services for the Fijian and Rotuman people and for all disadvantaged citizens and groups.

Women

Reliable estimates indicate that 10 percent of women have been abused in some way, and this abuse is a major focus of the women's movement. Women are addressing the problem of domestic violence actively. Police have adopted a "no drop" rule, according to which they prosecute cases of domestic violence even when the victim does not wish to press charges. The traditional practice of "reconciliation" between aggrieved parties is sometimes taken into account in mitigation of sentences.

There is a small but active women's rights movement that has pressed for serious punishment for rape. Courts have imposed sentences that vary widely but generally are lenient. Women have sought to have all rape cases heard in the High Court where sentencing limits are higher.

Suva, the capital, and Ba, Labasa, and Lautoka have established privately funded women's crisis centers; the centers offer counseling and assistance to women in cases of rape, domestic violence, and other problems, such as child support.

Constitutional changes that came into effect in the 1997 Constitution were designed to redress the imbalance in spousal and offspring rights between male and female citizens. Under the amended Constitution, male and female citizens enjoy equal rights in regard to the granting of residence for spouses, and registering and racially designating children in regard to electoral rolls and ethnic communal property.

In general women in the ethnic Fijian community are more likely to rise to prominence in their own right than are women in the Indo-Fijian community. Women have full rights of property ownership and inheritance, and a number are successful entrepreneurs. Women generally are paid less than men, a discrepancy that is especially notable in the garment industry. Garment workers, most of whom are female and many of whom are Chinese laborers, are subject to wages that are considerably lower than in other sectors. A significant number of garment workers reside at their places of work. According to press reports, some garment workers supplement their low income through prostitution.

Trafficking in persons, particularly women, is a problem (see Section 6.f.).

Children

The Government is committed to children's rights and welfare but has limited financial resources to carry out the commitment. In addition the legal system is at times unable to protect the rights of children, since children's testimony is inadmissible in court unless corroborated by an adult. Societal changes have undermined the traditional village and extended family-based structures; outgrowths of this evolution include increased child abuse and a growing number of homeless youths in urban centers.

School is mandatory through the primary grades. NGO reports indicate that over 5,000 students dropped out of school following the political upheaval in the country beginning in May. Concerns over security and inability to pay school fees following loss of employment were cited as two reasons for the decrease in attendance.

Corporal punishment is administered in some schools. The Ministry of Education has guidelines for the administration of such punishment by principals and head teachers. A number of incidents were reported during the year of alleged beatings of children at school. There is credible information that not all abuses are reported or punished.

People with Disabilities

Discrimination against the physically disabled in employment, education, and the provision of state services is illegal. However, there is no legislation or mandated provision for accessibility for the disabled. Several voluntary organizations promote greater attention to the needs of the disabled.

Religious Minorities

Police no longer are investigating reports of damage to a small number of Hindu temples in 1997. Religious leaders in the minority Muslim population continued to request the establishment of separate Islamic courts for their community.

National/Racial/Ethnic Minorities

The stated purpose of two military coups in 1987 was to ensure the political supremacy of indigenous Fijians and to protect their traditional way of life and communal control of land. To this end, the post-1987 coup government initiated a number of constitutional and other measures to ensure ethnic Fijian control of the executive and legislative branches. The Government also successfully raised the proportion of ethnic Fijians and Rotumans in the public service to 50 percent or higher at all levels, but most significantly at the senior level: Indo-Fijians represent only approximately 10 percent of the highest levels of the civil service. The 1997 Constitution sought to redress this imbalance by specifically noting 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." George Speight, who led the May 19 takeover of Parliament, professed to be taking action on behalf of ethnic Fijians (see Section 3). The military-backed civilian interim administration continued to profess that it intends to ensure the political supremacy of indigenous Fijians and to protect their traditional way of life and communal control of land.

Control of the land remains a highly sensitive issue. Ethnic Fijians hold, communally, over 80 percent of land, the State holds another 8 percent, and the remaining land is freehold. The British colonial administration instituted the present land ownership arrangements to protect the interests of indigenous Fijians whose traditional beliefs, cultural values, and self-identity are tied to the land. Most cash crop farmers are Indo-Fijians, who lease land from the ethnic Fijian landowners through the Native Land Trust Board. Many Indo-Fijians, particularly farmers, believe that the absence of secure land tenure discriminates against them. A number of Agricultural Landlord and Tenant Agreement (ALTA) leases have expired and a large number are scheduled to expire in coming years. The uncertainty over future land tenure arrangements is a significant cause of tension between the ethnic Fijian and Indo-Fijian communities. A parliamentary select committee was established following the election of the Chaudhry Government to review agricultural land tenure agreement issues, but Parliament has not met since May. According to press reports, the Chaudhry Government was considered by many ethnic Fijians to be working in favor of Indo-Fijians, because it tried to get leases renewed without much of an increase in rent. On July 11, 45 resort guests were released; they had been held at the Turtle Bay resort after it was taken over by persons claiming indigenous rights to the land.

