10 July 2026

The Standing Committee on Justice, Law and Human Rights
Committees Unit
Legislative Services Division
Parliament of the Republic of Fiji
Government Building
Suva

By email alumita.cabealawa@legislature.gov.fj

Dear Ms Alumita Mateibau Cabealawa

RE: Fiji Women Lawyers Association Written Submissions on the Fiji Police Bill (Bill No. 12 of 2026)

Introduction

1. We refer to your email on 15 June 2026 requesting submissions from the Fiji Women Lawyers Association (**FWLA**).

2. Given the short deadline and members' interest in making submissions on the Fiji Police Bill No. 12/2026 (**Bill**), FWLA requested an extension from the Standing Committee on Justice, Law and Human Rights (the **Committee**).

3. FWLA is very grateful for the Committee's consideration and for the extension to make written submissions to Friday, 10 July 2026.

FWLA Submissions

4. FWLA is a professional, apolitical organisation made up of women lawyers in Fiji, acting as a forum to provide its members with a collective voice to pursue its objectives.

5. One of its objectives being to provide a forum for discussion and to make submissions to Parliament or any other organisation on law reform proposals or legislation which promote, protect and impact on the interest of women and children.

6. Our submissions are firmly grounded in the demographic and workforce data available for Fiji. In summary:

   (a) Fiji has a population of just over 900,000 people, of whom slightly more than 50% are women.
   (b) The Fiji Police Force recently reported a total workforce of 5,055 personnel, with approximately 25% being women.
   (c) Based on these figures, there is roughly one female police officer for every 350 female citizens in Fiji.
   (d) Importantly, these figures do not account for the proportion of the population comprising children, vulnerable persons, survivors of violence, or other groups who may require specialised support and engagement from law enforcement personnel.

7. A key concern underpinning our submissions is that the proposed legislative framework appears to be viewed predominantly through the lens of property loss and physical damage, with insufficient consideration given to the individuals who may be present, affected, or required to engage with law enforcement in such circumstances. By prioritising property and assets over the lived experiences of those involved, the proposal fails to adequately recognise the unique vulnerabilities, risks, and trauma that may be experienced by women, children, persons with disabilities, survivors of violence, and other vulnerable members of the community. As a result, the law risks authorising or reinforcing practices that, while directed at addressing damage to property, may inadvertently expose individuals to intimidation, retraumatisation, or disproportionate harm during interactions with law enforcement. Any review of police powers must therefore be undertaken through a **people-centred lens** that gives equal weight to the rights, dignity, safety, and wellbeing of those subject to or affected by the exercise of those powers.

8. A summary of our submissions is outlined in the table below.

THEME	SUMMARY OF RECOMMENDATIONS
1. Gender Equality	Strengthen gender and ethnic equity in recruitment by making diversity considerations mandatory where candidates are equally qualified. Improve protection for women, children, persons with impaired capacity and vulnerable groups through stronger procedural safeguards, child-safe practices, support-person requirements, protection from workplace harassment and retaliation, and greater gender sensitivity across the Force.
2. Comprehensive Training	Introduce mandatory, structured and recurring training for all officers on gender-based violence (GBV), domestic and sexual violence, child protection, trauma-informed responses, human rights, arrest powers, and use of force. Ensure specialist training for investigators, trainers and support staff, supported by NGOs, UN agencies and subject-matter experts, with regular refresher courses.
3. Accountability, Independence and Oversight	Reduce excessive discretion vested in the Commissioner and strengthen independent oversight mechanisms. This includes removing provisions that create conflicts of interest, ensuring judicial oversight for intrusive powers, removing forensic services from Police control, and establishing independent advisory mechanisms to increase transparency, public confidence and institutional integrity.
4. Human Rights-Based Policing and Safeguards in the Exercise of Powers	Clarify legal standards governing police powers, including what constitutes "reasonable", "necessary" and "proportionate" force. Strengthen safeguards relating to arrests, searches, warrants, surveillance, tracking devices and forensic procedures, with specific protections for children, victims of GBV and persons with disabilities or impaired capacity.

5. Community-Centred and Victim-Focused Policing	Expand the role of community police posts to better serve communities, including taking statements, receiving reports, conducting preliminary investigations and responding to GBV. Improve accessibility for victims, strengthen referral pathways, standardise community-based responses, and increase community participation in policing policy and service delivery.

9. Please find our more detailed submissions on the Bill in the annexed Schedule.

Request for time for Oral Submissions

10. As discussed with the FWLA Secretariat, we respectfully request the opportunity to make oral submissions on the Bill to provide further context and practical examples supporting the recommendations in our written submission.

11. These recommendations are informed by the **extensive firsthand experience of our female lawyers**, who regularly work with women, children and other vulnerable persons and have direct insight into the challenges faced within the justice system.

12. We believe this practical perspective is important when considering legislation that will impact both the legal profession and the communities we serve. We understand that a hearing date cannot be confirmed until after 17 July 2026 and look forward to hearing from you then.

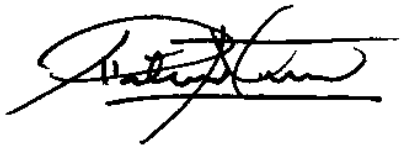
Conclusion

13. A summary of our submissions is provided in paragraph 10.

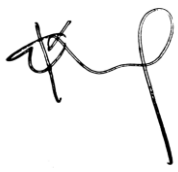
14. We look forward to hearing from you on our request to make oral submissions to the Committee.

