

Fiji 2023 Human Rights Report

Executive Summary

The human rights situation in Fiji improved during the year, as the government elected in December 2022 repealed a restrictive media law that severely hampered freedom of the press.

Significant human rights issues included credible reports of: cruel, inhuman, or degrading treatment by government agents; substantial interference with freedom of peaceful assembly; extensive gender-based violence, including domestic and intimate partner violence; coerced abortion or forced sterilization of persons with disabilities and substantial barriers to accessing sexual and reproductive health services; and trafficking in persons.

The government investigated and prosecuted some security force and other officials accused of human rights abuses; however, impunity was a problem in cases with political implications.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports of such killings by or on behalf of the government

during the year.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution and law prohibited torture, forced medical treatment, and degrading treatment or punishment. The Public Order Act (POA), however, authorized the government to use whatever force it deemed necessary to enforce public order. There were reports security forces abused persons.

The police Internal Affairs Unit was responsible for investigating complaints of police misconduct. As of October, the Office of the Director of Public Prosecutions charged 19 officers with various forms of misconduct, including assault, causing grievous harm, abuse of office, unlawful wounding, and theft. Investigations into police abuse often took years to complete; judicial proceedings were equally prolonged and seldom resulted in convictions.

The constitution and POA explicitly provided immunity from prosecution for members of the security forces for any deaths or injuries arising from the use of force deemed necessary to enforce public order. The constitution also provided immunity for the president, prime minister, members of the

cabinet, and security forces for actions taken related to the 2000 suppression of a mutiny at military headquarters, the 2006 coup, and the 2009 abrogation of the 1997 constitution.

There was no independent oversight mechanism for the security forces.

Slow judicial processes contributed to an impression of impunity, especially in police abuse cases. For example, trials had yet to conclude for the alleged 2019 police beatings of citizens Pelasio Tamanikoula and Manasa Rayasidamu. The three officers accused in the Rayasidamu case were suspended from duty and charged with causing grievous harm. Other unresolved cases dated as far back as 2017.

Prison and Detention Center Conditions

The national prison system was overcrowded, with deteriorating infrastructure and complaints concerning inadequate essential services.

Abusive Physical Conditions: Prisons were overcrowded but there was no recent data on the scale of the problem; the government, however, introduced an early release program to relieve overcrowding. There were insufficient beds, inadequate sanitation and medical care, and a shortage of other necessities. Some prison facilities reportedly were unsuitable for older inmates or those with disabilities.

Administration: Prisoners could submit complaints to the Human Rights

Commission or judicial authorities. Although the law prohibited authorities from reviewing, censoring, or seizing prisoner letters to the judiciary and the commission, authorities routinely reviewed such letters and, in most cases, seized them. Authorities did not investigate or document credible allegations of problematic conditions in a publicly accessible manner.

Independent Monitoring: The Fiji Red Cross and other nongovernmental organizations (NGOs) visited detention facilities and interviewed inmates; prison authorities permitted such visits without third parties present.

d. Arbitrary Arrest or Detention

The constitution prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court unless the person was detained under the POA. The government generally observed these requirements. The law detailed procedures for lawful arrest. Except for arrests under the POA, prisoners had to be charged within 24 hours of arrest or released. Under the POA, the minister of home affairs and immigration could authorize detention without charge for up to 14 days.

The POA allowed authorities to suspend normal due process protections where “necessary to enforce public order.” The POA explicitly disallowed any judicial recourse (including habeas corpus) for harms suffered when the government was acting under its provisions. The POA also allowed for

warrantless searches, restriction of movement (specifically international travel, immigration, or emigration), and required permits for political meetings. Authorities used the POA's wide provisions to restrict freedom of expression and of association in some cases.

Arrest Procedures and Treatment of Detainees

The constitution provided that detained persons be charged and brought to court within 48 hours of arrest or as soon as practicable thereafter, and that right was generally respected. Police officers could arrest persons without a warrant or in response to warrants issued by magistrates and judges.

There was no legal requirement to bring to court persons detained under provisions of the POA for judicial review of the grounds for their detention, until and unless authorities charged them with an offense.

