



# Human Rights and Anti-Discrimination Commission

ANNUAL REPORT

2018

**Neither Greater nor Lesser but EQUAL:  
Dignity, Equality and Freedom for all in Fiji**



I AM

Neither Greater  
Nor Lesser  
but EQUAL:  
Dignity,  
Equality  
and Freedom  
for all in Fiji

# TABLE OF CONTENTS

<b>4</b>	<b>Our Responsibilities</b>
<b>5</b>	<b>Independence of the Commission</b>
<b>5</b>	<b>Administrative and financial autonomy of the Commission</b>
<b>6</b>	<b>Vision</b>
<b>6</b>	<b>Mission</b>
<b>6</b>	<b>Values</b>
<b>7</b>	<b>Our Strategic Goals</b>
<b>8</b>	<b>Letter to His Excellency the President of the Republic of Fiji</b>
<b>9</b>	<b>Letter to the Honourable Prime Minister of the Republic of Fiji</b>
<b>10</b>	<b>The Commission</b>
<b>12</b>	<b>Organisational Structure</b>
<b>13</b>	<b>Chairperson's Report</b>
<b>14</b>	<b>Directors Report</b>
<b>16</b>	<b>2018 IN REVIEW</b>
<b>24</b>	<b>Goal 1 - Monitoring, Investigations and Compliance</b>
<b>37</b>	<b>Goal 2: Litigation and Policy Analysis</b>
<b>44</b>	<b>Goal 3 – Education, Advocacy and Communications</b>
<b>66</b>	<b>Goal 4 – Institutional Strengthening</b>

# Our Responsibilities

## Section 45 (4) of the Fijian Constitution bestows the Commission with the following responsibilities:

- (a) promoting the protection and observance of, and respect for, human rights in public and private institutions, and to develop a culture of human rights in Fiji;
- (b) education about the rights and freedoms recognised in the bill of rights of the Constitution as well as other internationally recognised rights and freedoms;
- (c) monitoring, investigating and reporting on the observance of human rights in all spheres of life;
- (d) making recommendations to Government concerning matters affecting the rights and freedoms recognised in the bill of rights including recommendations concerning existing or proposed laws;
- (e) receiving and investigating complaints about alleged abuses of human rights and take steps to secure appropriate redress if human rights have been violated, including making applications to court for redress or for other forms of relief or remedies;
- (f) investigating or researching, on its own initiative or on the basis of a complaint, any matter in respect of human rights, and make recommendations to improve the functioning of public or private entities;
- (g) monitoring compliance by the State with obligations under treaties and conventions relating to human rights; and
- (h) performing any other functions or exercising any powers as are conferred on the Commission by a written law.

## Section 12 (1) of the Human Rights and Anti-Discrimination Commission Act further prescribes the following powers and duties of the Commission:

- (a) to increase general awareness of human rights, including by making public statements and educating public opinion and public officials, coordinating human rights programs and acting as a source of human rights information;
- (b) to invite and receive representations from members of the public on any matter affecting human rights;
- (c) to consult and co-operate with other persons and bodies concerned with the promotion and protection of human rights;
- (d) to inquire generally into any procedure or practice whether governmental or non-governmental, if it appears to the Commission that human rights are, or may be, infringed thereby;
- (e) to make recommendations to the Government on the desirability of legislative, administrative or other action so as to give better protection to human rights;
- (f) to promote better compliance in Fiji with standards laid down in international instruments on human rights;
- (g) to encourage the ratification of international human rights instruments by the State and, where appropriate, to recommend the withdrawal of reservations entered to those instruments;
- (h) to advise the Government on its reporting obligations under international human rights instruments and, without derogating from the primacy of the Government's responsibility for preparing those reports, to advise on the content of the reports;
- (i) to make recommendations on the implications of any proposed law or any proposed policy of the Government that may affect human rights;
- (j) to investigate allegations of contraventions of human rights and allegations of unfair discrimination, of its own motion or on complaint by individuals, groups or institutions on their

own behalf or on behalf of others;

(k) to resolve complaints by conciliation and to refer unresolved complaints to the courts for decision;

(l) to advise on any human rights matter referred to it by the Government having regard to the available resources and priorities of the Commission.

(m) to publish guidelines for the avoidance of acts or practices that maybe inconsistent with or contrary to human rights;

(n) to take part in international meetings and other activities on human rights; and to co-operate with other national, regional and international human rights bodies.

(2) The Commission may, from time to time, in the public interest or in the interests of any person or department, publish in any manner it thinks fit reports relating generally to the exercise of its functions or to any particular case or cases investigated under this Act.

(3) The Commission must not investigate (but may comment on) any decision by a court of law. Under section 45 (5) of the Constitution any person has the right to lodge a complaint with the Commission, alleging that a right or freedom in this Chapter has been denied, violated or infringed, or is threatened.

### **Administrative and financial autonomy of the Commission**

Section 45 (8) confers to the Commission the authority to appoint, remove and discipline all staff (including administrative staff) in the Commission. Furthermore 45 (9) provides that the Commission has the authority to determine all matters pertaining to the employment of all staff in the Commission, including—

(a) the terms and conditions of employment;

(b) the qualification requirements for appointment and the process to be followed for appointment, which must be an open, transparent and competitive selection process based on merit;

(c) the salaries, benefits and allowances payable, in accordance with its budget as approved by Parliament; and

(d) the total establishment or the total number

of staff that are required to be appointed, in accordance with the budget as approved by Parliament.

Section 45 (11) requires that the Parliament shall ensure that adequate funding and resources are made available to the Commission, to enable it to independently and effectively exercise its powers and perform its functions and duties. Section 45 (12) explicitly provides that the Commission shall have control of its own budget and finances, as approved by Parliament.

## **Independence of the Commission**

Section 45 (7) of the Constitution provides that “in the performance of its functions or the exercise of its authority and powers, the Commission shall be independent and shall not be subject to the direction or control of any person or authority, except by a court of law or as otherwise prescribed by written law”.

# Vision

Neither Greater Nor Lesser but EQUAL: Dignity, Equality and Freedom for all in Fiji

# Mission

To take a lead role in the promotion, protection and fulfillment of human rights for all in Fiji

To build, strengthen and sustain a human rights culture in Fiji

# Values

The Commission is committed to:

## **Promoting, protecting and fulfilling human rights**

Every person will be treated with dignity, respect and equality. We will apply a gender analysis to all our work.

## **Exercising the Commission's authority and powers independently**

In the performance of its functions or the exercise of its authority and powers, the Commission shall be independent and shall not be subject to the direction or control of any person or authority, except by a court of law or as otherwise prescribed by written law.

## **Promoting access to justice and equal application of the law**

Promote access to justice and equal application of the law including relevant international human rights law

## **Providing a professional, transparent, accountable, ethical, responsive, and effective service**

We will be professional, transparent, accountable, ethical, responsive and effective in all dealings on behalf of the Commission

# Our Strategic Goals

## **Goal 1**

Monitoring, Investigations and Compliance

## **Goal 2**

Litigation and Policy Analysis

## **Goal 3**

Education, Advocacy and Communications

## **Goal 4**

Institutional Strengthening

## Letter to His Excellency the President of the Republic of Fiji

15 June 2019

His Excellency  
The President of Republic of Fiji  
Office of the President  
Government House  
Berkley Crescent  
Suva

Dear Sir,

### Re: Human Rights and Anti-Discrimination Commission Annual Report 2018

Pursuant to section 44(1) of the Human Rights and Anti-Discrimination Commission Act 11 of 2009, I am pleased to submit the Commission's Annual Report for the year ending 31 December 2018.

Your excellency will no doubt appreciate that I was appointed as Chairperson of the Commission on 20 September 2018. Hence, this report is compiled on the basis of records held by the Commission Office, provided by the Director and his staff.

Yours sincerely,

Honourable Mr. Justice Kamal Kumar  
**CHAIRPERSON**



## Letter to the Honourable Prime Minister of the Republic of Fiji

15 June 2019

The Honourable Prime Minister  
Office of the Prime Minister  
4th Floor, New Wing, Government Buildings  
26 Gladstone Road  
Suva

Dear Sir,

**Re: Human Rights and Anti-Discrimination Commission Annual Report 2018**

Pursuant to section 44(1) of the Human Rights and Anti-Discrimination Commission Act 11 of 2009, I am pleased to submit the Commission's Annual Report for the year ending 31 December 2018.

Yours sincerely,

Honourable Mr. Justice Kamal Kumar  
**CHAIRPERSON**

# The Commission

In accordance with section 45(2) of the Constitution of the Republic of Fiji, His Excellency the President Major General (Rt'd) Jioji Konrote has appointed the following persons as Chairperson and members of the Human Rights and Anti-Discrimination Commission for a term of three years:

- (a) Honourable Mr Justice Kamal Kumar as Chairperson;
- (b) Ms Lanieta Tuimabu as a member;
- (c) Ms Nicole Daniels as a member;
- (d) Ms Sureni Perera as a member; and
- (e) Mr Pravesh Sharma as a member.

The appointments were made on the advice of the Constitutional Offices Commission, which held its meeting on 20 September 2018.

## Honourable Acting Chief Justice and chairperson of the Human Rights and Anti-Discrimination Commission, Mr. Justice Kamal Kumar

Mr. Justice Kamal Kumar has served on Fiji's High Court (Civil Division) since 2013 and has worked with community development organisations over the years.



## Commissioner Lanieta Tuimabu

Commissioner Tuimabu is a disability rights activist. She has served as the President of the United Blind Persons of Fiji for two consecutive terms. She has also served on Pacific Disability Forum Board and is currently a serving board trustee of the Fiji Women's Crisis Centre. She is also a board trustee for Live and Learn Fiji. Commissioner Tuimabu believes in women's empowerment and equality, in particular women and girls with disabilities.



## Commissioner Nicole Daniels is the Secretary to the Board

With a background in information and organizational management, Ms. Nicole Daniels has had the opportunity to work in several industries, including military, engineering, technical, non-governmental and publishing. Ms. Nicole's passion for working with children has led her to earn an MBA and over ten years of publishing experience, over twenty years of information and knowledge management, and web content management and design.



## Commissioner Sureni Perera

Commissioner Perera is a special educator with 20 years' experience in social and community development in Sri Lanka and Fiji. She currently heads the Frank Hilton Organization in Suva that provides a wide range of services in education, health and community development and works at community level to build systems of support that promote equity and inclusion for children with disabilities and their families.



## Commissioner Pravesh Sharma is the Proceedings Commissioner

Mr. Pravesh Sharma graduated with a Law Degree from Victoria University of Wellington in New Zealand. He is admitted to both the High Court of New Zealand and the High Court of Fiji. He has worked in private practice in Fiji; initially with Munro Leys and R. Patel Lawyers. He has also practiced as a Corporate Solicitor and as a Prosecutor in Wellington, New Zealand. Since May 2015, Mr. Sharma has been running his own Firm, Victoria Chambers. His main areas of practice are Criminal and Family Law Litigation. Mr Sharma has special interest in Criminal Appeals. In September 2018, Mr. Sharma was appointed a Commissioner with the Fiji Human Rights and Anti-Discrimination Commission for a term of three years. In March 2019, he was appointed Proceedings Commissioner and was also appointed Chairman of the Fiji Dental Professional Conduct Committee for a term of three years.



## Director

Mr. Ashwin Raj

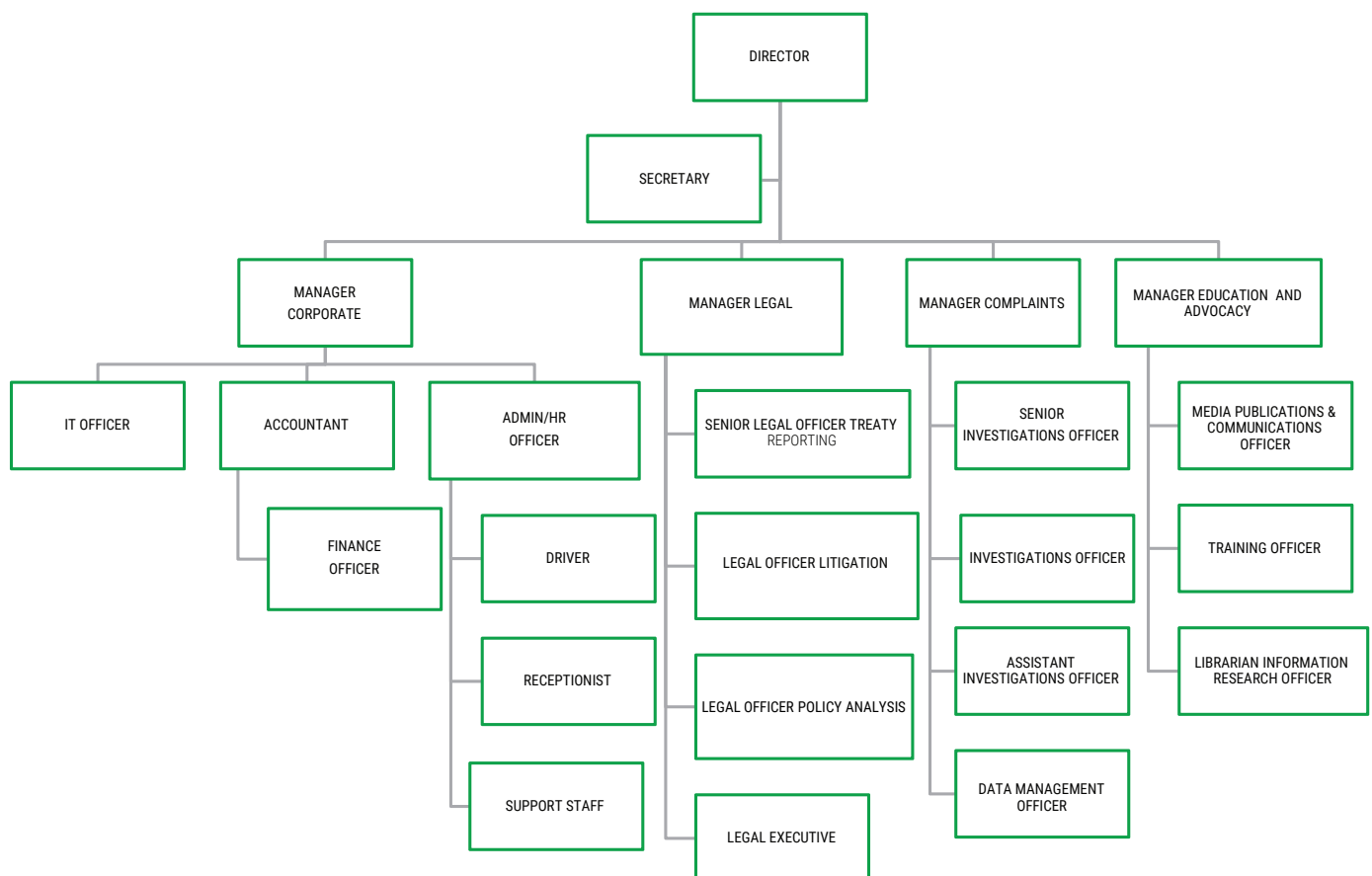
Mr. Raj was appointed in February 2016. An academic by training, Mr. Raj is also the chairperson of the Media Industry Development Authority (MIDA).



# Organisational Structure

The Commission is a national independent statutory body established under the Human Rights and Anti-Discrimination Commission Act of 2009, which exists as the Human Rights and Anti-Discrimination Commission.

The Fijian Constitution empowers the Commission to be independent of any direction or control of any person or authority except by a court of law or a written law.





# Chairperson's Report



I am very pleased to present the Human Rights and Anti-Discrimination Commission's Annual Report for the year ending 31 December, 2018 as required by section 44 (1) of the Human Rights and Anti-Discrimination Commission

Act. This Report reflects the dispensation of the Commission's constitutional mandate under the Fijian Constitution and its core responsibilities as a national human rights commission.

2018 is historic for the Human Rights and Anti-Discrimination Commission and the country as a whole as Fiji won a seat and subsequently assumed the vice-presidency of the United Nations Human Rights Council. This is significant as it gives us a global recognition for our commitment to promoting and protecting human rights. Equally important was the 2018 General Election which saw a fair and credible election process with thousands of Fijians exercising their political rights freely and fearlessly leading the nation to democratic rule.

Pursuant to section 6 (2), the State and every person holding public office must respect, protect, promote and fulfil the rights and freedoms recognised under the Bill of Rights provisions of the Fijian Constitution. As a national human rights institution, the Commission had undertaken a range of activities to dispense its constitutional obligation to promoting the protection and observance of, and respect for, human rights in public and private institutions and to develop a culture of human rights in Fiji.

These included: monitoring, investigating and reporting on the observance of human rights in all spheres of life; receiving and investigating complaints about alleged abuses of human rights and taking steps to secure appropriate redress if human rights have been violated, including making applications to court for redress or for other forms of relief or remedies; investigating or researching, on its own initiative or on the basis of a complaint, any matter in respect of human rights, and make recommendations to improve the functioning of public or private

entities; and monitoring compliance by the State with obligations under treaties and conventions relating to human rights.

The audit of Commission's financials by the Office of the Auditor General commenced in December 2018. This is a requirement under Section 16 (2) of the Human Rights and Anti-Discrimination Commission Act. The Commission awaits the outcome of the financial audit.

I would like to express my gratitude to the Fijian Government, our development partners, the United Nations and Development Programme, the Delegation of the European Union for the Pacific, the Office of the High Commissioner for Human Rights Pacific and the Asia Pacific Forum of National Human Rights Institutions (APF) for their continued support in promoting human rights in Fiji. I would like to also thank the Director and his team for their efforts in building public confidence and most importantly succeeding in securing Fiji a seat at the United Nations Human Rights Council.

This report demonstrates the growing public confidence in the Human Rights and Anti-Discrimination Commission with ongoing robust engagement with diverse groups, civil society organisations, parliamentary standing committees, media and members of public who seek advice and lodge complaints in relation to human rights violations. The Commission will continue to work towards becoming a fully Paris Principles compliant national human rights institution.

Honourable Mr Justice Kamal Kumar

**Acting Chief Justice of Fiji and Chairperson**

# Directors Report

The 2018 Annual Report documents the strides made by the Human Rights and Anti-Discrimination Commission towards the protection, promotion and preservation of human rights in a year that was transformative for all Fijians. Not only did a total of 637,527 eligible voters exercise their constitutional right to political participation in yet another peaceful transition into parliamentary democracy, Fiji also secured a seat and subsequently assumed the Vice-Presidency of the United Nations Human Rights Council.

Fiji's membership will no doubt strengthen the fabric of the United Nations Human Rights Council by lending the voice, aspirations and human rights challenges of the Pacific Small Island Developing States. Fiji's membership will also keep the State on a sustained path of human rights engendering a greater ethos of accountability towards fulfilling its obligations of protecting fundamental rights and freedoms of all in Fiji regardless of race, ethnicity, gender, colour or creed amongst other prohibited grounds of discrimination.

2018 was also a year of many firsts for the Human Rights and Anti-Discrimination Commission too. The Commission, for the first time, monitored the pre-electoral and post-electoral processes to ensure that minimum human rights standards were observed during the general election. The Commission launched a brochure to educate the voters on the features of free and fair elections, minimum human rights standards and rights of a voter under the Fijian Constitution which was widely disseminated across the country including maritime areas. These brochures were available in English, Itaukei, Hindi, Rotuman, Banaban and Chinese languages. The Commission issued media statements, reiterating that right to vote was an expression of the will of the individual as recognised in the Fijian Constitution and must be exercised without fear of reprisal and recrimination. Fijians were also encouraged to report hate speech and incidents of racial and religious vilification in communities and on social media platforms to the Commission during the election process. The Commission also welcomed the modification of the procedures set out in section 57 of the Electoral Act pertaining to voting by persons with disabilities.

While the 2013 Constitution goes beyond the 1997 Constitution in including sexual orientation, gender identity and expression as prohibited grounds of discrimination, the national human rights commission had never convened any public consultations with the LGBTI community. A two-day national consultation was held in collaboration with the Asia Pacific Forum of National Human Rights Institutions (APF) engaging LGBTQI groups and individuals to ascertain key challenges faced by them in their daily lives and to draft a plan of action based on the outcome of the discussions.

