

### NGO Coalition Press Release.

The NGO Coalition on Human Rights is disappointed with the new Constitution of the Republic of Fiji, released on 23 August 2013, and to be sent to the President for assent on 6 September 2013.

“This Constitution, which is not the will of the People, weakens human rights protections for the people of Fiji and the immunity provisions permit the Regime to act with impunity now and in the future” said Shamima Ali, the Chair of the NGO Coalition on Human Rights. “The NGO Coalition agrees with the statement by Amnesty International that the Constitution falls short of international standards of human rights law and is a backward step for human rights protection in Fiji”

Ali added that while some amendments have been made to the human rights provisions in the draft Constitution, these changes do not go far enough to address the concerns raised by the Coalition and other commentators. “In particular, the limitations allowed by section 6 effectively negate the protection of human rights, since human rights may be limited by any law which is stated to be “necessary”. There is no proportionality or justiciability test to determine what is necessary. Given the changes to the electoral system, with apparently a single nationwide constituency and no reservation of seats for women, it is highly likely that we will end up with an unrepresentative Parliament with minimal or nil minority and female representation. This has grave implications for minority and women’s rights, since this Constitution effectively entrenches untrammelled Parliamentary superiority over basic human rights.”

The Coalition is also concerned about the Constitution preserving draconian decrees, such as the Essential National Industries Decree, which derogate from rights supposedly protected by the Constitution, such as the right to form and join trade unions, and the right to strike. Decrees which render Government decisions non-justiciable are also preserved. “The hallmark of any truly democratic society lies in the ability of people to hold the executive accountable” said Ali. “The combination of absolute immunity and non-justiciability of Government decisions, the unparalleled power of the Executive and the potential for an unrepresentative Parliament with no provision for constituencies and local representation all derogate from principles of democracy.”

The NGO Coalition has expressed its concerns in the past over the process by which this Constitution has been finalised, and the way in which people’s views and recommendations as embodied by the Constitution Commission Draft was rejected by the Regime. “This Constitution is being imposed on the people of Fiji, and the lack of protection of human rights is extremely worrying” said Ali. “The NGO Coalition calls upon the Regime to re-think the imposition of this Constitution on the people of Fiji and to ensure that Fiji has a Constitution which complies with international human rights standards and is truly democratic.”