The law provided for bail. By law, both police and the courts could grant bail. Although there was a legal presumption in favor of granting bail, the prosecution could object, and often did so in cases where the accused was appealing. An individual had to apply for bail by a motion and affidavit that required the services of a lawyer.

Authorities generally allowed detainees prompt access to counsel. The Legal Aid Commission provided counsel to some indigent defendants in criminal cases, a service supplemented by voluntary services from private attorneys. The First Hour Procedure required police to provide every

suspect with legal aid assistance within the first hour of arrest. In addition, police were required to record the “caution interview” with each suspect before questioning, to confirm police informed all suspects of their constitutional rights, and to confirm whether suspects suffered any abuse by police prior to questioning.

Pretrial Detention: Pretrial detainees comprised 24 percent of the prison population, resulting from a continuing pattern of courts refusing bail and resource shortages, including of prosecutors and judges. Consequently, some defendants faced lengthy pretrial detention.

e. Denial of Fair Public Trial

The constitution provided for an independent judiciary, but the constitution and law established a variety of restrictions on the judiciary. For example, the courts could not hear challenges to government decisions on judicial restructuring, terms and conditions of remuneration for the judiciary, and to terminated court cases. Various other decrees contained similar clauses limiting the jurisdiction of the courts with respect to decisions made by the cabinet, ministers, or government departments.

The president could appoint or remove from office Supreme Court, appellate, and High Court judges on the recommendation of the Judicial Service Commission and in consultation with the attorney general. The commission, following consultations with the attorney general, could

appoint other judicial officers.

Trial Procedures

In most cases, defendants had the right to a fair trial, and the court system generally enforced this right. The constitution, however, allowed limitations on the right to a public trial and although it stipulated trials should “begin and conclude without unreasonable delay,” they were not always timely.

Defendants had the right to counsel, but some reportedly were unaware of their rights when detained or interviewed and, therefore, did not request legal counsel. The right of appeal existed but was often hampered by procedural delays.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family,

Home, or Correspondence

The constitution prohibited such actions, but the POA permitted military personnel to search persons and premises without a warrant and to take photographs, fingerprints, and measurements of any person. Police and military officers also could enter private premises to break up any meeting considered unlawful.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provided for freedom of expression, including for members of the press and other media, but it granted the government authority to restrict these rights for a broad array of reasons. These included preventing hate speech and insurrection; maintaining national security, public order, public safety, public morality, public health, and the orderly conduct of elections; protecting the reputation, privacy, dignity, and rights of other persons; enforcing media standards; and regulating the conduct of media organizations. Using POA powers to detain persons on suspicion of “endangering public safety” and to “preserve the peace,” authorities continued to restrict freedom of expression.

Freedom of Expression: The law included criticism of the government in its

definition of the crime of sedition. These included statements made in other countries by any person.

The constitution provided for academic freedom, although government control over funding was used to exert influence over tertiary institutions.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: In April, parliament repealed the 2010 Media Industry Development Act which had wide restrictive powers of investigation over journalists and media outlets, including powers of search and seizure, and the power to refer any complaint received to a media tribunal.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content; there were no reports the government monitored private online communications without legal authority.

The law on online safety penalized offenders with a substantial maximum fine and a maximum five years' imprisonment for posting an electronic communication that caused harm to a person.

All telephone and internet users had to register their personal details with telephone and internet providers, including name, birth date, home address, left thumbprint, and photographic identification. The law imposed a

moderate fine on providers who continued to provide services to unregistered users and a substantial fine on users who failed to update their registration information as required.

b. Freedoms of Peaceful Assembly and Association

The constitution provided for the freedoms of peaceful assembly and association. The government restricted these freedoms in some cases.

Freedom of Peaceful Assembly

The constitution and POA allowed the government to limit this right in the interests of national security, public safety, public order, public morality, public health, and the orderly conduct of elections. The constitution also allowed the government to limit freedom of assembly to protect the rights of others and imposed restrictions on public officials' rights to freedom of assembly.

The POA allowed authorities to use whatever force necessary to prohibit or disperse public and private meetings after “due warning” to preserve public order.

Freedom of Association

The constitution limited this right in the interests of national security, public order, and morality, and to provide for the orderly conduct of elections. The

government generally did not restrict membership in NGOs, professional associations, and other private organizations.

c. Freedom of Religion

See the Department of State's International Religious Freedom Report at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

Under the POA, to enforce public order, the government could restrict freedom of internal movement, foreign travel, emigration, and repatriation; however, it did not do so during the year.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees in providing protection and assistance to refugees and asylum seekers.

