
Public Submission on Bills Before the Standing Committee on Justice, Law and Human Rights

From Semesa Tuicolo <semesa86@gmail.com>

Date Tue 6/16/2026 2:02 AM

To Alumita Cabealawa <alumita.cabealawa@legislature.gov.fj>

Dear Chairperson and Members of the Standing Committee on Justice, Law and Human Rights,

Please accept this email as my written submission regarding the following Bills currently under consideration by the Committee:

1. Rights of Indigenous Peoples Bill (Bill No. 37 of 2025)
2. Commercial Use of Marine Areas Bill (Bill No. 42 of 2025)
3. Pacifika Communities University Bill (Bill No. 9 of 2026)
4. Statistics Bill (Bill No. 11 of 2026)
5. Fiji Police Bill (Bill No. 12 of 2026)

Firstly, I would like to commend Parliament for inviting public participation in the legislative process. Meaningful consultation strengthens democracy and ensures that laws reflect the needs and aspirations of the people of Fiji.

With respect to the Rights of Indigenous Peoples Bill, I support efforts to protect Indigenous culture, language, traditional knowledge and customs. However, the Bill should clearly define the rights it seeks to protect and ensure that these rights operate alongside the constitutional rights of all Fijians. It should also provide mechanisms for consultation and dispute resolution where competing interests arise.

Regarding the Commercial Use of Marine Areas Bill, Fiji's marine resources are central to the livelihoods of many communities. The Bill should require free, prior and informed consultation with affected communities, ensure fair benefit-sharing arrangements, protect customary fishing rights, and include strong environmental safeguards and penalties for non-compliance.

In relation to the Pacifika Communities University Bill, I believe any new university institution should meet the highest standards of academic quality and governance. Independent accreditation, transparent appointments, equal access to education, and accountability in the use of public funds should be key components of the legislation.

For the Statistics Bill, public confidence in official data is essential. The legislation should guarantee the independence of the national statistics authority, protect the confidentiality of personal information, prevent political interference, and promote transparency and accessibility of statistical information.

With regard to the Fiji Police Bill, I believe this is one of the most important Bills before the Committee. Public confidence in policing depends on professionalism, accountability and respect for human rights. The Bill should establish independent oversight of complaints against police officers, strengthen disciplinary procedures, require mandatory investigation of serious misconduct allegations, clearly define police powers and limitations, strengthen conflict-of-interest provisions

in investigations involving police personnel, and promote community policing initiatives. At the same time, police officers acting lawfully and professionally should also be protected from malicious or unfounded complaints.

Finally, I encourage Parliament to consider expanding future consultations beyond Suva so that citizens in the Western, Northern and Maritime Divisions, as well as Fijians living overseas, have greater opportunities to contribute to the legislative process.

The laws enacted today will shape Fiji's future for generations to come. I respectfully urge the Committee to ensure that these Bills uphold the principles of accountability, transparency, fairness, inclusiveness and respect for the rights and dignity of all people.

Thank you for considering my submission. I appreciate the opportunity to participate in this important process.

Yours faithfully,

Semesa Tuicolo

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SUBMISSION TO THE PARLIAMENTARY STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

SUBMISSION ON: Pasifika Communities University Bill 2026 (Bill No. 9 of 2026)

SUBMISSION BY: Trans Affirmative Action Guild (TAAG)

DATE: June 21, 2026

1. INTRODUCTION & EXECUTIVE SUMMARY

The Trans Affirmative Action Guild (TAAG) welcomes the opportunity to provide feedback to the Parliamentary Standing Committee regarding the **Pasifika Communities University Bill 2026 (Bill No. 9 of 2026)**. As an organization dedicated to human rights, intersectional justice, institutional accountability, and equitable social development, we recognize the historical significance of transitioning the Pacific Theological College (PTC) into a fully-fledged university structure rooted in Pacific ecumenical traditions, communal values, and local contextual philosophies.

However, higher education institutions are foundational sites for shaping social policy, human development, and civil leadership. This submission reviews the Bill through a combined **SOGIESC, Gender, Intersectionality, Sensitivity, and Climate Justice lens**. We focus specifically on how institutional frameworks, governance bodies (such as the *Va'atele* and Executive Board), safety mechanisms, and academic boundaries affect Vakasa, Sian, Trans, and Non-binary (VST+) students and staff, youth leadership, and marginalized regional scholars.

An intersectional and climate justice lens reveals that regional educational institutions in the Pacific cannot view academia in isolation from the socio-ecological crises facing our communities. Higher education must be structurally accessible, safe, and protective of diverse identities, particularly when navigating the overlap of traditional faith structures with universal human rights. TAAG presents specific statutory gaps, comparative reflections on prior testimonies, international state academic best practices, and concrete recommendations to ensure that the new Pasifika Communities University functions as an inclusive, safe, and progressive regional institution.

