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## Freedom Of The Press - Fiji (2011)

**Status: Partly Free**  
**Legal Environment: 18**  
**Political Environment: 27**  
**Economic Environment: 12**  
**Total Score: 57**

The constitution, suspended since April 2009, guarantees press freedom and freedom of expression, but the military government led by Commodore Voreqe Bainimarama did not respect these rights in practice. Fiji's news media faced the strongest threat to their independence and survival during 2010. In February, the government instituted a new Crimes Decree, a replacement for the old penal code. This decree defines crimes of sedition to include any criticism of the government, including those made abroad. In late June, the government promulgated the Media Industry Development Decree (MIDD), and the new law took effect four days later. The decree provides for a new Fiji Media Industry Development Authority with the power to enforce the decree and investigate possible violations. The decree also establishes a separate media tribunal to hear cases referred by the authority and to impose prison sentences and fines on journalists whose work is deemed to be against "public interest or public order." Both of these offences are ill-defined. Violations of the decree are punishable by a fine of up to F\$1,000 or imprisonment of up to two years for journalists, and the penalty for any media company which breaches the law may be as high as F\$100,000. The MIDD also overrode traditional checks and balances by forbidding the judiciary to challenge the decree or the institutions established by it. News media outlets were only given a hasty opportunity to provide submissions on the decree; editors were reported to have been given two hours to read the 50-page draft law and make comments. The decree was widely condemned as entrenching the restrictions that had been introduced the previous year under the 2009 Public Emergency Regulations (PER), and ran counter to a pledge to end censorship with a legal framework to enable media to operate freely and independently. Meanwhile, the PER continued to be renewed monthly, and pre-publication censorship conducted in newsrooms remained in force.

At year's end, no journalist or media group had been charged under this decree, but there were reports of extralegal harassment against journalists by authorities. In July 2010, journalist Richard Naidu was detained overnight and interrogated for his news article on the FijiLive website. The article stated that Police Commissioner Commodore Esala Teleni had been suspended, but police claimed that the article was false. Television journalist Rachna Nath was also interrogated after her report on the arrest of former Prime Minister Mahendra Chaudhry was alleged to have incited public anger.

In spite of censorship and the threat of the decree, Fiji has one of the most developed media environments among South Pacific nations. A private radio network, Communications Fiji Limited, operates multiple and multilingual stations, and competes with the public

broadcaster, Fiji Broadcasting Corporation. A new independent station, Mai Television, also competes with the long-established Fiji Television. In February 2010, the harsh publishing and broadcasting climate and a downturn in advertising revenue led to the closure of one of the country's three daily newspapers, *Fiji's Daily Post*, which had an Australian controlling interest. However, the rest of the country's news media remained relatively stable with the third daily, *Fiji Sun*, extensively publishing government press releases and consolidating its business position.

A major concern about the decree was a provision stipulating that media outlets could not be more than 10 percent foreign-owned. This clause was reportedly designed to make critical sections of the news media more pliant. It had particularly sinister implications for the country's oldest and most influential newspaper, the *Fiji Times*, founded in 1869 and wholly owned at the time by News Limited, the Australian branch of Rupert Murdoch's U.S.-based News Corporation. Since the 2006 coup, the newspaper, under the editorship of an indigenous Fijian, Netani Rika, had been the most critical media opponent of the regime and the strongest voice for a return to democracy. Widespread speculation centered on whether News Limited would divest itself of its 90 percent ownership, or would close the 141-year-old paper outright. Several publications in the Murdoch stable reportedly waged a campaign against the regime. However, it was announced after the deadline for interested parties to make bids for the newspaper that a locally owned major trading business, the Motibhai Group, would buy out the *Fiji Times*. Mahendra Motibhai Patel, who had been a director of the newspaper for 40 years, took control of the paper and appointed a former publisher, Dallas Swinstead, to take over the helm. He vowed to maintain the newspaper's independence. A week later, the editor and deputy editor had resigned and were replaced.

There were no government restrictions on the internet, which was accessed by nearly 15 percent of the population. However, the government did monitor internet traffic, especially to control criticism of the government by bloggers. In January 2010, 20 employees of the Suva City Council were suspended for antigovernment blogging activities. A month later, the contracts of 12 of these employees were terminated.