The Commission's education and advocacy team traveled to remote and maritime areas as well as to informal settlements and cane-belt areas as well as civil society organisations, reaching out to 19,971 people to create awareness on human rights. The Commission independently investigated allegations of human rights violations including the constitutional right to life, personal liberty, freedom from slavery, servitude, forced labour and human trafficking, cruel and degrading treatment, security and freedom from violence and professional misconduct, inter alia police and corrections brutality and professional misconduct, right of attested and detained persons, executive and administrative justice, employment relations, freedom of movement and residence, freedom of religion, conscience and belief, right to privacy, equality and freedom from discrimination, protection of ownership and interests in land, right to reasonable access to transportation, housing and sanitation, adequate food and water, right to social security schemes and health, freedom from arbitrary evictions, rights of children and the rights of persons with disabilities. The Commission also filed a constitutional redress application at the Suva High Court in relation to the death of a 26 year-old male who was allegedly assaulted by police.

A FJD\$250,000.00 funding was also secured under the Pacific Commonwealth Equality Project funded by the UK Government to build a complaints management system for the Commission. This system will enhance accountability, transparency and establish National Reporting Mechanism for reporting on human rights violations.

The Commission made submissions to respective Parliamentary Standing Committees on existing and proposed laws that explicitly affect human rights. These included the Registration of Sex Offenders Bill,



Online Safety Bill and two International Covenants: International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic Social and Cultural Rights (ICESCR). Following a decade, the Commission also submitted a substantive alternative report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to the CEDAW Committee.

The Commission secured a budgetary allocation of \$2,403,386.00 in 2018/2019 financial year to dispense with its constitutional mandate. In pursuance of the Commission's commitment to accountability and transparency, the long outstanding audit of the Commission's financials was undertaken by the Office of the Auditor General in December 2018.

The Commission is committed towards ensuring that it is Paris Principles compliant. It will continue to engage with the Asia Pacific Forum of National Human Rights Institutions as well as the Global Alliance of National Human Rights Institutions (GANHRI) to regain its accreditation. I would like to express my gratitude to the APF and GANHRI for their continued support, technical assistance and for providing our Commission with a platform to engage with fellow national human rights institutions. I am also thankful to our development partners, United Nations Development Programme, Office of the United Nations High Commissioner for Human Rights and the Delegation of the European Union for the Pacific for their continued support.

It gives me great pleasure to state that in accordance with section 45(2) of the Fijian Constitution, His Excellency the President Major General (Rt'd) Jioji Konrote appointed a Chairperson and members of the Commission for a term of three years. They include three women, representatives of civil society and persons with disabilities. Finally, I express my sincerest gratitude to the Chairperson, Commissioners and staff of the Commission for their contribution in building a culture of human rights in Fiji.

Ashwin Raj

**Director**



# 2018 IN REVIEW

The following provides an overview of the key human rights achievements in 2018

## Milestone

### Fiji secures seat and vice-presidency at the United Nations Human Rights Council



Ambassador, Madam Nazhat Shameem Khan and Director, Mr. Ashwin Raj with the Fijian delegation at UN Human Rights Council in New York, 2018

Fiji is now a member of the United Nations Human Rights Council having secured 187 out of 192 valid votes on 12 October 2018. The Director collaborated with Madam Nazhat Shameem Khan, Fiji's Permanent Representative to the United Nations in Geneva in lobbying for the first Pacific Small Islands Developing State (PSIDS) to be a member of the Council. Fiji has also assumed the Vice-Presidency of the United Nations Human Rights Council.

This is a significant achievement not only for Fiji but also for the Human Rights Council as Fiji's membership will strengthen the fabric of the Human Rights Council by recognizing the diverse human rights concerns of small island developing states (SIDS). Not only is this a victory for SIDS but this is the first time that a Pacific Small Islands Developing State (PSIDS) has joined the Human Rights Council as a member. Today's decisive victory is a further catalyst for the national human rights commission and civil society to hold government accountable in fulfilling its commitment towards the protection and promotion of human rights in Fiji.

Director, Ashwin Raj  
12 Oct, 2018



## Monitoring Compliance

### Monitoring 2018 General Election



The Commission monitored a total of 87 polling venues in the Central, Western and Northern divisions across the country on the Election Day, ensuring observance of minimum human rights standards during the election process.

The Commission was inundated with concerns from the public over hate speech and racial and religious vilification on social media platforms following the announcement of the outcome of the 2018 General Election.

## Complaints

**Right to Life** - The Commission filed for a constitutional redress application at the Suva High Court in relation to the death of a 26 year-old male who was allegedly assaulted by police outside a nightclub.

**Freedom from cruel and degrading treatment** - 21 complaints were investigated by the Commission against Fiji Corrections Service in relation to allegations of physical assault.

**Freedom from cruel and degrading treatment** - 17 complaints were investigated by the Commission against Fiji Police Force for alleged physical assault on suspects during arrest and while in police custody. This bordered on violation of right to security and freedom from violence. The Commission issued public statements condemning police brutality, calling for independent investigations and accountability.

# 2018 IN REVIEW

The following provides an overview of the key human rights achievements in 2018

## Complaints

### Rights of arrested and detained persons

40 complaints were investigated by the Commission for alleged violation of rights of arrested and detained persons. The nature of complaints ranged from deplorable condition of cellblocks, refusal of medical attention, overcrowded cellblocks, denial of the right to have a lawyer, unavailability of an interpreter and failure by police to inform the arrested and detained persons about their constitutional rights.

The Commission attended to a concern raised by a sex worker who was in police custody at a weekend, ensuring minimum human rights standards were met and engaged the Legal Aid Commission for legal assistance. In another case, arrangements were made with Fiji Corrections Service to move a transgender woman held in detention at a Corrections facility to a safe room to prevent sexual and physical abuse due to her gender identity.

### Freedom of Speech Vs Hate Speech

Following the 2018 General Election, the Commission was inundated with concerns and complaints from members of the public in relation to social media posts bordering on racial and religious vilification, hate speech and cyber bullying.

The Commission engaged with media in relation to the abuse of social media platforms by politicians during election campaigns.

### Employment Relations

21 complaints alleging violation of employment relations were received by the Commission. The nature of complaints ranged from workplace bullying, breach and termination of work contracts, forced redundancies, forced resignations and non-renewal of employment contracts.

## Complaints

### Freedom of religion, conscience and belief

The Commission investigated complaints in relation to alleged violation of religious freedom, conscience and belief. The nature of complaints ranged from management dispute leading to the closure of a place of worship, demolition of a place of worship and holding of examinations by an educational institution on a Saturday, a practice against the complainant's belief.

### Political Rights

The Commission issued a media statement on the right to vote as an expression of the will of the individual as recognised in the Fijian Constitution and that it must be exercised without fear of reprisal and recrimination.

### Right to Privacy

The Commission issued a public statement on circulation of nude images on social media platforms describing it as morally repugnant act that is an assault on the dignity and a breach of the right to privacy.

The Commission condemned the circulation of accident pictures/video of road accident at Nabou on social media platforms, calling it as an act of savagery and a national disgrace.

The Commission investigated a complaint in which photograph of a mother and her child was posted on Facebook page by a private company in retaliation after a complaint of tax evasion was filed with Fiji Revenue and Customs Service against this private company.

### Right to Health

The Commission investigated a complaint of alleged medical negligence in which a person lost his eyesight after a medical procedure was performed on him at a state-run health facility.

### Freedom from arbitrary evictions

The Commission investigated a complaints relating to eviction of tenants without a court order.

# 2018 IN REVIEW

The following provides an overview of the key human rights achievements in 2018

## Complaints

### Discrimination on a prohibited ground prescribed under section 26 of the Fijian Constitution

The Commission in collaboration with the Fijian Competition & Consumer Commission (FCCC), held meetings and issued a statement regarding a landlord-tenancy issue in relation to alleged discrimination linked to race and ethnicity.

The Commission investigated a complaint in which a woman was served with an eviction notice by the Housing Assistance and Relief Trust [HART] due to her pregnancy. This is contrary to section 26 (3) (a) of the Fijian Constitution.

The Commission investigated a complaint against a school teacher for allegedly addressing a student as a 'Punjabi' (Punjabi is an ethnic group) and not by the given name.

The Commission issued a press statement on Racial Profiling, expressing grave concern that various private and public institutions, through their representative bodies, continued profiling along racial lines.

The Commission investigated a complaint of alleged discrimination faced by a person due to his sexual orientation.

We will continue to work closely with FCCC in ensuring that we uphold principles of non-discrimination on any prohibited grounds prescribed under section 26 (3) (a) of the Fijian Constitution. Monitoring compliance is integral in ensuring that we remove vestiges of discrimination so that everyone regardless of their race, religion, ethnicity amongst other prohibited grounds of discrimination enjoy the right to housing.

- Director, Mr. Ashwin Raj



## Complaints

### Right to social security schemes

The Commission received complaints in relation to living allowance dispensed by Department of Social Welfare. Nature of complaints range from insufficient allowance, delays in receiving the allowance and replacement of allowance cards, non-provisioning of accommodation request by a person living on the street and failing to attend to a request for milk and food by a mother for her children.

The Commission attended to a complaint regarding a destitute who was in dire need of shelter and urgent medical attention. The Commission ensured compliance with minimum human rights standards (prompt medical attention and shelter). The complainant was taken to Saint Giles Hospital for medical examination.

### Rights of Children

The Commission investigated a complaint in which a Year 3 student was denied access to school due to non-compliance with the school dress code. The student wore the school uniform for girls with a pair of white tights, long sleeve tee shirt under the uniform with a white headscarf as per her belief. The Commission held the opinion that decision by the school was contrary to section 26 of the Fijian Constitution on the right to equality and freedom from discrimination which expressly references religion, conscience, opinion and belief as a prohibited ground of discrimination.

The Commission investigated a case of unlawful eviction of children by a landlord in absence of their parents who were at work.

The Commission investigated a complaint against police for alleged detention of a guardian of a toddler who as a result was left all alone at home without supervision.

The Commission intervened in the case involving a minor who was taken into police custody at a weekend. Arrangements were made for free legal reorientation through Legal Aid Commission upon which the child was released.

# 2018 IN REVIEW

The following provides an overview of the key human rights achievements in 2018

## Complaints

### Rights of persons with disabilities

The Commission investigated complaints in breach of section 42 of the Fijian Constitution and the nature of complaints ranged from allegation of physical threats made against persons with disabilities, denial of permanent employment by Ministry of Education due to a person's disability and non-provisioning of sign interpreters in Court.

### Human Rights of Refugees

The Commission intervened in the case of a Bangladeshi couple and their four-year child who were seeking asylum in Fiji, engaging with The Fijian immigration department and United Nations High Commissioner for Refugees in Canberra and National Human Rights Commission of Bangladesh.

The Commission attended to a Bulgarian refugee who claimed unfair treatment by Fiji Police; held discussions with his lawyer and guided him to file his complaint with the Commission and also attended to concerns raised by three Afghanistani refugees seeking asylum status in Fiji.

## Seeking redress in court

Two cases of alleged human rights violation were filed in court for redress. The cases were in relation to right to life and rights of arrested and detained persons.

## Submissions to Parliamentary Standing Committees

Consistent with the constitutional mandate of making recommendations to Government concerning matters affecting the rights and freedoms guaranteed by the Fijian Constitution including recommendations concerning existing or proposed laws, submissions were made to relevant Parliamentary Standing Committees on Bills and International Covenants that explicitly affect human rights, which were:

- Registration of Sex Offenders Bill
- Online Safety Bill
- International Covenants: International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic Social and Cultural Rights (ICESCR)

### **Monitoring compliance by the State with obligations under treaties and conventions relating to human rights**

The Commission welcomed the amendments made in relation to the modification to the procedures set out in section 57 of the Electoral Act pertaining to voting by persons with disabilities. This would assist persons with disabilities in exercising their right to political participation.

### **Alternative Report - Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Report**

The Commission submitted an alternative report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Fiji, to the CEDAW Committee, whose fifth periodic report is scheduled for consideration at the sixty-ninth session of the Committee to be held at the United Nations Office in Geneva in February 2018. It must be noted that the report was compiled and submitted by the Commission for the first time in the last ten years. The Report outlines the mandate and work of the Commission an appraisal of the State efforts in implementing the Convention including issues raised by the UN CEDAW Committee and offers recommendations that will bring about greater parity and uphold principles of non-discrimination.

### **Outreach Initiatives**

The Commission reached out to 19,971 Fijians in 2018 through its engagement with diverse groups. A total of 38 schools and 91 villages and communities including informal settlements were visited, engaging people from all walks of life who received human rights training on a range of issues such as rights of children, right to education, right to health, freedom of speech, rights of arrested and detained persons, freedom from cruel and degrading treatment, domestic violence, sexual abuse, political right and environmental rights.

### **National Consultation on LGBTIQ Rights**

A two-day National Consultation on LGBTIQ rights and challenges was held on 26-27 July 2018 in collaboration with Asia Pacific Forum of National Human Rights Institutions. A total of 68 participants representing diverse groups from participated in the national consultation from across the country including remote and maritime areas. The event was historic as it was the first such gathering organised by the Commission since its inception in 1999. The sessions were focused on the salient features of the Bill of Rights enshrined in chapter 2 of the Fijian Constitution and in particular, section 26 - right to equality and freedom from discrimination, which prescribes the prohibited grounds for discrimination.

# Goal 1 - Monitoring, Investigations and Compliance

Monitoring, Investigations and Compliance are a core function of the Commission. Section 45 (4) (c) and (e) of the Fijian Constitution and section 12(1) (j) of the Human Rights and Anti-Discrimination Commission Act confers to the Commission the powers to investigate allegations of contraventions of human rights as well as allegations of unfair discrimination either on its own motion or on the basis of a complaint by individuals, groups or institutions on their behalf or on behalf of others.

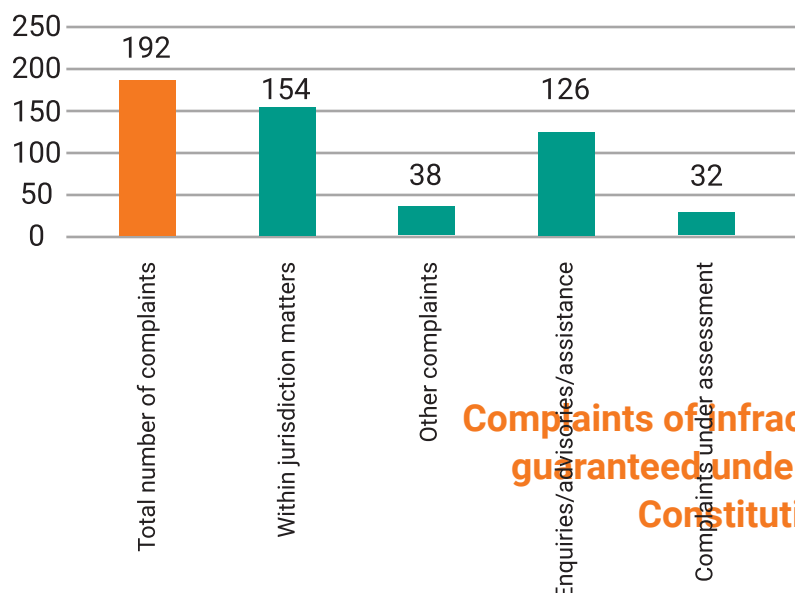
Section 45(5) of the Fijian Constitution provides that any person has the right to lodge a complaint with the Commission alleging that a right or freedom guaranteed under the Constitution has been denied, violated or infringed, or is threatened. Furthermore, section 45 (4) (e) of the Constitution and section 12 (1) (k) of the Human Rights and Anti-Discrimination Commission Act empowers the Commission to secure appropriate redress if human rights have been violated through conciliation or making application to court for redress or for other forms of relief or remedies.

A total of 154 files were opened in 2018. This included complaints in relation to alleged breaches of the constitutional provisions under chapter 2 – Bill of Rights, breaches of the Crimes Act, requests for judicial redress and amicus applications, enquiries, clients seeking advice and assistance of the Commission, civil matters and complaints of alleged Police and Corrections misconduct. Upon assessment, it was established that some complaints were inter-sectional in nature. These complaints had multiple human rights infringements. The total number of complaints received by the Commission in 2018 was 192.

The number of complaints received by the Commission is indicative of the gradual restoration of public confidence in the national human rights commission since its resuscitation in 2016.

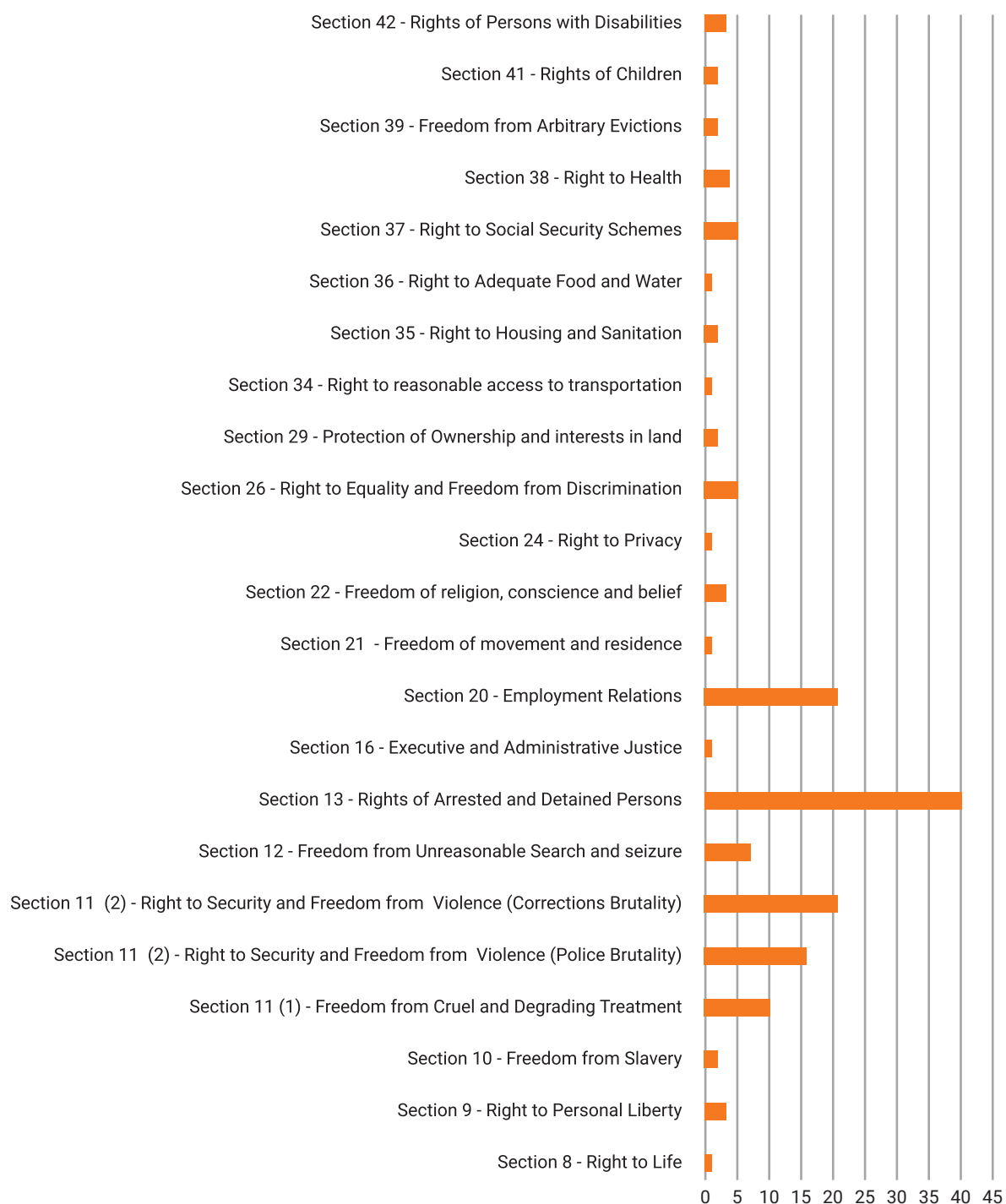
**Section 45(5) of the Fijian Constitution provides that any person has the right to lodge a complaint with the Commission alleging that a right or freedom guaranteed under the Constitution has been denied, violated or infringed, or is threatened.**

## 2018 Summary of Complaints



**Complaints of infraction of rights guaranteed under the Fijian Constitution**





Nature of Complaints

Section 8 – Right to Life

The Commission received a complaint of alleged breach of section 8 of the Fijian Constitution on the right to life. It was alleged that police brutality led to the death of the complainants boyfriend after he was arrested outside a nightclub and assaulted. The Commission has filed a constitutional redress case in the Suva High Court in this matter.

