



**STANDING COMMITTEE ON JUSTICE, LAW AND
HUMAN RIGHTS**

**Review of the 2014 General Election Joint Report by the
Fijian Electoral Commission and the Supervisor of Elections**



PARLIAMENT OF THE REPUBLIC OF FIJI
Parliamentary Paper No. 74 of 2019

May, 2019

Published and Printed by the Department of Legislature, Parliament House, SUVA



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CHAIRPERSON'S FOREWORD

The Standing Committee on Justice, Law and Human Rights of the last term of Parliament was referred the *2014 General Election Joint Report by the Fijian Electoral Commission and the Supervisor of Elections*. The same report had been reinstated in this new Parliament and has been referred to the current Standing Committee on Justice, Law and Human Rights. Just as the previous Committee, the current Committee was mandated by Parliament to review this Joint Report and to report back to Parliament on its findings.

The Committee took note of and deliberated on the previous Committee's concise work and deliberation on the Joint Report. This Report will reiterate the work done by the previous Committee in highlighting issues from the Joint Report and the discussions on these held by the previous Committee with the Fijian Electoral Commission and the Supervisor of Elections. It was noted that the issues highlighted by the previous Committee were adequately clarified.

Furthermore, consideration was also given to the requirements of the Standing Orders of Parliament pertaining to the impact on gender when deliberating on the Annual Reports, however the Committee appreciated the apparent gap in placing emphasis on such requirements when the Reports were drafted and initially tabled in Parliament.

At this juncture I would like to acknowledge the Members of the Standing Committee on Justice, Law and Human Rights of the last term of Parliament for their tremendous work and input, which our Committee also relied on during the review process and in the compilation of this report. My Committee utilised the salient information noted by the previous Committee to assist it in the direction for its review.

I would also like to thank, the Honourable Members of the current Standing Committee on Justice, Law and Human Rights, Hon. Rohit Sharma (the Deputy Chairperson), Hon. Ratu Suliano Matanitobua, Hon. Dr. Salik Govind and Hon. Mosese Bulitavu for their deliberations and input, the alternate members who made themselves available when the substantive members could not attend, the secretariat staff of the Committee and the officials from the Office of the Prime Minister who had assisted in the Committee work.

I, on behalf of the Committee, through the Committee's Report commend the *2014 General Election Joint Report by the Fijian Electoral Commission and the Supervisor of Elections* to the Parliament and request all the members of this August House to take into consideration the contents of the Committee's report.



Hon. Alvick Avhikrit Maharaj
Chairperson

1.0 INTRODUCTION

The Standing Committee on Justice, Law and Human Rights of the last term of Parliament was referred the *2014 General Election Joint Report by the Fijian Electoral Commission and the Supervisor of Elections*. The same report had been reinstated in this new Parliament and has been referred to the current Standing Committee on Justice, Law and Human Rights. Just as the previous Committee, the current Committee was mandated by Parliament to review this Joint Report and to report back to Parliament on its findings.

In reviewing the Joint Report, the current Committee reviewed the previous Committee's deliberation and the discussions held by the Fijian Electoral Commission and the Supervisor of Elections, to clarify issues related to the Report.

This review reiterates the findings and deliberation by the previous Committee.

2014 General Election Joint Report

The *2014 General Election Joint Report by the Fijian Electoral Commission and the Supervisor of Elections* ("Joint Report") covers information on the type and quality of work carried out by the Supervisor of Elections ("SoE") and the Fijian Elections Office ("FEO") and the Fijian Electoral Commission ("Commission") before, during and after the 2014 General Election.

The Joint Report covers the operational details of the 2014 General Elections and the activities of the Commission together with the joint responsibilities of the FEO and the Commission.

2.0 COMMITTEE DELIBERATION AND FINDINGS

As part of its review the current Committee took note of the previous Committee's deliberation on the Report and the issues noted. Main issues noted were as follows:

- the aspects concerning the legal challenges that were encountered by the FEO;
- the concerns about the confusion caused by pre-poll; and
- the aspects of the counting process.

It was noted that these issues were brought to the attention of the SoE and the Commission for clarification. The current Committee reiterates the position by the previous Committee where it felt it prudent to review the Joint Report with reference to the Multi-Observer Group (MOG) Report (2014). The current Committee reiterates the view of the previous Committee and its mandate with regard to the review of annual reports as follows: the Committee is mandated to review annual reports and seek the public's input including any recommendations.

In the case of the Joint Report, it is the position of the current Committee that the mandate was fulfilled by reviewing the deliberation of the previous Committee when it reviewed the Joint Report (as it was then constituted) and the MOG Report. The current Committee reviewed and considered the submissions received by the previous Committee from the public and key stakeholders that were relevant to the contents of

the report. The current Committee does not see this process as a review of the entire electoral system, but the specific issues raised in the Joint Report.

Having noted the Committee's mandate with regard to this Joint Report, the Committee also recognises that such a comprehensive review of the current system should occur after the 2018 general election. The Committee notes that progress has been made with regard to addressing many of the concerns raised in the Joint Report, yet every system has room for improvement. After the 2018 general election Fiji has had two election cycles completed under our new electoral system and this will allow for a fuller understanding of the challenges in the new system and an opportunity to gather and consider lessons learned. At the conclusion of the 2018 election, it would be a right time for the Parliamentary Committee to conduct full review of the electoral system, through the Elections Report, to ensure all aspects of the system are considered.

Moreover the current Committee shares the position of the previous Committee, where the clarification provided on the issues raised from the Joint Report, were adequate. Copies of the submission documents can be obtained from the Parliament website: www.parliament.gov.fj.

3.0 GENDER ANALYSIS

The Committee took into account the provisions of Standing Order 110(2), which states when a committee conducts an activity listed in clause (1), the Committee shall ensure that full consideration will be given to the principle of gender equality so as to ensure all matters are considered with regard to the impact and benefit on both men and women equally.

The current Committee noted that there was a lack of disaggregated data on gender during the consultation with the Supervisor of Elections and the Fijian Electoral Commission, however the Committee appreciated the apparent gap in placing emphasis on such requirements when the Report was drafted and initially tabled in Parliament.

4.0 RECOMMENDATION

After reviewing the *2014 General Election Joint Report by the Supervisor of Elections and the Fijian Electoral Commission*, the Committee has no contentious matters to bring to the attention of the House. The Committee recommends that the Parliament take note of the contents of this Report.

5.0 CONCLUSION

The Standing Committee on Justice, Law and Human Rights has fulfilled its mandate approved by Parliament, which is to examine and review the *2014 General Election Joint Report by the Fijian Electoral Commission and the Supervisor of Elections* with due diligence.

The Committee's review findings showed no contentious matters and this was reflected in its recommendation.

The Committee through this Report commends the *2014 General Election Joint Report by the Fijian Electoral Commission and the Supervisor of Elections* to the Parliament.

SIGNATURES OF THE MEMBERS OF THE STANDING
COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS



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Hon. Alvick Maharaj
(Chairperson)



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Hon. Rohit Sharma
(Deputy Chairperson)

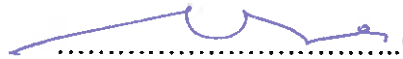


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Hon. Ratu Suliano Matanitobua
(Member)

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Hon. Dr. Salik Govind
(Member)



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Hon. Mosese Bilitavu
(Member)

9/05/19
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(Date)