15. Should you require any further information or clarification, please do not hesitate to contact us.

Yours faithfully,



Ann Patricia Naisara
President



Emily King
Vice President

SCHEDULE

SECTION	FIJI POLICE BILL NO. 12/2026 EXTRACT	FWLA SUBMISSIONS
s.12 (3) **Merit based recruitment and promotion**	If 2 or more applicants are of equal merit, the Commissioner *may* take into account the need for the Force to contain officers from diverse backgrounds and to promote gender and ethnic equity.	The last published annual report personnel of the Fiji Police Force (**FPF**) from 2021-2022, shows the FPF recorded an increase in by 5% in female recruits from the previous. The annual report states that FPF has a total of 5,055 personnel on 31 July 2022 comprising 74% males and 25% females[1]. This places the ratio of female officers to females in the general population (excluding children and minorities) at approximately 1:345 based on 2017 Bureau of Statistics census data[2]. The low level of female representation raises some concerns about the ability of the police to meet the diverse needs of the community, especially for women and those vulnerable including children. **Recommendation** FWLA commends merit-based approach but ***recommend*** when 2 or more applicants are of equal merit the provisions should be redrafted to compel the Commissioner must take into account diverse background. Replacing the term *may* with *shall* is recommended.
s.26 (3) **Training and education**	Each course must contain training in at least— (a) the rights of every person as guaranteed under the Constitution and international treaties that Fiji has ratified or acceded to, in the context of law enforcement;	Currently, recruits at the Fiji Police Academy undertake 10 modules over 4 months, focusing mostly on general crime investigation.

[1]Prof. K. Carrington and Dr. M Jardine, *Improving The Policing Of Sexual And Domestic Violence In Fiji,* 2025 at Fiji-Report-Web.pdf

[2] Fiji Census 2017 Dashboard - Population Characteristics online

SECTION	FIJI POLICE BILL NO. 12/2026 EXTRACT	FWLA SUBMISSIONS
	(b) gender sensitisation, addressing gender-based violence and the proper handling and treatment of cases involving women, including the effective implementation of the 'no-drop' policy; (c) effective engagement of and support for local communities and marginalised and minority groups; (d) the use of reasonable and necessary force, negotiation and de-escalation techniques in law enforcement; (e) ethics, integrity and the code of conduct of the Force; and (f) the powers, duties and responsibilities of the Police and the limits to and proper exercise of each. (4) The course must as far as is practicable, be conducted in collaboration with training partners with expertise in the course content and experience in the context of Fiji. (5) The Commissioner must seek to include, as the training partners, local universities, civil society and non-governmental organizations and human rights and faith-based institutions.	Gender-based violence (**GBV**) is only briefly covered in 1-2 days as part of the law module[3]. The lack of a dedicated and practical training module on GBV leaves recruits unprepared to effectively respond to these issues once they start working in the field. Research by Professor Carrington of University of Sunshine Coast on Fiji Policing identified the need for greater expertise, internally or externally, to review the current FPF curriculum and develop a dedicated module on sexual and domestic violence for basic recruits[4]. Officers in the Sexual Offences Units or the Criminal Investigation Department, also require on-going and specialized training that is current and adequately addresses the complexities of GBV or working with child assault victims. Police trainers also require specific knowledge and skills necessary to deliver effective GBV training supported by the FPF. Prof Carrington's report noted that at present, various UN agencies and NGOs offer training in an ad hoc manner. The training is fragmented and often only reaches senior police management or a selection of basic recruits, leaving many officers untrained in how to respond to GBV or working with child assault victims. Currently, there is a heavy emphasis on legal frameworks but insufficient attention on **how to engage with victims, take their**

[3] Prof. K. Carrington and Dr. M Jardine, *Improving The Policing Of Sexual And Domestic Violence In Fiji*, 2025 at Fiji-Report-Web.pdf
[4] Prof. K. Carrington and Dr. M Jardine, *Improving The Policing Of Sexual And Domestic Violence In Fiji*, 2025 at Fiji-Report-Web.pdf

SECTION	FIJI POLICE BILL NO. 12/2026 EXTRACT	FWLA SUBMISSIONS
		statements and connect them with support services through a victim-centred trauma-informed approach. **Recommendation** FWLA welcomes the inclusion of training courses in conjunction with organizations and civil society and encourage these courses are mandatory requirements for new recruits and specialized units fully funded by the FPF. FPF needs to take ownership of a long-term, structured training plan, collaborating with local NGOs, subject-matter experts, and UN agencies to develop a locally relevant curriculum that avoids duplication of efforts and institutional bias. FWLA urges the Committee to consider language that **makes the training an annual mandatory requirement alongside more regular refreshers for instance at 6-month intervals** including on matters of sexual violence including matters of tech-based crimes, reasonable and proportionate use of force, domestic violence prevention etc as opposed to treating this as a box ticking exercise. More time and focus should also be given at the Academy to this area.
s.28 (2) **Purpose, and relationship with Part 5, Division 9**	The Commissioner may opt to forego the use of this Division and instead investigate a member of Police staff or a Police associate under the Illicit Drugs Control Act 2004 or any other written law using Part 5, Division 9.	FWLA is concerned that the Commissioner is given discretion to sanction officers under his command. There is no independence. This clause gives no confidence to the public that the Commissioner will subject his officers to testing drug use or to eliminate them from crime. This Committee only needs to refer to recent events in 2026, to understand why the Commissioner should not be given this discretion.

