



**Australian Government**  
**Department of Foreign Affairs and Trade**



# DFAT COUNTRY INFORMATION REPORT FIJI

20 May 2022

# MAP



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## ACRONYMS

AUD	Australian Dollar
CSO	Civil society organisation
FHRADC	Fiji Human Rights and Anti-Discrimination Commission
FJD	Fijian Dollar
FWCC	Fiji Women's Crisis Centre
GDP	Gross domestic product
ILO	International Labour Organization
LGBTI	Lesbian, Gay, Bisexual, Transgender and/or Intersex
MCFR	Methodist Church in Fiji and Rotuma
NFP	National Federation Party
NGO	Non-governmental organisation
RFMF	Republic of Fiji Military Forces
SODELPA	Social Democratic Labour Party
VIC	Voter Identification Card



## GLOSSARY

Indo-Fijian	Fijians from an Indian ethnic background
iTaukei	Indigenous Fijians, the term used in the Fijian Constitution and laws

## Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk behaviour	DFAT is aware of sufficient incidents to suggest a pattern of
low risk	DFAT is aware of incidents but has insufficient evidence to conclude that they form a pattern

### official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

### societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

# 1. PURPOSE AND SCOPE

1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgement and assessment at time of writing and is distinct from Australian Government policy with respect to Fiji.

1.2 The report provides a general, rather than an exhaustive, country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 84 of 24 June 2019, issued under s 499 of the *Migration Act (1958)*, states that:

Where the Department of Foreign Affairs and Trade has prepared [a] country information assessment expressly for protection status determination purposes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources in Fiji. It also takes into account relevant information from government and non-government sources, including but not limited to: those produced by the Fijian Government and other governments; relevant UN bodies and international organisations such as the World Bank, the Office of the UN High Commissioner for Refugees and the World Health Organization; leading human rights organisations and international non-governmental organisations, such as Amnesty International, Transparency International and Freedom House; Fijian non-governmental organisations; and reputable Fijian and international news organisations. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT Country Information Report on Fiji published on 27 September 2017

## 2. BACKGROUND INFORMATION

### RECENT HISTORY

2.1 Melanesian people have lived in the Fiji Islands for millennia. European interests were established in the early 19<sup>th</sup> century with trade in resources, and Fiji became a British Crown Colony in 1874. British and Australian companies established sugar plantations and introduced indentured labourers from other parts of the Pacific and from then-British India from the late 19<sup>th</sup> century and into the first two decades of the 20<sup>th</sup> century. Fiji became independent from the United Kingdom in 1970.

2.2 A Labour-National Federation Party (NFP) coalition government was elected in 1987 with strong backing from both indigenous Fijian (iTaukei) and Indo-Fijian trade unionists. Widespread protests among iTaukei arose and the Government was removed in a *coup d'état* within weeks. The Governor-General established an interim civil government that again only lasted weeks before another *coup d'état* led to the dismissal of the Governor-General and the declaration of a Republic.

2.3 Mahendra Chaudry was elected as the country's first Indo-Fijian Prime Minister in 1999. Ethno-nationalist businessman, George Speight, led another *coup d'état* in 2000 in which Chaudry and his government were held hostage for 56 days and Indo-Fijian businesses were burned down and looted.

2.4 Josaia Voreqe (Frank) Bainimarama launched a fourth *coup d'état* in 2006, becoming interim Prime Minister in 2007. He later introduced the 2013 Constitution that abolished race-based voter rolls and race-based quotas on parliamentary seats, and also abolished the entire (unelected) upper house of the Parliament and the iTaukei Fijian Council of Chiefs. Bainimarama's FijiFirst party went on to win the 2014 and 2018 elections. Both elections were judged to be credible by the Multinational Observer Group led by Australia.

### DEMOGRAPHY

2.5 About a third of Fiji's 330 islands are inhabited. According to the CIA World Factbook, the population is about 940,000. The two main islands are Viti Levu, where the capital Suva and tourist city of Nadi are located, and Vanua Levu. Half the population lives on Viti Levu and 57 per cent of the population lives in cities. Cities are relatively small; Suva, the largest city and capital, has fewer than 200,000 residents. The population is relatively young; more than 80 per cent of people are aged under 54 years.

2.6 For ethnic demography, see [Race/Nationality](#). For religious demography, see [Religion](#).

## ECONOMIC OVERVIEW

2.7 The World Bank defines Fiji as an upper-middle income country. Fiji is one of the largest economies in the Pacific region, but about a quarter of the size of the next largest, Papua New Guinea. Its per capita gross domestic product (GDP) is much higher than most Pacific neighbours’.

2.8 Tourism accounted for about 40 per cent of the pre-COVID-19 economy; the pandemic caused significant disruption. According to the Asian Development Bank, GDP growth was negative 15.7 per cent in 2020. Remittances from the diaspora, another important source of income, were also badly affected by the pandemic. Agricultural production, especially of fruits and vegetables, sugar and kava, is important to the economy but vulnerable to cyclones.

2.9 About 30 per cent of the population was living in poverty in 2019, according to World Bank data, but estimates of poverty rates vary and the full impact of the COVID-19 pandemic is not known. According to the International Labour Organization (ILO), subsistence farming and kin-based wealth redistribution leads to a lower rate of extreme poverty than might otherwise be expected.

2.10 Corruption is not a significant problem. A 2021 Transparency International study found 62 per cent of Fijians believe politicians are corrupt and 61 per cent believe businesses obtain government contracts through corruption. However, only 5 per cent of Fijians reported paying a bribe to obtain a service in the past year, the lowest by far of the Pacific countries studied. An anti-corruption commission exists and corruption prevention is covered as part of the school curriculum. Overall, the day-to-day risk of corruption is low.

## Health

2.11 Healthcare is generally available for those who need it. Quality is better in urban areas and may be basic in rural areas, especially the outer islands. Smaller communities might have access to basic healthcare facilities known as ‘nursing stations’ or ‘health centres’, the latter staffed by a doctor. Specialist healthcare is generally available, including cardiology, oncology, radiology and maternal health, particularly in large hospitals. Medication availability varies and the range of medications available in Fiji is less than in Australia. Equipment or specialist treatment facilities, for example for chemotherapy, are sometimes lacking. Some facilities are old and not well-maintained, and staff-to-patient ratios can be poor.

2.12 Healthcare is free to the patient but an increasing number of people are taking out private health insurance that allows them access to elective surgeries and cosmetic surgery available outside the public system or overseas.

## Mental health

2.13 The law provides for public mental healthcare but, in practice, it may not be available. Some support is available from nursing stations, health centres, general practitioners and hospitals. A public psychiatric hospital, St Giles, is located in Suva. Sources told DFAT there was an inadequate number of mental health professionals to meet demand. Telephone counselling and mental health CSOs provide services, and online resources from Australia and New Zealand might be used by Fijians. Drug and alcohol services are available at St Giles. The US Department of State 2021 Human Rights Report describes St Giles as ‘underfunded’. Sources told DFAT that facilities and treatment are basic and medication might be unavailable.

