



STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

Review of the Fiji Corrections Service Annual Report 2017-2018



PARLIAMENT OF THE REPUBLIC OF FIJI
Parliamentary Paper No. 95 of 2022

CONTENTS

	<u>Page</u>
CHAIRPERSON'S FOREWORD	3
COMMITTEE MEMBERSHIP	5
COMMITTEE SECRETARIAT	6
1.0 INTRODUCTION	7
1.1 Procedure and Program	7
1.2 Fiji Corrections Services	8
2.0 DELIBERATION AND FINDINGS BY THE COMMITTEE	8
2.1 Initial deliberation by the Committee	8
2.2 Evidence collected via discussions with the Fiji Corrections Service	9
2.3 Sustainable Development Goals impact analysis	11
2.4 Key Findings	11
3.0 RECOMMENDATIONS	13
4.0 CONCLUSION	13

CHAIRPERSON'S FOREWORD



The Fiji Corrections Service is governed by the *Constitution of the Republic of Fiji* and the *Corrections Service Act 2006*. The Service reports to the Ministry of Justice. The Fiji Corrections Service is obligated under the *Corrections Service Act* to serve the public by keeping in custody those convicted by the courts in providing effective corrective and rehabilitation services, whilst applying all relevant human rights obligation and standards.

This Report captures the review findings and recommendations of the Committee with respect to the pertinent issues noted from the contents of the *Fiji Corrections Service 2017-2018 Annual Report*.

For the review, the Committee conducted extensive deliberation on the Annual Report, whereby issues were identified and correspondences regarding these issues were made with the Fiji Corrections Services and its representatives.

Some of the main areas of discussion addressed in this Report are as follows:

- the rate of recidivism recorded by the Service;
- the rehabilitation programmes including the Yellow Ribbon Project;
- the ratio of corrections officers per inmate based on international standards; and
- the staff turnover of the Service and the composition of its Officers.

The Committee was also mindful of the requirements of the Standing Orders of Parliament in regard to gender related issues and noted that there were certain matters in the Annual Report that needed a gender perspective analysis. Thus, the Committee saw this as an opportunity to have further discussions with the FCS and it was encouraging to note how the FCS has ensured that it promotes gender equality within the Service, such as having female officers in leadership roles.

At the conclusion of the review, the Committee believes that majority of the issues identified in the review have been adequately addressed. It also gives credit to the Fiji Corrections Service for the tremendous achievements in 2017-2018, especially in regard to the efforts of reducing recidivism and maintaining adequate service delivery despite the rate of staff turnover. The Committee also believes it be prudent to provide the following recommendation for consideration of the Fiji Corrections Services:

- The Committee appreciated the fact that there was a high number of staff turnover for the Service, but acknowledges the FCS for trying to ensure to maintain service delivery, which is in par with international standards. The Committee also recommends that FCS does a thorough review of its human resource policies and plan and develop strategies to build capacity of the staff and retain them in the Service.
- In terms of the discrepancies identified in the Financial Statements of the FCS, the Committee recommends that more collaboration is needed between the Fiji

Corrections Service, the Ministry of Economy and the Office of the Auditor-General, to strengthen the financial management system and ensure that there is minimal serious discrepancies in future reported financial statements.

I would like to acknowledge the Honourable Members of the Justice, Law and Human Rights Committee, Hon Rohit Sharma (Deputy Chairperson), Hon. Mosese Bilitavu, Hon. Salik Govind, Hon. Mikaele Leawere and former Member, Hon. Ratu Suliano Matanitobua, for their deliberations and input, the alternate members who made themselves available when the substantive members could not attend and the secretariat for their support. Also acknowledging the representatives of Fiji Corrections Services who made themselves available to make submissions, which assisted the Committee in its work.



Hon. Alvick Avhikrit Maharaj
Chairperson

COMMITTEE MEMBERSHIP



Hon. Alvick A. Maharaj (Chairperson)

- *Assistant Minister of Employment, Productivity, Industry Relations, Youth and Sports*
- *Chairperson of Public Accounts Committee*
- *Government Whip*
- *Pharmacist*



Hon. Rohit R. Sharma (Deputy Chairperson)

- *Former Civil Servant – Education Sector*
- *Deputy Chairperson of the Standing Committee on Justice, Law and Human Rights*
- *Deputy Government Whip*



Hon. Ratu Suliano Matanitobua (Former Member)

- *Shadow Minister for Youth and Sports*
- *Former State Minister of Fijian Affairs*
- *Territorial Military Officer – Republic of Fiji Military Forces*



Hon. Dr. Salik Govind (Member)

- *Public Health Specialist – United Nations (World Health Organisation)*
- *Deputy Chairperson of the Standing Committee on Foreign Affairs and Defence Committee*



Hon. Mosese Bultavu (Member)

