



FIJI HUMAN RIGHTS COMMISSION

GPO Private Mail Bag
SUVA, FIJI ISLANDS

File: FHRC Annual Report to APF 11

Fiji Human Rights Commission Annual Report to APF

5 mins.

Chair, APF members, distinguished colleagues,

The Fiji Human Rights Commission has the mandate to protect and promote the full range of human rights in Fiji as provided by Constitution in Chapter 4 Bill of Rights provisions. Chapter 4 consists of all rights set out in the Universal Declaration, the ICCPR and ICSECR, as well as a number of other key Covenants such as the Convention Against Torture, CEDAW and CRC.

The functions of the Commission are to educate the public, to advise Government on its international obligations, and to receive complaints from the public. The Commission has a quasi-jurisdictional function to also take matters to court, and appear as applicant, intervenor or amicus.

Human Rights Education

With respect to our first function, that is to educate the public, the Commission produced a number of human rights videos, on the work of the Commission and on specific topics to complement our work in developing an human rights intervention curriculum for schools, from pre-school to Form 7. This project was undertaken with the assistance of the European Union, and will now be undertaken in partnership with the Ministry of Education and UNDP, with the Commission being represented in both the Oversight Committee, as well as the Steering Committee on citizenship and human rights education which forms the core of the school curriculum. Community education, which includes training for NGOs, consultations with opinion shapers and community and religious leaders was also an on-going part of our work this past year.

Advice to Government

The Commission continues to receive requests from Government and parliamentary select committees for our submissions on bills before Parliament, for example the Prisons and Corrections Bill, Financial Management Bill, Employment Relations Bill and the Reconciliation and Unity Bill. These bills were revised quite substantially subsequent to our submissions and we have agreed with the recommendations of the select committees for their amendments in compliance with the Bill of Rights provisions in our Constitution. We are currently writing our submissions on the Crimes Amendment Bill at the request of the Fiji Law Reform Commission.

Advice is often sought by the Government on an ad hoc basis, usually on interpretation of some aspect of the Bill of Rights and the Commission is always pleased to assist Government in this way.

The Commission just three weeks ago released a report on Government's Affirmative Action Policy, which is available on our website. Government has since promised a review of the policy in consultation with the Commission.

Complaints and Court Work

The Commission continues to receive an increasing number of complaints from the public on alleged violation of human rights and most of the cases are resolved through conciliation or referral to other authorities or departments. We have noted a decrease in the number of complaints about police brutality and would like to think that this is a result of the joint effort between the Commission and the Disciplined Services of Fiji which culminated in the National Security and Human Rights Handbook we noted in our report to the APF last year in Mongolia. Most of our cases nevertheless are about a section 25 violation, 'freedom from cruel and degrading treatment' but we also have a high number of complaints about labour rights, and increasingly, the right to equality.

A number of complaints cannot be resolved through conciliation and the complaints unit refers these cases to the legal section for its action.

The legal unit has had a number of landmark cases to deal with again in the past 12 months- 22 cases were dealt with by the Unit; the issues were the right to legal counsel; the right to equality on the ground of sexual orientation; cruel, degrading and inhumane treatment by police officers; and constitutional redress applications by prisoners who complained about their conditions in prison and holding cells. So far our submissions have been accepted by the Fiji courts as the correct analysis of human rights law in Fiji and internationally.

The Commission also produced a Compendium and International Legal Analysis of the origins of the provisions of our Bill of Rights, and the decisions of international courts and various human rights committees on each of the provisions. We have been informed that the Compendium is a useful resource for the courts. The Chief Justice of Fiji, the Hon Daniel Fatiaki launched the Compendium during World Human Rights Day on December 10 so we have some confidence that the judiciary is likely to see the Compendium as a useful reference in human rights cases.

Finally, our Commission works on the partnership principle with other human rights groups, educators, community workers, and we have found this to be a useful mechanism of disseminating human rights information to the public and to obtain support for human rights work in our society. A number of key consultations and roundtables were held in the past year, on topics such as Nationalism and Human Rights and our partnership with the Fiji Medical Association produced a Medical Template for Victims of Torture and Cruel and Degrading Treatment which has now been adopted by the Fiji Police Force as their own police medical reporting form.

More detail of the work of the FHRC will be delivered at the parallel session on Thursday afternoon.

Thank you..