2.14 Like many countries, including Australia, there can be a societal stigma against mental health conditions in Fiji. This may limit support options from family. These attitudes are less common among the



wealthy and the more highly educated. In spite of these challenges, people with intellectual and mental disabilities are more likely to be cared for at home than in a medical facility.

2.15 Other services for mental health patients might be available. There is an increasing number of counsellors (who are not psychologists or psychiatrists) and some non-government organisations provide counselling services. In practice, counselling services are not available in more remote areas and there is a lack of mental health services generally.

## Education

2.16 School education is compulsory until age 15. The Government provides free education but costs such as uniforms are usually not covered. Enrolment is universal, even in outer islands (though some students will move and stay with extended family to pursue secondary or tertiary education). Literacy is almost universal. Schools are mostly provided by religious organisations but receive government subsidies and teach a government curriculum. In-country sources told DFAT teacher quality is high overall, but services for students with specific needs (such as those with learning disabilities, or advanced students) are less available than in Australia.

2.17 Tertiary education and vocational education are also available. Many students receive scholarships to attend university. Having to move to another island may present a practical barrier to higher education. The range of vocational skills taught in Fiji is smaller than that available in Australia.

## Employment and welfare

2.18 Most Fijians work in the informal sector, especially in the tourism, agriculture and aquaculture industries. According to estimates by the ILO, about two thirds of Fijian workers are not employed formally; this number might be rising due to reduced hours and job losses following COVID-19 disruption.

2.19 The minimum wage is currently FJD2.68 (about AUD1.75) per hour and employers are required to display the minimum wage in workplaces. There are ongoing discussions about raising the minimum wage that have not been implemented at the time of writing. According to the 2021 US Department of State Human Rights Report for Fiji, the minimum wage did not provide a 'decent standard of living for a worker and family', and inspectors responsible for enforcement did not have capacity to ensure that workers were paid correctly. In-country sources told DFAT underpayment occurs and legal remedies are not always effective.

2.20 The tourism sector was significantly disrupted by the COVID-19 pandemic. Some staff were retained during the pandemic, but many lost their jobs or returned to home regions. About 60 per cent of workers in the sector (pre-pandemic) were women. Relocation to work in tourist areas is common. The sector re-opened to international visitors in December 2021.

2.21 Fiji's labour force participation rate in 2016 (the most recently available statistics) was about 58 per cent. More than 70 per cent of men and about 40 per cent of women participate in the labour force. The official unemployment rate was about 4.8 per cent in 2020. Youth unemployment is much higher: 14.8 per cent in 2019, according to the Asian Development Bank and the ILO. These figures do not take COVID-19 disruption into account; the true rates of unemployment and youth unemployment are probably higher.

2.22 The pension system consists primarily of the Fiji National Provident Fund (FNPF), which covers only formal sector workers. Sources told DFAT that some people in the informal sector do not have bank accounts and thus would not be able to participate in the FNPF. Other pensions for people with disability,

children and the very poor also exist, as do bus fare subsidies and food vouchers distributed by the Ministry of Women, Children and Poverty Alleviation. The amounts paid under various schemes (not including food vouchers and bus subsidies) is typically about FJD35-90 (AUD20-60) per month.

2.23 iTaukei generally have large kinship networks with extended family often providing support when a family member is in need. It is uncommon for elderly people to live alone; they more commonly live with family who will support them. Even in times of high unemployment, such as during the COVID-19 pandemic, many iTaukei are able to move back to traditional villages and participate in subsistence living communities. These family resources may have been stretched during the COVID-19 pandemic, given the large scale of economic disruption with more family members seeking support. While family and kinship ties are less pronounced in Indo-Fijian families (iTaukei families have formed these networks over a much longer time) they still exist; extended family groups, and associated welfare support, may also be present among Indo-Fijian families. Remittances are an important part of the Fijian economy and may have been a source of support for some Indo-Fijians following recent high levels of outward migration.

## Land rights and property law

2.24 Land rights are controversial in Fiji as they are in Australia. The colonial government allocated ancestral land to traditional owners who now own the vast majority of land in Fiji. Indo-Fijian indentured workers were not given access to land by the colonial government and iTaukei were prevented from working on the sugar cane plantations.

2.25 About 90 per cent of land is owned by traditional owners, with 6 per cent government-owned and 3 per cent freehold land. iTaukei owners often lease land to others through a government-coordinated leasing system. There are restrictions on the use of land; for example, agricultural land must be used for agricultural purposes, preventing land banking or alternative uses of the land. Leases are for a period of at least two years but land is usually leased for 30 years. Residential leases are longer and leases can be bought and sold.

2.26 Both iTaukei and Indo-Fijians lease land from traditional owners but it cannot be bought or sold, only leased. A tenant can be removed from land if it is not maintained or used for its intended purposes (for example, if an agricultural lease does not commence farming activity within a certain time). This involves a breach of lease and a court process that can lead to eviction.

2.27 Informal land use ('squatting') is common. Most squatting is done with the permission of the land owner; for example, extended family using the land without a formal lease agreement. Informal land users have few legal rights and may be asked to leave at any time. Internal migration from rural areas to cities has increased the number and size of informal settlements in recent years.

## POLITICAL SYSTEM

2.28 Fiji has a unicameral parliament with proportional representation, an executive comprising a President and cabinet, an independent judiciary, the public service and the disciplined forces (military, police, prisons). Elections are held every four years and there are currently 51 members of the parliament. Under current arrangements, the parliament is the only popularly elected institution in Fiji. The Prime Minister is the head of government and holds office as the leader of the winning political party, similar to the system in Australia. The President is the head of state and is appointed by a vote in parliament. The President can hold office for up to two terms of three years each.

2.29 There are 14 provinces and one dependency (Rotuma, a group of islands about 500 kilometres north of the main Fiji islands, about halfway between Fiji and Tuvalu) as well as 13 municipal councils. Provincial councils for iTaukei residents also exist in some places, sometimes with the input of traditional village headmen. Provincial and local governments are appointed, not elected.

## HUMAN RIGHTS FRAMEWORK

2.30 Fiji's 2013 Constitution contains a Bill of Rights. The Constitution specifically protects the rights to life, liberty, equality and freedom from discrimination, as well as the freedom of movement, assembly, expression and religious belief. Alleged breaches of the Bill of Rights can be pursued in the High Court.

### National human rights institutions

2.31 The Constitution sets out the mandate and functions of the Fiji Human Rights and Anti-Discrimination Commission (FHRADC). The FHRADC has a chairperson and four other members. It conducts education campaigns about human rights and can hear complaints, monitor and report on human rights, and make recommendations to the Government. It can conduct investigations on its own initiative or based on a complaint, and can make applications to a court to enforce laws.