2. FIJI'S UN OBLIGATIONS & THE MANDATE FOR ALIGNMENT

As a higher education provider operating under Fiji's jurisdiction and serving the wider regional diaspora, the university's governing charter must reflect the international treaties Fiji has committed to uphold:



1. **The Sustainable Development Goals (SDGs):** **SDG 4** (*Quality Education*) explicitly demands the elimination of gender disparities in education and ensuring equal access to all levels of education and vocational training for the vulnerable. This must operate in tandem with **SDG 5** (*Gender Equality*) and **SDG 13** (*Climate Action*) by cultivating a leadership class equipped for intersectional climate resilience.
2. **ICCPR & CEDAW:** Under ICCPR Article 26 (Equal Protection) and CEDAW, state-sanctioned higher education charters must guarantee that internal operations, disciplinary mechanisms, and admissions criteria protect staff and students from discrimination based on sex, gender identity, or expression, maintaining a safe environment free from institutional harassment.

3. ANALYSIS OF PRIOR SUBMISSIONS AND PUBLIC TESTIMONY

TAAG has monitored the initial public and institutional feedback regarding Bill No. 9 of 2026. We offer the following analytical reflections to assist the Committee in balancing religious heritage with rights-based statutory obligations:

A. Deconstructing Concerns Regarding "Ecumenical Autonomy" and Secular Rights

- **The Trend in Prior Submissions:** Initial feedback from established regional church delegations and institutional representatives may suggest that because the university emerges from a theological college foundation (PTC), its governance structures (*Va'atele*, Clause 7) must maintain absolute ecclesiastical autonomy to enforce doctrinal behavioral codes, occasionally viewing modern human rights or non-binary gender protections as counter to their foundational religious character.
- **TAAG's Intersectional Analysis:** TAAG notes that while respecting religious heritage is vital, transforming an institution into a nationally chartered, degree-granting public university fundamentally changes its legal obligations. Once an institution enters the public sphere to train the region's civil society leaders, it cannot utilize ecumenical structures to institutionalize discrimination or exclude VST+ and female scholars. True Pacific ecumenism is built on communal inclusion and the protection of the marginalized. Ensuring non-discrimination within the university framework does not weaken its faith-based roots; rather, it ensures compliance with national and international human rights law.

B. Enhancing Calls for Broadening "Academic Freedom"

- **The Trend in Prior Submissions:** Academic networks, civil society CSOs, and student groups have strongly supported **Clause 27 (Academic Freedom)** but have raised concerns that the definition remains narrow, lacking protections against systemic



structural retaliation for scholars examining taboo or highly sensitive social realities in the Pacific.

- **TAAG's Intersectional & Climate Justice Analysis:** TAAG strongly supports these calls to expand academic freedom. In the Pacific context, critical scholarship regarding climate justice, indigenous resource politics, gender inequality, and SOGIESC realities is frequently stifled by institutional conservatism. If a young or VST+ researcher cannot examine how climate displacement disproportionately affects gender-diverse populations without fearing disciplinary action under vague "doctrinal consistency" clauses, the university fails its regional mandate. Academic freedom must explicitly protect intersectional and progressive scholarship.

4. CORE GAPS, INTERNATIONAL BEST PRACTICES, AND RECOMMENDATIONS

Gap 1: Absence of Explicit Non-Discrimination Protections in Powers and Functions (Part 2, Clauses 5 & 6)

- **The Issue:** Clauses 5 and 6 outline the powers and functions of the University, including conferring degrees, managing enrollment, and structuring learning. However, the text lacks any explicit baseline non-discrimination directive, leaving admissions and employment policies vulnerable to discriminatory internal regulations.
- **Intersectional & Sensitivity Lens:** VST+ youth and young women navigating regional academic spaces frequently encounter hostile environments, arbitrary housing denials in campus dormitories, and structural exclusion from specific leadership programs. Explicit statutory language binds the institution to non-discriminatory service delivery from its inception.
- **International State Best Practices:** In modern university charters globally, explicit non-discrimination mandates are standard. For example, under the **University of the South Pacific (USP) Charter** and international benchmarks like **Title IX** frameworks or the **UK Higher Education Act**, institutions are statutorily prohibited from discriminating against students or staff based on sex, sexual orientation, gender identity, or expression, explicitly linking their national accreditation to human rights compliance.
- **Recommendation:** Amend Clause 6 by adding an explicit non-discrimination mandate:

"In the performance of its functions under this section, the University must ensure that all opportunities, admissions, employment, and student accommodations are administered without discrimination based on sex, gender identity, gender expression, sexual orientation, or sex characteristics."