Access to Asylum: The law provided for granting asylum or refugee status, and the government had a system for providing protection to refugees. The Office of the UN High Commissioner for Refugees assisted officials in refugee status determination procedures.

Section 3. Freedom to Participate in the Political Process

The constitution and electoral law provided citizens the ability to choose their government in free and fair periodic elections generally held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

The country held its most recent parliamentary election on December 14, 2022. International observers deemed the electoral process as free and fair overall, despite some initial concerns with the pace of rolling results announcements and a glitch in the official reporting app that took it offline early in the count. The Australian- and Indonesian-led Multinational Observer Group agreed the outcome broadly represented the will of voters.

Abuses or Irregularities in Recent Elections: National elections were widely reported to be fair and free of abuses and irregularities.

Political Parties and Political Participation: Civil service members and trade union officials were required to resign their offices if they sought to run for political office. The law allowed deregistration of political parties for any election offense.

The POA required permits for political meetings in both public and private

venues, and these were granted in an open, nonpartisan way.

The electoral law restricted any person, entity, or organization involved in an election campaign from receiving funding from foreign governments, government-recognized intergovernmental organizations, or NGOs, and it forbade international organizations such as the World Bank from involvement in any campaign, including in meetings, debates, panel discussions, interviews, publication of materials, or any public forum discussing the elections. Maximum penalties for violations of the law were 10 years' imprisonment, a substantial fine, or both. The law allowed universities to hold panel discussions and organize inclusive public forums.

In 2021 parliament approved three amendments to reform electoral laws. The amendments granted wider discretionary powers over the electoral process to the supervisor of elections to monitor and order the removal of campaign content published by political parties deemed to be false, misleading, or designed to diminish public confidence in the office of the supervisor and the Electoral Commission. The office of the supervisor could direct a political party or person (including an internet service provider) to remove or correct any statement or information published during the elections, under penalty of a substantial fine, imprisonment of up to five years, or both.

Any appeals against a decision of the registrar of political parties (whose role was consolidated with that of the Office of the Supervisor of Elections) were

routed to the Electoral Commission instead of the high court. Critics maintained the High Court should remain the only judicial mechanism for redress, as was the case for every other constitutionally independent institution in the country. Public officials previously prohibited from participating in political campaigns (such as permanent secretaries or senior military officers) could make political statements and, according to the amended law, could “conduct campaign activities” by providing information or security services. Critics alleged this provision permitted the use of state apparatus and resources to campaign on behalf of the sitting government, while other public officers, including trade unionists, remained barred even from membership in a political party.

Participation of Women and Members of Marginalized or Vulnerable

Groups: No law limited participation of women or members of marginalized or vulnerable groups in the political process, and they did participate. In July, parliament repealed legislation dating from 2021 that required all persons registering to vote (or seeking other official identification documents) to use the name on their birth certificate, affecting the rights of women registered under their married name. There were, however, no reports of voters being denied poll access on these grounds in the December 2022 elections.

Cultural attitudes regarding gender roles restricted political participation by most Indigenous women.

Indo-Fijians, who accounted for 36 percent of the population, were generally underrepresented in government and the military.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, but the government did not implement the law effectively. There were numerous reports of government corruption.

Corruption: The Fiji Independent Commission Against Corruption reported directly to the president and investigated public agencies and officials, including police. Government measures to combat corruption within the bureaucracy, including public service announcements encouraging citizens to report corrupt government activities, had some effect on systemic corruption. Media published articles on corruption commission investigations of abuse of office, and anonymous blogs reported on some government corruption.

The government adequately funded the corruption commission. Corruption cases often proceeded slowly.

In March, authorities instituted legal proceedings against former Prime Minister Voreqe Bainimarama and suspended Police Commissioner Sitiveni Qiliho on abuse of office charges. Bainimarama and Qiliho were accused of arbitrarily abusing their authority by directing police to discontinue a 2019

investigation into the controversial activities of former staff of the University of the South Pacific. They were acquitted by the court in October; however, the state appealed the ruling.