SECTION	FIJI POLICE BILL NO. 12/2026 EXTRACT	FWLA SUBMISSIONS
		An officer of the law must be treated like any other member of the public when suspected of a crime or use of illicit drugs. There should be no perception of special protections afforded to them merely coz they are in the FPF. In fact, one may argue the standard applied to officers must be higher because they are entrusted with powers by the public to protect and serve. **Recommendation** **FWLA recommends the deletion of this provisions in entirety** and disciplining and investigating the officer can be handled by the FPF Disciplinary Tribunal. Instances of alleged drug use, unlawful activity and a pattern of behavior that suggests the officer is unfit to be in the FPF should all be automatically referred to the FPF Disciplinary Tribunal. There should be no ambiguity in s.130 of the proposed Bill leaving discretion to the Commissioner on when and what matters are referred to the FPF Disciplinary Tribunal.
s.35 **Counselling for Police staff**	The Commissioner must employ or engage a qualified and trained counsellor to provide counselling services to Police staff.	FWLA applauds the recognition to ensure officer wellbeing is prioritized given what the officers are confronted with whilst on duty. It is also vital counsellor services are offered to ensure the trauma or impacts of the job can be appropriately managed by the officer when they are off duty and in the community. **Recommendation** FWLA recommends the FPF Counsellors are subjected to s.26 requiring them to undertake gender sensitivity training to ensure they

SECTION	FIJI POLICE BILL NO. 12/2026 EXTRACT	FWLA SUBMISSIONS
		can handle GBV and sexual offence or instances of harassment in the force to protect female or vulnerable officers. This also ensures any reports on internal incidents are dealt with objectively without a s/he said account in official reports. The law and FPF Policy should go further to make **mandatory counselling sessions for officers exposed to severe trauma, who have been disciplined for excessive use of force and/or other circumstances known to the FPF.** This approach truly prioritizes officer wellbeing and utilizes the counsellor service on the FPF payroll. It also serves to help officers deal with the work place issues at work ensuring they do not unleash that trauma on their families or the community.
s.42 **Use of force**	(1) A Police officer may use reasonable and necessary force against individuals confronted by a Police officer exercising or attempting to exercise a power under this Act or any other written law. (2) A Police officer may also use reasonable and necessary force to prevent a person from escaping from lawful custody. (3) The force used must— (a) be proportionate to the seriousness of the circumstances in which it is used; (b) be proportionate to the legitimate objective to be achieved; (c) as far as possible, only be used if other non-violent means are ineffective;	**Recommendation** There needs to be clearer definitions and guidelines of what is deemed: - Reasonable - Proportionate - Necessary These matters should be addressed via recommended training at recruitment and refresher proposed under s.26. It is notable that CEDAW is not a convention cited but one which may also be useful to the treatment of women and children. These matters needs to be specified for Fiji context so the officers understand clearly what these mean as opposed to general language used. For instance, the United Nations Convention Against Torture

SECTION	FIJI POLICE BILL NO. 12/2026 EXTRACT	FWLA SUBMISSIONS
	(d) not be likely to cause death or grievous bodily harm to a person unless it is necessary to prevent death or serious injury to the officer or any other person. (4) In determining what force is reasonable and necessary in a particular circumstance, regard must be had to— (a) the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; (b) the United Nations International Covenant on Civil and Political Rights; (c) the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; and (d) international treaties or instruments which Fiji has ratified or acceded to.	and Other Cruel, Inhuman or Degrading Treatment or Punishment speaks of a person being treated free of inhumane and degrading treatment but putting that in Fiji context based on conditions of Fiji's prisons and holding cells at police stations can sometimes be considered degrading treatment.
s.47(1)-(2) **Power to arrest without a warrant**	(1) A Police officer may, without a warrant, arrest a person— (a) who is about to commit an offence; (b) who is committing an offence; (c) who the officer suspects on reasonable grounds is about to commit an offence; or (d) who the officer suspects on reasonable grounds is committing an offence. (2) If a Police officer has reasonable grounds for suspecting that an offence has been committed, the officer may arrest without a warrant anyone whom he or she has reasonable grounds to suspect of having committed the offence.	**Recommendation** Clear guidelines and consideration must compel the officer to consider the alleged suspect who may also be a child or other vulnerable person who unknowingly may not understand the officer due to impaired capacity. This power to arrest without need for a warrant must not be abused by the FPF. This again emphasis the importance of have the FPF trained in dealing with sections of Fiji society who are vulnerable. The section only gives partial recognition w/o having regard to the person of interest being arrested.
s.48	The following persons may issue a search warrant—	**Recommendation**

SECTION	FIJI POLICE BILL NO. 12/2026 EXTRACT	FWLA SUBMISSIONS
Issuing authority	(a) a Justice of the Peace, for a general search warrant under this Division, Subdivision 2; (b) a magistrate, for a general search warrant under this Division, Subdivision 2 or an urgent search warrant under this Division, Subdivision 3; and (c) a Judge of the High Court of Fiji, for a covert surveillance warrant under Division 5, Subdivision 1 and a covert or forcible entry warrant under Division 5, Subdivision 2.	FWLA strongly recommends the Committee considers the complete **removal of Justices of the Peace as an Issuing Authority for general warrants.** Outside of any concern that the Justice of the Peace is a member of the FPF, generally Justices of the Peace are lay people not legally trained to make evidentiary assessments required under the Bill and legal principles.
s.52 (3)-(4) **Urgent search to prevent loss of evidence**	(3) A Police officer may enter the place or conveyance and perform a search at the place or conveyance as if they were empowered to do so under a search warrant issued under Subdivision 2 of this Division. (4) The Police officer may use such force as is reasonable and necessary in the circumstances, but must not— (a) cause structural damage to a building; or (b) damage a conveyance or any container found in or on the conveyance by forcing open a part of the conveyance or container unless— (i) the person apparently in charge of the conveyance has first been given a reasonable opportunity to open that part or container; or (ii)it is not possible to give that person the opportunity	**Recommendation** FWLA recommends insertion of language compelling the officer to also give due consideration to injury and force exerted to those facilitating or giving access to the property or conveyance. Including language in this section compelling the officer to take into consideration matters in s. 42 will suffice.
s.57 **Application for covert surveillance warrants**	(4) The application must also state (a) the facts relied upon to show reasonable grounds for suspicion or belief; (b) the manner by which it is proposed to undertake the monitoring;	**Recommendation** FWLA recommends the drafting of the section be strengthened to give safeguards for vulnerable impacted by such application including victims of GBV, child sexual assault or instances where pornographic material is used.

