

Fiji's new constitution may be secular, but it still undermines human rights, says Amnesty

Posted: Mon, 9th Sep 2013

Fiji's new constitution — which was ratified on 6 September 2013 — may be secular but it "falls far short of international standards of human rights law," Amnesty International has said.

The constitution was signed by President Ratu Epeli Nailatikau and embraces the principles of a secular state with these clauses:

- 4.—
- (1) Religious liberty, as recognised in the Bill of Rights, is a founding principle of the State.
 - (2) Religious belief is personal.
 - (3) Religion and the State are separate, which means —
 - a) the State and all persons holding public office must treat all religions equally;
 - b) the State and all persons holding public office must not dictate any religious belief;
 - c) the State and all persons holding public office must not prefer or advance, by any means, any particular religion, religious denomination, religious belief, or religious practice over another, or over any non-religious belief; and
 - d) no person shall assert any religious belief as a legal reason to disregard this Constitution or any other law.

But Isabelle Arradon, Amnesty International's Deputy Asia Pacific Director said: "Contrary to the claims of Fiji's government over the last few months, the new constitution actually weakens human rights protections in the country.

"The current text upholds decrees that severely restrict free speech, grants the state the power to detain people (potentially indefinitely) without charge or trial in times of emergency. It also gives state officials immunity for a wide range of acts, including crimes under international law such as torture.

"The new constitution not only erodes basic human rights for the people of Fiji, but grants military, police and government officials absolute immunity for past, present and future human rights violations. This will only serve to allow the perpetrators of serious crimes to act with impunity," said Ms Arradon.

Despite the revised constitution, Fiji will remain subject to draconian decrees implemented since the 2006 military coup.

Amnesty International documented a number of human rights violations occurring under emergency regulations (which were in place from April 2009 to January 2011) in its 2009 report, *Fiji: Paradise Lost*.

"The international community must not allow themselves to be misled by the government's claims. They should push the Fiji government to take genuine steps towards respecting and protecting human rights for all," said Isabelle Arradon.

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