On May 1, former Attorney General Aiyaz Sayed-Khaiyum was arrested on suspicion of abuse of his authority as acting prime minister in 2022 and of authorized payments to the former Supervisor of Elections, Mohammed Saneem, without proper approvals from the Constitutional Offices Commission. The payments were allegedly paid to Saneem during the 2022 general election campaign.

In June, the Fiji Independent Commission Against Corruption instituted legal proceedings against five former officers of the Land Transport Authority for issuing fraudulent driver's licenses and fraudulently taking 128,322.79 Fijian dollars (\$56,500) from private citizens.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and

Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The law, however, constrained NGO operations in several ways. For example, the law included criticism of the government in its definition of sedition.

Government Human Rights Bodies: The constitution established the Fiji Human Rights and Anti-Discrimination Commission, at which citizens could file reports of human rights abuses. The constitution prohibited the commission from investigating cases filed by individuals and organizations relating to the 2006 coup and the 2009 abrogation of the 1997 constitution. While the commission routinely worked with the government to improve certain human rights practices (such as prisoner treatment), observers reported it generally declined to address politically sensitive human rights matters and typically took the government's side in public statements, leading observers to assess the commission as progovernment.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law recognized rape of any person,

including spousal rape, as a crime, with a maximum punishment of life imprisonment. Rape (including spousal rape), domestic abuse, incest, and sexual harassment were significant problems. From January to August, the Fiji Women's Crisis Center recorded 599 domestic violence cases. This was an increase over the previous year. A government-sponsored hotline allowed easy reporting of abuses.

The law defined domestic violence as a specific offense. Police practiced a "no-drop" policy, whereby they were required to investigate domestic violence accusations even if a victim withdrew the complaint. Nonetheless, women's organizations reported police did not consistently follow this policy. Other reports indicated lax police enforcement of domestic violence laws. Courts also dismissed some cases of domestic abuse and incest or gave perpetrators light sentences. Traditional and religious practices of reconciliation among aggrieved parties in both the Indigenous and Indo-Fijian communities were sometimes utilized to mitigate sentences for domestic violence. In past years, authorities released offenders without a conviction on condition they maintained good behavior.

The NGOs Fiji Women's Crisis Center and Pacific Women supported a wide range of educational, social support, and counseling measures for survivors of gender-based violence and advocated for legal reforms to strengthen protections for women and girls.

Other Forms of Gender-based Violence or Harassment: The law prohibited

sexual harassment, and the government also used criminal law against “indecent assaults on females,” which prohibited offending the modesty of women, to prosecute sexual harassment cases. Sexual harassment was a significant problem.

Discrimination: By law, women had full rights of inheritance and property ownership, but local authorities often excluded them from decision-making on the disposition of Indigenous communal land, which constituted more than 80 percent of all land. Women had the right to a share of the proceeds from the lease of Indigenous land, but authorities seldom recognized this right. Women had the same rights and status as men under family law and in the judicial system. Nonetheless, women and children had difficulty obtaining protection orders, and police enforcement of them, in domestic violence cases.

The law prohibited employment discrimination based on gender, marital status (including living in a relationship in the nature of a marriage), or family status. The law also stipulated every employer pay men and women equal pay for work of equal value, although employers generally paid women less than men for similar work. The law prohibited women working underground but placed no other legal limitations on the employment of women. Workers could file legal complaints of sexual harassment in the workplace.

Reproductive Rights: There were no reports of coerced abortion, but there

were reports individuals with disabilities were not given the opportunity to provide informed consent to medical treatment affecting reproductive health, including sterilization.

The government provided family planning services. Women had access to contraceptives free of charge at public hospitals and clinics, and for a nominal fee if prescribed by a private physician. Nevertheless, NGOs reported some women faced societal and family pressure against using contraceptives. The government provided sexual and reproductive health services, including emergency contraception for survivors of sexual violence; there was no information on the availability of postexposure prophylaxis for them.

Systemic Racial or Ethnic Violence and Discrimination

Tension between ethnic Fijians and the Indo-Fijian minority continued to be a problem. Ethnic iTaukei Fijians comprised approximately 58 percent of the population and Indo-Fijians 36 percent; the remaining 6 percent was composed of Europeans, Chinese, Rotumans, and other Pacific Islander communities. Indo-Fijians dominated the commercial sector and ethnic iTaukei Fijians the security forces.