Gap 2: Structural Lack of Social and Climate Justice Expertise on the Governing Boards (Part 3 & Part 5, Clauses 8 & 22)

- **The Issue:** Clause 8 outlines the membership of the *Va'atele* and Clause 22 establishes the Executive Board. The composition is strictly limited to ecclesiastical appointments from member churches and senior university officers, completely lacking mandates for civil society, youth, or human rights/climate justice representation.
- **Intersectional & Climate Justice Lens:** Higher education governance in the Pacific requires contemporary social sensitivity, not just ecclesiastical oversight. Without designated seats for youth networks, gender experts, or climate adaptation advocates, the university's multi-year strategic programs will lack the intersectional capacity needed to prepare students for the region's frontline climate and social realities.
- **International State Best Practices:** International university governance structures increasingly mandate diverse stakeholder representation. Democratic state universities, such as the **National University of Samoa (NUS) Act** or **Australian National University (ANU) Governance Frameworks**, structurally reserve permanent seats on their highest governing councils for student association representatives, gender-equity officers, and civil society experts to ensure balanced decision-making.
- **Recommendation:** Amend Clause 8 and Clause 22 to expand governance representation:

"The membership of the Va'atele and the Executive Board must include designated, voting seats for a representative of the student body, a youth representative, and at least one regional civil society expert specializing in intersectional gender-mainstreaming and climate justice."

Gap 3: Narrow Formulation of Academic Freedom vs. Intersectional Climate Research (Part 6, Clause 27)

- **The Issue:** Clause 27 guarantees academic freedom for staff and students to teach and express ideas. However, it lacks protective boundaries to ensure that this freedom cannot be overridden by internal university statutes (Clause 26) or ecumenical restrictions regarding "doctrinal conformity."
- **Intersectional & Climate Justice Lens:** Climate change adaptation research in the Pacific is inherently political and intersectional. Scholars studying how traditional practices or economic shifts impact marginalized groups, women, and VST+ populations must be fully shielded from institutional censorship or dismissal under the guise of protecting the ecumenical character of the campus.
- **International State Best Practices:** Under **UNESCO's Recommendation concerning the Status of Higher-Education Teaching Personnel**, international best practice dictates that academic freedom must be legally insulated from the ideological or



theological preferences of an institution's funding or governing bodies, ensuring that research into vulnerable social indicators cannot be treated as a disciplinary offense.

- **Recommendation:** Expand Clause 27 to insulate progressive scholarship from institutional overreach:

"Academic freedom under this section shall not be limited or restricted by internal University Statutes or ecclesiastical directives, and explicitly extends to the protection of research, teaching, and public discourse regarding gender diversity, human rights, and intersectional climate justice analytics."

5. CONCLUSION

For the Pasifika Communities University Bill 2026 to successfully build a modern, world-class educational institution that genuinely serves the Pacific, it must establish an environment where human rights, academic rigor, and social inclusion are paramount. By embedding explicit intersectional, gender-inclusive, and climate-aware protections directly into the statutory text, the Parliamentary Standing Committee will ensure that this new institution prepares future regional leaders within a safe, equitable, and rights-compliant environment. TAAG urges the Committee to ensure that higher education in Fiji respects and uplifts all scholars equally.

TAAG thanks the Committee for considering this submission and welcomes the opportunity to appear before the Committee to provide oral evidence in support of these recommendations.

Respectfully submitted,

Trans Affirmative Action Guild (TAAG)

taagfiji.org

Subject: Request for Additional Amendments to the Pasifika Communities University Bill 2026

Adi Lamawanaivalu Vesikula

Wed 8/12/2026 4:23 PM

To: Jackson cakacaka <jackson_cakacaka@yahoo.com>; Alumita Cabealawa <alumita.cabealawa@parliament.gov.fj>; Rakuita Vakalalabure <rakuita.vakalalabure@defence.gov.fj>; Ratu Josai Niudamu <josai.niudamu@justice.gov.fj>; Isikeli Tuiwailevu <Isikeli.Tuiwailevu@itaukeiaffairs.gov.fj>;

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Dear Parliament Secretariat,

I refer to the Pasifika Communities University Bill 2026 currently with the Standing Committee for Justice, Law and Human Rights.

The Ministry of Education kindly requests that the following additional amendments be incorporated into the Bill prior to its consideration by Parliament.

1. Amendment to Clause 8 (Membership of Council)

The Ministry requests that the **Permanent Secretary for Education** be included as a member of the Council under Clause 8 relating to the membership of the Council.

Clause 8 currently provides for the composition of the Council, including ex officio members, representatives of member churches, representatives of the student body, employees, Pacific Ecumenical Communities, and non-voting members.

2. Removal of all Indigenous Terminology

The Ministry further requests the removal of all indigenous terms and titles appearing throughout the Bill, including but not limited to references such as *Va'atele*, *Vanua*, *Tinarae*, *Taumoana*, *Tautai*, *Manu Folau*, and any other indigenous expressions used in the legislation, with appropriate English terminology to be used consistently throughout the Bill instead.

Given the stage of the Bill and its forthcoming consideration, we would greatly appreciate your assistance in facilitating these amendments.

Kindly let us know should any further clarification.

Yours sincerely,

Lamawanaivalu Vesikula (Ms.)
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Ministry of Education

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Have a blessed day

"The Lord said ' Have I not commanded you?, be strong and of good courage, do not be afraid or dismayed because I the Lord will be with you where ever you go" Joshua 1:9