- *Shadow Minister for Defense, National Security, Immigration and Correction Services*
- *Former Opposition Whip*
- *Business Consultant/Farmer*
- *Territorial Military Officer – Republic of Fiji Military Forces*
- *Law Graduate and Researcher*

COMMITTEE SECRETARIAT

Staff

- Mr. Ira Komaisavai – Senior Committee Clerk
- Mr. Jackson Cakacaka – Deputy Committee Clerk
- Mr. Rupeni Mudunavuku – Committee Intern

Committee contact details

Address: Standing Committee on Justice, Law and Human Rights
Parliament of the Republic of Fiji
Government Buildings
SUVA, FIJI

Phone: +679 322 5600/ +679 8925 213

Web: <https://www.parliament.gov.fj/committees/standing-committee-on-justice-law-human-rights/>

1.0 INTRODUCTION

The Standing Committee on Justice, Law and Human Rights was referred the *Fiji Corrections Service 2017-2018 Annual Report* on 31 July 2020, pursuant to Standing Order 38 (2) of the Standing Orders of the Parliament of the Republic of Fiji. The Committee was mandated to review the Annual Report and table its finding back to Parliament.

1.1 Procedure and Program

The Committee began its review of the Annual Report on 22 September 2020. The review process adopted by the Committee was agreed upon through consensus by the Members and a summary of this is as follows.

i) Initial Analysis of the Annual Report

The Committee began with an initial reading of the Annual Report and had discussions on matters that were noted by individual Members. From these discussions, a variety of issues were identified, which the Committee resolved needed clarification and further discussions.

ii) Identification of mode of public consultation

The Committee then discussed, which mode of public consultation would be suitable for the review. The Committee resolved to rely on one main mode of public consultation, which is to invite the Fiji Corrections Service ('FCS') to appear before the Committee in-person and provide a submission on the Report.

iii) Discussions with the Fiji Corrections Service – Meeting Open to the Public

The Committee was committed to upholding the public's trust in Parliament and to also meet its obligation under the Standing Orders of Parliament, by ensuring that there is public participation. The Committee ensured that its meetings were open to the public and the media, except during such deliberations and discussions to develop and finalise the Committee's observations and this Report.

The Committee endeavoured to conduct its meeting with the Fiji Corrections Service via verbal submissions, but this was first done through virtual mode, given the existing restrictions placed around the country due to Covid-19. As the year progressed, the restrictions were slowly eased-off and as such the Committee was able to conduct in-person consultation meetings with the representatives of the FCS. The discussion meetings were open to the public and the media and also recorded for subsequent reference.

iv) Review of evidence collected and seeking clarification on pertinent issues

The Committee reviewed all the evidence collected from interviewing the Fiji Corrections Service ('FCS'). To maintain due diligence, the Committee also had further discussions and clarification done, via electronically generated correspondences and virtual meeting tools, with the FCS regarding any pertinent issue identified from the review.

v) Drafting of Committee Report

The final step of the review process was the compilation of all issues identified from the evidence received. This was then deliberated on and the Committee forms its own

independent view on all issues identified. The Committee then compiles a Report on the review of the Bill, which was also reviewed before being finalised for tabling before Parliament.

1.2 Fiji Corrections Services

The Fiji Corrections Services is constituted by Section 130 of the *Constitution of the Republic of Fiji (2013)* ('*Constitution*') and mandated to carry out the responsibilities as stated in Section 130(a), (b) and (c).

The Commissioner of the Fiji Corrections Service, with the agreement of the Minister responsible for the Fiji Corrections Service, has the authority to determine all matters pertaining to the employment of all staff in the Fiji Corrections Service, including—

- (a) the terms and conditions of employment;
- (b) the qualification requirements for appointment and the process to be followed for appointment, which must be an open, transparent and competitive selection process based on merit;
- (c) the salaries, benefits and allowances payable, in accordance with its budget as approved by Parliament; and
- (d) the total establishment or the total number of staff that are required to be appointed, in accordance with the budget as approved by Parliament.

The *Fiji Corrections Service 2017-2018 Annual Report* outlines work conducted in the reported year with an allocated estimated budget of \$38.8M. The Annual Report reflects the operations and administrations of FCS through the collaborative effort of its staff and stakeholders in achieving its target for 2017-2018 financial year.

2.0 DELIBERATION AND FINDINGS BY THE COMMITTEE

2.1 Initial deliberation by the Committee

The Committee commenced the review through a first reading of the Annual Report, whereby numerous matters were noted, which the Committee deliberated on and believed needed to be discussed further and/or clarified. Some of the preliminary findings by the Committee, at this stage of the review are summarised below.