Land tenure remained highly sensitive and politicized. Ethnic iTaukei Fijians communally held approximately 87 percent of all land, the government held 4 percent, and the remainder was freehold land held by private individuals

or companies. Most cash crop farmers were Indo-Fijians, the majority of whom were descendants of colonial-era indentured laborers. Almost all Indo-Fijian farmers had to lease land from ethnic iTaukei Fijian landowners. Many Indo-Fijians believed their dependence on leased land constituted de facto discrimination against them. Many ethnic iTaukei Fijians believed the rental formulas prescribed in national land tenure legislation discriminated against them as the resource owners.

By law all ethnic iTaukei Fijians were automatically registered upon birth into an official register of native landowners, the *Vola ni Kawa Bula*. The register verified access for those in it to communally owned Indigenous lands.

Children

Child Abuse: There were laws against child abuse. The law required mandatory reporting to police by teachers, health-care workers, and social welfare workers of any suspected case of child abuse.

Child abuse was, nonetheless, common. Thirty-two child sexual abuse cases were reported to the Fiji Women's Crisis Center through August.

Urbanization, the breakdown of extended family structures and neglect contributed to a reported rise in abuse cases and more children sought shelter at state-funded homes. In most cases, however, these facilities were overburdened and unable to assist all victims. The government continued

its public awareness campaign against child abuse.

Corporal punishment was common in schools, despite a Ministry of Education policy forbidding it in the classroom.

Child, Early, and Forced Marriage: The legal minimum age for marriage was 18. Some NGOs reported that, especially in rural areas, girls often married before 18, preventing them from completing their secondary school education. In ethnic iTaukei Fijian villages, pregnant girls younger than 18 could live as common-law wives with the child's father after the man presented a traditional apology to the girl's family, thereby avoiding the filing of a complaint with police by the girl's family. Girls frequently married the fathers as soon as legally permissible.

Sexual Exploitation of Children: Child sex trafficking continued, and increased urbanization and the breakdown of traditional community and extended family structures appeared to increase children's vulnerability to commercial sexual exploitation. It was a criminal offense for any person to buy or hire a child younger than age 18 for sex, commercial sex, or other unlawful purposes; these offenses were punishable by a maximum 12 years' imprisonment. There were reports of child trafficking for commercial sexual exploitation and prosecutions took place during the year.

It was an offense for a householder or innkeeper to allow commercial sexual exploitation of children on their premises. There were no known

prosecutions or convictions for such offenses.

Traffickers exploited some high school-age children and homeless and jobless youth in sex trafficking, and there were reports of child sex tourism in tourist centers, such as Nadi and Savusavu. Child sex trafficking was perpetrated by family members, taxi drivers, foreign tourists, businessmen, and crew members on foreign fishing vessels.

The minimum age for consensual sex was 16. The court of appeals set 10 years as the minimum appropriate sentence for child rape, but police often charged defendants with “defilement” rather than rape because defilement was easier to prove in court. Defilement or unlawful carnal knowledge of a child younger than age 13 had a maximum penalty of life imprisonment; the maximum penalty for defilement of children ages 13 to 15, or of a person with intellectual disabilities, was 10 years’ imprisonment.

Production, but not possession or consumption, of child pornography was illegal. The maximum penalty was 14 years in prison, a substantial fine, or both for a first offense; and life imprisonment, a larger fine, or both for a repeat offense. Authorities generally enforced the law against production of child pornography.

The law required mandatory reporting to police by teachers, health-care workers, and social workers of any suspected violation of the law.

Antisemitism

There was a small Jewish community composed primarily of foreign residents. There were no known reports of antisemitic incidents.

Trafficking in Persons

See the Department of State's Trafficking in Persons Report at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No laws criminalized consensual same-sex sexual conduct between adults.

Violence and Harassment: NGOs reported violence against members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community was common, and that strong and widespread social stigma contributed to a lack of trust in police and discouraged victims from reporting crimes to authorities due to fear of further violence or harassment. Reports indicated transgender women continued to face extremely high rates of sexual and gender-based violence, including routine harassment and targeting by police.