Section 9 – Right to Personal Liberty

The Commission received three complaints in breach of section 9 of the Fijian Constitution. It was alleged that the proprietors of a humanitarian and educational NGO, without the consent of the complainant (while he was serving term in prison) uploaded his testimonials on Youtube and broadcasted the same on air. This led to the complainant’s children and spouse being harassed by members of the public. In another matter, it was alleged that during a house raid by Police, the complainants mother was searched by male police officers. The Commission also received a complaint of marital rape.

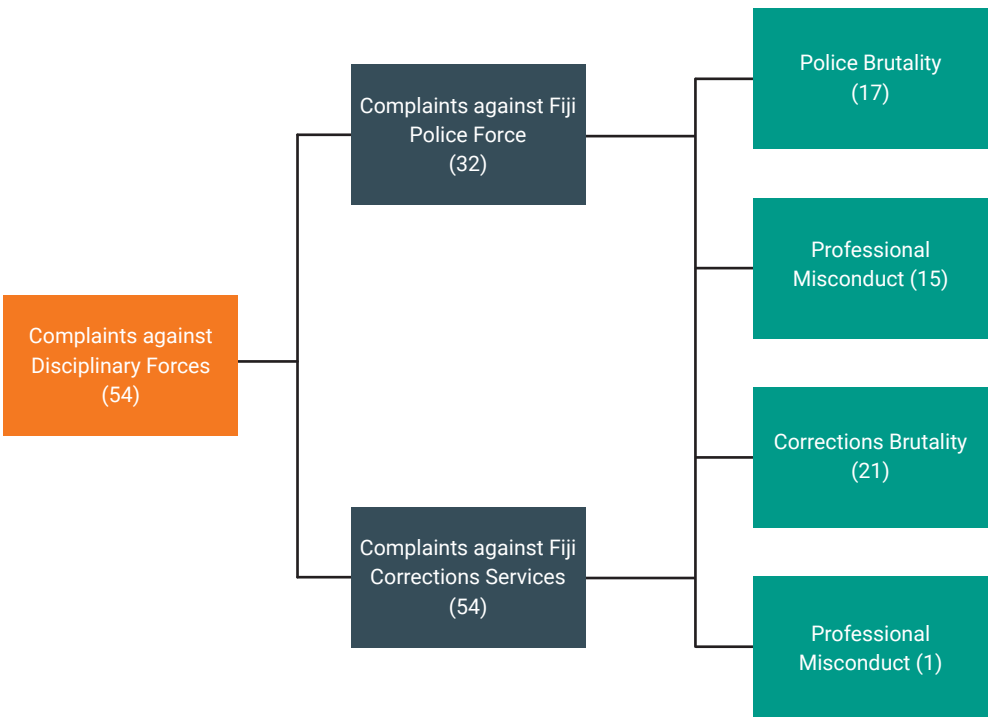
Section 10 – Freedom from slavery, servitude, forced labour and human trafficking

The Commission received two complaints for alleged breach of section 10 of the Fijian Constitution. It was alleged that 3 Bangladeshi nationals were trafficked into Fiji and forced into labour by their employer. In another matter, it was alleged that 4 Indian nationals were forced into labour in deplorable condition and under-fed. Both matters have been referred to the Labour Ministry. The Commission has received confirmation that investigations by the Labour Ministry has commenced in relation to these matters.

Section 11 – Freedom from Cruel and Degrading Treatment

The Commission received ten complaints in relation to cruel and degrading treatment. In most cases it was alleged that inmates were confined in solitary cells, inmates subjected to torture, cruel and degrading treatment meted by Corrections officers, arrested and detained persons subjected to cruel and degrading treatment by police and a complainants mother was searched by male police officers during a house raid.

Summary of other complaints received by the Commission



## **Section 11 (2) – Right to Security and Freedom from violence (Police Brutality)**

The Commission received seventeen complaints in breach of section 11(2) of the Fijian Constitution. Allegations included physical assault of suspects during arrest and while in custody.

### **Professional misconduct (Police)**

The Commission received fifteen complaints from individuals against the conduct of the Fiji Police Force. The nature of complaints received by the Commission included allegations of police inaction in dealing with complaints including laying false charges, delay by the Police in initiating investigations, complaints of bias in the course of investigations, police inaction with arresting suspects in breach of the Domestic Violence Restraining Order and allegations of harassment by police.

## **Section 11 (2) – Right to Security and Freedom from violence (Corrections Brutality)**

The Commission received 21 complaints from inmates at various correction facilities claiming brutality by correction officers. The nature of brutality included physical assaults. Consistent with the requirements set out under section 32 of the Human Rights and Anti-Discrimination Commission Act, the Commission has brought these allegations to the attention of the Commissioner of Corrections and requested for independent investigations while the Commission conducted its own independent investigations to ascertain the veracity of these claims. The Commission is required by the Fiji Corrections Service to make a written request for visitation to respective Corrections facilities.

### **Professional misconduct (Corrections)**

The Commission received a complaint of professional misconduct against Fiji Corrections Service in a matter where an inmate alleged that his ring was taken from him by force. The inmate was also told to hold a mobile phone while the Corrections Officers took photo of him so that he could be implicated for

being in possession of contraband.

## **Section 12 – Freedom from unreasonable search and seizure**

The Commission received seven complaints in breach of section 12 of the Fijian Constitution. In most cases, it was alleged that the complainants houses were raided without a search warrant. In other matters, it was alleged that inmates were searched by Corrections officers while under the influence of liquor during working hours.

## **Section 13 – Rights of Arrested and Detained Persons**

The Commission received fourty complaints in breach of section 13 of the Fijian Constitution. In most cases, the complainants raised concern over the deplorable condition of cell blocks. Other matters included the relatives of arrested and detained persons being denied visitation rights, arrested persons deprived of their right to a legal counsel, failure of police officers in informing arrested persons of their constitutional rights under detention, non-provisioning of an interpreter during caution interview of a Bulgarian national, cell overcrowding and non-provisioning of medical attention by police.

## **Section 16 – Executive and Administrative Justice**

The Commission received a complaint in breach of an individual's rights guaranteed under section 16 of the Fijian Constitution. The victim's father alleged that his daughter was forced to consume weed killer – commonly known as paraquat. The victim's father further alleged that the DPP counsel handling this matter informed him that there was insufficient evidence to make a case.

## **Section 20 – Employment Relations**

The Commission received twenty one complaints in relation to the breach of section 20 of the Fijian Constitution. Allegations included termination from employment, forced redundancies, forced resignations, breach of employment contract, non-renewal of employment contract and workplace bullying.

## Section 21 – Freedom of movement and residence

The Commission received a complaint in breach of section 21 of the Fijian Constitution. The complainant alleged that his brother who was living with disability was not allowed to travel to an alternative place of residence of his choice by his guardian.

## Section 22 – Freedom of Religion, conscience and belief

The Commission received three complaints in breach of section 22 of the Fijian Constitution. It is alleged that a dispute between the management and trustees of a temple resulted in the closure of the place of worship. In another matter, a student of Fiji National University raised that scheduling examinations on a Saturday was against her belief.

## Section 24 – Right to Privacy

The Commission received a complaint in breach of section 24. The complainant alleged that the photograph of his spouse and child was posted on the Facebook page of a private company, after he (the complainant) lodged a complaint with Fiji Revenue and Customs Services against the private company for tax evasion.

## Section 26 – Right to equality and freedom from discrimination

The Commission received five complaints in relation to the breach of section 26 of the Fijian Constitution. In one of the cases, it was alleged that a landlord had made racial comments against his tenant. In another matter, it was alleged that the management of Housing and Relief Trust issued an eviction notice against an occupant after she got pregnant. The Commission also received a complaint against a school teacher who continually addressed a child as 'Punjabi' which the child did not like. In a separate matter, it was alleged that the complainant was targeted due to his sexual orientation.

## Section 29 – Protection of ownership and interests in land

The Commission received 2 complaints in breach of

section 29. The complainant alleged that a NGO authorised the demolition of his mother's place of worship. The complainant further claimed that he was not part of any consultations where the residents of Jittu Estate were seeking a resolution to their land dispute. In another matter the complainant alleged that Ministry of Lands and Mineral Resources had failed to issue him with a lease despite making all necessary payments.

## Section 34 – Right to reasonable access to transportation

The Commission received a complaint in breach of section 34. A village headman from Qarani, Gau Island raised that the bridge used by his people to access government stations got damaged in 1996. He had raised the issue of maintenance during district and provincial meetings but nothing concrete has eventuated.

## Section 35 – Right to housing and sanitation

The Commission received two complaints in breach of section 35 of the Fijian Constitution. A complainant raised that she has been waiting since 2002 for the Department of Social Welfare to build her home. She has also complained that \$100/month allowance by the Department was not sufficient. In the second matter, a complainant raised that despite securing necessary approvals for her house plan, Department of Social Welfare had not acted on her housing application.

## Section 36 – Right to adequate food and water

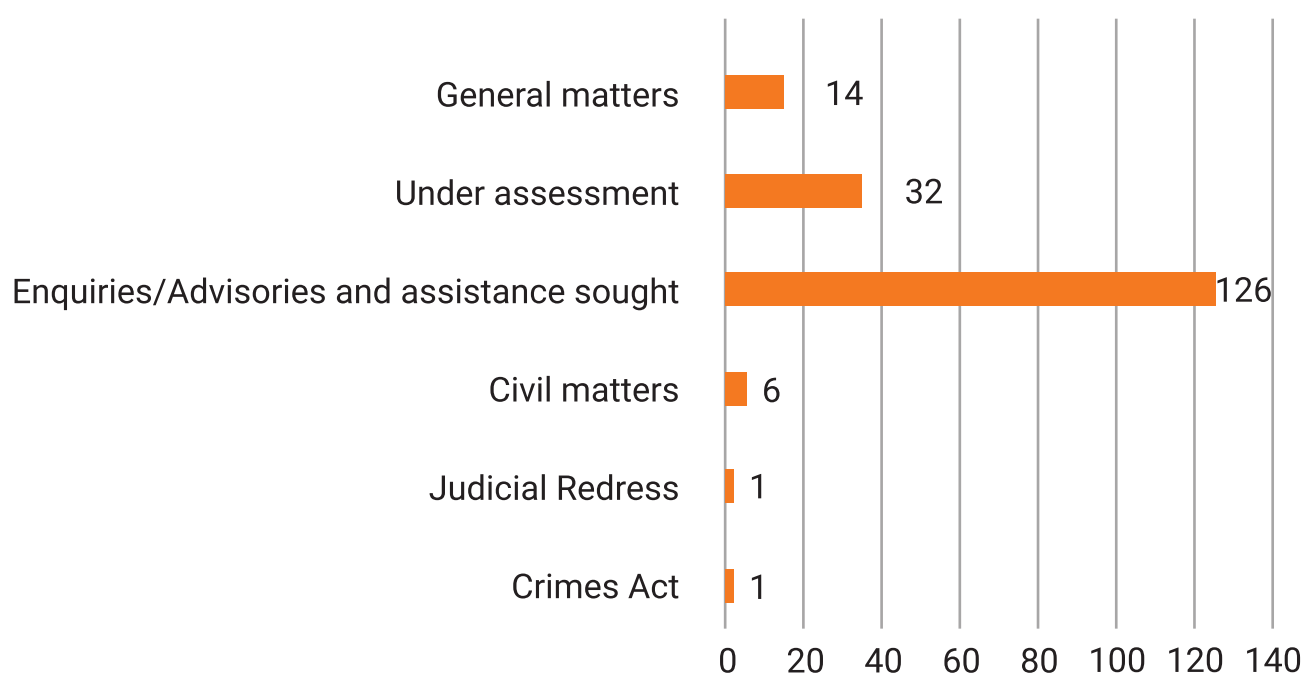
The Commission received a complaint in breach of section 36 of the Fijian Constitution. It was alleged that the complainant's connection to the water mains was disconnected by the Water Authority of Fiji.

## Section 37 – Right to social security schemes

The Commission received five complaints in breach of section 37 of the Fijian Constitution. Nature of complaints included allocation of insufficient allowance by Department of Social Welfare, delay by

the Department of Social Welfare in replacement of allowance cards, non-provisioning of accommodation request by a person living on the streets as well as a mother's request for milk and food for her children was not addressed by the Department of Social Welfare.

### Summary of other complaints received by the Commission





## Section 38 – Right to Health

The Commission received four complaints in breach of section 38 of the Fijian Constitution. Nature of complaints included lack of medical provision at Corrections Centres, an allegation that a complainant lost his eyesight following an operation at the Pacific Eye Institute and an inmates request for medical attention abroad was declined by the Fiji Corrections Service.

## Section 39 – Freedom from arbitrary evictions

The Commission received two complaints in breach of section 39 of the Fijian Constitution. Nature of complaints included eviction of tenants without a court order.

## Section 41 - Rights of Children

The Commission received two complaints in relation to section 41 of the Fijian Constitution. Nature of complaints pertain to unlawful eviction of tenant's children while parents were at work and detention of a guardian of a toddler by Police despite the fact the toddler was alone at home.

## Section 42 - Rights of persons with disabilities

The Commission received three complaints in breach of section 42. Nature of complaints included threats made against persons with disabilities, denial of permanent employment by a Government ministry due to a person's disability and non-provisioning of sign interpreters in Court.

## General matters

The Commission received fourteen complaints that were classified as General Matters. The nature of these complaints included the non-appointment of a representative from the Fiji Dental Association by the Fiji Dental Council, inaccessibility to the Fiji Police Force After Care Fund by officers whose marital status was single and in another matter, an employee of the Fiji Elections Office addressed an individual as 'uncle' which the complainant did not appreciate. The Commission also received complaints of

unprofessional treatment of customers by state actors, the refusal by Fiji Corrections Service to transport the corpse of an inmate to 'Ra' for burial and the refusal by a service station operator to allow customers to use convenience room.

## Enquiries, Advisories and Assistance sought from the Commission

The Commission received one hundred and twenty six enquiries, advisories and requests for assistance. The nature of these advisories included land issues, neighbourly disputes, employment, child custody matters, family court matters, employment relations, civil lawsuits, child abuse, landlord/tenancy issues, DVRO matters, social media, separation, requests for new voter ID cards, unauthorised recording of conversation, arbitrary evictions, child custody matters, disconnection from water mains, land issues, poor customer services at restaurants, barring of members of public from accessing public places and criminal intimidation.

## Civil matters brought before the Commission

The Commission received six complaints that, upon assessment, were classified as civil matters. The nature of these complaints included allegations that defective components of the electricity surge arrestor falling on a vehicle, property disputes, individuals not abiding by terms of sales and purchases agreement and claims for compensation.

## Judicial Redress requests

The Commission received a request from an inmate for assistance with filing judicial redress application.

## Crimes Act

The Commission received a complaint of alleged arson in an informal settlement. Fiji Police Force had commenced investigations into the matter.

## Monitoring 2018 General Election

The Commission monitored polling venues on the Election Day in 2018, ensuring observance of minimum human rights standards during the election

process.

The Human Rights and Anti-Discrimination Commission has a constitutional mandate under section 45(4)(c) of the Fijian Constitution to monitoring, investigating and reporting on the observance of human rights in all spheres of life. As a National Human Rights Institution, the Commission undertook a key initiative in 2018 to monitor the 2018 General Election with an aim to ensure Fiji enjoys

a free, fair and credible elections. The Commission played an instrumental role both in the pre-electoral and the post-electoral phases, promoting and monitoring protection of all human rights during the election process.

The Commission worked closely with the Fijian Elections Office in educating and informing the voters about the election process, in particular, features of a free and fair elections, observance

## Minimum human rights standards

- Principle of ‘non-discrimination’, which means every person is equal before the law and has the right to equal protection, treatment and benefit of the law.
- Creation of an atmosphere that ensures full political participation where citizens do not fear for their safety as a result of their participation. The law must therefore guarantee fundamental human rights and freedoms. This includes:
  - Freedom of speech, expression and publication and people must be able to freely express themselves including a free, fair and responsible media that gives access to all political viewpoints.
  - Right to information to be able to make an informed choice.
  - Right to peaceful (non-violent) assembly that must be only limited by law in the interest of national security, public safety, public order, public morality, public health and the orderly conduct of elections.
  - Freedom of association including the right to form and participate in political organisations. All restrictions must be (1) prescribed by law and (2) necessary in a democratic society for the protection of public interests. Role of the police and security forces must be clearly defined.

Human rights and freedoms come with responsibilities. The right to freedom of expression DOES NOT give one the right to promote hate speech or incite violence based on race, religion, ethnicity and other prohibited grounds of discrimination.

of minimum human rights standards during the election, compliance with the Electoral Act and on the role of the media. A brochure was produced and jointly launched by the Commission and the Fijian Elections Office to educate voters, aspiring politicians and political parties on features of a free and fair elections and observance of minimum human rights standards during elections.

The Commission also monitored the pre-election preparations and campaign period, keeping a close eye on hate speech, statements related to racial and religious vilification and dissemination of information particularly on social media platforms which could have marred the integrity of the election process. The Director of the Commission, Mr. Ashwin Raj collaborated with the Fijian Elections Office in the

pre-electoral and post-electoral phases, held joint press conferences on crucial issue such as racial and religious vilification, hate speech on social media, blackout period, dissemination of fake news and right to vote. The two institutions also held discussions with civil society organisations on electoral process which was facilitated by International Institute for Democracy and Electoral Assistance (International IDEA).

### Monitoring Polling Venues

The Director led the Commission team (staff and Commissioner Nicole Daniels) to monitor polling venues and the election process on the Election Day. The team was deployed in the Central, Western and Northern divisions on the Election Day, to observe

## Some observations noted during monitoring exercise include:

- **Accessibility - accessing polling venue was challenging for some elderly and persons with disability in some areas due to harsh weather condition on Election Day**
- **Voter registration confusion – some voters found they were registered in another location**
- **Police presence was high at all polling venues providing safety and security to voters as well as the Election officials**
- **Poor lighting inside some polling venues**
- **Some voters were confused with numbers on ballot paper and suggested there should be pictures of the candidates**
- **Adequate seats provided to the voters to wait around due to bad weather**
- **Election officials were generally applauded for their professionalism**

the polling venues located in urban, rural and remote areas, monitoring compliance of human rights standards.

The Commission monitored a total of 87 polling venues in these locations.



Commissioner Nicole Daniels with Director at a polling venue in Pacific Harbour.

This consisted of 19 polling venues in Northern division (Labasa, Seaqqa & Dreketi - Macuata & Bua), 47 polling venues in Western division (Nadroga, Nadi, Lautoka, Ba, Tavua & Rakiraki) and 21 polling venues in Central division (Navua, Suva, Nasinu, Nausori and Tailevu). This exercise was in line with the Commission's mandate to monitor observance of human rights standards during the electoral process.

The Commission received no major complaints in relation to violation of the constitutional right to vote.

## Engaging with the Multinational Observer Group (the MOG)

Director briefs the Multinational Observer Group at a polling venue in Tailevu

The Director also held discussions with the Multinational Observer Group (the MOG) on observance of human rights standards during general elections. The MOG is a group of countries and international organisations invited by the Fijian Government to observe the 2018 Fijian General Election with key responsibility to assess whether Fijian voters were able to exercise their vote freely and whether the outcome of the election broadly represented the will of Fijian voters.

The Commission team caught up with His Excellency Major-General (Ret'd) Jioji Konusi Konrote at a polling venue in Veiuoto on the Election Day

## Engaging with Media



Commission Director Ashwin Raj and Supervisor of Elections, Mr. Mohammed Saneem holding a joint press conference.

A democratic election is impossible without media. The Commission vigorously used the mainstream media to reach out to the public and to appraise freedom to campaign in the pre-electoral phase, keeping a tab on hate speech and intolerance on the grounds of race and religion. The Commission made calls to the voters on the Election Day on the importance of voting, encouraging them to cast their vote. The Director held a number of joint-press conferences with the Supervisor of Elections both during pre-poll phase, at the closing of polling stations and on the announcement of the final results, sending sound messages to the voters, political parties and candidates on their rights and responsibilities during the poll. Director also appeared on live radio and television shows on the Election Day and in the post-electoral phase to reflect on the election process, campaigns, and political debates and to express concern on social media mania which sparked racial and religious vilification. An advertisement was also put out in the mainstream media, following the announcement of the outcome of the 2018 General Election, urging Fijians to report without fear any incidence of violence including racial and religious attacks either on the social media, in their communities or on the streets to the Commission. The media coverage is summarised in the table, below.