2.32 According to a 2020 article by *The Guardian*, the majority of the complaints received relate to violence in prisons or at the hands of police, but the Commission does investigate other human rights complaints. Critics claim that the FHRADC is underfunded and chooses complaints to investigate based on its budget and political considerations. Some NGOs may be reluctant to work with the FHRADC because they believe it is not independent or credible. The situation differs between different NGOs; some operate in a partisan manner and this influences their choice of affiliation with government bodies.

2.33 Fijians with a disability are protected by the *Rights of Persons with Disabilities Act 2018*. That Act creates the National Council for Persons with Disabilities. The Council advises the Government on disability issues, works with aid partners, develops policy and advocates for people with disability. The Act also bans discrimination based on disability.

## SECURITY SITUATION

2.34 Fiji is generally stable and secure. The most recent elections in 2018 were orderly and free from violence. Crime rates, especially for violent and organised crime, are generally low. The risk of terrorism is low. Organised crime exists in Fiji, but it is not large-scale and is unlikely to affect people's day-to-day lives. Some alcohol-related street violence occurs. Domestic violence is a serious problem (see Women). Accusations of police violence are commonly reported and regularly investigated (see Police).

## 3. REFUGEE CONVENTION CLAIMS

### RACE/NATIONALITY

3.1 The two main ethnic groups are the Melanesian iTaukei and Indo-Fijians, descendants of colonial sugar cane workers. Whereas Indo-Fijians were once a slight majority, their population in Fiji has since reduced with large-scale emigration. DFAT understands that about a third of the population is Indo-Fijian and the majority of the rest of Fijians are iTaukei. Statistics on ethnicity were not released by the Fiji Bureau of Statistics for the 2017 census due to problems when collecting the data.

3.2 Parallel ethnic communities have a long history in Fiji. The colonial government encouraged the separate development of ethnic communities that lived, worshipped and were educated separately. Today, some separation between the communities continues but it is not officially mandated. For example, Indo-Fijians tend to make up the majority of the business and farming sectors, but iTaukei Fijians tend to make up the majority of the security forces and the public service.

3.3 Since 2009, the Government has undertaken a program of reform aimed at reducing the role of ethnicity in Fiji's politics. Through mechanisms such as the 2013 Constitution, the Government has reformed or removed racial aspects of the political system, including by abolishing separate ethnic-based voter rolls. Ministers in the current FijiFirst Government are from both major ethnic communities.

3.4 The largest opposition party in Parliament is currently the Social Democratic Liberal Party (SODELPA) which polled well in the 2018 election and largely draws its support from iTaukei. FijiFirst is popular among Indo-Fijians, who support its multi-ethnic platform.

3.5 Race is an important factor in Fijian society, but ongoing government integration efforts are having some effect. Some low-level social discrimination continues, with the use of racist stereotypes common among both groups. The Government has taken significant steps to de-segregate the community in day-to-day life. Schools were required to stop calling themselves 'Indian' or 'Fijian', and the 2013 Constitution requires Hindi to be taught in primary schools. Diwali and the Prophet Mohammed's Birthday are both national public holidays alongside Christian holidays like Christmas and Easter. The *Public Order Act* was amended in 2012 to prohibit incitement of racial violence, and the 2013 Constitution prohibits discrimination based on race or ethnicity and applies to all 'Fijians' regardless of race.

#### Indo-Fijians

3.6 Most Indo-Fijians are descendants from indentured sugar workers (see [Recent history](#)) but there were also free migrants who came later. While most trace their origins to northern India, a distinct Indo-Fijian culture has developed over generations that has continued to evolve through more recent waves of immigration and emigration. Indo-Fijians are mostly Hindus, but Sikh, Christian and Muslim communities also exist. They are diverse in their economic activity and social interests.



3.7 Based on findings in [Race/Nationality](#), DFAT assesses that Indo-Fijians face a low level of societal discrimination. This affects most Fijians as some people of each major ethnic group perpetuate racist stereotypes against the other. As religion tends to be divided along ethnic lines, see also [Hindus](#) and [Muslims](#). Because of traditional land ownership, most Indo-Fijians are unable to buy land outright, but rather lease it. See [Land rights and property law](#). Otherwise, DFAT is not aware of evidence of official discrimination against Indo-Fijians based on race/nationality.

## iTaukei

3.8 Indigenous Fijians descend from Melanesian groups arriving in western Fiji, and from Tongan, Samoan and other Polynesian groups arriving in eastern Fiji over the last several thousand years. Fijian culture is thus diverse and varied across the country. Fijian culture is traditionally hierarchical and patrilineal, and structured into a complex system of families, tribes, clans, and confederations of those groups.

3.9 Some iTaukei feel a sense of economic or political marginalisation. iTaukei are more likely to experience poverty than are Indo-Fijians, but there are rich and poor among both groups.

3.10 iTaukei are the majority ethnic group in Fiji and enjoy significant social, economic and political capital. Overall, DFAT assesses there is no official discrimination against indigenous Fijians. Some low-level societal discrimination exists that affects most Fijians as some people among both major ethnic groups perpetuate racist stereotypes against the other.

## RELIGION

3.11 The 2013 Constitution establishes Fiji as a secular state, guarantees freedom of religion and specifically protects against religious discrimination. In practice, freedom of religion is well established in Fiji, and the Government and the people generally respect that freedom.

3.12 About 65 per cent of Fijians are Christians, about 25 per cent are Hindu and about 6 to 7 per cent are Muslim. The Methodist Church in Fiji and Rotuma (MCFR) is the largest denomination with over 212,000 members, according to the World Council of Churches. Other Christian denominations include Catholicism, Assemblies of God and Seventh Day Adventist. Religion tends to be divided along ethnic lines; most iTaukei are Methodist and most Indo-Fijians are Hindu or Muslim.

## Methodists

3.13 Most traditional chiefs, who are influential in Fijian society, are Methodists. Methodism in this context is a shared tradition rather than a single church hierarchy. The MCFR is the largest church organisation, but other Methodist churches also exist.

3.14 The MCFR has historically been influential in Fijian politics. There is some overlap between the ethno-nationalism of the main opposition party (SODELPA) and the MCFR, and many ethno-nationalists are members of both organisations. DFAT assesses that there is no official or societal discrimination against members of the Methodist church based on their religion. Methodists worship and gather freely and the Church and its members are influential in Fijian society.

## Hindus

3.15 Most Indo-Fijians are Hindu. The 2007 census data (the most recent census with religion data) does not break down Hindus into different categories, but the 1996 census before it found that the largest grouping by far was the Sanatani (who acknowledge the religious significance of Vedic scriptures but also accept non-Vedic traditions), and the second largest group was the Arya Samaj, (who regard the Vedas as revealed scripture and seek to strip away non-Vedic traditions). There has historically been some tension between the two groups, but DFAT understands it does not affect day-to-day life for most Fijians.