SECTION	FIJI POLICE BILL NO. 12/2026 EXTRACT	FWLA SUBMISSIONS
	(c) the name or names of the person or persons to be monitored, if known; (d) the place at which to monitor the person; (e) the identity of any person who may be required by the court to provide assistance for the purpose of giving effect to the warrant; (f) the requested duration of the warrant; and (g) where the application is made orally, the circumstances said to render a written application not reasonably practicable.	
s.61 **Duration, cancellation and revocation of warrant**	(1) A warrant issued pursuant to an oral application is valid for 48 hours. (2) If the Commissioner is satisfied that the grounds upon which a warrant was issued no longer exist, the Commissioner must, if the warrant is still in force, cancel the warrant in writing. (3) The issuing authority may revoke a warrant issued under this Subdivision that is in force.	**Recommendation** **FWLA recommends s.61 (2) be deleted in its entirety to avoid overreach by the FPF** and more so the Commissioner is not the Issuing Authority and s/he cannot be the authority deferred to for cancelling the warrant. In practice once full compliance e.g. request for information, footage etc is achieved the warrant is deemed cancelled. Generally compliance by those served in current practice is within reasonable time given information requested under the warrant may be held offsite, in physical form or relates to long periods of time.
s.63 (4) **Application for covert or forcible entry warrant**	Mere external placement of a tracking device upon any craft, vehicle or goods does not constitute entry requiring a warrant.	**Recommendation** FWLA submits the same rules should apply to a tracking device as with a covert warrant required for tracking. To legitimize the use of tracking devices without a warrant because does not constitute "forced entry" is a fallacy.

SECTION	FIJI POLICE BILL NO. 12/2026 EXTRACT	FWLA SUBMISSIONS
		The tracking device impinges on a person's general right to privacy under s.24 of Fiji Constitution. Any matter infringing on a person or their right to privacy must have judicial oversight.
Division 9 – General **Forensic procedure**		**Recommendation** It is the view of FWLA that the forensic division be removed from the Police and oversight of the Police Commissioner. The separation ensures greater public confidence in the forensic evidence being produced without any interference from the FPF, as the investigative arm. While evidence gathering is part of investigation, the scientific reports and findings need to be independent and free from any perception of interference from the Commissioner especially in situations where the investigation and subsequent prosecution relate to members of the FPF itself.
s.99 **Special requirement for child of 14 years or older**	(2) A Police officer must not ask a child to give a forensic procedure consent unless the officer has, in a manner and language that the child can understand and having regard to the child's age and level of maturity— (a) explain to the child the matters under section 103; (b) give the child reasonable opportunity to ask questions and express his or her views freely; (c) inform the child that he or she may refuse to give consent; (d) inform the child that he or she may withdraw consent at any time before or during the performance of the forensic procedure; (e) give the child reasonable opportunity to meet privately with a support person before deciding whether to give consent;	FWLA applauds the inclusion of these specific provisions in the law to cater for children and individuals with impaired capacity. However, due regard must be given to existing frameworks and policies in place to address these including *National Child Safeguarding Policy* which applies to every Ministry, Government Department and partner who engages in activities that involve contact with children. The *National Child Safeguarding Policy* requires FPF to adopt a policy or develop their own on child safeguarding, undertake risk assessment on activities that involve contract with children, so risks are identified and

SECTION	FIJI POLICE BILL NO. 12/2026 EXTRACT	FWLA SUBMISSIONS
	(f) inform the child that he or she may request the presence of a support person during the performance of the forensic procedure; and (g) ensure that any assistance reasonably necessary to help the child understand the explanation and communicate his or her decision is provided.	addressed appropriately and ensure FPF are trained in child safeguarding when carrying out their duties[5]. **Recommendation** FWLA is concerned that the drafting only provides for these considerations for children and those with impaired capacity when discussing forensic procedures.
s.100 **Special requirement for child under 14**	100.(1) This section applies if a Police officer reasonably suspects the relevant person is a child who is under the age of 14 years. (2) The Police officer may ask a support person to give a forensic procedure consent for the child. (3) If the support person gives a forensic procedure consent for the child authorising the taking of a sample for DNA analysis, the sample taken must be a non-intimate DNA sample and not a sample of the child's blood. (4) Subsection (5) applies if the support person gives a forensic procedure consent for the child relating to the performance of a non-intimate forensic procedure. (5) A support person must be present while the procedure is being performed.	**These standards should apply any time a child or impaired person is under arrest,** taken for questioning and subject to a forensic procedure as required under Fiji's *National Child Safeguarding Policy*. Likewise, a person who should be a support person for the child or impaired person must be a parent or legal guardian or their lawyer. Having any adult or relative speak for the child is not ideal for many reasons. These considerations should be standard procedure and non-negotiable. As drafted the clause disguises the fact that it is empowering the FPF may detain, question and conduct forensic procedure on a child without an adult present from the start. It feigns concern and relies on the officer to adhere to the letter of the law in making the child/impaired person aware of their ability to consent and consequences of such consent or to be questioned. To be entrusted with children and impaired persons, FWLA reiterates that FPF officers of all levels must undertake specialized and trained
s.101 **Special requirement for person with impaired capacity**	(1) This section applies if a Police officer reasonably suspects the person subject to a procedure is a person with impaired capacity. 54 Fiji Police— of 2026 (2) A Police officer must not ask the person to give a forensic procedure consent unless the officer has, in a manner and	

[5] National-Child-Safeguarding-Policy_FINAL-PRINT_01102025.pdf online

SECTION	FIJI POLICE BILL NO. 12/2026 EXTRACT	FWLA SUBMISSIONS
	language that the person can understand and having regard to the person's level of understanding— (a) explain to the person the matters under section 103; (b) provided the person with the support and assistance reasonably necessary to enable the person to understand the explanation, make and communicate the decision; (c) inform the person that he or she may refuse to give consent; (d) inform the person that he or she may withdraw consent at any time before or during the performance of the forensic procedure; (e) give the person a reasonable opportunity to meet privately with a support person before deciding whether to give consent; and (f) inform the person that he or she may request the presence of a support person during the performance of the forensic procedure. (3) The Police officer must assess the person's ability to understand the purpose of the forensic procedure consent required. (4) If the Police officer is satisfied that the person does not have the capacity to give a forensic procedure consent, the Police officer may ask a support person to give the consent for the person. (5) If the person requests the presence of a support person during the performance of the forensic procedure, the Police officer must ensure that a support person is present during the performance of the procedure. (6) A consent given by the person under this section is invalid unless the Police officer has complied with this section.	to deal with and question a child and child sexual assault victims. The Committee is requested to consider the earlier feedback of FWLA.