## Media Engagement – 2018 General Election

Date	2018 General Election Media engagement ( pre-poll an post-poll)	Media Outlet
01/11/ 2018	<b>HRADC preparing teams for upcoming Election</b> <a href="http://www.fbc.com.fj/fiji/69183/fradc-preparing-teams-for-upcoming-election">http://www.fbc.com.fj/fiji/69183/fradc-preparing-teams-for-upcoming-election</a>	FBC
19/11/ 2018	<b>2018 General Elections: Campaign within electoral rules, says Human Rights director</b> <a href="https://www.fijitimes.com/2018-general-elections-campaign-within-electoral-rules-says-human-rights-director/">https://www.fijitimes.com/2018-general-elections-campaign-within-electoral-rules-says-human-rights-director/</a>	The Fiji Times
20/10/2018	<b>2018 General Elections: Close watch on campaigns</b> <a href="https://www.fijitimes.com/2018-general-elections-close-watch-on-campaigns/">https://www.fijitimes.com/2018-general-elections-close-watch-on-campaigns/</a>	The Fiji Times
08/11/ 2018	<b>Let people make their choice freely: Raj</b> <a href="http://www.fbc.com.fj/fiji/70620/let-people-make-their-choice-freely-raj">http://www.fbc.com.fj/fiji/70620/let-people-make-their-choice-freely-raj</a>	FBC
12 /11/2018	<p><b>Joint Press Conference</b></p> <p>...just wanted to implore on everyone that we are still in the blackout period so that we would like to ensure that we comply with the requirements set out law under section 63, 110 and 118 so to the mainstream media, members of the political parties, individual candidates and members of the public – please ensure that you in full compliance with the requirements set out under the law for blackout period.</p> <p>The intention of blackout period is to give people, voters in particular the much needed reprieve so that they can cast their votes freely, without undue pressure.</p> <p>We also appeal to the public sense of reason particularly s so as it affects the activities on social media to ensure that if there is any proliferation of fake news under the pretext of legitimate media – please report that immediately so we can take swift action on it.</p> <p>Also to individuals who are residing abroad and are recusant and continue to claim that they will post whatever they wish to post, to please exercise reason.</p> <p>If you want to see free, fair and credible elections, you need to ensure that our voters get that reprieve so that they are able to cast votes without pressure, without influence and that fact that there is so much fake news, people are beginning to find it really difficult to delineate between fact and fiction, I think all the more reason to have something like the blackout period. So please ensure there is full compliance with the requirements of the law.</p> <p><a href="https://web.facebook.com/Fijianelectionsoffice/videos/207118116870037">https://web.facebook.com/Fijianelectionsoffice/videos/207118116870037</a></p>	Fijian Elections Office facebook page



13/11/ 2018	<p><b>Fiji warned about fake news</b></p> <p>Election authorities in Fiji are warning about false news stories in the run-up to tomorrow's election.</p> <p>They were telling people to report any so-called fake news.</p> <p>Social media users have found fake media sites with items about visa-free access to Australia and a ban on celebrating Diwali.</p> <p>Ashwin Raj said there was so much fake news that audiences found it hard to decide which was fact or fiction.</p> <p>Mr Raj said people should report fake news.</p> <p>A two-day campaign blackout started at midnight on Sunday, but the complaints to the elections office said some material remained on banners and car stickers.</p> <p>Offenders risk the chance of a hefty fine and up to 10 years in jail.</p> <p><a href="https://www.radionz.co.nz/international/pacific-news/375771/fiji-warned-about-fake-news">https://www.radionz.co.nz/international/pacific-news/375771/fiji-warned-about-fake-news</a></p>	Radio NZ
14/11/ 2018	<p><b>2018 General Elections: Raj content with polling at stations</b></p> <p><a href="https://www.fijitimes.com/2018-general-elections-raj-content-with-polling-at-stations/">https://www.fijitimes.com/2018-general-elections-raj-content-with-polling-at-stations/</a></p>	The Fiji Times
15/11/2018	<p><b>Fijians warned to be cautious of social media</b></p> <p><a href="http://www.fbc.com.fj/fiji/70878/fijians-warned-to-be-cautious-of-social-media">http://www.fbc.com.fj/fiji/70878/fijians-warned-to-be-cautious-of-social-media</a></p>	FBC
16 /11/2018	<p><b>Media focused on getting the right information out</b></p> <p>Meanwhile, a new government is to be announced in the next two days.</p> <p><a href="http://www.fbc.com.fj/fiji/70924/media-focused-on-getting-the-right-information-out">http://www.fbc.com.fj/fiji/70924/media-focused-on-getting-the-right-information-out</a></p>	FBC
18/11/2018	<p><b>Report without fear any incidence of violence: Raj</b></p> <p><a href="https://www.fijitimes.com/report-without-fear-any-incidence-of-violence-raj/">https://www.fijitimes.com/report-without-fear-any-incidence-of-violence-raj/</a></p>	The Fiji Times
18/11/2018	<p><b>Report incidences and take screenshots of violence including racial and religious attack on social media – Raj</b></p> <p><a href="http://fijivillage.com/news/Report-incidences-and-take-screenshots-of-violence-including-racial-and-religious-attack-on-social-media---Raj-k5rs29">http://fijivillage.com/news/Report-incidences-and-take-screenshots-of-violence-including-racial-and-religious-attack-on-social-media---Raj-k5rs29</a></p>	Fijivillage
18/11/ 2018	<p><b>Raj: Fijians are to report any incidence of violence including racial and religious vilification</b></p> <p><a href="https://web.facebook.com/fijibroadcastingcorporationtv/videos/2162459300660581/">https://web.facebook.com/fijibroadcastingcorporationtv/videos/2162459300660581/</a></p>	FBC

18/11/ 2018	<b>Fijians urged to report racial and religious attacked with fear</b> <a href="http://www.fbc.com.fj/fiji/70962/fijians-urged-to-report-racial-and-religious-attacked-with-fear">http://www.fbc.com.fj/fiji/70962/fijians-urged-to-report-racial-and-religious-attacked-with-fear</a>	FBC
21/11/2018	<b>Speak Your Mind, Guest - HRADC Director, Ashwin Raj</b> Report incidence of racial and religious attacks to the Human Rights and Anti-Discrimination Commission Use of social media to spread fake news, racial and religious vilification, insults to journalists during the poll <a href="https://www.youtube.com/watch?v=QkbZVNIaZXI">https://www.youtube.com/watch?v=QkbZVNIaZXI</a>	FBC TV/ Gold FM
25/11/ 2018	<b>4 The Record – Ashwin Raj</b> Use of social media, hate speech by some politician Discusses the role of the HRADC Redress provided by HRADC <a href="https://www.youtube.com/watch?v=9rzkxXin5Uc&amp;t=216s">https://www.youtube.com/watch?v=9rzkxXin5Uc&amp;t=216s</a>	FBC TV
25/11/ 2018	<b>Close Up – Ashwin Raj</b> Role of mainstream local media in covering the 2018 general elections against the fake news being posted on social media platforms Respect for human dignity in light of level of mud-slinging used on social media by certain politicians to campaign Respect for the blackout period and how it was covered by the Fijian media	Fiji TV
27/11/ 2018	<b>Aaina – Ashwin Raj</b> Critical analysis of the campaigns led by the political parties and candidates using social media to incite and statements bordering on racial and religious vilification Issue of division based on race and religion Hate speech used during political campaigns <a href="https://www.youtube.com/watch?v=LIXC1EmKU">https://www.youtube.com/watch?v=LIXC1EmKU</a>	FBC TV/ Radio Fiji Two

## Goal 2: Litigation and Policy Analysis

Pursuant to section 45 (4) (d), of the Fijian Constitution, the Commission is mandated to make recommendations to Government concerning matters affecting the rights and freedoms recognised under Bill of Rights, including recommendations concerning existing or proposed laws. As per section 45(4)(e) of the Constitution, the Commission is also responsible for receiving and investigating complaints in relation to alleged abuses of human rights and take steps to secure appropriate redress if human rights have been violated, including making applications to court for redress or for other forms of relief or remedies.

In materialising this, the Director made submissions to parliamentary committees in 2018 on two proposed Bills and two International Covenants.

Two cases of alleged human rights violations were taken to court for redress. The cases were in relation to right to life and rights of arrested and detained persons.

### Parliamentary Submissions

#### Submission to the Parliamentary Standing Committee on Justice, Law and Human Rights on Registration of Sex Offenders Bill No. 6 of 2018

**13th April 2018**

The Human Rights and Anti-Discrimination Commission appreciates the sense of urgency and concern that has prompted the formulation of this Bill. In 2017, the youngest victim of sexual violence in Fiji was 1 year 10 months and the youngest accused person charged with rape was a 12 year old boy. The primary responsibility of promoting public safety, including the right of every child to live a life free of violence and sexual abuse, by holding offenders accountable and putting effective protection mechanisms in place invariably lies with the state but so does the constitutional obligation to protect fundamental human rights and freedoms of every citizen. The imperative to register sex offenders,

therefore, will require careful balancing between public safety and the human rights of sex offenders.

The Standing Committee on Justice, Law and Human Rights must consider the impact of the Bill on the right to privacy and respect for human dignity, confidentiality of personal information pursuant to 24(1) (a) and respect for private and family life pursuant to 24(1) (c) of the Fijian Constitution, the constitutional safeguard that every person has the right to the correction or deletion of false or misleading information that affects a person under section 25(2), whether the Bill gives primary consideration to the best interests of a child as required under section 41(2) of the Constitution in every matter concerning the child whether the child is a victim or a perpetrator, the right to be free from mental and emotional torture, access to justice including the right to appeal and the impact of the Bill on the possibility of rehabilitation, reintegration into society and the ability of those that have been registered as sex offenders to access subsistence rights including the right to housing, employment and education without unreasonable discrimination.

### Rights of the sex offenders

#### Confidentiality and the right to privacy

Punitive monitoring can result in significant curtailment of the right to privacy. Unlike the United States where the Courts have established that a sex offender's privacy rights remain secondary to maintaining public safety and where legislation under the Walsh Act consequently allows for public disclosure of the personal details of registrants including community notifications and residency restrictions, the Bill before the Parliament of Fiji under section 29 (1) (a) (b) has strong and salutary confidentiality provisions which require that a person who is authorized to access the register must not disclose any information in the register unless the person is authorised by the Commissioner or permitted or required by a court of law or under any other written law.

Section 29 (2) (a) and (b) further requires that a person to whom personal information about a registered offender is disclosed must not disclose that information to any other person unless that disclosure is made with the consent of the Commissioner for

the purposes of ensuring the safety or protection of a person or otherwise permitted or required by a court of law or under any other written law. Furthermore section 29 (3) (a) and (b) provides for fines and imprisonment term in the event of a contravention of provisions under 29(1) and (2). This is a significant provision which protects those that are registered and their families against persons who may use the information in the registry to injure, harass, or commit a criminal act or discriminate unreasonably (denial of housing, education and other necessary benefits or services) against any person included in the registry and may therefore be subject to criminal prosecution or civil liability or both. The information disclosed must be limited to what is necessary to promote public safety. Furthermore, law enforcement agencies (Police Force, Corrections, Immigration particularly in relation to corresponding offenders and differing interpretations about what constitutes sexual offense under different jurisdictions, and other relevant ministries such as Education) assigned to manage the Sex Offenders Registry must undergo compulsory human rights and ethics training to enhance their understanding of the human rights implications of the Bill including public awareness.

### Right to correction or deletion of false misleading information

Section 30 of the Bill is consistent with section 25(2) of the Fijian Constitution. Section 30(1) of the Bill provides that sex offenders have the right to be provided with all the information that is held in the register in relation to the sex offender. Section 30(2) provides that a sex offender can make a written request to the Commissioner to amend information held in the register that is incorrect. Section 30(3) requires that the Commissioner must take reasonable steps to notify the sex offender whether the Commissioner will comply with the request to amend the information and section 30(4) provides that if the Commissioner denies the request to amend the information, then the details of the request and the denial of the request is recorded in the register. This particular provision can be further strengthened by affording the registered offender the right to know why his or her request to have information amended has been denied.

### Best Interests of children

While the Bill requires that children who are 12 years of age and above who have been convicted of a sexual

offence be registered as sex offenders, the Committee must consider whether the mandatory registration of young sex offenders fails to give proper consideration to the best interests of children. Careful consideration must be given to the adverse impact of registration on the psychosocial development of the child, ability to enjoy the right to education, gains employment and the ability to enjoy private and family life.

The Constitutional Court in South Africa in the case of *J v National Director of Public Prosecutions and Another* (CCT 114/13) [2014] ruled that a law requiring courts to make an order to include the particulars of a sexual offence on a National Register for Sex Offenders is unconstitutional when that offender is a child. The Constitutional Court held that the starting point for all matters concerning the child, the child best interests are paramount. In ruling that being on the register after having served their sentence would result in the sanctioning of exclusion in areas formative to their dignity, the Constitutional Court considered three principles when approaching issues involving the best interests of a child offender:

- the law should generally distinguish between adults and children
- the law ought to make allowance for an individual approach to child offenders
- the child or her representatives must be afforded an appropriate and adequate opportunity to be heard at every stage of the justice process

Furthermore, the Committee may also consider the recommendations made by the Human Rights Watch in the context of the United States that a panel of qualified experts must determine whether a child poses a high risk of sexual re-offense and that public safety cannot be adequately protected through any means other than the child being subject to registration.

### Right of appeal against lifelong registration

The Bill must establish mechanisms by which offenders, whose convictions have been overturned, set aside or vitiated by a court of law be removed from the registry rather than being “labeled for life” by being kept in the register indefinitely. In the US, the length of the time a sex offender will remain on the registry is dependent on the classification of the sex offender. A panel of expert or a court of law, however, should determine whether an individual is a “sexually

violent predator” and therefore needs to be on the sex offender registry for life.

The risk, as Human Rights Watch, has recommended, should be assessed on a case-by-case basis for each convicted offender taking into consideration the nature of the crime, prior offending history, the age of the offender at the time of the crime, treatment or therapy history and the length of time an individual has remained offense free. The registry must be periodically reviewed and registrants given the opportunity to present evidence of rehabilitation or substantial time living in a community without reoffending in order to be able to appeal or have the assigned level of risk changed. This, human rights communities in other constitutional jurisdictions have argued, fundamentally shifts the burden from the registrant to the State to prove that the registrant still poses a risk to public safety and therefore must remain on the registry. In 2010, the Supreme Court in UK ruled that denying offenders the right of appeal against life-long registration was incompatible with their human rights.

## Classification of sexual offenses

Sex offender registry must not mix minor offenses in the same category as rape and other violent criminal convictions as there is a danger that registries may cast too wide a net that metonymises heinous crimes such as rape with less extreme ones such as consensual sex between teenagers or innocuous behavior such as urinating in public. Therefore, the Commission strongly recommends that section 5 of the Bill further classifies sexual offense such as rape, attempted rape, assault with intent to rape, abduction with an intent to rape, indecent assault, defilement, sexual assault given that each of these transgressions will carry with it differing penalties under the law.

Law must be rational, proportionate, rehabilitative and evidence based and consider the impact of lifelong stigma and barriers to integration and the right to be free from mental and emotional torture and trauma

The Committee should also consider integration barriers on registered sex offenders in terms of access to housing, education and employment. Vigilantism, ostracism and community segregation can have far reaching collateral consequences for families of sex offenders. As we strive towards striking a balance between our right, including that of our children, to live a life free of sexual violence and the fundamental

human rights of perpetrators while holding them to account, we must also examine the structural causes of sexual violence in Fiji.

## Submission to the Parliamentary Standing Committee on Justice, Law and Human Rights on Online Safety Bill, No. 7 of 2018

1st May 2018

Freedom of speech, expression and publication is not an absolute right and consistent with international human rights law (Articles 19 and 20(2) of International Covenant on Civil and Political Rights), the state has a constitutional obligation to authorize justifiable limitations in the interests of the protection and maintenance of the right to reputation, privacy, dignity, the right to be protected against advocacy of hatred including hate speech on any of the prohibited grounds of discrimination prescribed under section 26 of the Fijian Constitution, the rights of persons injured by inaccurate or offensive media reports to have a correction published on reasonable conditions established by law and the responsibility of preventing attacks on the dignity of individuals, groups of individuals, or respected offices or individuals in a manner likely to promote ethnic or religious ill will or oppression of or discrimination against any persons or groups of persons.

Infraction of the right to privacy through the disclosure and abuse of personal data, cyber bullying and circulation of intimate visual recordings including images of victims of violence and unforeseen tragedies and calamities including those of children, the surge in advocacy of hatred through speech acts that are unabashedly misogynist, homophobic, racist and exploit communal differences cannot under any circumstances be justified as legitimate democratic dissent through the exercise of freedom of expression. They all constitute ‘harm’ well beyond the narrow definition of “serious emotional distress”. It constitutes an assault on human dignity and the deprivation of the right to reputation and privacy and the right to be free from hatred.

Given the speed and scope of the social media, criminally punishable content is not being deleted in a timely manner or not deleted at all, let alone the possibility of a retraction. In a fundamental sense, we are failing in our constitutional responsibility of preventing attacks on human dignity regardless of



race, religion, sexual orientation and other prohibited grounds of discrimination, privacy and the right to reputation. Therefore, a legislative action that strikes a careful balance between the legitimate interests of freedom of expression and the protection of reputation including the prevention from attacks on dignity and hate speeches with minimum legal ambiguity is necessary. Minimum legal ambiguity is critical in drawing distinctions between expressions that clearly constitute a criminal offense, expressions that may not be criminally punishable but may justify civil proceedings and expressions that may not attract criminal, civil or administrative sanctions but still raises concerns about the rights of others and legislation must be weighed against the following safeguards: (1) Is the limitation prescribed by law? (2) Does the limitation pursue a legitimate aim? (3) Is the limitation necessary in a democratic society? (4) Are the limitations proportionate to the aim pursued?

The Online Safety Bill, through the establishment of an Online Safety Commission, sets out a transparent redress mechanism for those that are most vulnerable and susceptible to abuse and violence on the social media including children and those who suffer from mental incapacity. Under section 17 of the Bill, the following can apply to the court for an order:

- an individual who alleges that he or she has suffered or may suffer harm as a result of an electronic communication;
- a parent, legal guardian or representative on behalf of an individual if the individual is a child or a person suffering from mental incapacity, as the case maybe;
- the school principal or head teacher of a registered school, or his or her delegate, if the individual is a student of that school who consents;
- the Commission on behalf, and with the consent, of an individual if the individual has lodged a complaint under the Act; or
- the police, if the electronic communication constitutes a threat to the safety of an individual.

Once in receipt of a complaint, the Online Safety Commission after carefully considering the threshold for proceedings pursuant to section 18 of the Bill may refer matters to the court for proceedings and under section 22 of the Bill, the courts can make the following orders:

- an order to remove or disable the relevant electronic communication;
- an order that a correction be published;
- an order that an apology be published;
- an order that the respondent not send similar communications to the applicant or encourage any other person to send similar communications to the applicant;
- an order that the respondent not engage in any conduct which is the subject of the complaint; or
- such other orders, including payment for monetary compensation or damages as the court deems just and appropriate in the circumstances.

The Commission under section 15 of the Bill may refuse to investigate or cease an investigation if the Commission considers that the subject matter or the nature of complaint is unlikely to cause harm to any person or that the complaint is frivolous or vexatious or that any further action is unnecessary or inappropriate. Section 18 (2) also confers powers to the court to dismiss applications made under section 17 on its own motion if it considers the application to be frivolous or vexatious or may dismiss an application made by the police on its own motion under section 18 (3) if the court is satisfied, having regard to all the circumstances of the case, that the application should be dismissed.

Non-compliance with a court order is an offence under the Bill and an individual can be fined up to \$5,000 or imprisonment for a term not exceeding 6 months or both and in the case of a body corporate a fine not exceeding \$20,000 and for a director, chief executive officer, manager or officer in charge to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 1 year or both.