3.16 There have been instances of tensions between indigenous Fijians and Indo-Fijians and it is not clear whether these are motivated by religion, race or both. A series of vandalism and robbery events at Hindu temples was recorded in 2018 and received significant media attention. According to media reports, police took the incidents seriously and political figures condemned the attacks. The motive for the crimes is not clear – it may have been opportunistic, or factionally or racially motivated.

3.17 A further incident occurred in July 2019 in which money was stolen. Police investigated the incident using sniffer dogs but did not find any suspects. A local leader noted that the thieves did not commit any acts of sacrilege and their apparent motive was financial.

3.18 Two further attacks occurred in January 2022 in Nausori, near Suva. Holy artefacts were defaced in both incidents – a holy book was set on fire in one temple and items of clothing were removed from statues in the other. Money and other goods were also stolen in the incidents. Police were investigating the incidents with no arrests made at the time of writing.

3.19 The Government and authorities respect and protect Hindus' freedoms of religion, belief and worship. Hindu religious and representative organisations operate freely. Some incidents of theft and violence have affected Hindu places of worship, but these are not common occurrences and the motives behind them are not always clear. When incidents do occur, police respond appropriately. Overall, DFAT assesses that Hindus face a low level of societal discrimination, and there is no evidence of official discrimination against Hindus based on their religion.

## Muslims

3.20 Muslims are a significant minority among the Indo-Fijian community; DFAT understands they make up about 6 or 7 per cent of the total population of Fiji. Most Fijian Muslims share the same Indo-Fijian ethnic background and almost all Muslims are Sunni and of the Hanafi school of jurisprudence.

3.21 As with other religious minorities in Fiji, Muslims have benefited from increased religious pluralism and are able to practise their religion freely. In-country sources report that celebration and observance of Muslim cultural activities such as Ramadan and Eid, as well as day-to-day worship, occur freely. Most mosques and Islamic schools are located on Viti Levu, where the capital Suva is also located. There are more than twenty Islamic schools operating.

3.22 Some low-level societal discrimination occurs and anti-Muslim sentiment is sometimes expressed as part of broader iTaukei nationalism in mainstream politics. Anti-Muslim sentiment might be expressed in the form of hate mail or bigoted social media posts that associate Muslims with terrorism. In-country sources told DFAT that the level of anti-Muslim sentiment has increased in the last five to 10 years, but that it remains mostly low-level (social media posts, for example).

3.23 Relations between Muslims and Hindus are mostly good. Some negative sentiment originating in tensions between Hindus and Muslims in Indian subcontinental politics has spilled over to Fiji but, again, this is mostly low-level and does not significantly hinder day-to-day life.

3.24 DFAT assesses that Muslims in Fiji face an overall low level of societal discrimination, but is aware of some anti-Muslim sentiment in the community. Muslims, along with other religious minorities, have benefited from reforms that encourage pluralism. DFAT assesses that Fijian Muslims face a moderate risk of low-level societal discrimination that does not escalate to violence or hindrance in day-to-day life. There is no evidence of official discrimination against Muslims based on their religion.

## POLITICAL OPINION (ACTUAL OR IMPUTED)

3.25 The Constitution guarantees freedom of speech, expression, assembly and association. However, each of these rights is subject to broad caveats and can be limited by laws relating to national security, public safety, public order, public morality, public health and the orderly conduct of elections.

### Street protesters

3.26 Street protests are relatively uncommon in Fiji. In the last several years protests have been especially uncommon due to COVID-19 lockdowns and restrictions. The lack of protests may also be related to the country's turbulent political history and police restrictions; permits are needed for a protest and these are sometimes denied. Violence has been reported in some protests and police will attend to violent incidents, but there is no suggestion that street protests or street protesters are inherently violent.

3.27 DFAT assesses that protesters in general may be prevented by the state from protesting lawfully. DFAT notes that COVID-19 restrictions against protest have been enforced by police as they have elsewhere, including in Australia. Laws, including provisions outlawing sedition and the *Public Order Act*, can be used against protesters which can lead to prison sentences. DFAT has not observed a strong pattern of interference against low-level attendees of protests (protest leaders are more likely to be charged). On that basis, DFAT assesses that protesters face a low risk of official discrimination, but notes that such discrimination is not impossible. There is a moderate risk of violence in the form of police brutality.

### Online protesters

3.28 A former political candidate, Benjamin Padarath, was charged with sedition, among other crimes, for his social media posts that were found to interfere with an investigation by the Fiji Independent Commission Against Corruption (FICAC). Padarath allegedly destroyed evidence and leaked information in a way that was considered prejudicial to the investigation. At the time of writing the matter has not been resolved. DFAT notes that, apart from the application of 'sedition' charges, such actions would likely also be illegal in Australia and other liberal democracies.

3.29 According to media reports, in 2019, a 16-year-old boy was taken from his home by men claiming to be from the army. The men questioned the boy for two days after he posted a picture of graffiti critical of Prime Minister Bainimarama on Facebook. The facts of the case are disputed and DFAT is not aware of the outcome of incident. DFAT is aware of other cases where arrests have been made for online criticism that have not led to prosecutions.

3.30 DFAT assesses that social media users who criticise the Government face a low risk of official discrimination. Some sources told DFAT that the political environment promotes self-censorship. If there are consequences for online speech, these are more likely to be in the form of questioning or short-term arrest and detention rather than long-term incarceration. The risk is much higher for high-profile individuals; a person of low profile posting anonymously is unlikely to attract official attention. Where there

are consequences (particularly for high-profile social media users), these may include questioning by police, long court cases or prosecution under the *Public Order Act*. Media outlets and platform owners may also be subject to consequences, if they are judged to have broken the law (see [Media](#)).

## Opposition parties

3.31 The main opposition parties at the time of writing are the Social Democratic Liberal Party (SODELPA) with 21 members of parliament, and the National Federation Party (NFP) with three. The ruling party, FijiFirst, has 28 seats in the Parliament. FijiFirst emphasises diversity and has Indo-Fijian members of parliament. SODELPA and (to a lesser extent) the NFP draw their support from iTaukei. The Fiji Labour Party, which has no seats in Parliament, tends to be supported by Indo-Fijians and is led by former Prime Minister Mahendra Chaudry. Former SODELPA leader and former Prime Minister (and 1987 coup leader) Sitiveni Rabuka has established the People's Alliance Party (PAP) to contest the next election and is seeking to draw multi-ethnic support.

3.32 Politics in Fiji today is no longer characterised by the unrest of the past. The 2018 election was calm and orderly; international observers found the conduct of the election to be credible and that the outcome 'broadly represented the will of Fijian voters'. Transparency International reported in November 2021 that only 4 per cent of people received threats or inducements to vote a certain way, the second lowest rate of the Pacific countries studied. There were some allegations of irregularities in counting, but these were not borne out and election observers certified the election as generally credible. The results were close, indicating a diversity of views among Fijian voters.

3.33 SODELPA was suspended in 2020 under electoral rules for breaching its own constitution. SODELPA is factionalised with personal loyalties and geographic loyalties tied to particular chiefs. Factional disputes can be very public and ill-disciplined, which may have increased attention paid to them by the media and regulators.