It was worth noting that for the reported period, the FCS had continuously aimed to reduce recidivism and had put in efforts in identifying programs and strategies to reduce the likelihood of re-offending behavioral patterns. As mandated by Government, the Committee noted that there was a significant decrease of recidivists for the fiscal year whereby 27 was recorded in the 2017-2018 period as compared to 72 in 2016-2017. The decreased recidivism rate of 38 percent had indicated a positive outcome for FCS given that much effort had been invested into strategic programs for the sole purpose of reducing the recidivism rate.

The Committee also noted that there were numerous strategies and activities that were undertaken in conjunction with the Service's existing rehabilitation programmes. One such initiated strategy branching from the Rehabilitation programmes was the Yellow ribbon programme. This programme is aimed at successfully re-integrating inmates back

into the society. In regard to the rehabilitation programmes, the Committee noted that out of 15 inmates targeted for the reported year; FCS managed to secure job placements for 12 inmates whom had served their sentence. It was also noted that Government had granted a total of \$200,000 for the Yellow Ribbon Project (YRP) to assist FCS in raising community awareness throughout Fiji. A total of 180 YRP out of the targeted 150 was achieved for the 2017-2018 period.

Additionally, the Committee noted that the FCS also undertook numerous capital projects/activities for the 2017-2018 period, including improved infrastructure, improved corrections enterprise and improved corrections services.

Moreover, the Committee noted that certain aspects of the activities carried out by the FCS needed further discussion, which included:

- Ongoing projects;
- Staff turnover rate and causes;
- Gender equality related policies of the Service, including the composition of the Officers.

Furthermore, the Committee had identified potential discrepancies in the financial statement provided in the Annual Report.

At the conclusion of the first reading, certain key issues were identified, which were formulated into questions and submitted to the Commission for clarification.

2.2 Evidence collected via discussions with the Fiji Corrections Service

The next stage of the review saw the Committee have extensive discussions via correspondences with the Fiji Correction Services ('FCS') on issues identified from the Annual Report. The following is a summary of the response provided by the Fiji Corrections Services to the Committee's queries on the key issues identified.

To begin with, there was a query regarding the disaggregated data of inmates by ethnicity and religious/denominations. The Committee was advised that the records provide an enabling platform for FCS to effectively analyse and advise the respective stakeholders such as churches, the Vanua and the community leaders on the number of their members that are under their care. This contributes to the rehabilitation strategies that are put in place by FCS especially when trying to reintegrate inmates back into society.

The Committee noted that under the 5 year National Development Plan (page 67), FCS was committed to achieving a target of recidivism rate of 3% annually. The Committee was mindful of the statistics and had enquired on the actual method of calculation that was used in identifying the rate of recidivism. The following method was submitted before the Committee for its references and future review.

Recidivism Calculation

$$\begin{aligned} & \text{A. Previous year's total discharge} \\ & \text{B. Current year's total discharge} \\ & = \frac{\text{Total Number of Recidivist}}{\text{(A+B) Total Discharge}} \times \frac{100}{1} = \text{Recidivism Rate} \\ & = \frac{27}{(790+1044)} \times \frac{100}{1} = 0.70 \% \end{aligned}$$

There was also discussion on what was known as 'untoward incidents', which include assault incidents, hunger strike, deaths and contrabands and it was noted that there were significant numbers of this in the 2017-2018 period. The Committee was advised that FCS has invested on certain equipment's to address the issue of illegal contrabands entering the correction facilities. The Committee noted that FCS had invested on two major devices and these were:

- Portable electronic metal detectors which have been installed in all correction centres;
- Permanent electronic metal detectors which were installed at the Lautoka Remand Centre and the Maximum Correction Centre

The Committee was also informed that the FCS intends to install permanent detectors throughout all its Corrections Centre's with an aim to reduce the amount contrabands that enter the Corrections facilities.

In terms of the other incidents that are categorised as untoward incidents; the Committee was assured that the FCS has strategies in place, which include measures for addressing all these incidents. One such strategy is having weekly briefings and capacity building meetings, which are held twice a week for all Corrections Officers, whereby SOPs on handling inmates are impressed on the Officers. These include instilling in the Officers the zero tolerance rule for no contact with the inmates. Another vital strategy is having stand-by Doctors and nurses in each main Corrections Facility around the country. This ensures that any incidents that relate to the welfare of inmates (such as hunger strike and major injuries) are addressed swiftly and thus also minimises the chances of fatal outcomes for such untoward incidents.

Discussion was also carried out on the issue of staff turnover which the Committee saw as a concern in addressing the international benchmarking of 1:5 ratio of Correction officer per inmate. Following clarification from the FCS, the Committee noted that the FCS had engaged Temporary Relieving Custodial Officers ('TRCOCs') that were engaged for 3 months period during the "Musudovu" operations. The Committee noted that 99 TRCOCs were contracted under the "Musudovu" operations and other capital projects within the Service; the remainder in turnover numbers covers for retirements, resignations and dismissal. TRCOCs were normally terminated after the completion of the work which had contributed to the high number of turnover recorded for 2017-2018.

