

# **Fiji 2024 Human Rights Report**

## **Executive Summary**

There were no significant changes in the human rights situation in Fiji during the year.

Significant human rights issues included credible reports of cruel, inhuman, or degrading treatment, 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. Life**

### **a. Extrajudicial Killings**

There were no reports the government or its agents committed arbitrary or unlawful killings during the year.

### **b. Coercion in Population Control**

There were no reports of coerced abortion or sterilization.

## **Section 2. Liberty**

### **a. Freedom of the Press**

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. Unlike in previous years, authorities did not use the Public Order Act (POA) to detain persons on suspicion of “endangering public safety” or to “preserve the peace.” These powers, however, remained on the books and restricted freedom of expression.

The law defined the crime of sedition to include criticism of the government, encompassing statements made by any person, even if made in other countries.

### **b. Worker Rights**

#### **Freedom of Association and 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 Workplace Relations (hereafter the Employment Ministry).

The law restricted who could be an officer of a trade union, barring noncitizens from holding such positions. 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 activities, including expressing support for or opposition to a political party.

All unions were required to register with the government, which had the power to refuse registration to any union with a name deemed “offensive or racially or ethnically discriminatory.” Additionally, the government had the legal authority to cancel the registration of existing unions in exceptional cases.

By law, any trade union with seven or more members in a nonessential industry could engage in collective bargaining with an employer. The law mandated that parties negotiate in good faith and outlined the basic requirements for collective bargaining.

Unions could conduct secret strike ballots after giving 21 days' notice to the Registrar of Trade Unions. A strike could commence if the registrar supervised a secret ballot in which 50 percent of all eligible members approved the strike. Workers in essential services could strike but were required to notify the Arbitration Court, specifying the category of workers, the starting date, and the location of the strike. The law designated "essential service and industries" to include finance, telecommunications, public-sector services, mining, transport, the airline industry, and 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 continued with the strike.

The government effectively enforced these laws. Penalties 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.

There were no reports that the government used violence or threats of violence against union leaders.

## **Forced or Compulsory Labor**

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

## **Acceptable Work Conditions**

### **Wage and Hour Laws**

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

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

### **Occupational Safety and Health**

The government established appropriate workplace safety laws and

regulations, assigning the responsibility for identifying unsafe situations to occupational safety and health (OSH) experts rather than workers. These experts actively identified unsafe conditions and responded to workers' complaints. It was unclear whether the law allowed workers to remove themselves from unsafe situations without risking their jobs. Reports indicated that most work-related accidents occurred in the construction, retail, restaurant, mining, tourism, and manufacturing sectors. Media outlets reported on cases of workplace deaths.

### **Wage, Hour, and OSH Enforcement**

The Employment Ministry's Office of Labor Inspectorate improved its capacity to enforce wage and hour laws, including by hiring additional inspectors. 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 were required to inform the employer of their presence unless they believed doing so would prejudice the inspection. Obstructing an inspection could lead to a fine. Inspectors had the authority to suspend operations at businesses deemed to pose an immediate health or safety threat. Penalties for violations were commensurate with those for similar crimes, such as negligence. Although delays in compensation hearings and rulings were common, the government

implemented policies to enhance oversight and efficiency of compensation processes. 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. The Employment Ministry, however, amended existing OHS regulations to proactively improve monitoring of all workplaces for compliance. Workers in some industries, notably security, transportation, and shipping, often worked excessive hours.

In 2019, the most recent estimate available, more than 66 percent of the workforce was employed in the informal sector, including many workers on the tourism, aviation, and transport sectors. Those informally employed did not enjoy the protections, such as the right to organize or access to social protections, that were available to formally employed workers.

## **c. Disappearance and Abduction**

### **Disappearance**

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

## **Prolonged Detention without Charges**

The constitution prohibited arbitrary arrest and detention and granted individuals the right to challenge the lawfulness of their arrest or detention in court, except when detained under the POA. The government generally observed these requirements. 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 when deemed “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.

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

Pretrial detainees comprised 24 percent of the prison population, a result of courts frequently refusing bail and ongoing resource shortages, including a lack of prosecutors and judges. Consequently, some defendants faced lengthy pretrial detention.

## **d. Violations in Religious Freedom**

See the Department of State’s annual *International Religious Freedom*

Report at <https://www.state.gov/religiousfreedomreport/>.

## **e. Trafficking in Persons**

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

## **Section 3. Security of the Person**

### **a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibited torture, forced medical treatment, and degrading treatment or punishment. The 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 officers with potential human rights abuses.

According to the FijiVillage online news service, several police officers were charged in September with crimes including abuse of office, assault causing grievous bodily harm, and wrongful confinement, indicating human rights abuses. Investigations into police abuse often took years to complete; judicial proceedings were equally prolonged and seldom resulted in

convictions.

The constitution and POA explicitly granted immunity from prosecution to members of the security forces for any deaths or injuries resulting from the use of force deemed necessary to enforce public order. 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, as of December 1 the trials for the alleged 2019 police beatings of Pelasio Tamanikoula and Manasa Rayasidamu and for the death of Mikaele Tikoivalenibula, beaten to death at a police station in 2022, remained pending. Other unresolved cases dated as far back as 2017.

## **b. Protection of Children**

### **Child Labor**

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>.

### **Child Marriage**

The legal minimum age for marriage was 18. Some nongovernmental organizations 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 under age 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 police complaint by the girl's family. Girls frequently married the child's fathers as soon as legally permissible.

### **c. Protection to Refugees**

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

#### **Provision of First 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 the procedures for determining refugee status.

### **d. Acts of Antisemitism and Antisemitic Incitement**

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