SECTION	FIJI POLICE BILL NO. 12/2026 EXTRACT	FWLA SUBMISSIONS
	(7) A parent who gives a forensic procedure consent under this section for a person subject to a procedure that is a child, must be present while the procedure is being performed.	
s.136 (2) **Termination of appointment**	(1) The Commissioner may order the termination of the appointment of a person who is a Police officer or special constable— (a) if the person fails to meet the health standard prescribed by the Commissioner; (b) if the person fails, fails to undertake, or fails to satisfactorily complete, a performance review; or (c) due to a reduction in the establishment of the Force. (2) The Commissioner may also order the termination of the person's appointment if the Commissioner loses confidence in the person's suitability to be a Police officer or special constable due to the— (a) person's lack of sufficient competence or integrity; (b) manner in which the person has performed his or her duties; or (c) the person's conduct, either on duty or off duty.	**Recommendation** To protect officers from retaliation if they report assault or harassment or victimsation in termination processes, s.136 (2) should be expanded to make officer retaliation a very specific event for termination. The patriarchal culture within the police force can place pressure on female officers to fit into a male-dominated environment. While hiring more women is a positive step as intended by Prof. Carrington in her study some female officers adopt the same attitudes as their male colleagues or experience bullying and harassment, which makes it harder for them to challenge harmful norms[6]. Unless such protections are legally entrenched for female and other impacted officers, the law only goes midway to address the issue of retaliation.
s.141 **Role of police posts in community policing**	141.(1) The Commissioner may prescribe an area as the jurisdiction of a police post for the purposes of this Part. (2) The officer in charge of the police post must, within the prescribed jurisdiction, (a) implement community policing policies and guidelines made by the Commissioner;	Interviews conducted by Professor Carrington for her report, noted that raising awareness about crime prevention was a significant part of the work for community police posts. The report notes that interviewees from the FPF noted they were not permitted to take statements, make arrests, or lay charges[7].

[6] Prof. K. Carrington and Dr. M Jardine, *Improving The Policing Of Sexual And Domestic Violence In Fiji*, 2025 at Fiji-Report-Web.pdf
[7] Prof. K. Carrington and Dr. M Jardine, *Improving The Policing Of Sexual And Domestic Violence In Fiji*, 2025 at Fiji-Report-Web.pdf

SECTION	FIJI POLICE BILL NO. 12/2026 EXTRACT	FWLA SUBMISSIONS
	(b) engage with and support the work of community policing committees, community advocacy and support groups and faith-based and cultural institutions; (c) facilitate training for or with members of the community, community policing committees, community advocacy and support groups and faith-based and cultural institutions; (d) serve as a reporting and communication focal point and pathway for the community, community policing committees, community advocacy and support groups and faith-based and cultural institutions; and (e) prepare regular community policing reports to be submitted to the coordinating Police station. (3) The officer in charge of the police post is accountable to the coordinating police station for the implementation of this section.	Community officers are not able to take statements from victims of gender-based violence at the community police post, so the victim must travel a longer distance to make a report, which can be a deterrent. Given that larger stations are a hub for a wide range of policing services, they are often busier, and thus, victims often receive poor service and lack privacy. Under the Restore Blue strategy, which plans to increase the number of personnel at community police posts, there is an opportunity to strengthen community policing responses to gender-based violence in Fiji. In addition to upskilling community police officers to undertake awareness raising activities on sexual and domestic violence, the role of these officers could be expanded. That research aligns to the proposed drafting of s.141, which places community policing's primary function as enhancing residents' trust in the police, become the police eyes and ears in the community, prevent crime from occurring, and notify the main stations of any serious crimes. **Recommendation** As proposed and as is the current status, community posts are a wasted opportunity and inefficient use of police resources. FWLA submits that s.141 be expanded to allow community police posts to encompass awareness-raising activities, taking statements, filing reports, and conducting preliminary investigations. FPF should develop clear guidelines and protocols to standardise the handling of GBV cases across all community police posts, have processes for referring specific matters to specialised sexual and domestic violence units, and streamline reporting and electronic information sharing with main stations and courts.

SECTION	FIJI POLICE BILL NO. 12/2026 EXTRACT	FWLA SUBMISSIONS
		This highlights the importance of the community police in responding to gender-based violence in Fiji.
s.142 **Establishment of community policing committees**	(1) The officer in charge of a police post must, in consultation with members of a community, facilitate and support the establishment of community policing committees. (2) A community may establish a community policing committee. (3) Subject to subsection (4), a community policing committee may determine its own format, structure and rules of procedure. (4) A community policing committee must consist of representatives of community members in the area concerned elected for that purpose. (5) The Force must seek to work with and support community policing committees in accordance with and to fulfil the objects of this Part. Functions of community policing committees	**Recommendation** FWLA proposes a formal (voluntary and subject to confidentiality to the FPF) advisory committee from members across society to help advise and guide the Commissioner on development of FPF policies. This has been done for things like hospital and foreign banks; merely an advisory body to sense check the FPF on its own policies. This ensures one advisory body and alignment in policing policies across Divisions. It ensures a single body, drives efficiencies without having officers ready and able to focus on the task of effective policing.
s.143 **Functions of community policing committees**	A community policing committee must perform the functions it considers necessary and appropriate for meeting the objects listed in section 138.	