The offence of causing harm by posting electronic communication is liable upon conviction in the case of an individual to a fine not exceeding \$20,000 or imprisonment for a term not exceeding 5 years or both and in the case of a body corporate, a fine not exceeding \$100,000 and for a director, chief executive officer, manager or officer in charge to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 7 years or both.

Section 24 (3) of the Bill establishes very clear criteria for the court to consider in determining whether posting an electronic communication would cause

harm:

- the extremity of the language, images or videos used;
- the age and the characteristics of the individual concerned;
- whether the electronic communication was anonymous;
- whether the electronic communication was repeated;
- the extent of circulation of the electronic communication;
- whether the electronic communication is true or false;
- the context in which the electronic communication appeared.

## Posting of intimate visual recording

Section 25 (1) of the Bill provides that a person must not post or threaten to post an intimate visual recording of an individual. An individual who commits an offence by contravening the provisions of this subsection can be fined up to \$20,000 or imprisonment for a term not exceeding 5 years or both and in the case of a body corporate a fine not exceeding \$100,000 and for a director, chief executive officer, manager or officer in charge a fine of not exceeding \$50,000 or to a term of imprisonment not exceeding 7 years or both.

It is imperative to note that section 25 (3) provides that subsection (1) does not apply if the individual who is the subject of the electronic communications concerned consents to the specific post of the intimate visual recording but consent as articulated under 25 (4) must be “voluntary, expressed, and informed and does not include the consent of a child”. A further distinction must be made between consent to record and consent to post those recordings.

So is Fiji an exception or have other constitutional jurisdictions considered the regulation of social media?

## Germany and the regulation of social media

On 7 July 2017, the German Parliament passed an

Act establishing an intermediary liability regime that not only requires the removal and blocking of what its criminal code defines as “clearly violating content” and “violating content” within time periods of 24 hours and 7 days respectively but also imposes penalties of up to 5 million Euros for these transgressions attracting criticism from human rights groups such as Article 19.

Responding to the criticism that legislation is tantamount to the ‘privatization of censorship’, the Federal Government has argued that the States’ duty to protect victims of hate speech and criminal attacks on the internet and the obligations of platform operators to remove illegal content is consistent with international law and that legislation enforcing the respect for the law with regard to privacy, anti-discrimination and protection against crime should not be equated with censorship.

The Act, which regulates the obligation of platform operators in relation to the complaints against illegal content, is premised on the argument that the same rationale must apply to social networks and that the proportionality of the fines does not hold much ground considering that fines are not applied to individual posts but only where a provider fails to properly organize a compliance system or to fulfil the reporting or supervising obligations. Fines are determined according to individual cases and subject to judicial review, which includes a proportionality test. Alluding to the fact that platform operators make serious profits, the Federal Government has also argued that fines must also consider the economic potential of the offender.

While recognizing the importance of anonymity for freedom of expression, the Federal Government has argued that states have the right to put limitations on the right to anonymous expression where necessary to achieve legitimate objectives combating hate speech and holding those who post criminal content to account. They have cited the case laws from the European Court of Human Rights that has made it abundantly clear that hate speech is intolerable in a democratic society.

The principle opposition to the Act from human rights groups emanates from concerns that the German Criminal Code uses broad concepts of hate speech, criminal defamation, insult and prohibitions in relation to “defamation of religion” including the deputizing of private companies to engage in censorship based on the Criminal Code.

Apprehension stems from the obligation to remove or block content without any determination of the legality of the content by a court coupled with the failure on the part of companies and social networks to understand the complex jurisprudence on freedom of expression. The other criticism of the Act by human rights groups was that the Act provides no recourse, including the right to appeal to users whose content has been blocked or deleted unfairly.

Similarly, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in his 2011 recommendation on intermediary liability recommended that:

“To avoid infringing the right to freedom of expression and the right to privacy of internet users, the Special Rapporteur recommends intermediaries to: only implement restrictions to these rights after judicial intervention; be transparent to the user about measures taken, and where applicable to the wider public; provide, if possible, forwarding to users before the implementation of restrictive measures; and minimize the impact of restrictions strictly to the content involved. Finally, there must be effective remedies for affected users, including the possibility of appeal through the procedures provided by the intermediary and by a competent judicial authority”.

Should intermediaries or platform providers enter the protocols of the Bill to ensure greater online safety, the Online Safety Commission must use its mandate under section 8 (b) of the Bill to “organize awareness and education programmes, including the provision of online safety material”. The Human Rights and Anti-Discrimination Commission can also assist the Online Safety Commission with this particular mandate by drawing on international best practices as articulated in the Camden Principles on Freedom of Expression and Equality and the Rabat Plan of Action.

## Jurisdiction

The ubiquitous nature of cyber space and the blurring of territorial boundaries often raise fundamental questions about jurisdiction when it comes to the regulation of social media. Preeminent amongst which is whether it possible to institute legal proceedings and hold individuals to account if they have posted damaging materials about someone but operate in another country?

In the case of *Dow Jones v. Joseph Gutnick*, Australia’s

High Court has ruled that the financial publishers Dow Jones can be sued in the Australian state of Victoria over an article that appeared on their website in United States setting an important precedent.

The primary judge held that the Australian Court had jurisdiction to try the matter. The case was appealed in the court of appeal of Victoria and to the High Court of Australia. The subject of debate before the High Court of Australia was exactly where the alleged defamatory material was published. Was it published in Victoria? Dow Jones argued that the article was published in New Jersey because the server is maintained in the United States and therefore an Australian Court could not assume jurisdiction over the matter.

The High Court of Australia held that the Australian Court had the jurisdiction to try an action for defamation concerning an article, hosted at the servers of Dow Jones in the United States. The Court held that the law of defamation seeks to strike a balance between, on the one hand, the society's interest in freedom of speech and the free exchange of information and ideas and on the other hand, an individual's interest in maintaining his or her reputation in society, free from unwarranted slur or damage.

The majority judgment further held that those who post information on the social media do so knowing that the information is available to all, without geographical restrictions. The Court further held that defamation is to be located at the place where the damage to the reputation occurs. It was in the place where any person downloaded the defamatory material that the damage to reputation could be done. Following this principle, the court held that an action for damages for defamation could be continued in Australia against a US web site.

## Conclusion

The clamour for civil and political rights through freedom of expression must be balanced with the imperative to protect our constitutional right to dignity, privacy and reputation, including the right to be free from the advocacy of hatred. It is time that Fiji considers a legislation that promotes online safety.

[Submission to the Parliamentary Standing Committee on Foreign Affairs and Defence on Ratification of the International Covenant on Civil and Political Rights \(ICCPR\) and International Covenant on Economic,](#)

## Social and Cultural Rights (ICESCR)

4th May 2018

The Human Rights and Anti-Discrimination Commission strongly recommends that Fiji ratify the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) for the following reasons:

The Fijian Constitution, through its Bill of Rights provisions, already includes the most salient features of the ICCPR and ICESCR. The inclusion of sexual orientation, gender identity and expression as prohibited grounds of discrimination in the Fijian Constitution renders our Bill of Rights as far more progressive than ICCPR.

The covenants place a positive obligation on the state to not only protect individuals against violations committed by the state but also against acts committed by private persons or entities that would impair the enjoyment of covenant rights.

Given that human rights are interrelated, interdependent and indivisible and discrimination is intersectional, and, as Fiji's history instructs us that civil and political rights and economic and social rights are mutually constitutive, therefore, ratification of both covenants is necessary. And, one must not be preferentially framed over another covenant.

Following its Universal Periodic Review in 2014, Fiji has ratified the Convention Against Torture (CAT), Convention on the Rights of Persons with Disabilities (CRPD), invited the UN Special Rapporteur on the right to education, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the UN Independent Expert on the enjoyment of human rights by persons with albinism and most recently the UN High Commissioner for Human Rights. Ratification of ICCPR and ICESCR would demonstrate Fiji's sustained commitment towards strengthening legal safeguards in the interests of protecting and promoting fundamental human rights and freedoms and opening itself to international scrutiny and will bolster Fiji's efforts to secure a seat at the Human Rights Council and strengthen its relationship with civil society, international community, the national human rights commission and development partners.

The ratification of ICCPR can be a catalyst for a much needed national discussion on justifiable limitations

on civil and political rights in international law and how to interpret those rights.

The ratification of the ICESCR will also enable the realisation of our commitment to sustainable development goals.

Ratification of the two covenants will serve to further strengthen the interpretation provisions of the Bill of Rights of the Fijian Constitution through the application of international law in the interests of promoting values underpinning a democratic society based on human dignity, equality and freedom.

## Litigation and Redress Application

**Rights to Life (Article 8)** - The Proceedings Commissioner on behalf of [XXX] & The Proceedings Commissioner on behalf of the Human Rights & Anti-Discrimination Commission v The Attorney General of Fiji & The Commissioner of Police – Civil Action No HBM 137 of 2018.

This matter is still pending in Court. The main declaration sought by the Commission is the violation of the victim's right to life and freedom from cruel and degrading treatment.

**Rights of Arrested and Detained Persons (Article 13)** – [XXX] v HRADC, The Fiji Corrections Service, AG and DPP – Civil Action No HBM 121 of 2018.

[XXX] had filed a redress application in person whilst being remanded on various charges by the High Court on being in possession of an illicit drug. The Commission joined in the proceedings as amicus. The redress sought was in relation to Article 13(j) of the Constitution on the conditions of detention and adequate accommodation.

**Human Rights and Anti-Discrimination Commission Act empowers the Commission to secure appropriate redress if human rights have been violated.**



## Goal 3 – Education, Advocacy and Communications



The Elections and Human Rights brochure was jointly launched with the Fijian Elections Office in a build up the 2018 General Election



Women from maritime areas received human rights training during the 2018 National Women's Expo



Director, Mr. Ashwin Raj briefs media on observance of minimum human rights standards at polling venues on the Election Day, 2018

The Human Rights and Anti-Discrimination Commission is mandated under the Fijian Constitution to promote and develop a culture of human rights. Pursuant to section 45 (4) (a) and (b), the Commission implemented a number of advocacy initiatives throughout Fiji with diverse communities.

The Commission reached out to **19,971** Fijians in

2018 through advocacy programmes in schools, villages, informal settlements and communities and by engaging with civil society organisations, youth groups and development partners to promote human rights education, in particular, reaching out to the vulnerable in remote and maritime areas.

A key initiative undertaken by the Commission in 2018 was to educate the voters and the political parties on the right to political participation. The Commission engaged with the Fijian Elections Office, civil society organisations and media advocating on features of a free and fair elections and on observance of minimum human rights standards during elections.

### Engagement with civil society organisations

#### Unity Concert



Racism- it stops with you! – This was the theme of the Unity Concert to mark the International Day for the Elimination of Racial Discrimination. Citizens' Constitutional Forum Executive Director Sara Bulutani Mataitawakilai and Director of the Commission, Mr. Ashwin Raj were also part of a live radio show to discuss racism

A Unity concert was organised by the Citizens' Constitutional Forum (CCF) in collaboration with the Commission to celebrate the International Day for the Elimination of Racial Discrimination at Sukuna Park in Suva.

While officiating the unity concert, Director of the Commission, Mr. Ashwin Raj urged the Fijians to reflect on the far-reaching consequences of hate and intolerance on our shared humanity.

The intention of the unity concert was to inspire people of different races to unite through music. Local recording artists provided music and entertainment during the unity concert.

The Commission was also part of a media launch organised by the Citizens Constitutional Forum regarding the Annual Human Rights Moot Court



Competition, which the Commission supports together with the Fiji Women's Rights Movement. The event is funded and supported by the European

Union under the project titled: *Fiji in Transition – Towards a Sustainable Constitutional Democracy.*



We, as Fijians have come a long way. While recognizing the diversity and unique contributions that each community has made to Fiji, we now proudly can call ourselves Fijians without having to declare our race or ethnicity each time we are applying for a job, trying to access institutions of education or applying for scholarships/loan schemes , or exercising our right to basic services such as housing, water, health, sanitation, fundamental civil and political rights including a voting system that no longer segregates along racial or ethnic lines because we are united by common and equal citizenry under our Constitution. Today, we have a robust Bill of Rights in our Constitution that guarantees the right to equality and freedom from discrimination, everyone is equal before the law and has the right to equal protection, treatment and benefit of the law. The law expressly provides that one cannot be unfairly discriminated against because of race, culture, ethnic or social origin and color amongst other prohibited grounds of discrimination, it guarantees from freedom of religion, conscience and belief but also the right to be free from hate speeches. We must zealously guard these hard fought rights and freedoms guaranteed under the Fijian Constitution.

**Director, Mr. Ashwin Raj**



## Engagement with vulnerable groups

### LGBTQI National Consultation



Participants at the LGBTQI national consultation

The two-day national consultation on LGBTQI (Lesbian, Gay, Bisexual, Transgender, Queer and Intersex) rights and challenges was held in collaboration with the Asia Pacific Forum of National Human Rights Institutions. This event was a milestone for the Commission as such an engagement was held for the first time at a national level where LGBTQI individuals and groups including sex workers were afforded a safe space to freely discuss the challenges faced by them in their daily lives.

A total of 68 participants from across the country participated in the consultation representing a diverse group based on different gender identities, sexual orientation and expression. Those represented were LGBTQI groups, activists, representatives from civil society organisations from across the country in particular from rural, remote and maritime areas. Participants were from all walks of life which included: medical professionals, teachers, entrepreneurs, housewives, farmers, casual workers, media persons, sex workers, students and social activists.

Six proactive LGBTQI groups represented at the national consultation were: Haus of Khameleon,

DIVA for Equality, Rainbow Pride Foundation, Strumphet Advocacy Network, Pacific Rainbow Advocacy Network and Survival Advocacy Network (SAN).

The key challenges identified by participants included: Attitude of law enforcement agencies, in particular, police, towards the LGBTQI communities; discrimination faced when accessing medical care; cyber-bullying, bullying in school, discrimination at workplace; denouncement by family; discrimination faced by children of sex workers in school; lack of counsellors as a result, LGBTQI persons are going into depression and are at risk of committing suicide.

## Recommendations

- More awareness needed at community level so that families are able to understand and embrace gender diversity
- Gender sensitization training for law enforcement agencies
- Law enforcement agencies to take hate crimes against LGBTI persons more seriously
- Need for counsellors
- Media to report to build understanding about LGBTQI rights and interests and not sensationalizing their plight
- Recognition of intersectional-related issues when dealing with vulnerable groups
- Medical professionals should undergo professional development training to bring about attitudinal transformation in service delivery
- The Commission to collaborate with Ministry of Education to deal with discrimination faced by children of sex workers in schools

## Commission briefs UN High Commissioner for Human Rights Mr. Zeid Raád Al Hussein



Fiji's Permanent Representative to the United Nations in Geneva, Madam Nazhat Shameem Khan, visiting OHCHR staff, Director, Mr. Ashwin Raj, UN High Commissioner, Mr. Zeid Raád Al Hussein, Acting Director, Legal Aid Commission, Mr. Shahin Ali, Regional Representative of the OHCHR Pacific Office, Dr Chitralakha Massey

The Commission through its Director, Mr. Ashwin Raj briefed the visiting UN High Commissioner, Mr. Zeid Raád Al Hussein, on the progressive steps taken by the Commission to build and promote human rights culture in Fiji.

## Media and Elections



Mainstream media representatives at the media training on election which also focused on hate speech and freedom of expression.

Addressing media representatives at the *Reporting Elections Accurately and Impartially Training for Journalists*, held in collaboration with the Fijian Elections Office and Media Industry Development Authority, Director, Mr. Ashwin Raj spoke on the role of the Human Rights and Anti-Discrimination Commission and its constitutional mandate to build human rights culture in Fiji. He gave examples of children, persons with disabilities, LGBTI persons and foreign nationals seeking refugee status in Fiji, accessing services of the Commission to seek redress.

## Leadership Fiji

The Director also addressed reporters at Leadership Fiji event, providing a situational analysis of human rights in Fiji and elaborated on the role of the Commission and the challenges faced while dispensing its constitutional mandate.

## Business and Human Rights

The Commission through its Director, Mr. Ashwin Raj was represented at the Capacity Building for Stronger Seasonal Worker Program workshop organised by Australian Human Rights Commission which was held in Sydney.

The Director through a pre-recorded video, delivered his speech highlighting the need for businesses to take responsibility of preventing human rights violations and providing remedy to victims of human rights violation. Mr. Raj stated there is growing recognition that infraction of human rights is bad for businesses precisely because of the reputational risks and damages. They all make a very compelling case for business and human rights.

YOU  
ARE

Neither Greater  
Nor Lesser  
but EQUAL:  
Dignity,  
Equality  
and Freedom  
for all in Fiji



## Business and Human Rights

The plight of the seasonal workers from the Pacific working abroad, was highlighted in media and some of the grievances included allegations of mistreatment, verbal abuse by supervisors, exploitation and under-payment, denial of access to medical care, being under-fed, unable to move freely in the community including visiting family members, refusal of work breaks, denial of right to practice religion and harsh and repressive working conditions and little knowledge of their visa status.

National Human Rights Institutions (NHRIs) can use their mandate of carrying out independent investigations to encourage affected workers to lodge complaints. For instance, the Commission in 2016, investigated a case of human trafficking in relation to Filipino workers in Fiji whose passports were held by their employer for two years. The Constitutional safeguards against human trafficking must be supplemented by anti-trafficking policy as well as specific corporate strategies to prevent human rights violations particularly of women and children.

NHRIs can also facilitate access to remedies available in the event of infraction of human rights including mediation or litigation proceedings. It is imperative that government departments, agencies and statutory bodies that shape business practices are fully aware of and observe the state's human rights obligations. NHRIs can encourage states to develop specific legislations to ensure that they meet their human rights obligations as they pursue their economic objectives with their businesses by including relevant human rights provisions in business or investment treaties and contracts.

**Director, Mr. Ashwin Raj**





## Human Rights Training for Republic of Fiji Military Forces (RFMF), Fiji Police Force and Legal Aid Commission



Director, Mr. Ashwin Raj led a session on rights of arrested and detained persons for Regimental Sergeant Majors' course at the Government Training Centre in Nasese

The Commission provided human rights training to Republic of Fiji Military Forces (RFMF) officers on rights of arrested and detained persons and freedom from cruel and degrading treatment.

The Director Mr. Ashwin Raj while addressing the officers at the Regimental Sergeant Majors' course commended the Fijian Constitution in particular its Bill of Rights provisions, describing it as robust and progressive.

Mr Raj also commended the RFMF for its public undertaking to uphold the Fijian Constitution at all times. The Constitution, Mr. Raj said "belongs to all in Fiji regardless of their race, religion or ethnicity".

While speaking on Fiji's human rights obligations under international law, he also commended the RFMF for allowing independent institutions such

as the Fiji Police Force and the Human Rights and Anti-Discrimination Commission to carry out its investigations into human rights violations.

The Commission intends to work in partnership with the RFMF and the Fiji Police Force in developing a human rights and national security training manual. Officers attending the training also raised issues relating to discriminatory practices in relation to rental properties, freedom of religion, child rights and human rights advocacy programmes the Commission was engaged in. Similar trainings were also conducted with the Fiji Police Force during the year. Emphasis was placed on the administration of First-Hour-Procedure and rights of arrested and detained persons.

## Regional Police undergo training on First-Hour-Procedure



Director conducts a human rights training at the Fiji Police Force Investigative Interviewing Training of Trainers Course

Police officers from Fiji, Tonga, Samoa, Vanuatu and Nauru received human rights training during the Fiji Police Force Investigative Interviewing Training of Trainers Course on first-hour-procedure and video recording, organised by Fiji Police Force in Suva. Director, Mr. Ashwin Raj briefed the officers on human rights principles and on importance of administering first-hour-procedure to the arrested and detained persons.

## Training for Legal Aid Commission



Director, Mr. Ashwin Raj addressing the Legal Aid Commission lawyers at a workshop



Client satisfaction and treating them with respect and dignity should be key while serving them. This was a key message given by the Director, Mr. Ashwin Raj to Legal Aid Commission lawyers who were part of a workshop on customer care. Mr. Raj emphasized that public office-holders needed to be customer-orientated and compassionate when dealing with members of the public seeking their services. Public office-holders must discharge their duty respectfully and without discrimination at all times.