3.34 SODELPA leader (and 1987 coup leader) Sitiveni Rabuka was charged with corruption offences in the lead-up to the 2018 election but was released on bail. He was later cleared and an appeal by the anti-corruption commission was dismissed.

3.35 Planned protests by the National Federation Party, the second largest opposition party, were denied permission in October 2020 (during the COVID-19 pandemic) and August 2019 (before the COVID-19 pandemic). The 2019 protest was denied permission due to incorrect documents being provided.

3.36 DFAT is aware of allegations of police harassing members of opposition parties. In-country sources told DFAT that such incidents are likely the result of orders from senior people in the police, military or government. Police allegedly use the *Public Order Act* to effect arrests in order to prevent opposition meetings, prevent [protests](#) or even shut down debate. Opposition parties use [social media](#) regularly but may self-censor.

3.37 For example, in 2020 police raided a meeting held by Rabuka in Rakiraki in the north of Viti Levu. The meeting was stopped because Rabuka allegedly did not have a permit for a meeting of more than 10 people. Police were aware of the meeting going ahead as organisers had sought clarification on a permit to operate outside of a curfew implemented to control COVID-19. The dispersal was apparently peaceful and the media reported that police headquarters in Suva had asked Rakiraki police for an explanation of the events.

3.38 The events described above have been directed at high-profile people within the opposition. DFAT understands that rank and file and low-profile opposition party members would be much less likely to experience interference. Those involved or perceived to be involved in opposition parties who facilitate



high-profile criticism (for example, [journalists](#) or [social media users](#)) may be questioned by police, but DFAT understands that this is not a widespread problem affecting low-profile party members.

3.39 Politics and parliamentary tactics can be energetic and robust. Opposition political parties and figures are public with their views, and efforts to discipline them are in accordance with the law. DFAT assesses that opposition political parties and their members experience a low risk of official violence but notes that discrimination in the form of questioning or restriction on activities is possible.

### People involved in *coups d'état*

3.40 Fiji has had four *coups d'état* in [recent history](#). The leader of the 2000 coup, George Speight, is still in prison. Sitiveni Rabuka, who instigated both of the 1987 coups, later served as Prime Minister and Leader of the Opposition. People involved in more historic coups will likely have already been punished for any crimes related to those events and many enjoyed successful careers after the coups.

3.41 People involved in the 2006 coup are also unlikely to experience official or societal discrimination merely for their involvement. Any person involved in the coup who held a political office or was a member of the public service is immune from prosecution as set out in the Constitution. DFAT understands from in-country sources that the 2006 coup may be a sensitive topic, but is not aware of a related pattern of violence or discrimination.

## GROUPS OF INTEREST

### Human rights NGOs

3.42 Fiji has a vibrant human rights NGO scene relative to its small size. NGOs include those linked to women's rights, trade unions, environmental activism, religious organisations and health services. Human rights organisations are registered under the *Charitable Trusts Act 1945* and associated decrees. There is some ministerial discretion in the law, for example the Minister can revoke the appointment of NGO officials or refuse registration for a NGO. DFAT understands that these provisions are not often used and that NGOs generally operate freely. Some politicians might accuse civil society organisations (CSOs) of being politically biased but DFAT is not aware of a strong pattern of incidents of interference. DFAT assesses that NGOs and their members are at low risk of official discrimination. If NGOs are involved in politics, the relevant assessment under [Political Opinion \(Actual or imputed\)](#) would apply.

### Media

3.43 Fiji has a range of non-government television and radio stations and newspapers. Like other industries, the media has suffered with the effects of COVID-19. Falling advertising revenues have reduced the number of media outlets, causing many to struggle to find and produce content, and narrowing the media landscape of Fiji in recent years. Reporters without Borders ranked Fiji 55th out of 180 countries for press freedom in 2021.

3.44 Under the *Media Industry Development Act* (the Act), media outlets must be registered with the Government. The need for regular re-registration causes some outlets to self-censor for fear of registration being denied. The Act also has a provision that allows the Government to prevent the broadcast or publication of information that 'may give rise to disorder' that could cause 'undue demands to be made on

security agencies, result in a breach of the peace, promote disaffection or public alarm or undermine the Government'. Those who do not comply with these broad provisions can be 'ordered' to 'cease all activities and operations', which is not further defined in the Act. However, in broad terms, two-year prison terms exist for failure to comply with the Act.

3.45 Under the Act, media are bound by a code of ethics that promotes balance and fairness, accuracy and privacy, and prohibits harassment, 'subterfuge' and discrimination. Some of the terms of the code are vague. For example, journalists are required to avoid 'deceptive practices', defined as disseminating material that may diminish public confidence in the integrity of the media. Journalists are also required to 'recognise socially accepted general standards of decency', which are not defined. DFAT understands that the provisions of the Act are not often enforced, but the legislation may result in self-censorship to avoid breaches of the Act.

3.46 Two New Zealand journalists were arrested and briefly detained when investigating a Chinese development firm in 2019. The journalists were released and received an apology from the Prime Minister who blamed 'rogue' police for the action.

3.47 Journalists have been charged under sedition provisions in the criminal law. In 2018 three journalists were charged with sedition for claiming that Muslims had been involved in historic acts such as invading other countries, and associated war crimes such as rape and murder. This, according to prosecutors, was seditious because it could promote hostility towards Fiji's Muslim population. The journalists were found not guilty by the High Court.

3.48 DFAT assesses that journalists are generally at a low risk of official discrimination or violence, but notes that actions against them, including for alleged breaches of the law or by rogue police, are possible. As a result, some self-censorship may occur among journalists.

## Women

3.49 Fiji is a traditionally male-dominated society and traditional gender roles are well-entrenched. According to World Bank figures, the participation rate for women is the lowest in the Pacific region at 35 per cent of the total labour force (by contrast, Australia's rate is about 46 per cent of the total labour force). These figures are from 2019 and the impacts of the pandemic on the largely feminised tourism sector may have made the situation worse.

3.50 The 2021 US Department of State Human Rights Report notes that there are no laws that prevent women from participation in political processes, but that traditional gender roles restrict that participation in practice for iTaukei women. Similarly, iTaukei women are entitled to inherit land equally to men, but in practice this does not occur and many women work on land that is owned by their male relatives.

## Violence against women and girls

3.51 A study by the Fiji Women's Crisis Centre (FWCC) from 2013 (the most recent study by the FWCC) found 64 per cent of women who had ever been in a relationship had experienced domestic violence. In October 2020 the then Minister for Women, Children and Poverty Alleviation, Mereseini Vuniwaqa, said that 72 per cent of women in Fiji might experience violence in their lifetime. Vuniwaqa said that violence in Fiji affected women from all socio-economic backgrounds. She also noted that in 2020 (to October) police had recorded 1,545 cases of violence against women. Elsewhere, Vuniwaqa has acknowledged that Fiji's rate of violence against women and girls is among the highest in the world. The media reported 10 deaths from domestic violence in 2020.

