

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# FIJI: BLANKET MANDATORY VACCINE POLICY NOT JUSTIFIED

Fiji's Prime Minister Frank Bainimarama announced on 8 July 2021 a range of broad regulations that bar people from employment and receiving social welfare benefits if they have not yet received at least one dose of a Covid-19 vaccine by 14 August 2021 and if not fully immunized by 1 November 2021. The regulations, referred to as 'no jab, no job' or 'no jab, no benefits' by the Prime Minister and other senior ministers, contravenes human rights, increases the socio-economic vulnerability of those most at-risk and risks eroding people's trust in public health guidance and Covid-19 vaccination efforts.

Since early August, private businesses across all sectors – regardless of risk exposure and transmission of Covid-19 – are being required to remain closed until all employers and employees have received at least their first dose of a Covid-19 vaccine, with closure to be extended if employees have not received their second dose before November. Breaches to these regulations could incur fines of up to \$10,000 for businesses, \$1,500 for employers and \$500 for employees. An employee who refuses to get vaccinated can be dismissed by their employer, or the business may be forced to close, impacting all its employees.

The regulations also apply to the public sector. As of 15 August 2021, unvaccinated civil servants can be forced to go on leave and could be dismissed by November if they have not been fully vaccinated. Further, new government run welfare packages pertaining to unemployment will be restricted to only those who have received a Covid-19 vaccine, which risks discriminating against those who most need assistance, and deprive people of much needed income to cover essential items, including food, transport, and other living costs.

In line with international human rights standards, governments must not introduce blanket mandatory vaccine policies and must ensure that no one is forced to receive vaccinations without their consent. A blanket mandatory vaccination policy refers to a broad legal or regulatory vaccine requirement that only allows for a few narrow exceptions such as medical reasons, as is the case with Fiji's new regulations. To date, exemptions to these regulations are upon application only, and eligibility extends only to underage employees, people with allergies to components of the vaccine, or other specific medical reasons. One week after the regulations were approved, further *temporary* exemptions were extended to pregnant women awaiting the Moderna vaccine,<sup>1</sup> individuals who have tested positive for Covid-19 and have to wait 90 days for a vaccine dose, and those living in areas with current limited access to Covid-19 vaccines.

As there are legitimate public health reasons to aim for as many people as possible to be vaccinated, Amnesty International recognizes that there are some limited exceptions that may allow states to impose vaccination requirements, including where it is provided by law, and it is necessary and proportionate to a legitimate aim, such as for the protection of public health, provided these include safeguards. The exceptions that would allow a state to deprive a person of income and livelihoods for a failure to vaccinate should be rare because of the significant impact it has on a person's right to an adequate living. To this end, any vaccination requirement must be limited in scope, targeted, time-limited, and only adopted as a last resort, accompanied by evidence-based rationale that explains why its aim cannot be achieved with less restrictive measures.

The Fiji government bears the burden of showing that its regulations are consistent with human rights standards, yet it has failed to do so. It has also failed to consult with individuals and communities most likely to be affected. It is not clear that the measures were implemented after sufficient time to allow a maximum voluntary uptake of Covid-19 vaccines. This brings into question the proportionality and necessity of these regulations.

In line with WHO recommendations, Amnesty International recommends that governments such as Fiji's focus on voluntary uptake and public awareness campaigns to increase vaccination rates. To this end, the scientific benefits of vaccines must be explained and disseminated in a manner that is understandable in a range of social, cultural, and

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<sup>1</sup> The Moderna vaccine was recommended for pregnant women and other high-risk groups in Fiji in July 2021 (see: <https://www.abc.net.au/radio-australia/programs/pacificbeat/fijian-pregnant-women-encouraged-to-get-covid-19-vaccine/13467276>).

linguistic contexts. Individuals and communities can only make informed decisions about their health when they are given accurate, timely, and accessible information.

An assessment by the Fiji Women's Rights Movement in June 2021<sup>2</sup> found that 42.3% of their respondents had mixed feelings about the vaccine, and 10.6% were outrightly against Covid-19 vaccines. The assessment also highlighted that education and income were major factors influencing Fijian women's perspectives of the vaccine. Enforcing vaccinations as a premise to accessing welfare and income undermines human rights and erodes trust in public institutions. A lack of educational programs and resources on vaccines in Fiji disproportionately affects those from lower educational and income backgrounds.

Rather than impose blanket mandates, Amnesty International urges the Fiji government to develop a clear, effective, and transparent information strategy to address vaccine uptake and misinformation in the country, rather than resorting to oppressive measures which may deprive people of their livelihoods. The Fijian government must work to protect the lives and livelihoods of people who are struggling to survive this pandemic and ensure that any steps taken to increase the uptake of Covid-19 vaccines are rooted in human rights, protecting those most at-risk.

## BACKGROUND

On 8 July 2021, the Fijian government passed the *Health and Safety at Work (General Workplace Conditions) (Amendment) Regulations 2021* and the *Public Health (Infectious Diseases) (Infringement Notices) Regulations 2021*. These regulations stipulated that *employers* and their *employees* would not be able to enter their workplaces from 1 August 2021, unless they had received at least the first dose of a Covid-19 vaccine and be fully immunized by 1 November.

The regulations apply to both public and private workplaces and include a raft of other penalties for not following other public health directions, including maximum fines of up to \$10,000 or 5 years in prison for not wearing a mask, following approved Covid-19 safety plans, implementing social distancing, or quarantining.

On 6 March 2021, Fiji became the first Pacific Island Country to receive vaccines through the COVAX facility and has since received vaccines from both the Australian and New Zealand governments. As of 23 August 2021, Fiji has administered 89 doses of vaccine per 100 people, with around 28% of the population over 16 years of age being fully immunized.<sup>3</sup> More than 70% of the population are expected to be fully vaccinated by early December 2021.

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<sup>2</sup> See <http://www.fwrn.org.fj/news/media-releases/67-all-category/news/press-releases/624-fwrn-pr-fwrn-rapid-assessment-on-fijian-women-s-perceptions-of-covid-19-vaccine-finds-that-52-9-percent-of-respondents-have-mixed-and-negative-feelings-about-the-vaccine-1-07-2021>

<sup>3</sup> See <https://covidvax.live/location/fji>