## Human Rights Training for Sex Workers



Director, Mr. Ashwin Raj with the Strumphet Alliance Network members at a workshop

Human rights values and principles of non-discrimination were at the centre of discussion at a workshop on sensitising Law Enforcement Agencies to understand rights of marginalised groups. Members of the Strumphet Alliance Network and Survival Advocacy Network Fiji (SAN) participated in the workshop with Director, Mr. Ashwin Raj as the guest speaker. Gender discrimination, use of violence, body searches and right to be free from cruel and degrading treatment were some issues highlighted by Mr. Raj during the workshop.

## Dialogue on Safeguards against Torture



Geneva, 13 September 2018: On the margins of the 39th session of the Human Rights Council, the Republic of Fiji and Convention against Torture Initiative (CTI) hosted an event on Safeguards against torture – the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in Fiji. This event took the form of a panel discussion followed by an interactive dialogue.

The Commission through its Director, Mr. Ashwin Raj was part of the Fijian delegation to attend and participate as a panelist at Fiji's side events at the 39<sup>th</sup> Session of the Human Rights Council. The Fijian delegation comprised of Fiji's Permanent Representative to the United Nations Office in Geneva, Hon. Chief Justice, Commissioner for Fiji Corrections Service, Executive Director Legal Aid Commission including Director, Human Rights Anti-Discrimination Commission. The Permanent Mission of the Republic of Fiji to the United Nations Office and other International Organisations in Geneva held two side events which were: *Safeguards against torture – Implementation of the Convention against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment in Fiji and Human Rights for prisoners – Implementing the Nelson Mandela Rules in Fiji.*

**It is imperative that every Fijian, irrespective of geography, race, ethnicity, religion, gender, sexual orientation gender identity and expression, age, socio-economic background, ideological dispositions and political proclivities knows that they have the right to have rights.**

## 20th Attorney- General's conference – 7th to 8th December 2018



Director for Environment Ms. Sandeep Singh, Chairman for the Human Rights and Anti-Discrimination Commission Hon. Mr. Justice Kamal Kumar, Head of Regional Delegation, International Committee on Red Cross Mr. Alfred Grimm, United Nations Special Rapporteur on Human Rights and the Environment Mr David Boyd and session chair Ms Suliana Taukei at the 20th Attorney-General's conference



Director, Mr. Ashwin Raj making an intervention at the 20th Attorney-General's conference panel on human rights and environment

Acting Chief Justice and the Chairperson of the Commission, Honourable Mr. Justice Kamal Kumar and the Director of the Commission, Mr. Ashwin Raj were both co-panelists at the 20<sup>th</sup> Attorney- General's conference in 2018.

Honourable Mr. Justice Kamal Kumar spoke on the subject: *The interdependence between human rights and the environment. Right to life, health, food, water and sanitation* while the Director's interventions were on the subject: *Troll Hunting in the 21<sup>st</sup> Century (Balancing the Rights of Speech and Safety)*.

## Human Rights and Elections



Director, Mr. Ashwin Raj in conversation with Hon. Prime Minister, Josaia Voreqe Bainimarama at the 2018 pre-Electoral event.

The Commission through its Director, Mr. Ashwin Raj worked closely with the Fijian Elections Office in both pre-electoral and post-electoral phases to educate and inform the voters as well as the political parties on their right to political participation. Mr. Raj addressed the joint forum on electoral processes which was attended by representatives of civil society organisations. The forum was organised by International Institute for Democracy and Electoral Assistance (International IDEA), Fijian Elections Office and the Commission.

**The Director Mr. Ashwin Raj while addressing the officers at the Regimental Sergeant Majors' course commended the Fijian Constitution in particular its Bill of Rights provisions, describing it as robust and progressive.**

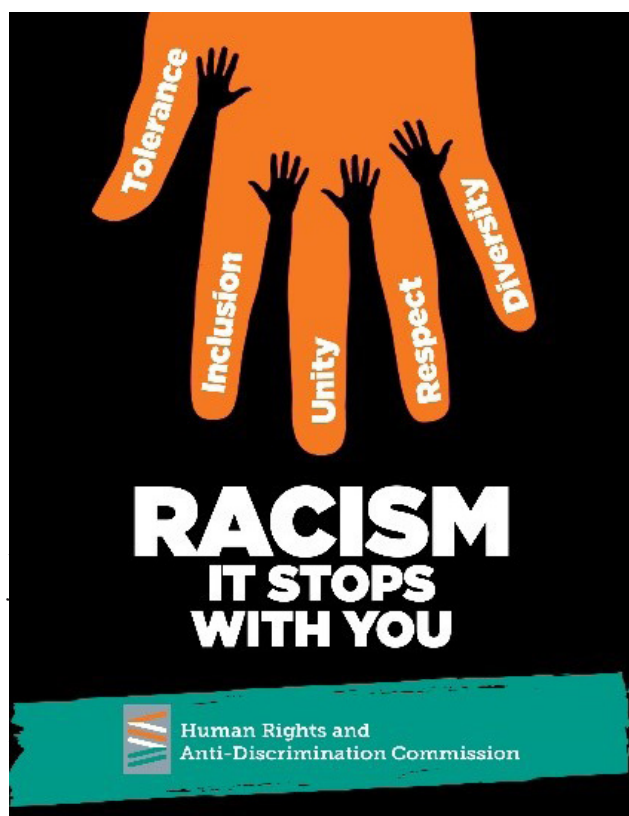


## Launch of the Election/Human Rights Brochure

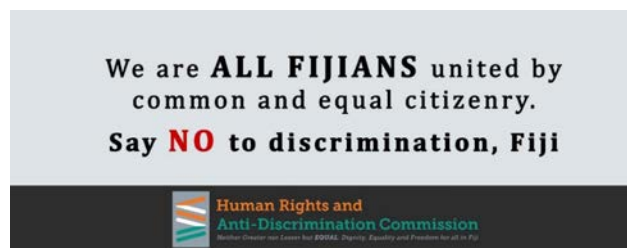


Supervisor of Elections, Mr. Mohammed Saneem, Director, Mr. Ashwin Raj and Chairperson for the Fijian Electoral Commission, Mr. Suresh Chandra at the joint launch of the Elections/Human Rights brochure

A brochure on elections and human rights was produced by the Commission and jointly launched with the Fijian Elections Office to educate voters as well as political parties on right to political participation, features of free and fair election, upholding minimum human rights standards during elections and information on the question of limitations to right to political participation. The event marked the collective goal to ensure that Fiji enjoys free, fair and credible elections and a peaceful transition into parliamentary democracy. The brochure was translated in Itaukei, Hindi, Rotuman, Chinese and Banaban languages and widely disseminated across the country.



## Sports and Human Rights



In an effort to promote human rights, equality and inclusion for all, a billboard with a message: *We are all Fijians united by common and equal citizenry – say no to discrimination Fiji*, was installed at the ANZ National Stadium, Suva prior to the popular sporting event, Deans Final 2018, held annually for secondary schools. The Commission strongly holds the view that sports can be used as a mode to build human rights culture in Fiji as sports endorses values such as respect for human dignity, fairness, equality and principles of non-discrimination.

## Human Rights wall in police stations and posters outlining the rights of the arrested and detained persons

The human rights walls which were established in police stations around the country were enhanced with the Commission producing *Rights of Arrested and Detained Person's Posters* in vernacular – Hindi, Rotuman and translating it in Chinese language. The poster outlines constitutional rights of the arrested and detained persons and with the translation of the poster in four different languages (Itaukei, Chinese, Hindi and Rotuman), a wider community will now be able to understand the constitutional rights of arrested and detained persons. The posters are displayed at police stations across the country and is useful when first-hour-procedure is administered to the suspects during caution interviews.



## Public Outreach



Manager Education and Advocacy (Acting), Laisiasa Rogoyawa conducts human rights training at a school

**Human rights advocacy continued in schools throughout Fiji with the education/advocacy team visiting 38 schools both in urban, rural, remote and maritime areas, educating students and teachers about their constitutional rights as well as engaging in discussions on bullying, corporal punishment, sexual abuse, principles of non-discrimination, use of social media and hate speech, right to education and rights of children.**

## Human rights education in schools

Date	School
23/01/2018	Nakavika District Primary School
08/03/2018	Lelean Memorial School
20/03/2018	Rambisessar Chaudhary Primary
22/03/2018	Nabua Secondary School
27/03/2018	Levuka Public School
04/04/2018	Nausori District Primary School
05/04/2018	Rampur College School
05/04/2018	Rampur Primary School
23/05/2018	Nasinu Secondary School
31/05/2018	Kia District Primary School
04/06/2018	Nacamaki District Primary School
05/06/2018	Koro High School
07/06/2018	Gau Secondary School
07/06/2018	Nacavanadi District Primary School
19/06/2018	Rotuma High School
20/06/2018	Rotuma High School
21/06/2018	Rotuma High School
27/06/2018	Bucalevu District Primary School
27/06/2018	Vunikavikaloa Arya Primary School
27/06/2018	Burotu Primary School
04/07/2018	Niusawa Methodist High School
05/07/2018	Cuvu College
06/07/2018	Niusawa Methodist Primary School
06/07/2018	South-Taveuni Secondary School
11/07/2018	Labasa College
13/07/2018	Savusavu Secondary School
19/07/2018	Tavua College
23/07/2018	Narocake District Primary School
25/07/2018	Gau Secondary School
25/07/2018	Sawaieke District Primary School
26/07/2018	Thomas Baker Memorial School
27/07/2018	Batiki District Primary School
27/07/2018	Natauloa District Primary School
30/07/2018	Nacamaki Primary School
31/07/2018	Nakodu Mudu Primary School
03/08/2018	Vunivasa District School
03/08/2018	Ratu Finau Secondary School
06/08/2018	Nabasovi District Primary School
08/08/2018	Bukama District Primary School
09/08/2018	Kade Village School

## Community Visits

The education and advocacy team visited **91** villages and communities in rural, remote and maritime areas across the country under the Rights, Empowerment, and Cohesion for Rural and Urban Fijians (REACH) initiative. REACH initiative aims to promote peace building, social cohesion and inclusiveness by awareness raising on social, economic and legal rights enshrined in the Fijian Constitution.

### Human rights awareness in villages under the Rights, Empowerment and Cohesion (REACH) Project

Date	Province	Village
23/01/2018	Namosi	Nakavika
22/03/2018	Lomaiviti	Navuloa – Bureta/Ovalau
22/03/2018	Lomaiviti	Naiviteitei – Bureta/Ovalau
23/03/2018	Lomaiviti	Tukuta Settlement - Lovoni
23/03/2018	Lomaiviti	Lovoni - Ovalau
24/03/2018	Lomaiviti	Wainiyaloka – Bureta/Ovalau
26/03/2018	Lomaiviti	Viro - Ovalau
27/03/2018	Lomaiviti	Nacobo - Ovalau
27/03/2018	Lomaiviti	Visoto - Ovalau
09/05/2018	Tailevu	Nabitu - Tokatoka
10/05/2018	Tailevu	Bau Island
30/05/2018	Macuata	Yaro – Kia Island
30/05/2018	Macuata	Ligau – Kia Island
31/05/2018	Macuata	Nakalou - Macuata
31/05/2018	Macuata	Naividamu - Macuata
01/06/2018	Kadavu	Kavala
03/06/2018	Lomaiviti	Nakodu – Koro Island
03/06/2018	Lomaiviti	Nacamaki – Koro Island
03/06/2018	Lomaiviti	Kade – Koro Island
04/06/2018	Kadavu	Muani
05/06/2018	Kadavu	Muani
06/06/2018	Lomaiviti	Qarani – Gau Island
06/06/2018	Lomaiviti	Navukeilagi – Gau Island
06/06/2018	Lomaiviti	Sawaieke – Gau Island
06/06/2018	Lomaiviti	Somosomo – Gau Island
06/06/2018	Lomaiviti	Nawaikama – Gau Island
06/06/2018	Kadavu	Nabukelevu-i-ra
07/06/2018	Kadavu	Nabukelevu-i-ra
08/06/2018	Kadavu	Nabukelevu-i-ra
02/07/2018	Ra	Duivosavosa Settlement
03/07/2018	Cakaudrove	Korovou – Taveuni Island
04/07/2018	Cakaudrove	Vidawa – Taveuni Island
05/07/2018	Cakaudrove	Waitabu – Taveuni Island
19/07/2018	Lomaiviti	Vanuaso – Gau Island



19/07/2018	Lomaiviti	Lekanai – Gau Island
21/07/2018	Lomaiviti	Qarani – Gau Island
21/07/2018	Lomaiviti	Vione – Gau Island
21/07/2018	Lomaiviti	Navukeilagi – Gau Island
23/07/2018	Lomaiviti	Lovu – Gau Island
23/07/2018	Lomaiviti	Vadravadra – Gau Island
23/07/2018	Lomaiviti	Yadua – Gau Island
24/07/2018	Lomaiviti	Levukaigau – Gau Island
24/07/2018	Lomaiviti	Nukuloa – Gau Island
25/07/2018	Lomaiviti	Nawaikama – Gau Island
25/07/2018	Lomaiviti	Somosomo – Gau Island
26/07/2018	Lomaiviti	Sawaieke – Gau Island
27/07/2018	Lomaiviti	Mua – Batiki Island
27/07/2018	Lomaiviti	Yavu – Batiki Island
27/07/2018	Lomaiviti	Naigani – Batiki Island
27/07/2018	Lomaiviti	Manuku – Batiki Island
27/07/2018	Lomaiviti	Natauloa – Nairai Island
27/07/2018	Lomaiviti	Waitoga – Nairai Island
27/07/2018	Lomaiviti	Vutuna – Nairai Island
27/07/2018	Lomaiviti	Lawaki – Nairai Island
27/07/2018	Lomaiviti	Tovulailai – Nairai Island
30/07/2018	Lomaiviti	Nacamaki – Koro Island
31/07/2018	Lomaiviti	Mudu – Koro Island
31/07/2018	Lomaiviti	Nakodu – Koro Island
01/08/2018	Lomaiviti	Namacu – Koro Island
02/08/2018	Lomaiviti	Vatulele – Koro Island
02/08/2018	Lomaiviti	Nabuna – Koro Island
06/08/2018	Lomaiviti	Nabasovi – Koro Island
06/08/2018	Lomaiviti	Tavua – Koro Island
06/08/2018	Yasawa/Ba	Yasawa-i-ra Island
07/08/2018	Lomaiviti	Navaga – Koro Island
07/08/2018	Yasawa/Ba	Bukama – Yasawa Islands
08/08/2018	Lomaiviti	Sinuvaca – Koro Island
08/08/2018	Lomaiviti	Naqaidamu – Koro Island
08/08/2018	Yasawa/Ba	Teci – Yasawa Islands
08/08/2018	Yasawa/Ba	Dalomo – Yasawa Islands
09/08/2018	Lomaiviti	Kade – Koro Island
09/08/2018	Yasawa/Ba	Tamusua – Yasawa Islands
09/08/2018	Yasawa/Ba	Nabukeru – Yasawa Islands
10/08/2018	Lomaiviti	Tuatua – Koro Island
11/08/2018	Yasawa/Ba	Navutoa – Yasawa Islands
13/08/2018	Lomaiviti	Nasau – Koro Island
13/08/2018	Yasawa/Ba	Nacula – Yasawa Islands
13/08/2018	Yasawa/Ba	Malakati – Yasawa Islands
14/08/2018	Yasawa/Ba	Naisilisili – Yasawa Islands

15/08/2018	Yasawa/Ba	Yaqeta – Yasawa Islands
16/08/2018	Yasawa/Ba	Vuaki – Yasawa Islands
17/08/2018	Yasawa/Ba	Matacawalevu – Yasawa Islands
20/08/2018	Yasawa/Ba	Gunu – Yasawa Islands
20/08/2018	Yasawa/Ba	Nasoqo – Yasawa Islands
21/08/2018	Yasawa/Ba	Somosomo – Yasawa Islands
22/08/2018	Yasawa/Ba	Marou – Yasawa Islands
22/08/2018	Yasawa/Ba	Malevu – Yasawa Islands
23/08/2018	Yasawa/Ba	Kese – Yasawa Islands
23/08/2018	Yasawa/Ba	Muaira – Yasawa Islands
24/08/2018	Yasawa/Ba	Soso – Yasawa Islands

## Raising Visibility through Media

The media plays a fundamental role in building awareness about human rights and promoting greater visibility of the work of the Commission. The Commission engaged all media platforms –print, broadcast and digital (social media) in its efforts to generate greater discussions about human rights.

2018 saw vigorous media engagement on pressing issues such as right to political participation, Fiji's victory to the United Nations Human Rights Council, rights of the LGBTQ persons, campaign against racism on prohibited grounds of discrimination, online safety bill, sex offenders' registration bill, police brutality and hate speech on social media platforms during pre-electoral and post-electoral phases.

Director also participated in live radio and television shows on key human rights challenges and on hate speech and right to political participation in the build up to the 2018 General Election.

## Media Coverage in 2018

### Newspapers

Date	Article Title	Fiji Times	Fiji Sin
25/01/2018	The right to vote <a href="https://www.fjisun.com.fj/2018/01/25/raj-no-one-has-right-to-decide-for-others/">fjisun.com.fj/2018/01/25/raj-no-one-has-right-to-decide-for-others/</a>		✓
25/01/2018	Human Rights Raj: No One Has Right to Decide for Others <a href="https://www.fjisun.com.fj/2018/01/25/raj-no-one-has-right-to-decide-for-others/">fjisun.com.fj/2018/01/25/raj-no-one-has-right-to-decide-for-others/</a>		✓
29/01/2018	Police probe assault claims <a href="http://www.fjitime.com/story.aspx?id=432144">www.fjitime.com/story.aspx?id=432144</a>	✓	
06/02/2018	Raj questions Prasad for Condemning Temple talk <a href="https://www.pressreader.com/fiji/fiji-sun/20180206/281547996341878">https://www.pressreader.com/fiji/fiji-sun/20180206/281547996341878</a>		✓
08/02/2018	Hate Talk Uproar <a href="https://www.fjisun.com.fj/2018/02/08/hate-talk-uproar/">fjisun.com.fj/2018/02/08/hate-talk-uproar/</a>		✓
09/02/2018	New Row over hate talk FHRADC Director alleges he was threatened and plans legal action <a href="https://www.fjisun.com.fj/2018/02/09/new-row-over-hate-talk/">fjisun.com.fj/2018/02/09/new-row-over-hate-talk/</a>		✓
13/02/2018	Raj : Journalists must verify information <a href="https://www.fjisun.com.fj/2018/02/13/raj-journalists-must-verify-information/">fjisun.com.fj/2018/02/13/raj-journalists-must-verify-information/</a>		✓
13/02/2018	Hate speech will not be tolerated : Qiliho <a href="https://www.fjisun.com.fj/2018/02/13/hate-speech-will-not-be-tolerated-qiliho/">fjisun.com.fj/2018/02/13/hate-speech-will-not-be-tolerated-qiliho/</a>		✓
13/02/2018	UN Human Rights Chief “improve Talanoa” <a href="http://www.fjitime.com/story.aspx?id=434361">www.fjitime.com/story.aspx?id=434361</a>	✓	
13/02/2018	UN to stand by Fiji <a href="http://www.fjitime.com/story.aspx?id=434405">www.fjitime.com/story.aspx?id=434405</a>	✓	
13/02/2018	UN Human rights will help <a href="http://www.fjitime.com/story.aspx?id=434465">www.fjitime.com/story.aspx?id=434465</a>	✓	
21/02/2018	Pivotal for media to ensure free fair credible election <a href="http://www.fjitime.com/story.aspx?id=435320">www.fjitime.com/story.aspx?id=435320</a>	✓	
20/02/2018	Human rights Commissioner listened to polyphony of dissenting voices : Raj <a href="http://www.fjitime.com/story.aspx?id=435299">www.fjitime.com/story.aspx?id=435299</a>	✓	
21/02/2018	Raj responds to criticism <a href="http://www.fjitime.com/story.aspx?id=435319">fjitime.com/story.aspx?id=435319</a>	✓	
22/02/2018	Police brutality claims <a href="http://www.fjitime.com/story.aspx?id=435420">www.fjitime.com/story.aspx?id=435420</a>	✓	