-End of Submissions-

Submission to the Standing Committee on Justice, Law and Human Rights

Scrutiny and Analysis of Bill No. 12 of 2026.

June 21, 2026

Reginald M. Lutu.

P.O Box 3359

Lami Post Office

21st June 2026.

Attention: Hon. Ratu Rakuita Vakalalabure

The Chairperson

Standing Committee on Justice, Law and Human Rights

Fiji Parliament

Suva, Fiji

Date: June 21, 2026

Re: Personal Submission on Bill No. 12 of 2026 – Fiji Police Bill.

Dear Honourable Chairperson,

I respectfully submit this comprehensive analysis of the **Fiji Police Bill 12 of 2026** for the Committee's consideration. I recognize that replacing the colonial-era *Police Act 1965* is necessary to address modern criminal threats, like the Transnational drug trade and the local trade and use of narcotics in Fiji.

However, Bill No. 12 of 2026 introduces unprecedented expansions of state power that directly threaten the fundamental rights guaranteed under the Constitution of the Republic of Fiji and international human rights frameworks.

This submission scrutinizes the Bill against international human rights benchmarks, drawing on recent incidents of alleged extra-judicial killings and deaths in custody involving Fijian security forces, relevant case law, and established best practices for police oversight.

The Bill represents a significant modernization of policing legislation, repealing the outdated Police Act 1965 and introducing provisions on community policing, forensic capabilities, digital investigations, and use of force.

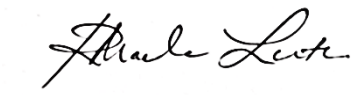
However, it falls short in establishing robust, independent civilian oversight mechanisms essential for accountability, public trust, and prevention of abuse—particularly in light of documented concerns regarding custodial violence and extra judicial killings in the case of Mr. Jone Vakarisi of Nabua, Mr. Sakeasi Radravu of Kinoya and Mr. Iver Tuimasi of Dakuni village, Beqa; occurring consecutively in the first 6 months of 2026 but without independent or judicial oversight.

I urge the Committee to recommend targeted amendments to strengthen external civilian oversight, enhance safeguards against misuse of expanded powers, and ensure alignment with Fiji's constitutional and international obligations.

This is a personal submission only and reflects that concerns of the silent majority; who believe that the authority granted by this Parliament to the Fiji Police; must be given on tight rein as unbridled power without meticulous oversight by the elected Members of Parliament is analogous to the Albert Einstein's definition of insanity: "Repeating the same process all over again and expecting a different result.".

Unfortunately, I will be unable to appear before the Committee as my work prevents me from doing so. I am free to take questions over the phone or via email.

Respectfully submitted,



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Executive Summary

The Fiji Police Bill No. 12 of 2026, a comprehensive legislative framework designed to modernize and regulate the operations of the Fiji Police Force. It defines the constitution, functions, and governance of the force, emphasizing merit-based recruitment, mandatory training in human rights, and the formalization of community policing.

The document details expansive investigative powers, including the use of biometric information, forensic procedures, and the monitoring of digital devices under judicial oversight. It also establishes protocols for arrests, search warrants, and crime scene management to ensure legal accountability.

Additionally, the Bill addresses internal discipline, the welfare of officers, and the legal protections afforded to both the state and the public. These provisions aim to replace the *Police Act 1965* by integrating contemporary standards for transparency and law enforcement within the Republic of Fiji.

While intended to counter cybercrime, organized crime, and digital threats, the Bill introduces severe threats to civil liberties. It features broad arrest thresholds, warrantless entries, unaccountable communication surveillance, and internal structural vetos over misconduct complaints.

This submission critiques these provisions against international human rights standards, specifically the *International Covenant on Civil and Political Rights* (ICCPR). It evaluates these powers within Fiji's current socio-legal environment, marked by systemic police brutality, militarized law enforcement operations, and extra-judicial custody deaths. The report concludes with actionable recommendations to realign the Bill with international best practices for independent, civilian-led police oversight.

1. Contextual Background: The State of Policing in Fiji

1.1. Legislative reforms cannot be evaluated in isolation from the institutional culture of the agency they govern. Empirical data and recent events demonstrate that systemic violence remains a serious issue within the Fiji Police Force[1]

1.2. Socio-Legal Baseline: Between May 2015 and April 2020, 400 Fijian police officers were charged with serious violent offenses, including 16 counts of rape, two counts of murder, and nine counts of manslaughter. This dynamic reflects an ongoing challenge with institutionalized violence.

1.3. Recent Custody Deaths: In April 2025/2026, Sakiasi Radravu died from injuries his family alleges resulted from torture and sexual abuse during a police raid. Around the same time, Jone Vakarisi died under suspicious circumstances while in military custody during a joint operation.

1.4. The Militarization Crisis: Civil society organizations, including the Fiji NGO Coalition on Human Rights, note that integrating military personnel into domestic police operations distorts the principles of community policing. It replaces civilian de-escalation tactics with combat-oriented force.[2]

[1] *Fiji Police Force*, Fiji Police, www.police.gov.fj/. Accessed 21 June 2026.

[2] Fonua, Finau. "Human Rights Organisations Call for Reforms to Fiji's Police and Military Systems - ABC Pacific." *Australia Broadcast Corporation* , Australian Government , 11 June 2026, www.abc.net.au/pacific/programs/pacificbeat/fijicalls-and-fijipostmortem/106784200.

Gap Analysis of the Fiji Police Bill No. 12 of 2026.