Discrimination: The constitution prohibited discrimination on the grounds of sexual orientation, gender, and gender identity and expression. The law prohibited discrimination in employment based on sexual orientation. Nevertheless, NGOs reported complaints of discrimination against LGBTQI+ persons in employment, housing, access to health care, and other fields.

Research by the NGO Diverse Voices and Action for Equality found that a majority of lesbian and bisexual women, and of transgender persons, lived in poverty due to unemployment. According to Diverse Voices, approximately 62 percent of this group were unemployed or involved in precarious casual work.

Availability of Legal Gender Recognition: Legal gender recognition was not available. The lack of identification that aligned with their gender expression created significant problems for some persons in employment, education, housing, and other aspects of daily life.

Involuntary or Coercive Medical or Psychological Practices: There were no known reports of involuntary or coercive medical or psychological practices on LGBTQI+ persons. No law banned so-called conversion therapy practices, although health-care professionals were prohibited from attempting to change a person's sexual orientation. There were no known cases of enforcement action.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no known reports of restrictions on those speaking out concerning LGBTQI+ topics, although cyber bullying and hate speech against LGBTQI+ persons increased. In June the country's first "Pride in Sport" event took place; 300 athletes participated in mixed netball, mixed volleyball, and women's rugby competitions.

Persons with Disabilities

Discrimination against persons with disabilities was illegal. The Fiji National Council for Disabled Persons, a government-funded statutory body, worked to protect the rights of persons with disabilities. The constitution provided persons with disabilities rights to reasonable access to all places, public transport, and information; to use of braille or sign language in official communications; to education; and to access to accommodations, including materials and devices related to the disability. The constitution, however, allowed enabling legislation to limit these rights "as necessary," and the law did not define "reasonable." There was little enforcement of legislation protecting the rights of persons with disabilities.

The law stipulated community, public, and general health-care systems treat persons with mental and intellectual disabilities, although families generally supported such persons at home. Institutionalization of persons with more significant mental disabilities was in a single, underfunded public facility in Suva. Public health regulations provided penalties for discrimination in or

denial of access to health care.

There was minimal enabling legislation on accessibility, and although building regulations required new public buildings to be accessible to all, only a few met this requirement.

Although the law forbade disability-based discrimination in employment, persons with disabilities faced employment and wage discrimination. The NGO Fiji Disabled People's Association reported in 2020 most persons with disabilities were unemployed due in significant part to discrimination by employers.

There were some government programs to improve access to information and communications for persons with disabilities, in particular for the hearing and visually impaired. Parliament televised its sessions in sign language. According to the UN Population Fund, sign language interpreters were not always readily available in health-care facilities. The general lack of accessible communication devices made it difficult for women with sensory disabilities to seek out gender-based violence services.

Several public schools specifically for children with disabilities offered primary education services; however, cost and location limited access. Some students attended mainstream primary schools, and the nongovernmental Early Intervention Center monitored them. Opportunities were very limited for secondary or higher education for persons with

disabilities.

The Fijian Elections Office maintained a website accessible to those with disabilities, including text-to-speech capability, large type, and an inverted color scheme. The office also had procedures to facilitate voting by those with disabilities, including provisions that allowed voters with disabilities to vote from home.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided all workers the right to form and join independent unions, bargain collectively, and strike.

The law prohibited some forms of antiunion discrimination, including victimizing workers or firing a worker for union membership. The law prohibited employers from using violence, intimidation, stalking, or otherwise hindering the work of an employee who had exercised any legal right under the labor code. Individuals, employers, and unions (on behalf of their members) could submit employment disputes and grievances alleging discrimination, unfair dismissal, sexual harassment, or certain other unfair labor practices to the Ministry of Employment, Productivity, and Industrial Relations (hereafter the Employment Ministry).

The law limited who could be an officer of a trade union, barring noncitizen officers, for example. The constitution prohibited union officers from becoming members of parliament. The law also limited the ability of union officers to form or join political parties and engage in political activity, including expressing support for, or opposition to, a political party.

All unions had to register with the government, which had discretionary power to refuse to register any union with a name that was “offensive or racially or ethnically discriminatory.” By law the government could cancel the registration of existing unions in exceptional cases.