The Committee queried about the gender related policies in place for FCS whereby the Committee noted that Corrections Centers for male and female sits at a 12:2 ratio respectively in the country. With this data, the Committee then noted that FCS was

evidently a male dominated working environment, which requires more males to man the operations of corrections centers. However, it was also notable that female officers have presided onto prominent positions within the Service and which indicates a positive implementation of the gender policies for the FCS.

In terms of the discrepancies identified in the financial statement provided in the Annual Report; the Committee was advised that the Annual Financial Statement was finalised after the audit, endorsed by the Office of the Auditor-General while the Budget Estimate for 2019-2020 was published prior to the financial year ending in July 2019, after the Budget was announced for the 2019-2020 financial year. The Annual Report shows the audited Annual Financial Statements, whereas the Budget Estimate shows an unaudited financial budget.

Written copy of the issues and clarification document is uploaded along with this Report onto the Parliament website: www.parliament.gov.fj.

2.3 Sustainable Development Goals impact analysis

As part of its review, the Committee is also mindful of the requirements of the Standing Orders of Parliament whereby all matters before the Committee are to be reviewed through a gender lens. This is supplemented by the Committee's appreciation of the Parliament's role in contributing towards the Global Agenda, which Fiji is also committed to.

For this scrutiny, the Committee's focus is on the goal of having an inclusive work environment and the promotion of gender equality. From the scrutiny, it was noted that the Annual Report had insufficient information regarding the promotion of gender equality. The Committee then sought clarification from the Fiji Corrections Service on its work towards the promotion of gender equality. It was encouraging to note that the FCS is committed to the implementation of gender-neutral and non-discriminatory policies, including those that relate to staffing.

The Fiji Corrections Service is a male dominated working environment and FCS tends to engage more male officers. However, given that there are also female inmates, the Service has two (2) female correction centers whereby 50 female officers are employed. And the most significant aspect of the promotion of equal opportunity for all, is the appointment of a number of female staff to hold key senior positions in the Service.

2.4 Key Findings

At the last few stages of the review; after extensive deliberation of all the evidence received and noted from the discussions with the Fiji Corrections Service, the Committee has identified a few pertinent findings, which it believes are worth noting and a summary of these is provided as follows:

- i) The Fiji Corrections Service is committed to sustainably retaining its key staff and in doing so, it meets the international standard of 1:5 corrections officers per inmate.

- ii) The Fiji Corrections Service continues to work towards its target in reducing the rate of recidivism annually;
- iii) The Annual Report has insufficient information on the promotion of gender equality, however after clarification, it was noted that the Fiji Corrections Service has already been implementing policies that promote gender equality and empowerment.

3.0 RECOMMENDATIONS

After extensive deliberation, the Committee noted that the Fiji Corrections Service has achieved so much in the 2017-2018 period, however, the Committee believes that for continued improvement in service delivery, it would be prudent to put forth a few recommendations for consideration by the FCS, which are as follows:

- The Committee appreciated the fact that there was a high number of staff turnover for the Service, but acknowledges the FCS for trying to ensure to maintain service delivery, which is in par with international standards. The Committee also recommends that FCS does a thorough review of its human resource policies and plan and develop strategies to build capacity of the staff and retain them in the Service.
- In terms of the discrepancies identified in the Financial Statements of the FCS, the Committee recommends that more collaboration is needed between the Fiji Corrections Service, the Ministry of Economy and the Office of the Auditor-General, to strengthen the financial management system and ensure that there is minimal serious discrepancies in future reported financial statements.

4.0 CONCLUSION

After reviewing the *Fiji Corrections Service 2017-2018 Annual Report*, the Committee recommends that the House takes note of its contents.

The Standing Committee on Justice, Law and Human Rights has fulfilled its mandate approved by Parliament, which is to examine and review the *Fiji Corrections Service 2017-2018 Annual Report* with due diligence.

The Committee's review highlighted numerous findings, which are reflected in this Report. The Committee also put forth a few recommendations for consideration of the Fiji Corrections Service.

The Committee through this report commends the *Fiji Corrections Service 2017-2018 Annual Report* and the contents of its Report to the Parliament.

MEMBER'S SIGNATURES

**Hon. Alvick Maharaj
(Chairperson)**



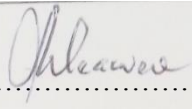
.....

**Hon. Rohit Sharma
(Deputy Chairperson)**



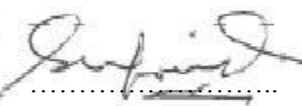
.....

**Hon. Mikaele Leawere
(Member)**



.....

**Hon. Dr. Salik Govind
(Member)**



.....

**Hon. Mosese Bultavu
(Member)**



.....

Date: 26/ 08/ 2022