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Fiji: Military Entrenches Dictatorship with New Laws

Brussels, 13 January 2012 (ITUC OnLine): A new decree introduced by Fiji's military rulers on January 5 have cemented the dictatorship of self-styled leader Commodore Bainimarama, leading to a chorus of criticism from trade unions, human rights advocates, church leaders and governments. This move followed on the heels of a New Year's speech in which the Prime Minister announced that the much criticized Public Emergency Regulations (PER) of 2009 were to be scrapped effective January 7, a move cautiously welcomed by some governments and the United Nations. However, the new decree, amending the Public Order Act of 1969, incorporates and expands many of the powers found in the PER.

The decree creates an expansive definition of "terrorism", with severe penalties, which could be interpreted to cover just about any organised opposition to the military junta. As before, requests for public meetings will need to be approved by the junta, with seven days' notice required to seek permission to hold a meeting. However, the penalties now include a sentence of up to five years in prison (up from two years in the PER) for holding a meeting without permission. The police have the power to arrest people without warrant and hold with charge for up to 16 days (up from 10 under the PER) at the direction of the Prime Minister. Another provision states that anyone who makes statements or takes action that the government believes may "sabotage" or "undermine" the economy could face up to 10 years in prison.

"The ITUC condemns the continued and unacceptable limitations on freedom of association and assembly. Under these provisions, the existing de facto ban on trade union activity could remain in place, and trade unionists can be detained or imprisoned for many years for carrying out legitimate trade union activities," said ITUC General Secretary Sharan Burrow.

The laws also give the military the power to perform police functions. Thus, the military will now be even further entrenched in the civilian affairs of the nation, which is expected to lead to further serious abuses of civil and political rights.

Under one of the worst provisions, Fiji's courts have no jurisdiction to hear any claim challenging any decision by the Prime Minister, police commanders or any public official.

In yet another move against the country's unions, the regime has removed Rajeshwar Singh, Assistant General Secretary of the Fiji Trades Union Congress, from his position as a Board member of Air Terminal Services, representing the 49% worker-shareholding, because he had contacts with trade unionists from other countries.

"Entrenching the role of the military in civilian affairs, purges of people who criticise the regime, removing freedom of speech and association rights and eliminating fundamental legal rights are all signs of where the Commodore Bainimarama is taking the country. Fijians are being deprived of their voice and their democratic rights, and the international community must show strong resolve to help the people of Fiji regain democratic control of their country," said Burrow.

To read the new decree:

http://www.fiji.gov.fj/index.php?option=com_docman&task=cat_view&gid=59&Itemid=158

To read an ITUC analysis of the new decree:

<http://www.ituc-csi.org/fiji-public-order-amendment-decree.html>

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