22/02/2018	Fiji Human Rights Commission is Independent <a href="https://www.pressreader.com/fiji/fiji-sun/20180222/281706910163667">https://www.pressreader.com/fiji/fiji-sun/20180222/281706910163667</a>		✓
23/02/2018	Raj: Commission prepares for probe	✓	
23/02/2018	Brutality claim <a href="http://www.fjtimes.com">www.fjtimes.com</a> › Archives › Article Index	✓	
23/02/2018	Raj fires back at Rabuka : I won't stand down	✓	
24/02/2018	Lawyer to lodge complaint <a href="http://www.fjtimes.com/story.aspx?id=435723">www.fjtimes.com/story.aspx?id=435723</a>	✓	
24/02/2018	Street Talk – What do you think is the role of the Fiji Human Rights and Anti-Discrimination?	✓	
27/02/2018	Raj: Need for use of force policy <a href="http://www.fjtimes.com/story.aspx?id=436017">www.fjtimes.com/story.aspx?id=436017</a>	✓	
05/03/2018	Discrimination and HIV <a href="http://www.fjtimes.com.fj/story.aspx?id=436755">www.fjtimes.com.fj/story.aspx?id=436755</a>	✓	
21/03/2018	Racism IT STOPS WITH YOU –Poster	✓	✓
25/03/2018	Call for equal rights and dignity <a href="http://www.fjtimes.com/story.aspx?id=439249">www.fjtimes.com/story.aspx?id=439249</a>	✓	
25/03/2018	Raj: We have Come A Long Way <a href="http://fjisun.com.fj/2018/03/25/raj-we-have-come-a-long-way/">fjisun.com.fj/2018/03/25/raj-we-have-come-a-long-way/</a>		✓
28/03/2018	Sex Offenders to be registered for Life <a href="http://www.fjtimes.com/story.aspx?id=439592">www.fjtimes.com/story.aspx?id=439592</a>	✓	
09/04/2018	Call for equality <a href="http://www.fjtimes.com/story.aspx?id=441085">www.fjtimes.com/story.aspx?id=441085</a>	✓	
14/04/2018	Raj: Right to be free 'Law must look at stigma' <a href="http://www.fjtimes.com/story.aspx?id=441710">www.fjtimes.com/story.aspx?id=441710</a>	✓	
14/04/2018	Raj: Bill must be weighed carefully <a href="http://fjisun.com.fj/2018/04/14/raj-bill-must-be-weighed-carefully/">fjisun.com.fj/2018/04/14/raj-bill-must-be-weighed-carefully/</a>		✓
17/04/2018	Stakeholders share ideas on rural development policy <a href="http://fjisun.com.fj/2018/04/17/stakeholders-share-ideas-on-rural-development-policy/">fjisun.com.fj/2018/04/17/stakeholders-share-ideas-on-rural-development-policy/</a>		✓
24/04/2018	Judge dismisses strike-out application by A-G's office <a href="http://fjisun.com.fj/2018/04/24/judge-dismisses-strike-out-application-by-a-gs-office/">fjisun.com.fj/2018/04/24/judge-dismisses-strike-out-application-by-a-gs-office/</a> - Legal Officer		✓
25/04/2018	Nude photos go viral <a href="http://www.fjtimes.com/nude-photos-go-viral/">www.fjtimes.com/nude-photos-go-viral/</a>	✓	
25/04/2018	Nude photos uproar <a href="http://fjisun.com.fj/2018/04/25/nude-photos-uproar/">fjisun.com.fj/2018/04/25/nude-photos-uproar/</a>		✓

30/04/2018	\$50k fine for breach –Raj <a href="http://www.fijitimes.com/media-companies-face-50k-fine/">www.fijitimes.com/media-companies-face-50k-fine/</a>	✓	
01/05/2018	Freedom of Speech- not an absolute right <a href="https://www.mailife.com.fj">https://www.mailife.com.fj</a> > Latest News	Mailife	
02/05/2018	Online Safety Bill nothing to do with political ambition says Raj <a href="http://fijitimes.com.fj/bill-not-about-political-ambition-says-raj/">fijitimes.com.fj/bill-not-about-political-ambition-says-raj/</a>	✓	
02/05/2018	Raj Defends Online Bill <a href="http://fjijun.com.fj/2018/05/02/raj-defends-online-bill/">fjijun.com.fj/2018/05/02/raj-defends-online-bill/</a>		✓
05/05/2018	Human Rights Director Raj supports Treaties Ratification <a href="http://fjijun.com.fj/2018/05/05/human-rights-director-raj-supports-treaties-ratification/">fjijun.com.fj/2018/05/05/human-rights-director-raj-supports-treaties-ratification/</a>		✓
05/05/2018	Human Rights Commission seeks ratification of international ... <a href="https://www.mailife.com.fj">https://www.mailife.com.fj</a> > Latest News	Mailife	
06/05/2018	Press freedom comes with responsibility party there is no room for improvement	✓	
07/05/2018	Registry lacks level of offences	✓	
10/05/2018	REACH programs Fijians attend awareness provided services	✓	
	Reach Programme assist more <a href="http://fjijun.com.fj/2018/05/10/reach-programme-assists-more-than-18000/">fjijun.com.fj/2018/05/10/reach-programme-assists-more-than-18000/</a>		✓
16/05/2018	Human rights body chief takes on SODELPA Leader <a href="http://fjijun.com.fj/2018/05/16/human-rights-body-chief-takes-on-sodelpa-leader/">fjijun.com.fj/2018/05/16/human-rights-body-chief-takes-on-sodelpa-leader/</a>		✓
16/05/18	ICCPR and ICESR to strengthen interpretation provisions of Bill of Rights <a href="http://www.fijitimes.com/iccpr-and-icesr-to-strengthen-interpretation-provisions-of-bill-of-ri...">www.fijitimes.com/iccpr-and-icesr-to-strengthen-interpretation-provisions-of-bill-of-ri...</a>	✓	
17/05/2018	Online safety bill passed <a href="http://www.fijitimes.com/online-safety-bill-passed/">www.fijitimes.com/online-safety-bill-passed/</a>	✓	
18/05/2018	Commission supports ratification of covenants	✓	
21/05/2018	Fiji Hindi breaks down barriers says Raj	✓	
29/05/2018	Ashwin Raj praises Fijian Constitution, says progressive <a href="http://fjijun.com.fj/2018/05/29/ashwin-raj-praises-fijian-constitution-says-progressive/">fjijun.com.fj/2018/05/29/ashwin-raj-praises-fijian-constitution-says-progressive/</a>		✓
30/05/2018	Meet on LGBTQI rights	✓	
31/05/2018	Human Rights Conference Sofitel Resort Denarau Island Nadi <a href="http://fjijun.com.fj/.../pacific-human-rights-conference-2018-at-the-sofitel-fiji-resort-and-s...">fjijun.com.fj/.../pacific-human-rights-conference-2018-at-the-sofitel-fiji-resort-and-s...</a>		✓



02/06/2018	Raj on raid at Commission no one is above the law <a href="http://fjijisun.com.fj/2018/06/02/raj-on-raid-at-commission-no-one-is-above-the-law/">fjijisun.com.fj/2018/06/02/raj-on-raid-at-commission-no-one-is-above-the-law/</a>		✓
02/06/2018	Fight for equal rights	✓	
04/06/2018	Ratify Convention	✓	
19/06/2018	Women need information tools to build business – Women's Expo <a href="http://fjijisun.com.fj/2018/06/.../women-need-information-tools-to-build-business-vuniwaqa/">fjijisun.com.fj/2018/06/.../women-need-information-tools-to-build-business-vuniwaqa/</a>		✓
19/06/2018	Group Pic Empowering new women entrepreneurs		✓
07/07/2018	Brochure Launched pamphlet to help voters understand about human rights and election D <a href="http://www.fjijitimes.com/human-rights-and-election-brochures-launched/">www.fjijitimes.com/human-rights-and-election-brochures-launched/</a>	✓	
07/07/2018	Your Right to vote is a Human Right brochure was in the Fiji Times papers on Saturday	✓	✓
12/07/2018	A progressive realization of socio-economic rights <a href="http://fjijisun.com.fj/2018/07/12/analysis-a-progressive-realisation-of-socio-economic-rights/">fjijisun.com.fj/2018/07/12/analysis-a-progressive-realisation-of-socio-economic-rights/</a>		✓
19/07/2018	Commission Looks into brutality claims <a href="http://www.fjijitimes.com.fj/commission-looks-into-brutality-claim/">www.fjijitimes.com.fj/commission-looks-into-brutality-claim/</a>	✓	
07/08/2018	It's a National disgrace says Human Rights boss <a href="http://www.fbc.com.fj/fiji/67019/it's-a-national-disgrace-says-human-rights-boss">www.fbc.com.fj/fiji/67019/it's-a-national-disgrace-says-human-rights-boss</a>	✓	
08/08/2018	National consultation highlights LGBTQI challenges LGBTQI action plan (Group Pic) <a href="http://www.fjijitimes.com/national-consultation-highlights-lgbtqi-challenges/">www.fjijitimes.com/national-consultation-highlights-lgbtqi-challenges/</a>		
07/08/2018 to 13/08/2018	Shanti Dutt – Launch of the Elections/Human Rights brochure	Shanti Dutt	
3 / 0 7 / 2 0 1 8 -06/07/ 2018	Shanti Dut article with the Electoral Commissioner Suresh Chandra	Shanti Dutt	
13/08/2018	HRADC welcomes Electoral Act modification <a href="http://fijilive.com/news/2018/08/hradc-welcomes-electoral-act-modification/64490.Fijilive">fijilive.com/news/2018/08/hradc-welcomes-electoral-act-modification/64490.Fijilive</a>	Fijilive	
18/08/2018	Why We Must Speak Out Against Racism and Bigotry <a href="http://fjijisun.com.fj/2018/08/18/why-we-must-speak-out-against-racism-and-bigotry/">fjijisun.com.fj/2018/08/18/why-we-must-speak-out-against-racism-and-bigotry/</a>		✓
24/08/2018	Racial profiling questioned by Commission <a href="http://fjijisun.com.fj/2018/08/24/racial-profiling-questioned-by-commission/">fjijisun.com.fj/2018/08/24/racial-profiling-questioned-by-commission/</a>		✓
29/08/2018	Concerns over Racial profiling <a href="http://www.fjijitimes.com/concern-over-racial-profiling/">http://www.fjijitimes.com/concern-over-racial-profiling/</a>	✓	

22/09/2018	Chairperson and Members of Human and Anti-Discrimination Commission Appointed <a href="http://fijisun.com.fj/2018/09/22/chairperson-and-members-of-human-and-anti-discrimination-commission-appointed/">http://fijisun.com.fj/2018/09/22/chairperson-and-members-of-human-and-anti-discrimination-commission-appointed/</a>		✓
22/09/2018	Fiji CTI host side event on safeguards against torture <a href="http://fijisun.com.fj/2018/09/22/fiji-cti-host-side-event-on-safeguards-against-torture/">fijisun.com.fj/2018/09/22/fiji-cti-host-side-event-on-safeguards-against-torture/</a>		✓
24/09/2018	President appoints Commission members <a href="http://www.fbc.com.fj/fiji/68853/president-appoints-commission-members">www.fbc.com.fj/fiji/68853/president-appoints-commission-members</a>	✓	
02/10/2018	Social Media Posting Of 165 Names And Residential Addresses By A SODELPA Aide Condemned <a href="https://fijisun.com.fj/2018/10/02/social-media-posting-of-165-names-and-residential-addresses-by-a-sodelpa-aide-condemned/">https://fijisun.com.fj/2018/10/02/social-media-posting-of-165-names-and-residential-addresses-by-a-sodelpa-aide-condemned/</a>		
13/10/2018	Fiji elected to UN human rights council <a href="https://www.fijitimes.com.fj/fiji-elected-to-un-human-rights-council/">https://www.fijitimes.com.fj/fiji-elected-to-un-human-rights-council/</a>		
14/10/2018	Raj Praises Quick Police Decision To Probe Death <a href="http://fijisun.com.fj/2018/10/14/raj-praises-quick-police-decision-to-probe-death/">http://fijisun.com.fj/2018/10/14/raj-praises-quick-police-decision-to-probe-death/</a>		
14/10/2018	Fiji, First In Pacific To Be In UN Human Rights Council <a href="http://fijisun.com.fj/2018/10/14/fiji-first-in-pacific-to-be-in-un-human-rights-council/">http://fijisun.com.fj/2018/10/14/fiji-first-in-pacific-to-be-in-un-human-rights-council/</a>		
18/10/2018	Qiliho, Raj Hit Out At Attack On Police Officer <a href="http://fijisun.com.fj/2016/11/18/qiliho-raj-hit-out-at-attack-on-police-officer/">http://fijisun.com.fj/2016/11/18/qiliho-raj-hit-out-at-attack-on-police-officer/</a>		
09/12/2018	Online Safety Act to keep children safe		

## Television/Radio Coverage

Date	Subject	Media
24/01/2018	The right to Vote –Make your own choices when voting : Raj-FBC <a href="http://www.fbc.com.fj/fiji/58971/make-you-own-choices-when-voting-raj">www.fbc.com.fj/fiji/58971/make-you-own-choices-when-voting-raj</a>	FBC
24/01/2018	People need to participate freely in Elections : Raj – FBC News <a href="http://www.fbc.com.fj/fiji/58977/people-need-to-participate-freely-in-elections-raj">www.fbc.com.fj/fiji/58977/people-need-to-participate-freely-in-elections-raj</a>	FBC
09/02/2018	Complaint lodged against NFP provisional candidate - –BC News <a href="http://www.fbc.com.fj/fiji/59627/complaint-lodged-against-nfp-provisional-candidate-">www.fbc.com.fj/fiji/59627/complaint-lodged-against-nfp-provisional-candidate-</a>	FBC

11/02/2018	Hate speech cannot be blanket under <a href="http://www.fbc.com.fj/.../hate-speech-cannot-be-blanket-under...">http://www.fbc.com.fj/.../hate-speech-cannot-be-blanket-under...</a> <a href="#">#HateSpeechcannotbeblanketunderfreedomofExpressionRaj...</a>	FBC
12/02/2018	Conduct of NFP Provisional Candidates questioned <a href="http://www.fbc.com.fj/fiji/59660/conduct-of-nfp-provisional-candidates-questioned">www.fbc.com.fj/fiji/59660/conduct-of-nfp-provisional-candidates-questioned</a>	FBC
12/02/2018	NFP endorses claims of PM being involved in Temple desecration <a href="http://www.fbc.com.fj/fiji/.../nfp-endorses-claims-of-pm-being-involved-in-temple-desecrati">www.fbc.com.fj/fiji/.../nfp-endorses-claims-of-pm-being-involved-in-temple-desecrati</a> .	FBC
16/02/2018	Caution urged when legislation against hate speech <a href="http://www.fbc.com.fj/.../caution-urged-when-legislating-against-hate-speech;-un-commissi...">www.fbc.com.fj/.../caution-urged-when-legislating-against-hate-speech;-un-commissi...</a>	FBC
21/02/2018	Ashwin Raj says Human Rights Commission is Independent and truly autonomous <a href="http://fjivillage.com/.../Ashwin-Raj-says-Human-Rights-Commission-is-independent-and-tr...">fjivillage.com/.../Ashwin-Raj-says-Human-Rights-Commission-is-independent-and-tr...</a>	CFL
21/02/2018	Media should be fully empowered : Raj <a href="http://www.fbc.com.fj/fiji/60102/media-should-be-fully-empowered-raj">www.fbc.com.fj/fiji/60102/media-should-be-fully-empowered-raj</a>	FBC
21/02/2018	Media should be fully empowered : Raj <a href="http://www.fbc.com.fj/fiji/60102/media-should-be-fully-empowered-raj">www.fbc.com.fj/fiji/60102/media-should-be-fully-empowered-raj</a>	FBC
21/02/2018	Ashwin Raj should just focus on his job Chaudhary <a href="http://fjivillage.com/news/Ashwin-Raj-should-just-focus-on-his-job---Chaudhry-k5s9r2/">fjivillage.com/news/Ashwin-Raj-should-just-focus-on-his-job---Chaudhry-k5s9r2/</a>	CFL
21/02/2018	Raj insists Fiji Human Rights Commission is Independent <a href="https://www.radionz.co.nz/international/pacific-news/350917/raj-insists-fiji-human-rights-commission-is-independent">https://www.radionz.co.nz/international/pacific-news/350917/raj-insists-fiji-human-rights-commission-is-independent</a>	Radio NZ
22/02/2018	I work for the ordinary citizen : Raj <a href="http://www.fbc.com.fj/fiji/60182/i-work-for-the-ordinary-citizens-raj">www.fbc.com.fj/fiji/60182/i-work-for-the-ordinary-citizens-raj</a>	FBC
27/02/2018	Balancing media responsibility with free speech rights in the pacific <a href="http://www.abc.net.au/.../pacific.../balancing-media-responsibility-with-free-speech/948805">www.abc.net.au/.../pacific.../balancing-media-responsibility-with-free-speech/948805</a>	Pacific Beat ABC News
11/03/2018	CLOSE UP Media and Elections	Fiji TV
25/03/2018	Racism stops with you : Ashwin Raj <a href="http://www.fbc.com.fj/fiji/61500/racism-stops-with-you-ashwin-raj-">www.fbc.com.fj/fiji/61500/racism-stops-with-you-ashwin-raj-</a>	FBC
25/03/2018	Racism –It stops with you! Ashwin Raj <a href="http://fjivillage.com/news/Racism----stops-with-you---hwin-Raj-952skr/">fjivillage.com/news/Racism----stops-with-you---hwin-Raj-952skr/</a>	CFL

28/03/2018	Corporal Punishment is not acceptable as it is against the best interest of the student -R-j <a href="http://fijivillage.com/news/Corporal-punishment-is-not-acceptable-as-it-is-against-the-best-interest-of-the-student---Raj-k52sr9/">http://fijivillage.com/news/Corporal-punishment-is-not-acceptable-as-it-is-against-the-best-interest-of-the-student---Raj-k52sr9/</a>	CFL
30/03/2018	Speak Your Mind Racism <a href="https://www.youtube.com/watch?v=1ZH114YoCwc">https://www.youtube.com/watch?v=1ZH114YoCwc</a>	FBC
03/04/2018	Regulate social media comments <a href="http://www.fbc.com.fj/fiji/49572/regulate-social-media-comments">www.fbc.com.fj/fiji/49572/regulate-social-media-comments</a>	FBC
24/04/2018	Seasonal Worker Program capacity building Workshop Australian Human Rights Commission 23-24 <sup>th</sup> April 2018 <a href="https://m.facebook.com/story.php?story_fbid=2056497951283988&amp;id=1846655305601588">https://m.facebook.com/story.php?story_fbid=2056497951283988&amp;id=1846655305601588</a>	
25/04/2018	Ashwin Raj speaks on nude images <a href="http://www.fbc.com.fj/fiji/62815/ashwin-raj-speaks-out-on-nude-images">www.fbc.com.fj/fiji/62815/ashwin-raj-speaks-out-on-nude-images</a>	FBC
01/05/2018	<u>Online Safety Bill will not hinder freedom of expression: Raj</u> FBC News <a href="http://www.fbc.com.fj/fiji/63042/online-safety-bill-will-not-hinder-freedom-of-expression-raj">www.fbc.com.fj/fiji/63042/online-safety-bill-will-not-hinder-freedom-of-expression-raj</a>	FBC
03/05/2018	<u>Democracy is not robbing people of their right to dignity</u> <a href="http://fijivillage.com/.../Democracy-is-not-robbing-people-of-their-right-to-dignity---Ashwi...">fijivillage.com/.../Democracy-is-not-robbing-people-of-their-right-to-dignity---Ashwi...</a>	CFL
05/05/2018	Ratify covenants: Human Rights Commission <a href="http://fijivillage.com/.../Human-Rights-Commission-recommends-Fiji-ratify-two-covenants-...">fijivillage.com/.../Human-Rights-Commission-recommends-Fiji-ratify-two-covenants-...</a>	CFL
05/05/2018	HRADC recommends ratification <a href="http://www.fbc.com.fj/fiji/63186/hradc-recommends-ratifying-two-covenants">www.fbc.com.fj/fiji/63186/hradc-recommends-ratifying-two-covenants</a>	FBC
05/05/2018	Ratification of ICCPR <a href="https://www.fijione.tv/.../ratify-the-international-covenant-on-civil-political-rights-inte...">https://www.fijione.tv/.../ratify-the-international-covenant-on-civil-political-rights-inte...</a>	Fiji TV
05/05/2018	Ratify the international covenants <a href="https://www.fijione.tv/news-posts/ratify-the-international-covenant-on-civil-political-rights-international-covenant-on-economic-social-cultural-rights-raj/">https://www.fijione.tv/news-posts/ratify-the-international-covenant-on-civil-political-rights-international-covenant-on-economic-social-cultural-rights-raj/</a>	Fiji TV
15/05/2018	Rabuka's view remains the same as 1987 Raj <a href="http://www.fbc.com.fj/fiji/63619/rabuka%E2%80%99s-view-remains-the-same-as-1987-raj">http://www.fbc.com.fj/fiji/63619/rabuka%E2%80%99s-view-remains-the-same-as-1987-raj</a>	FBC
15/05/2018	Rabuka is still making the same argument about race which he was doing in 1987 D <a href="http://fijivillage.com/news-feature/Rabuka-is-still-making-the-same-argument-about-race-which-he-was-doing-in-1987---Raj-s9rk25/">http://fijivillage.com/news-feature/Rabuka-is-still-making-the-same-argument-about-race-which-he-was-doing-in-1987---Raj-s9rk25/</a>	CFL