Bill Section / Provision	Statutory Mechanism Summary	Human Rights & Constitutional Implications	International Benchmark & Best Practices
Sections 8 & 9 *(Political Direction)*	Authorizes the elected Minister to issue binding operational directions to the Police Commissioner, making the Commissioner subservient during a State of Emergency.	Breaks the principle of operational independence, risking the political weaponization of the police force against civilian dissidents.	The Harare Commonwealth Principles: Police forces must remain independent of partisan political manipulation, acting under objective statutory mandates.
Section 47 *(Warrantless Arrest)*	Permits arrest without a warrant if an officer "suspects on reasonable grounds" a person is *about* to commit an offense.	Codefies preemptive detention based on subjective suspicion, violating Section 13 of the Fiji Constitution and ICCPR Article 9 (Arbitrary Arrest).	European Court of Human Rights (*Fox, Campbell and Hartley v. UK*): "Reasonable suspicion" requires objective facts linking the suspect to a concrete offense, not speculative intent.
Section 52 & 48A *(Warrantless Search)*	Allows entry and search without prior judicial authorization under a "reasonable suspicion" of evidence concealment; grants JPs power to issue general search warrants.	Undermines privacy protections and invites overreach by bypassing judicial scrutiny during property entries.	South African Constitutional Court (*Gaertner v. Minister of Finance*): Warrantless searches are unconstitutional in non-emergency situations where judicial approval is feasible.
Sections 57–61 *(Oral Surveillance Warrants)*	Allows senior officers to obtain 48-hour covert communication interception warrants via a simple telephone call.	Bypasses formal judicial oversight, creating a high risk of unauthorized mass surveillance against journalists and whistleblowers.	Australia's Interception Act 1979: Requires formal written applications to a judge, strict exhaustion-of-remedies tests, and mandatory regular reporting.
Sections 88–91 *(Digital Device Decryption)*	Compels individuals to hand over device encryption keys or passwords, carrying prison sentences for non-compliance.	Infringes upon the fundamental right against self-incrimination and violates privacy principles.	UK Regulation of Investigatory Powers Act (RIPA): Imposes independent statutory checks and narrow thresholds before demanding cryptographic keys.

Bill Section / Provision	Statutory Mechanism Summary	Human Rights & Constitutional Implications	International Benchmark & Best Practices
Section 127 & 130 *(Commissioner Veto on Complaints)*	Grants the Commissioner unilateral power to summarily dismiss public complaints and veto cases heading to the Disciplinary Tribunal.	Institutionalizes impunity. Internal investigations lack the objectivity required to hold peers accountable for serious abuses.	The Paris Principles: Human rights complaints must be evaluated by completely independent bodies that hold independent investigative powers.
Section 148 *(Whistleblower Gag Clause)*	Criminalizes officers or researchers who share information regarding internal police brutality or misconduct with media outlets.	Violates freedom of expression and protects systemic misconduct from public scrutiny.	UN Convention Against Corruption (UNCAC): Mandates legal protections for whistleblowers who expose human rights violations or corruption.
Section 161 *(Broad Good Faith Immunity)*	Shields police staff from civil or criminal liability for actions taken in "good faith," without defining the term.	Creates a statutory shield for torture and excessive force under the cover of subjective "good faith," violating Section 11 of the Fiji Constitution.	UN Torture Convention (CAT): Explicitly states that no exceptional circumstances or official orders may be invoked to justify torture.

Table 1 *- The table above provides a detailed legal evaluation of the most concerning sections of Bill No. 12 of 2026.*

2. International Best Practices for Civilian Police Oversight

To address the institutional gaps in Bill No. 12 of 2026, Fiji should look to established global models for independent civilian oversight. True oversight cannot exist when an agency investigates itself.

Successful international models feature three key structural components:

A. Independent Investigative Power (The Northern Ireland Model)

The *Police Ombudsman for Northern Ireland* (PONI) is entirely independent of the police hierarchy. It possesses its own team of civilian investigators with full police powers to secure crime scenes, seize documentation, and interview officers. Fiji's current framework—where the Human Rights and Anti-Discrimination Commission can issue warnings but relies on the police for criminal enforcement—lacks the teeth necessary to break institutional concealment.[3]

B. Mandatory Referral Triggers (The Canadian Model)

In Ontario, Canada, the *Special Investigations Unit* (SIU) is automatically triggered whenever an officer's actions result in serious injury, sexual assault, or death. The police force has no legal authority to delay or block an SIU investigation. This directly counters Section 127 of Fiji's proposed Bill, which allows the Police Commissioner to unilaterally dismiss complaints before they reach an independent tribunal.

C. Human Rights Grounding and Accountability

The *Independent Police Conduct Authority* (IPCA) of New Zealand regularly evaluates operational policies against national human rights charters. Under international human rights standards, an oversight agency must remain financially, operationally, and politically independent of both the line Ministry and the police department it monitors.

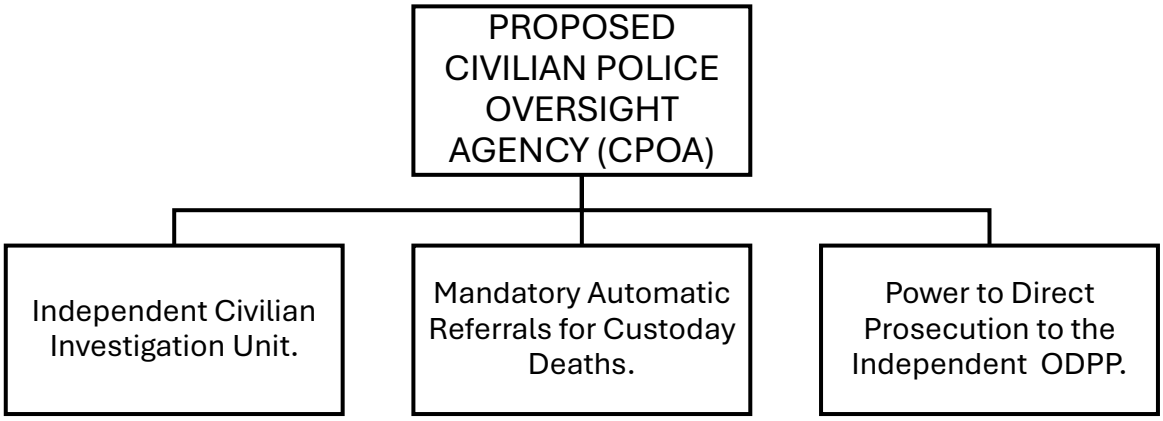


Table 2 *- The Proposed Design for the Civilian Police Oversight Agency for the Fiji Police to replace the Tribunal concept outlined in Subdivision 5 section 130 of the Police Bill No. 12 of 2026.*

