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PUBLIC STATEMENT

FIJI

New Era for Human Rights with New Constitution

A new era for human rights begins in Fiji next week when a new Constitution formally establishes the first national Human Rights Commission among Pacific island states, Amnesty International said today.

In this 50th anniversary year of the Universal Declaration of Human Rights, the people of Fiji will also see their human rights protected by an enhanced Bill of Rights.

The Constitution (Amendment) Act 1997, which comes into effect on Monday, 27 July, *“reaffirms recognition of the human rights and fundamental freedoms of all individuals and groups”* and recognizes Fiji’s multicultural society. It supports a process of national reconciliation between the major ethnic groups, whose political leaders have agreed to form a multi-racial government following elections due by February 1999.

The new Constitution follows a review of its predecessor which in 1990 guaranteed political dominance to indigenous (Melanesian) Fijians at the expense of ethnic Indians whose parliamentarians were detained in a military coup that removed an elected government in May 1987. The new Constitution’s Bill of Rights protects the rights of minorities, ethnic and indigenous groups, and gives special recognition to indigenous Fijian traditions.

Current national disputes over government emergency powers, labour rights, a dam on village land, and the drought-stricken, but economically vital sugar cane crop show public uncertainty about the fundamental rights and freedoms protected and promoted by the new Constitution. Amnesty International therefore welcomes the Fiji Government’s support for community-based education and information initiatives to explain constitutional changes in Fiji’s three national languages.

Under the new Constitution, Fiji’s Human Rights Commission will *“educate the public about the nature and content of the Bill of Rights”*, its origins in international human rights standards and their monitoring by United Nations bodies. The Ombudsman, as the Commission’s appointed chair, and two other Human Rights Commissioners will also be tasked *“to make recommendations to the Government about matters affecting compliance with human rights”*.

“A truly independent and competent Human Rights Commission could effectively monitor Fiji’s implementation of international standards. A Commission equipped with educational, advisory and investigative functions –in line with internationally recognized principles –could help to ensure that human rights violations will not be tolerated in Fiji,” Amnesty International said.

Amnesty International welcomes the Fiji Government’s openness towards suggestions from community-based organizations and a United Nations adviser for legislation still needed to make the Human Rights Commission fully operative.

Five months before the 50th anniversary of the Universal Declaration of Human Rights –on “International Human Rights Day” 10 December 1998 –Amnesty International calls on the Fiji Government to declare its commitment to the Declaration’s values for the people of Fiji. It is also calling on the government to prepare Fiji’s accession to the two International Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights.

Background to Fiji’s new Constitution

The process of creating Fiji’s new Constitution reflects the enormous political difficulties to overcome the country’s ethnic divisions and the racial tension of the years leading up to the previous Constitution of 25 July 1990. Two years after the 1987 military coups sparked a large-scale exodus of initially 9,500 Fijians of Indian origin, indigenous Fijians of Melanesian origin, for the first time since 1946, made up the largest population group.

Although no longer a minority, indigenous Fijians were guaranteed a safe parliamentary majority in the 1990 Constitution which reserved them 37 of 70 elected seats and gave only 27 seats to ethnic Indian Fijians whose share of the population was almost equal. While restoring a Bill of Rights suspended after the military coups, the 1990 Constitution gave all military personnel, police and prison officers full immunity from criminal and civil responsibility for any human rights violations they committed between the first military coup on 14 May 1987 and the resignation, on 6 December 1987, of coup leader Sitiveni Rabuka as Head of State.

Fiji’s new Constitution is a result of a constitutional review process prescribed by the 1990 Constitution to be completed by 1997. It is largely based on 694 recommendations made in an 800-page report of 6 September 1996, “*The Fiji Islands: Towards a United Future*”, by a Constitution Review Commission. Under the new Constitution, promulgated by President Ratu Sir Kamisese Mara on 25 July 1997, 23 parliamentary seats are reserved for indigenous Fijians, 19 for ethnic Indians, four for Rotuman islanders and other minorities, and 25 are open to all ethnic groups.

The 1997 Constitution’s promulgation resulted in Fiji’s return into the Commonwealth and the imminent resumption of full diplomatic relations with India, both suspended after the military coups.

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