19/05/2018	Maintain mother tongue is vital D <a href="http://www.fbc.com.fj/fiji/63800/maintain-mother-tongue-is-vital-">www.fbc.com.fj/fiji/63800/maintain-mother-tongue-is-vital-</a>	FBC
25/05/2018	I will not stop from speaking out against racism <a href="http://fjivillage.com/news/I-will-not-stop-from-speaking-out-against-racism---Raj-r259sk">fjivillage.com/news/I-will-not-stop-from-speaking-out-against-racism---Raj-r259sk</a>	CFL
04/07/2018	Housing ethnic discrimination. Fijians to be offered services fairly <a href="https://www.youtube.com/watch?v=wWInfVMNIO4">https://www.youtube.com/watch?v=wWInfVMNIO4</a>	FBC
05/07/2018	Human Rights Commission to take action against discriminatory practices <a href="http://fjivillage.com/.../Human-Rights-Commission-to-take-action-against-discriminatory-pr...">fjivillage.com/.../Human-Rights-Commission-to-take-action-against-discriminatory-pr...</a>	CFL
06/07/2018	Investigation underway for a caretaker and landlord <a href="http://www.fbc.com.fj/fiji/65643/investigation-underway-for-a-caretaker-and-landlord">www.fbc.com.fj/fiji/65643/investigation-underway-for-a-caretaker-and-landlord</a>	FBC
06/07/2018	Landlords under spotlight <a href="http://www.fbc.com.fj/fiji/65595/landlords-under-spotlight">www.fbc.com.fj/fiji/65595/landlords-under-spotlight</a>	FBC
06/07/2018	Launch of the Human Rights/Elections Brochure <a href="https://www.youtube.com/watch?v=GciNyViKFgg">https://www.youtube.com/watch?v=GciNyViKFgg</a>	FBC
07/08/2018	Ashwin Raj ;A national disgrace <a href="https://www.youtube.com/watch?v=HrjWVghCiY0">https://www.youtube.com/watch?v=HrjWVghCiY0</a>	FBC
11/08/2018	HRADC welcomes FEO move <a href="http://www.fbc.com.fj/fiji/67171/hradc-welcomes-feo-move">www.fbc.com.fj/fiji/67171/hradc-welcomes-feo-move</a>	FBC
13/08/2018	Fijian Elections office News –interview	FEO website
25/08/2018	Ashwin Raj –Elections campaigns to be clean.	FBC
27/08/2018	Fijians should look into each political party's policies AG <a href="http://www.fbc.com.fj/fiji/67780/fijians-should-look-into-each-political-party's-policies-ag">www.fbc.com.fj/fiji/67780/fijians-should-look-into-each-political-party's-policies-ag</a>	FBC
27/08/2018	Police investigate knowledge tool launched <a href="http://www.fbc.com.fj/fiji/67786/police-investigative-knowledge-tool-launched">www.fbc.com.fj/fiji/67786/police-investigative-knowledge-tool-launched</a>	FBC
07/09/2018	Fiji to be part of the Human rights Council –Gender equality Climate change and human rights <a href="https://www.youtube.com/watch?v=5fDwriMp8Hs">https://www.youtube.com/watch?v=5fDwriMp8Hs</a>	Fiji TV
09/09/2018	Fiji ramps up Candidacy campaign for seat on the UNHRC <a href="http://www.fbc.com.fj/fiji/68161/fiji-ramps-up-candidacy-campaign-for-seat-on-the-unhrc-">www.fbc.com.fj/fiji/68161/fiji-ramps-up-candidacy-campaign-for-seat-on-the-unhrc-</a>	FBC
22/09/2018	Justice Kumar appointed as Chairperson of the Human Rights and Anti – Discrimination Commission <a href="http://fjivillage.com/.../Justice-Kumar-appointed-as-Chairperson-of-the-Human-Rights-and-...">fjivillage.com/.../Justice-Kumar-appointed-as-Chairperson-of-the-Human-Rights-and-...</a>	CFL



## Statistics for Education and Advocacy Section 2018

MONTH	MAP	FAP	LGBTIQ	MST	FST	MT	FT	MYP	FYP	MCP	FCP	TOTAL PER/MONTH
JANUARY	28	-		14	16	1	1	4	-	7	9	80
FEBRUARY	8	4		20	52	-	1	-	-	-	-	85
MARCH	200	179		1,909	2,066	76	66	-	-	9	8	4,513
APRIL	-	-		784	647	45	59	-	-	-	-	1,535
MAY	178	169		18	15	15	29	14	18	27	22	505
JUNE	440	410		954	1,017	65	74	-	-	1	11	2,984
JULY	296	243	68	3,282	3,798	58	78	155	167	-	-	8,145
AUGUST	637	577		111	123	6	8	78	96	18	5	1,659
SEPTEMBER	-	-		-	-	-	-	-	-	-	-	-
OCTOBER	74	18		-	-	-	-	-	-	-	-	92
NOVEMBER	-	-		-	-	-	-	-	-	-	-	-
DECEMBER	207	166		-	-	-	-	-	-	-	-	373
SUB-TOTAL	2,068	1,766		7,092	7,734	266	316	251	281	74	55	
TOTAL	3,834		68	14,826		582		532		129		19,971
GRAND-TOTAL	19,971											

\*KEY – MAP (Male Adult Participant), FAP (Female Adult Participant), MST (Male Student), FST (Female Student), MT (Male Teacher), FT (Female Teacher), MYP (Male Youth Participant), FYP (Female Youth Participant), MCP (Male Child Participant), FCP (Female Child Participant).

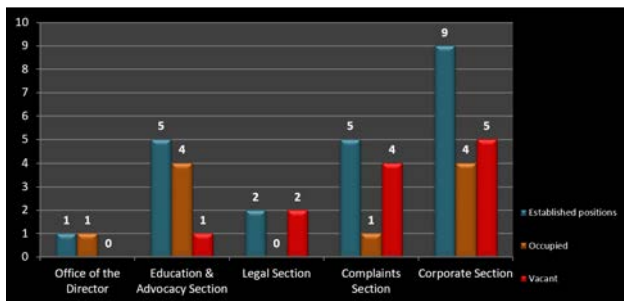
**The Commission reached out to 19,971 Fijians in 2018 through advocacy programmes in schools, villages, informal settlements and communities and by engaging with civil society organisations, youth groups and development partners to promote human rights education, in particular, reaching out to the vulnerable in remote and maritime areas.**

# Goal 4 – Institutional Strengthening

## Workforce

The primary role of the Corporate Section is to provide effective and efficient administrative support and direction to all sections of the Commission. This includes Budget submissions, development of Annual Corporate Plan, project management, training and development needs and analysis, occupational safety and security compliance, registry management, communications, logistics, office accommodations and human capital management. The Corporate Section is currently led by Manager Corporate (Acting) Parmeshwaran Prasad and supported by Accountant (Acting) Varanisesse Dominiko, Receptionist/Administration Assistant Manu Pulotu and Driver/Messenger Marika Tabaki.

## Workforce Placement



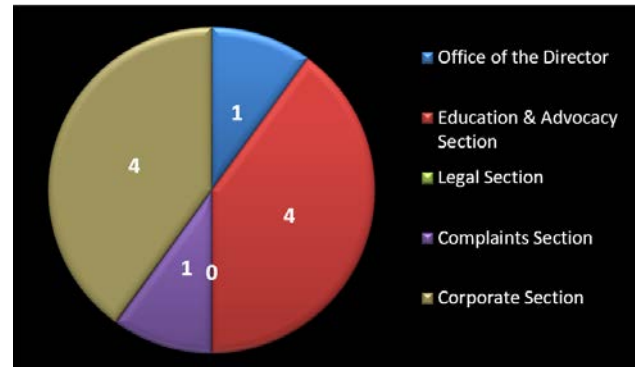
With a combined workforce of 10 staff (45% capacity), the Commission was able to dispense with its constitutional mandate, delivering on its corporate and business objectives.

## Merit Recruitment & Selection

Recruitment and Selection is premised on the long-listing of all applicants followed by a Point Scoring System where applicants meeting the minimum qualification requirement for the position are short-listed by the Director and submitted to the Commission Board for its final decision for interviews. Since the implementation of the Open

Merit Recruitment and Selection Policy, the selection of potential candidates is based on a transparent process and criteria. Candidates are assessed on their knowledge, experience, skills and abilities (KESA).

## Human Capital Deployment Analysis



## Training and Quality Management

The workforce training and development initiative is a testament of the Commission's commitment towards its people. The Commission took a significant step by sponsoring the Accountant and the Manager Corporate to undertake financial risk analysis and modelling workshop in Malaysia in an effort to strengthen its governance practices and processes.

The Commission encourages its staff to attend and acquire further qualifications to address skill deficiencies and to ensure optimal performance of each staff.

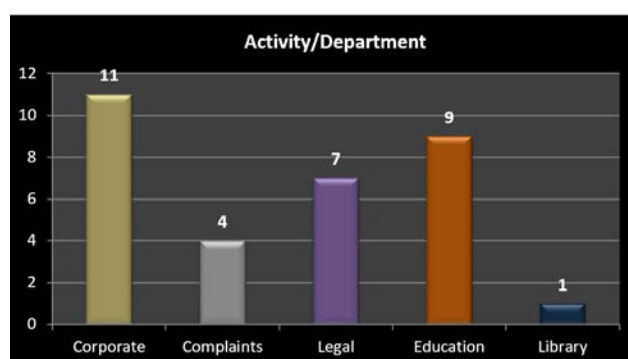
## International Engagements

Consistent with section 12 (1) (n) of the Human Rights and Anti-Discrimination Commission Act, the Commission is required to take part in international meetings and other activities on human rights; and to cooperate with other national, regional and international human rights bodies. In materialising this provision of the Human Rights and Anti-Discrimination Commission Act no. 11 of 2009, the Commission Director participated and represented the Commission in the following international engagements:

Engagement	Date	Venue
International Conference on Sexual Orientation, Gender Identity and Intersex Status Research: Data collection, analysis, social and policy engagement	07 to 12 May 2018	HongKong
36 <sup>th</sup> Session of the Human Rights Council and other series of NHRI meetings	June 2018	Geneva, Switzerland
23rd Session of Asia Pacific Forum Meeting as well as the 38th Session of the Human Rights Council Meeting	September 2018	HongKong and Geneva, Switzerland
Human Rights Council Elections	October 2018	New York, USA
Insider Mediation Training	December 2018	Bangkok, Thailand

## Effective Planning and Accountability

The Corporate Section played an instrumental role in



drafting the 2017/18 Annual Corporate Plan.

It was during this period that the Corporate Section embarked on formulating the 2016, 2017 and 2018 Annual Reports.

## Complaints Audit

In the absence of the Manager Complaints and Resolutions, the Corporate Section was tasked with auditing all complaints lodged with the

Commission since 2016. This included the manual verification, registration, vetting and classification of all complaints, development of an open-source complaints management table, classification of alleged constitutional breaches and detailed write-up of the complaints chapters for 2016, 2017 and 2018 Annual Reports. The audit of 2016 and 2017 complaints is complete and report submitted to the Director. 2018 Complaints Audit is pending.

## Financial Audit

Section 16 (2) of the HRADC Act requires that the accounts of the Commission must be audited by the Auditor General. Unfortunately the Commission financials remained unaudited since 2008. The Commission Director, Manager Corporate (Acting) and Accountant (Acting) appeared before the Parliamentary Standing Committee on Public Accounts on 28 March 2017 to explain the findings of the Auditor General in his 2014 Report to Parliament. The Commission in its presentation submitted that the Commission will have the backlog of all its accounts from 2008 to 2016 prepared and audited by 22 December 2020.

Following a meeting between the Commission Director, the Solicitor General, the Auditor General and the Manager Corporate (Acting) on the 1st of June 2017, it was agreed that the Commission outsource the task of preparing its financials. The Commission puts on record that its financials dating back to 2008 have been prepared and submitted to the Office of the Auditor General for an audit. The audit of Commission financials by the Office of the Auditor General commenced in December 2018.

## Asset Management

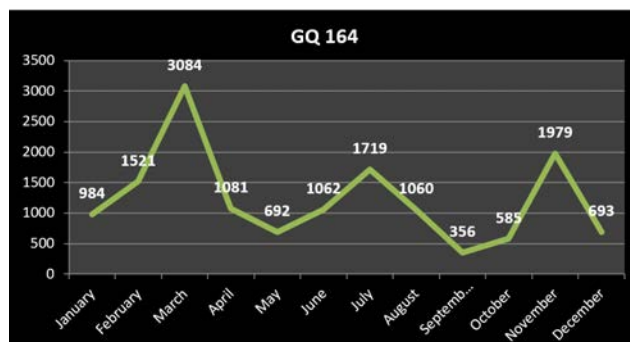
The Commission manages its assets consistent with the legislative frameworks in place. Asset replacement undergo the process of obtaining an independent Technical Report and Minute Request supported by minimum 3 quotations before endorsement by the Manager Corporate and Accountant. The final approval is sought from the Director prior to any procurement.

The Commission undertakes annual Board of Survey to determine the functionality, evaluation and physical presence of all plant and equipment. The Corporate Section also manages Government registered fleet of vehicles to fulfil its core human rights educational,

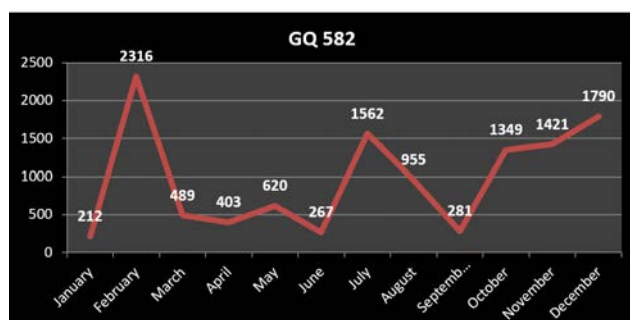
advocacy, investigations and site visits and official assignments. The Commission has 2 vehicles in its fleet.

## Fleet Management

GQ 164, Kia Optima, executive sedan, fully loaded, engine# G4KEGH219106, VIN – KNAGU414MG5085765, year: 2016, capacity: 2359cc, is used for administrative engagements and providing logistical support to the Commission Board. Total mileage consumed in 2018 was 14,816 kilometres.



GQ 582, Kia Sorento, executive SUV, fully loaded, engine# D44BHH340263, VIN – KNAPG818SGS402000, year: 2017, capacity: 2199cc, is used for reaching out to the remote and rural communities to deliver educational and advocacy initiatives. Total mileage consumed in 2018 was 11,665 kilometres.



## Business Solutions

The Commission is committed to strengthening its ICT infrastructure to ensure transparency, accountability and accessibility to institutional documents, systems and processes. With the increasing need for safety of complaints data, the Commission isolated the complaints management

table and raw data to a stand-alone desktop. The Commission also strengthened its firewall capabilities to avoid technical breaches.

In the absence of the Information Systems and Technology Officer, the Corporate Section manages and provides necessary end-user support (hardware integration), PABX telephone defect isolation and support as well as net connectivity support.

Technical issues outsourced include:

- Technical Reports for procurement
- Creation of user-accounts, setup printers and allow network access
- PABX issue isolation and troubleshoot
- Maintenance of CCTV system
- Isolate and fix network loop and packet collision issues
- Restore services after surges
- Setup domain account, email and biometrix
- Generate HPBX Call Reports
- Generate Attendance Reports
- Website monitoring

## Commonwealth Equality Project

Pursuant to section 45(4) and section 12 (1) of the HRADC Act, the Human Rights and Anti-Discrimination Commission is mandated to receive and independently investigate complaints of human rights violations, provide remedies available to it under the law including litigation. The Commission is also mandated to promote to educate the public about fundamental rights and freedoms as well as fulfill its reporting obligations. Availability of veritable data, therefore, on the nature and number of complaints received by the Commission will assist in the production of fact based uncontaminated, error-free reports for the purposes of making submissions to the Parliamentary Standing Committees as the Commission is required to do so under the law, progress reports against the Universal Periodic Review (UPR) and other treating body reporting requirements. Not only is the complaints management system be integral in engendering an ethos of greater accountability, transparency in the production and disclosure of data on human rights



violations, it will also assist in the establishment of a National Reporting Mechanism and strengthen and instruct the education and advocacy initiatives that the Commission should take up on the basis of complaints received, investigations undertaken and proceedings instituted.

The Commission, through the Pacific Commonwealth Equality Project funded by the UK Government submitted a proposal for donor-funding to upgrade it's entire information technology ecosystem.

The Corporate Section took a leading role in the formulation of a detailed concept note and submitted relevant procurement policies and procedures to enable the RRRT conduct a capacity assessment, being a pre-requisite for grant recipients. After a robust consultation process, a grant of approximately FJD\$250,000.00 has been approved for the Commission. The memorandum of understanding between the donor and the grant recipient is now being drawn. This funding will transform the entire information technology infrastructure of the Commission which is now obsolete.

## Financial Management

Notes to and forming part of the Financial Statements

For the period ended 31st July 2018

Reporting Entity

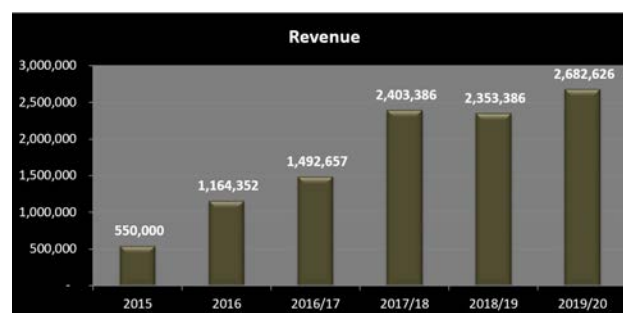
The primary mandate of the Commission is provided under section 45 of the Fijian Constitution. Section 45 (11) states that Parliament shall ensure that adequate funding and resources are made available to the Commission, to enable it to independently and effectively exercise its powers and perform its functions and duties. Section 45 (12) further states that the Commission shall have control of its own budget and finances, as approved by Parliament.

The Commission's budget ensures the competent discharge of its constitutional mandate in ensuring that Fiji's human rights laws are protected, promoted and preserved.

## Basis of Accounting

In accordance with the State accounting policies, the financial statements of the Commission are prepared under cash basis of accounting. The financial statements are presented in accordance with the Financial Management Act 2004 and the

Financial Management (Amendment) Act 2016. The preparation and presentation of a Statement of Assets and Liabilities is not required under the current policies.



The section formulates the Commissions annual state grant submission, taking into consideration the internal and macro factors. The Commission has, since the appointment of it's Director in 2016, been able to secure 100% of its submission from the State.

## Expenditure Statement

Established Staff	727,962.25
Government Wage Earners	-
Travel & Communication	63,192.32
Maintenance & Operations	8,779.92
Purchase of Goods & Services	132,729.75
Operating Grants & Transfers	-
Special Expenditure	317,983.52
<b>Total Operating Expenditure</b>	<b>1,250,647.76</b>
Capital Construction	-
Capital Purchase	9,657.26
<b>Total Capital Expenditure</b>	<b>9,657.26</b>
Value Added Tax	40,967.92
<b>TOTAL EXPENDITURE</b>	<b>1,301,272.94</b>

I YOU  
I ARE

Neither Greater  
Nor Lesser  
but EQUAL:  
Dignity,  
Equality  
and Freedom  
for all in Fiji

