



# **UNIVERSAL PERIODIC REVIEW – FIJI**

## **SUBMISSION**

**By the**

**Ecumenical Centre for Research, Education and Advocacy (ECREA)**

**August 2009**

### **INTRODUCTION**

1. The purpose of this brief submission is to highlight 3 Articles particularly relevant to ECREA's work. This also notes those concerns raised by the submission of the Citizen's Constitutional Forum. It is not intended to cover each article in detail but to point out a few priority concerns and to recommend actions briefly, given the short time frame.
2. It is important to note the perspective from which this submission is written. The Ecumenical Centre for Research, Education and Advocacy (ECREA) is a Christian based organization. One of its foundational principles is the respect for and promotion of the dignity of the human person. ECREA promotes these ideals through research, education and advocacy on issues from a social justice perspective. This means moving toward nation building strategies whose aim is the empowerment of Fiji's people on issues that affect their lives.
3. ECREA recognizes the ongoing human rights concerns carried out by the elected government since 2000 against the people of Fiji and from which much of the injustices experienced today find its roots. At the same time ECREA recognizes the need for there to be ongoing monitoring of human rights conditions as upheld by the Interim Government. Above, all, there is an urgent need for Fiji to return to Parliamentary and Constitutional democracy. This submission is made with consideration of events and experiences over the past 4 years.

### **BACKGROUND**

4. Historically, the stage was set for Fiji to struggle with the concept of democracy and the rule of law. Colonized by the British in the 1800's for over 100 years, forcefully introducing various ethnic groups to live together yet segregated for over 50 years before leaving Fiji granting Fiji's independence in 1970, Fiji's leaders and its citizens merely evolved into its own colonial legacy. With 4 coups in a span of 22 years, Fiji continues to struggle to make sense of democracy and its functioning in everyday living.

5. Frank Bainimarama's military-led regime having overthrown the elected government in December 2006 proceeded toward its initial goal of 'cleaning up' Fiji aiming to rid the nation of corruption and move toward a more multi-cultural state. Today (2009), Fiji is a full military state with the abrogation of the nation's 1997 Constitution and the consistent militarizing of key public positions.

### **Religious Freedom Article 18**

6. The claim that Fiji to be made a Christian state is a long-standing one. The 1987 coups and the subsequent imposition of the Sunday ban brought the issue into public consciousness. Since then it has been a contentious issue of debate. Where once the Methodist Church was the agitator for Fiji to become a Christian State, this current period sees the advent of the New Methodist Church as growing in intensity and opposition to religious tolerance. It is also closely aligned with the Interim Government particularly the Fiji Police Force.
7. The Police Commissioner Esala Teleni fully endorses the work of the New Methodist Church and its leader who is also his brother. The Christian Crusade forcefully imposes Christian beliefs on non-Christians in the police force while carrying out Crusade-style evangelizing in informal settlements. In a taxis' Indo-Fijian or Hindu worshipper are now playing Christian music out of fear.
8. Since 2006, the country witnessed the continued desecration of religious places of worship as well as the destruction and defecation of the holy books of Hinduism and Islam, and even the insulting of Hindu priests. To this day, no one has been called to task for these acts of sacrilege.
9. There are grave concerns that these Crusades and restrictions on religious freedom may lead to further political instability, ethnic segregation and violence

### **Recommendation**

The Interim Government should immediately remove the Police Commissioner and all policies within the Fiji Police that serve to undermine Article 18 from within the Fiji Police.

The Interim Government should immediately set up a Taskforce to ensure that Article 18 is promoted and adhered to within the Fiji Police Force to the freedom of other religious practices.

The Interim Government should ensure that the Fiji Police Force properly and vigorously investigate all reports of the desecration of places of worship as part of this respect for other religious expressions.

## **EMPLOYMENT DECREES IMPACT**

Article 23 and Article 25

10. In an attempt to downsize the public service the regime, in an extraordinary gazette called decree number six and dated April 14 reverted the country's official retirement age to 55, a reduction from 60 as confirmed by a Fiji Court of Appeal decision earlier in the month.

Teachers unions' took the decision to court which upheld the reduction to 55 of the retirement age, a decision which was however stayed by the court of appeal. But with all appointments in the judiciary revoked following the scrapping of the island's constitution over the Easter weekend, the court of appeal decision now lapses.

"Notwithstanding anything contained in any written law, the retirement age in the public service shall be 55 years," section 15 sub-section 1 of Decree 6 said. "The retirement age of 55 years in subsection (1) above shall extend to the civil service, Fiji Police Force and the Fiji Prisons Service." "Any person employed in the civil service, Fiji Police Force and the Fiji Prisons Service who is already over the age of 55 years shall retire on 30 April 2009." The decree however leaves room for public servants who despite being over 55 years old needed to continue working "if his or her services are required." In a surprising move too, decree number 6 has abolished the Public Service Appeal Board.

11. The timing of the decree meant that many civil servants were given notice with barely 2-weeks of preparation for their forced retirement. This has meant lives have been altered in a short period of time with families left with no where to live, and the run on effect this has had on children's education.

### ***Recommendation***

The Interim Government should engage in ongoing process of dialogue and wide public consultation to ensure that decisions are reached that respects the rights of workers."

That the Interim Government should ensure that proper and fair compensation is provided for these outgoing civil servants particularly considering the short timeframe by which they were removed and in consideration of the global economic recession and the impact of the coup on their livelihoods.

The Interim Government should also ensure that there is consistency across the board and no preferential treatment is given i.e. one rule applies for all public servants.

The Interim Government should allow the Public Service Commission its own neutrality in taking decisions.

The Interim Government should reinstate immediately the Public Service Appeal Board.

**Housing**  
**Article 25**

12. The Housing Crisis in Fiji has been well established with the findings of various research; its links to wages and unjust wages more than confirmed. The global economic crisis further exacerbated by the events and ongoing events from December 2006 ensure that the growth of informal/squatter settlements keep the pressure of the housing crisis and subsequently the lowered standard of living among Fiji's more marginalized citizens.
13. The Housing Authority is commissioned to provide decent affordable housing; yet affordable for whom? In order to be eligible for housing loan of \$20,000 or more you must earn a decent wage. Yet 70% of our working population is earning wages below \$8,000. (Poverty line \$164 per week)
14. According to the 2002 - 2003 Housing Income and expenditure survey, the lower 30% receives 59.8% of all wages. The following table illustrates the huge discrepancies in wages distribution.
15. The Public Rental Board caters to the needs of lower income earners but they currently have a waiting list of 3000+ applicants and, because of their large inherited debt, have only been able to build 70 units since 2005. Moreover, while the older units are easily affordable (\$12 - \$36 a week) some more recent or renovated units are quite high (\$80 a week) for low income earner. According to Narsey's *Quantitative Analysis of Poverty in Fiji* low income earners (six years ago) spent at least 60% of their income on basic food. The price of these basic foods are now increasing. How can they afford decent housing as well?

About 15% of Fijis population now live in over 200 squatter (or people's settlement) in the main town and cities of the country  
Housing Authority

***Recommendation***

The Interim Government should continue to work toward providing more affordable low-cost housing ensuring that the most destitute can afford a better standard of living.

The Interim Government should allocate more resource (financial) to institutions such as HART and Public Rental Board in the interest of the poor.

The Interim Government should continue to ensure that proper assessment and time is given to consulting and assessing views and perspectives including alternatives that may assist in promoting and implementing Article 25.

Signed

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