By law any trade union with seven or more members in an industry not designated as essential could enter collective bargaining with an employer. The law required that parties negotiate in good faith and outlined the basic requirements of collective bargaining.

Unions could conduct secret strike ballots after giving 21 days’ notice to the Registrar of Trade Unions, and the strike could begin after the registrar supervised a secret ballot in which 50 percent of all members entitled to vote approved the strike. Workers in essential services could strike but had to also notify the Arbitration Court and provide the category of workers who proposed to strike, the starting date, and the location of the strike. The law designated “essential service and industries” to include corporations engaged in finance, telecommunications, public-sector services, mining, transport, and the airline industry. The definition of essential services and

industries also covered all state-owned enterprises, including the sugar refinery, statutory authorities, and local government authorities.

The law permitted the minister of employment to declare a strike unlawful and refer the dispute to the Arbitration Court. If authorities referred the matter to the court, workers and strike leaders could face criminal charges if they persisted in strike action.

The government did not effectively enforce these laws. Penalties under law for violations of freedom of association and of collective bargaining agreements included fines and imprisonment. Penalties were not commensurate with those for other laws involving denial of civil rights. The penalties were sometimes applied.

There were no reports that the government used violence or threats of violence against union leaders. On July 6, the Office of the Director of Public Prosecution withdrew the state prosecution's case against Fiji Trades Union Congress General Secretary Felix Anthony, charged in 2019 under the POA for false statements regarding the expiration of water authority employment contracts and other infractions. The Fiji Trade Union Congress was the largest federation of trade unions in the country, representing 70 percent of the workforce.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's *Trafficking in Persons Report* at

Country Reports on Human Rights Practices for 2023

United States Department of State • Bureau of Democracy, Human Rights, and Labor

<https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's Findings on the Worst Forms of Child Labor at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wages and Hour Laws: There was no official poverty level income figure, but the minimum wage did not typically provide a decent standard of living for a worker and family. The regulations stipulated all employers had to display a written national minimum wage notice in their workplace to inform employees of their rights. The law provided for 48 hours for a six-day workweek or 45 hours for a five-day workweek. There was no legal limit on overtime and employers generally paid overtime.

The Employment Relations Tribunal and the Employment Court adjudicated cases of violations of wage and hour laws, particularly, common in wholesale and retail sectors.

Occupational Safety and Health: The government established appropriate

workplace safety laws and regulations and places responsibility for identifying unsafe situations with experts, not workers. Occupational safety and health (OSH) experts actively identified unsafe conditions in addition to responding to workers' complaints. It was unclear whether the law allowed workers to remove themselves from unsafe situations without jeopardy to their job. Reports indicated most work-related accidents occurred in the construction, retail, restaurant, mining, tourism, and manufacturing sectors. Media reported on workplace death cases.

Wage, Hour, and OSH Enforcement: The Employment Ministry's Office of Labor Inspectorate was responsible for enforcing the wage and hour laws but lacked the capacity to enforce the law effectively. The Occupational Health and Safety Inspectorate monitored workplaces and equipment, investigated complaints from workers, and effectively enforced minimum wage, overtime, and OSH laws. The number of inspectors was sufficient to enforce compliance. Inspectors had the authority to conduct unannounced visits but could not enter without consent and had to inform the employer of their presence. When inspectors believed informing the employer of their presence would prejudice the inspection, they could forgo this requirement. Obstructing an inspection could lead to a fine. Inspectors could suspend operations at businesses deemed to pose an immediate health or safety threat or risk. Penalties were commensurate with those for similar crimes, such as negligence. Delays in compensation hearings and rulings were common. Penalties were regularly applied against violators.

OSH in mines was the responsibility of the director of mines.

The Employment Relations Tribunal and the Employment Court adjudicated compensation claims filed by the inspectorate on behalf of workers.

Unions generally monitored safety standards in organized workplaces, but many work areas did not meet standards, and the Employment Ministry did not monitor all workplaces for compliance. Workers in some industries, notably security, transportation, and shipping, worked excessive hours.

The number of workers in the informal sector was estimated in 2019 at more than 66 percent of the workforce, including many workers on the tourism, aviation, and transport sectors. Those informally employed did not enjoy the protections, including the rights to organize or to social protections, available to the formally employed.