3.52 Reported cases of sexual assault are also high. According to media reports, 531 cases of rape were recorded against 240 victims, of whom 165 were minors, in 2020. The Fiji Women's Rights Movement analysed rape cases in the High Court in 2020 and found a male perpetrator in all 81 cases and an average age of victims of 14 years. Spousal rape is illegal under Fijian law. In April 2021, a man who sexually assaulted his wife when she 'refused intimacy' was sentenced to a 6-year and 10-month prison term by the High Court in Lautoka.

3.53 Police protection is available but not consistently. Some police stations do not have the equipment or transport to deal effectively with cases of gender-based violence (see [Police](#)). Women who seek help from advocates (for example, the FWCC Centre runs a hotline) may receive more assistance.

3.54 A magistrate can issue restraining orders. These orders operate similarly to apprehended violence orders in Australia, with conditions that aim to protect a person from assault, threats, intimidation, 'abusive, provocative or offensive' behaviour or the procurement of those offences by another person. These orders are enforced by police and provide some protection.

3.55 An audit by the Fiji Auditor General in 2019 found that there is 'inconsistency' in the application of legislation that prohibits violence against women. It notes 'pressure on women to reconcile with their husbands/partners' by police or society, as well as a lack of knowledge among women about their rights. Fiji Police have a 'no drop' policy for domestic violence. This means that cases cannot be dropped by police nor be withdrawn by victims; they must be investigated. This is to prevent victims from being pressured by family to drop the cases. In practice, the Auditor General found (and in-country sources confirmed to DFAT) that the policy was not implemented in all cases and that police did sometimes drop domestic violence cases or were unhelpful or even hostile to victims.

3.56 NGOs provide some services to women and girls who are subject to violence. For example, the FWCC offers a 24-hour telephone crisis counselling service that can coordinate emergency assistance throughout the country. Lawyers and counsellors might also be available to victims. Women's domestic violence services reported an uptick in demand during the COVID-19 pandemic. Cyclones, which cause people to shelter together in their homes, have had a similar effect of increased violence.

3.57 Women experiencing violence in the outer islands or rural areas may have more difficulty escaping violence. Shelters are unlikely to exist in remote areas and a family member may be relied upon for protection. Conversely, family ties and loyalties and traditional hierarchies can protect perpetrators. [Relocation](#) is not necessarily helpful; Fiji is relatively small and sometimes people can be tracked down through kinship networks. DFAT assesses that women who experience domestic violence are, by definition, at a high risk of violence, and a moderate risk of discrimination in the form of lack of access to protection.

## Sexual orientation and gender identity

3.58 Fiji is one of the few countries to have constitutional protections against LGBTI discrimination. Gay sex was decriminalised in 2010. Same-sex marriage is not legal in Fiji, however same-sex couples can and do live in Fiji.

3.59 There are a few LGBTI NGOs operating in Suva that may cover issues regionally for other Pacific countries. DFAT understands that they are relatively effective in raising awareness of LGBTI issues and dealing with authorities. However, in-country sources told DFAT that this needs to be understood in the context of overall low visibility of LGBTI people and LGBTI issues; LGBTI issues are rarely spoken of and raising awareness is a difficult task. There are few research studies of LGBTI issues in Fiji and it is difficult to observe or analyse patterns of discrimination and violence against LGBTI people.

3.60 Gay men and lesbians often do not come out to their families and are often not accepted when they do. This can cause significant problems because of the traditional role that families take in [welfare](#) during times of sickness or unemployment. LGBTI people may find more acceptance in Suva, particularly in wealthier circles. According to sources, societal belief in the efficacy of ‘corrective rape’ of lesbians remains prevalent in the indigenous Fijian community, although DFAT has no way of assessing or verifying the prevalence of such practices.

3.61 Twenty-one-year-old gay man, Iosefo Qionitoga Magnus was murdered in 2017 with no arrests made. A transgender woman, 23-year-old Akuila Salavuki, was found dead in a pool of blood in May 2018. Her accused murderer was acquitted. In-country sources told DFAT that when anti-LGBTI violence occurs it is more likely to be targeted than random, but that anti-LGBTI violence may be underreported which obscures any understanding of the prevalence of anti-LGBTI violence. Media articles about violence may not disclose that the violence was an anti-gay hate crime, for example.

3.62 In-country sources told DFAT that LGBTI individuals can experience societal discrimination when accessing goods and services. LGBTI issues are not discussed generally in Fijian society, and little data other than anecdotal reports exists to demonstrate that discrimination.

3.63 The tourism industry provides employment opportunities for LGBTI people, according to in-country sources. The tourism industry is highly international by its nature and is more inclusive of LGBTI people. It also provides an opportunity for people to work away from their families, who may have rejected them.

3.64 Transgender people report high levels of discrimination and abuse. Police promised to review claims of abuse directed towards transgender people on the Transgender Day of Remembrance (an international day to remember victims of anti-transgender violence) in 2018. Some transgender women are seen and may even be accepted as ‘entertainers’ but may find it difficult to find mainstream employment.

3.65 Overall, DFAT assesses that LGBTI Fijians are at a moderate risk of official and societal discrimination and a moderate risk of violence. Because of homophobia and transphobia, many LGBTI people may hide their identity. Taboos against reporting violence against LGBTI people also exist, which may make patterns difficult to identify.

## Disability

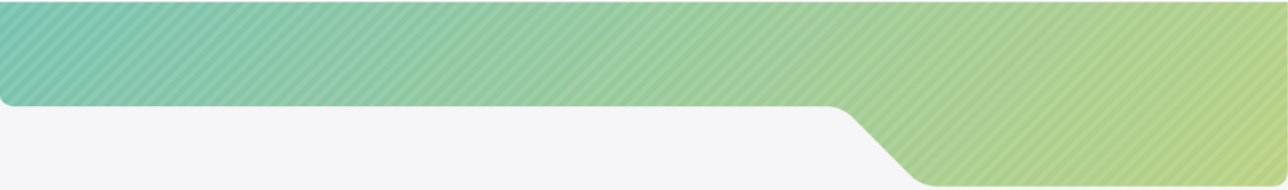
3.66 Disability discrimination is illegal under both the Constitution and the *Rights of Persons with a Disability Act 2018*. The Constitution provides for ‘reasonable’ access to buildings, communication and information and ‘necessary materials, substances and devices’ related to a disability. In practice, these resources and facilities may not be available. Facilities are likely better in large cities, but the individual needs of a person with disability vary, as do local facilities. Stigma might attach to people with disability; Fijians in remote areas may attempt to hide a family member with a disability in their house.

3.67 The 2021 US Department of State Human Rights Report on Fiji notes that building regulations required new public buildings to be accessible, but ‘only a few’ met that requirement. The same report notes employment discrimination and a lack of government programs to improve access to information and communications for people with disabilities.