Prior to the political upheaval that began in May, Indo-Fijians were subjected to occasional harassment based on race. There have been no credible allegations of government involvement in such incidents, which the police have investigated, sometimes resulting in arrests. Since the takeover of Parliament on May 19, violence against Indo-Fijians was perpetrated by ethnic Fijians. On May 19, over 160 stores were looted and 30 stores were burned in downtown Suva, most of them belonging to Indo-Fijians. Police arrested 275 persons for looting in connection with that day's events. In Suva on May 31, armed protesters supporting the rebels reportedly stoned cars, beat the motorists in them, and stole vehicles; the protesters appeared to target Indo-Fijians in the attacks. After the takeover of Parliament in May, Indo-Fijian settlements also were terrorized. Indo-Fijian businesses continued to be looted and burned through year's end. On June 11, Speight supporters set fire to and destroyed a bar owned by an Indo-Fijian. On the following day, the home of Indo-Fijian labor leader Diwan Shankar was firebombed, but suffered minimal damage (see Section 6.b.). An IDP camp was established in Lautoka; it houses more than 300 Indo-Fijians from the Nausori area. Additional camps were established in Labasa and Western Viti Levu by cane growers' unions. The ICRC and the Fiji Red Cross visited the camps and provided assistance.

The Muaniveni and Baulevu areas near Nausori, in Naitasiri province, experienced a particularly high level of violence, including looting, arson, and physical intimidation, directed against Indo-Fijians. The attacks reportedly were carried out by persons with ties to George Speight. On June 19 and 20, 52 Indo-Fijian homes were attacked in Muaniveni. The Indo-Fijian families in the area reportedly left their homes at night to avoid the attackers. Some residents reported that they went to the nearest police station to report the attacks, only to find that some of the police officers had assisted the attackers. According to press reports, the police assisted ethnic Fijians in the area to steal crops, kill cattle, and transport items to supporters of George Speight in Suva. There were a number of arrests in connection with the attacks, and the police began an internal investigation into these complaints that confirmed these reports. Violence also was reported in the Dreketi and Rakiraki areas, including theft, looting, and arson. Soldiers dispatched to Vanua Levu to quell disturbances there reportedly killed one Speight supporter and arrested 37 others in early August. In early July, Speight supporters burned and looted shops in Levuka. Also in July, the 50 Indo-Fijian families in a settlement at Tailevu reportedly were robbed and beaten by ethnic Fijians (see Section 1.c.). Livestock, vehicles, and household items were stolen. Hundreds of Indo-Fijians were held hostage temporarily on Vanua Levu in July (see Section 1.d). There continued to be credible reports of arson and looting of Indo-Fijian settlements in remote rural areas, and sporadic attacks on Indo-Fijians continued at year's end.

The Chaudhry Government established a special police unit to investigate allegations of criminal activity within the Chinese community. It also focused particular attention on what it termed the "expatriate" business community and had announced its intention to review all immigration records relating to foreign workers. It intervened in a number of visa cases, refusing visas or renewals of work permits. In 1999 it called on private companies to "localize" their hiring practices. The minority Chinese community complained about perceived government harassment in this regard, and the nation's employers' organization spoke against government interference.

Section 6 Worker Rights

a. The Right of Association

The law protects the right of workers to form and join unions, elect their own representatives, publicize their views on labor matters, and determine their own policies, and the authorities respect these rights in practice. However, the law permits restrictions to be applied in government employment and in the interests of defense, public safety, public order, public morality, or public health, or to protect the rights and freedoms of other persons. An estimated 55 percent of the workforce is unionized.

All unions must register with, but are not controlled by, the Government. The only central labor body is the Fiji Trade Union Congress (FTUC), which was associated closely with the opposition Fiji Labor Party until mid-1992; unions operate under its auspices. The FTUC subsequently adopted a more independent political stance. While certain unions remain ethnically based, both Indo-Fijians and ethnic Fijians hold leadership roles in the trade union movement. In the past, the FTUC participated, along with the employer's federation, in the Government's Tripartite Economic Strategies Committee; however, it has not been active since the seizure of Parliament on May 19.

Strikes are legal, except in connection with union recognition disputes, and trade unions can conduct secret strike ballots without government supervision. There are credible reports that in July and August, following the takeover of the democratically elected Government, the military forces actively intervened to prevent union efforts to mobilize strike action in the sugar cane belt. The head of the FTUC and other union representatives have been briefly detained by the military authorities while on union business. The FTUC has coordinated closely with the international labor movement in the aftermath of the ouster of the elected Government. Representatives of Australian and New Zealand unions have visited Fiji to support the FTUC.