3.68 Various services exist that may assist in some circumstances. A small welfare payment may be available to people with disability (see [Employment and welfare](#)). For information on health services generally, see [Health](#). Various [NGOs](#) also work in this space.

3.69 It is impossible to make an overall assessment of the situation for people with disability in Fiji because of the diversity of lived conditions, and the diversity of facilities available in different parts of the





country. A person with a physical disability will likely have difficulties in day-to-day life as accessibility of public buildings and structures is often limited. Stigma is also possible, and is worse in remote areas, but depends on individual families and communities. DFAT is not aware of a pattern of violence against people with disability in society, but understands that abuse within families is possible.

## 4. COMPLEMENTARY PROTECTION CLAIMS

### ARBITRARY DEPRIVATION OF LIFE

#### Extrajudicial Killings and Deaths in Custody

4.1 DFAT is not aware of recent examples of extrajudicial killings. There are several recent reports of deaths in custody caused by police brutality. See [Police](#) and [Detention and Prison](#).

#### Enforced or Involuntary Disappearances

4.2 DFAT is not aware of recent examples of enforced or involuntary disappearance, but see section on [political opinion](#) for examples of where police have taken political activists into custody for questioning.

#### Death Penalty

4.3 Fiji abolished the death penalty in 2015. The last hanging was in 1964.

### TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

4.4 Torture is unlawful but has been alleged, usually in the context of police brutality or prisons. See [police](#) and [prison sections](#). DFAT is not aware of allegations of torture outside those settings.

#### Arbitrary Arrest and Detention and Criminal Procedure

4.5 Under the Constitution, an arrested person has the right to understand the reason for their arrest, to remain silent, communicate with a lawyer, be held separately from convicted criminals, be brought before a court within 48 hours and have someone informed of their arrest. The 2021 US Department of State Human Rights Report found these rights are generally respected, but the *Public Order Act* allows the suspension of some rights and may allow up to 16 days of detention without charge in those cases.

## 5. OTHER CONSIDERATIONS

### STATE PROTECTION

#### Military

5.1 The Republic of Fiji Military Forces (RFMF) play an influential role in Fijian society. They have played a central role in Fiji's [recent history](#) and Prime Minister Bainimarama was a RFMF Commander at the time of the 2006 coup.

5.2 The RFMF have a visible presence. Media reporting on RFMF activities is common and having served in the military or having a family member who did can be a source of pride for many Fijians. The military often plays a role in disaster relief efforts. During the COVID-19 crisis the military was active in enforcing quarantine regulations before the police took on that role. Fijian police are unarmed and, in cases where weapons are required, the military may assist police.

5.3 Although the military is an active and visible presence in Fiji they are unlikely to hinder the day-to-day activities of most Fijians. The various *coups d'état* (see [Recent history](#)) are in the living memory of many Fijians and this contributes to fear and suspicion of the army in some quarters, but DFAT assesses that these fears are not factors in the day-to-day lives of most Fijians. Conversely, many Fijians hold the RFMF in high esteem because of their disaster relief efforts and strong traditions of service within families, for example. There is no conscription in Fiji: people join the military voluntarily.

5.4 Upon expiry of their original enlistment period, RFMF members are transferred to the Reserve until age 55. They can be recalled to service by the President until that age in cases of 'invasion, war or danger ... or by reason of any internal emergency'. DFAT is not aware of any recent examples of this occurring.

5.5 In the unlikely event that a reservist is called up for service, absence from Fiji at the time of being called up would be a reasonable excuse for non-attendance according to section 20 of the *Republic of Fiji Military Forces Act 1949*. The penalty for refusing service without a reasonable excuse (noting that absence from Fiji is a reasonable excuse) is up to 12 months' imprisonment or a fine not exceeding FJD 100. DFAT is not aware of any cases of a reservist being imprisoned for being absent for the purposes of making an asylum application outside Fiji or any other absence reason.

#### Police

5.6 The Fiji Police Force (FPF) is a national police force that covers the whole country. The US Department of State Overseas Security Advisory Service 2020 Crime and Safety Report assesses Fiji police as 'professional' and notes recent improvements in training and accountability. It notes that police may not be based in vehicles and may not arrive in time to disrupt crimes in progress but assesses that 'victims of crime can expect fair treatment with dignity'.

5.7 Police are generally well-resourced by the Government and receive funding and training from overseas aid partners. The police are, in general, disciplined (but see comments on violence below). Policing is conducted on a community policing model and police are generally actively engaged with the communities they serve.

5.8 Corruption in the FPF is reported, but DFAT understands that it is not widespread. There are some allegations of corruption and DFAT is aware of pockets of corruption that have later been exposed and investigated. Complaints about the FPF are made to the [Human Rights and Anti-Discrimination Commission](#).

5.9 Policing in outer islands and more remote places is more difficult because of the greater influence that the chief-based hierarchy has in the outer regions. Police are generally not deployed to their home communities to avoid conflict with traditional hierarchies.

5.10 The Fiji Police Force overall has the capacity to protect individuals from societal harassment, discrimination, and violence, and police are usually effective in carrying out their role in day-to-day crime detection, investigation and prevention.

#### Police violence

5.11 Police violence is often reported in the media and by human rights groups. In-country sources told DFAT that assaults in custody occur, and that monitoring and accountability systems to prevent such assaults are either not implemented or not implemented effectively. The situation is worse outside of cities. Convictions often rely on confessions, which may be extracted through beatings. DFAT understands that the situation is improving with courts dismissing cases that rely on evidence obtained through violence.

5.12 According to a 2020 article in *The Guardian*, the acting Commissioner of Police condemned 'indiscipline' among the ranks and ordered an investigation into the death of 46-year-old Mesake Sinu, who police claimed jumped to his death from a second-storey window. Critics allege that police beat Sinu to death. In the same article, *The Guardian* reported figures it had obtained showing that 400 charges of 'serious violence' were laid against police between May 2015 and April 2020, which included allegations of rape and homicide.

5.13 Police misconduct, including excessive violence, is regularly investigated with a full range of censures routinely used, from disciplinary measures to dismissal and criminal charges being placed. In most cases, there is reasonable action taken when a complaint is reported.

5.14 Five police officers were charged in 2020 after they threw a villager off a bridge. Four officers were allegedly involved in the assault and one other attempted to interfere with witnesses. In April of the same year, an opposition member of Parliament was arrested after he posted a video on Facebook in which he spoke about the incident.

5.15 A viral video published on social media in May 2021 showed two police officers holding a man's head to the ground, with his arms held behind his back, while pepper spray was sprayed in his eyes. The man was wanted for possession of marijuana and had allegedly resisted arrest.

5.16 With the increase in the number of people with smartphones there has been an increase of similar videos posted to video-sharing platforms such as YouTube. Outside of prominent examples such as those mentioned above, in-country sources told DFAT that police violence is much less likely to occur in public, largely because people will film such events and the media will report on them.



## Judiciary and access to law

5.17 Courts include the Supreme Court, Court of Appeal, High Court and Magistrates' Court. Most matters that affect the day-to-day lives of Fijians are heard in the Magistrates' Court. Criminal proceedings are instituted by the independent Office of the Director of Public Prosecutions (ODPP); the ODPP also appoints police officers as prosecutors in courts. Criminal defendants generally get a fair trial. Judicial standards familiar in Australia, such as presumption of innocence, right to be present at trial and the right to be informed of details of charges, also exist in Fiji. 'Assessors', which were comparable to juries, were abolished in 2021.

5.18 The 2021 US Department of State Human Rights Report notes that the appeal courts may be slow to hear cases. In-country sources told DFAT that long delays are common but that civil cases, which may take several years, are usually much slower than criminal matters.

5.19 Judicial independence is disputed. Many judges are appointed on three-year contracts. Critics posit that the limited contracts affect independence because judges who are critical of the Government will not have their terms renewed. Some high-profile court cases have gone against the prosecution in recent years; for example, the 2018 acquittal of former Prime Minister and opposition leader Sitiveni Rabuka on corruption charges. Sources told DFAT that if corruption exists in the courts it is not common.

5.20 The Legal Aid Commission may provide legal assistance to indigent defendants. The Commission is recognised under the Constitution and is state funded. It provides services in family, criminal and civil law and may file out briefs to private lawyers who may volunteer their time and expertise. Eligibility criteria apply, with an annual income threshold of FJD15,000 (about AUD10,000). The Commission has recently increased its geographic outreach and more people, including in rural and maritime areas of the country, are now able to access its services. There may be few other lawyers practising in more remote areas, which may in practice mean that people cannot access representation, especially where Legal Aid is already acting for the other party. The quality of legal services provided by legal aid is variable.

## Detention and Prison

5.21 Prisons are overcrowded and infrastructure is 'deteriorating', according to the 2021 US Department of State Human Rights Report for Fiji. That report notes 'insufficient beds' and 'inadequate sanitation' in prisons. Sources told DFAT of prison dormitories with dozens of prisoners in cramped spaces. Some cells might have one toilet for up to 70 prisoners and others will merely have a bucket used as a toilet.

5.22 Sources described prison food as 'basic', but often supplemented by provisions from families. Some prisoners find the food inadequate. Meat may be limited and fresh fruit is not served. Water may not be available inside cells, but is generally available when required. Medical care, including mental health care, is available but quality is variable. DFAT is not aware of systemic issues of violence, whether perpetrated by prisoners or prison staff.

5.23 *The Guardian* in 2020 quoted 'current and former employees of the Fiji Human Rights and Anti-Discrimination Commission' who said investigators are 'regularly' refused access to victims of alleged assaults in prisons by prison officers and that rights violations are overlooked. Those sources told *The Guardian* that violence by police and prison officers are the two largest sources of complaints made to them.

5.24 *The Guardian* reported in May 2020 that four former prison officers were seeking asylum in Australia after claiming that the Prisons Commissioner 'routinely' ordered the beatings of prisoners. Four

Corrections Officers were charged with murder in April 2020 after a man on remand fell ill and died at Natabua Corrections Facility in Lautoka. The court case is still ongoing at the time of writing.

## INTERNAL RELOCATION

5.25 There are no legal limits to relocation, but Fiji is geographically small and land is held tightly in kin groups, which limits internal relocation in practice. Even Suva, the largest city in Fiji, has only a small suburbia and few relocation options. Movement to another island is possible but in practice most relocation is to urban centres from other islands. Due to the COVID-19 pandemic and Fiji's reliance on the tourism and agriculture sectors, relocation may not be practical to locations where no jobs exist. Successful relocation would depend on an individual's skills and prospects in the place to which they are relocating.

5.26 For relocation for victims of gender-based violence specifically, please see [Women](#).

## TREATMENT OF RETURNEES

### Entry and exit procedures

5.27 Fiji's main international airport is in Nadi and a smaller international airport exists in Nausori (about 30 minutes' drive from Suva), both on Viti Levu. In practice, many Suva passengers take shuttle flights to Nadi. Passengers must present their passport, visa if required and an arrival card to an immigration officer. Passengers are also subject to customs and quarantine inspections. Corruption is unlikely. Most people entering Fiji obtain a visa on arrival; visitors are largely from Australia and New Zealand, and, to a lesser extent, from other Western countries.

### Conditions for returnees

5.28 DFAT is not aware of any official or societal discrimination against failed asylum seekers. Many asylum seekers begin their journey by responding to advertisements that promise a job and a Medicare card in Australia. These advertisements are scams with the organisers later making asylum claims on behalf of applicants that the applicant may not be aware of at the time they sign up. Emigration and return to Fiji are common in Fijian society. Many Fijians have cultural and family links to Australia, and a return would be unlikely to be seen as unusual or attract attention from authorities.

## DOCUMENTATION

5.29 Many documents in Fiji are based on holdings of paper-based records. The Government is undertaking a digitalisation process that is ongoing at the time of writing.

5.30 Passports contain some security features, such as reactions under UV light and watermarks. Newer passports contain biometric chips. Fijians abroad can apply for replacement passports at diplomatic missions and, in Australia, can make an online application. The Fiji High Commission in Canberra also offers certificates of identity, birth certificates, marriage certificates, police clearances and a range of other documents by online application. Identity cards (described below) are required to apply for a passport.

5.31 Fijian birth certificates have weak or no security features; the only identifier is an individual certificate number. Local procedures vary but digital services that allow birth certificates to be registered online are now available. Records of births are generally accurate and secure, even if the document itself lacks security features.

5.32 Some government agencies may accept Voter Identification Cards (VIC) as valid forms of identification. A person aged over 18 years who does not have a 'mental disorder' and is not serving a prison term of 12 months or longer can apply to the Fijian Elections Office to register for a VIC. VICs have some security features, including microprint and a photograph.

5.33 Other forms of identification include Fiji Revenue and Customs Service and Fiji National Provident Fund (FNPF, see [Employment and welfare](#)) Joint Card, FNPF Card and Tax Identification Number (TIN) Card. The TIN Card contains a unique identity number that is used for most official transactions where identity needs to be proved. A National Identity Card that replaces several of the abovementioned cards with stronger security features is planned but not yet implemented at the time of writing.

## PREVALENCE OF FRAUD

5.34 Counterfeit documents or fraudulently obtained documents are possible to obtain, but in-country sources did not consider the problem was widespread. Opportunistic fraud of bank statements or other documents with weak security features is much more common than passport or identity card fraud.

5.35 Applicants for a Fijian driver's licence need to present their birth certificate or passport to prove their identity. Given that birth certificates have weak security features, it may be possible to obtain a fraudulent driver's licence outside one's own community with relative ease. Those documents can then be used to obtain other documents, including passports.