Unions can affiliate internationally. The FTUC associates internationally.

b. The Right to Organize and Bargain Collectively

The law recognizes the right to organize and bargain collectively. Employers are required to recognize a union if more than half of the employees in a workplace have joined it. Recognition is determined by union membership rather than by an election. The Government has the power to order recalcitrant employers to recognize unions and has done so. Key sectors of the economy, including sugar and tourism, are heavily organized. Following the 1992 return to accountable government, the Government lifted wage guidelines, and unrestricted collective bargaining on wages is now the norm.

Wage negotiations generally are conducted on an individual company or enterprise basis, although industry wide negotiations are on the increase. The law specifically prohibits antiunion discrimination, but the law does not mandate that fired workers be reinstated.

Export processing zones (EPZ's) are subject to the same laws as the rest of the country. However, the FTUC has been unsuccessful in obtaining collective bargaining agreements in EPZ's and claims that intimidation of workers by employers is widespread. The FTUC sees union recognition as the single issue that does not have effective legal recourse. The FTUC argues that because of alleged illegal and intimidating practices in EPZ's, including threats of loss of work for those active in organizing workers, unions are unfairly prevented from representing workers in the EPZ's.

c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits forced labor, including forced and bonded labor by children; however, trafficking in women is a problem (see Section 6.f.), and there were media reports that a form of bonded labor may be practiced on a remote copra plantation on an outer island. Media reports also allege that working conditions in some garment factories may amount to bonded or forced labor and may include overcrowded factory housing and excessive work hours. Workers at a garment factory in Lami reportedly conducted a

hunger strike in December to protest working conditions (see Section 6.e.).

The Government enforces the prohibition against forced and bonded labor by children effectively.

d. Status of Child Labor Practices and Minimum Age of Employment

Children under the age of 12 may not be employed in any capacity. "Children" (under age 15) may only be employed outside school hours in family enterprises and not in the industrial sector. "Young persons" (ages 15 to 17) may be employed in certain occupations not involving heavy machinery and with specified hours and rest breaks. Enforcement by the Ministry of Labor and Industrial Relations generally is effective except for family members working on family farms or businesses and "self-employed" homeless youths. There has been an increase in self-employed school-aged youths in urban areas, particularly in those working as shoeshine boys. School is mandatory only through the primary grades. Children (under age 15) may be employed outside school hours only in certain occupations.

e. Acceptable Conditions of Work

There is no national minimum wage. Certain sectors have minimum wages set by the Ministry for Labor and Industrial Relations, which enforces them effectively. The manifesto of the ousted "People's Coalition" government called for the establishment of a minimum wage. Minimum wage levels provide a sparse but adequate standard of living for a worker and family in all sectors except the garment sector. Wages are generally lower in the garment industry, which largely comprises female (mainly Chinese) workers; in the garment industry, the starting hourly wage is \$0.36 (FJ\$0.72) for learners and \$0.47 (FJ\$0.94) for others. The wages are based on an assumption that garment workers are young adults or married women living at home and not supporting a household.

Working conditions and employee contracts in garment factories vary widely, with conditions in some factories reportedly amounting to indentured servitude (see Section 6.c.). There are no regulations specifying maximum hours of work for adult males. Women can perform night work in factories and overtime but are prohibited from underground work in mines. Workers in some industries, notably transportation and shipping, complained of excessive hours of work. Indo-Fijians, who generally require a cash income to survive, are more vulnerable to pressure to work long hours than are ethnic Fijians. Many ethnic Fijians return to their villages rather than work what they consider excessive hours. Particularly in the garment industry, migrant workers (predominantly Chinese) are increasing in number and are a largely unregulated work force.

There are workplace safety regulations, a Worker's Compensation Act, and an accident compensation plan. Government enforcement of safety standards under the direction of the Labor Ministry suffers from a lack of trained enforcement personnel and from lags in compensation hearings and rulings, but unions do a reasonable job of monitoring safety standards in organized workplaces. The International Labor Organization's (ILO) 1992 recommendations cited the need to improve working conditions, particularly in the garment industry. The Government, supported by the FTUC, passed occupational health and safety legislation, which came in to effect in 1997. The Government continues to work with the ILO (which maintains an office in Suva) to address problems concerning working conditions. By law an employee has the right to remove himself from a hazardous work site without jeopardizing his employment, but most fear the loss of their jobs if they do so.

f. Trafficking in Persons

There are no laws that specifically address the subject of trafficking in persons, although laws against bonded and forced labor could be used to prosecute traffickers; trafficking in persons is a problem. There was an increase in the number of persons arriving in or transiting the country with altered or falsified travel documents. Nadi International Airport is a hub for travel in the Pacific and an increasing number of Asian nationals without appropriate travel papers were apprehended and deported during the year. The police believe that an organized Asian criminal network exists in the country that coordinates illegal trafficking in persons. There are unconfirmed reports that some laborers recruited from Asian countries, particularly in the garment sector, are held in conditions of forced labor (see Section 6.c.). There are also reports that Chinese women working in the garment sector may be involved in prostitution.

There is no available information as to whether persons working in the sex industry are forced into prostitution.

[End.]