[3] Waqanivanua, Lavenia. "Rights Commission Urges Enforcement as Fiji Remains on Trafficking Watch List | Fiji Sun." *The Fiji Sun*, The Fiji Sun, 2 Feb. 2026, fijisun.com.fj/news/nation/rights-commission-urges-enforcement-as-fiji-remains-on-trafficking-watch-list.

3. Definitive Recommendations for the Standing Committee

3.1. To align Bill No. 12 of 2026 with international benchmarks and protect Fijian citizens, the following statutory amendments are recommended:

3.1.1. Remove the Commissioner's Veto (Sections 127 & 130): Strip the Police Commissioner of the power to summarily dismiss complaints. Establish a civilian-led Independent Police Complaints Commission (IPCC) with full authority to investigate and send files directly to the Office of the Director of Public Prosecutions (ODPP).

3.1.2. Delete Section 148 (Gag Clause): Eradicate the colonial-era prohibition against officers or civil society researchers exposing human rights abuses. Add comprehensive whistleblower protections to shield individuals who expose torture or corruption.

3.1.3. Refine Section 161 (Immunity Clause): Explicitly state that "good faith" immunity does not apply to any actions violating Section 11 of the Fiji Constitution (Freedom from Torture and Cruel Treatment) or international human rights conventions.

3.1.4. Enforce Judicial Oversight for Surveillance (Sections 57–61): Eliminate 48-hour oral telephone warrants. Require all surveillance, interception, and digital tracking requests to be submitted as written affidavits to a High Court Judge.

3.1.5. Establish Strict Limits on Joint Deployments: Introduce a statutory amendment banning the deployment of military personnel in domestic policing operations, except under explicit parliamentary authorization with clear civilian oversight frameworks.

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6.8. Fiji Women's Crisis Centre (FWCC). "Fiji Police Bill 2026 Human Rights and Accountability Gaps." *FBC News via Instagram*, 21 June 2026, www.instagram.com/p/DZ05Dxelh9b/.

6.9. United Nations. *International Covenant on Civil and Political Rights (ICCPR)*. UN Treaty Series, vol. 999, 1976.

6.10. United Nations Office on Drugs and Crime (UNODC). *Handbook on Anti-Corruption Measures in Policing*. United Nations, 2023.

Outlook

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

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

IN THE MATTER OF: The Rights of Indigenous Peoples Bill (Bill No. 37 of 2025)
SUBMITTED BY: Colatanavanua Consultancy Pte Ltd
PRINCIPAL CONSULTANT: Ratu Felix Colatanavanua
SPECIALIZATION: iTaukei Affairs, Systems Architecture, and Strategic Development

1. EXECUTIVE SUMMARY
This formal submission by Colatanavanua Consultancy Pte Ltd strongly demands the immediate and total withdrawal of the Rights of Indigenous Peoples Bill (Bill No. 37 of 2025). As a specialized consulting firm operating within iTaukei affairs and structural national development, our forensic audit of the proposed text concludes that this Bill is a dangerous, completely redundant piece of "desktop legislation."

Fiji does not have a legal, constitutional, or administrative vacuum regarding the protection of indigenous rights. Our existing statutory fortress, anchored by the iTaukei Lands Act 1905, the iTaukei Land Trust Act 1940, and the 2013 Constitution, already provides the most advanced, ironclad security mechanisms for customary land, identity, and resource rights anywhere on the globe.

Bill No. 37 introduces zero new functional protections for customary landowners. Instead, it creates a parallel layer of bureaucratic bloat, establishes an unchecked mechanism for sweeping ministerial overreach, shields state officials from judicial accountability, and opens a highly lucrative litigation loophole that serves activist lawyers and political consultants rather than the customary clans (mataqali) on the ground.

2. THE LEGISLATIVE SHIFT: THE SUPERIORITY OF SIMPLE STATUTORY AMENDMENTS
From a systems architecture perspective, a fundamental principle of good governance is legislative efficiency. If modern statutory gaps or administrative needs truly existed regarding iTaukei affairs, they could be resolved seamlessly via narrow, targeted amendments to the legislation Fiji already has on the books.

A standalone 26-page Bill is entirely unwarranted:

• Strategic Frameworks and Reporting: A minor, single-clause amendment to the iTaukei Affairs Act could mandate the iTaukei Affairs Board or the Great Council of Chiefs to submit an annual strategic review directly to Parliament.

• Regulatory and Enforcement Updates: Any updated penal provisions should be explicitly debated and embedded directly into the iTaukei Lands Act 1905 or the iTaukei Affairs Act, rather than giving a Minister a regulatory blank check to invent 5-year prison sentences.

3. CLAUSE-BY-CLAUSE STATUTORY AUDIT AND REDUNDANCY ANALYSIS
A forensic cross-reference of the substantive provisions of Bill No. 37 against current Fijian law demonstrates a 100 percent duplication rate of actual, operational rights.

A. Recognition of Status and Inherent Rights
Bill 37: Recognizes and promotes inherent rights of indigenous people and seeks to domesticate UNDRIP.
Existing Law:
• 2013 Constitution (Preamble): Already recognizes iTaukei and Rotuman people as indigenous inhabitants.
• iTaukei Lands Act 1905: Establishes the VKB, a sovereign registry of customary lineage and land entitlement.

B. Self-Determination and Customary Governance
Bill 37: Promotes autonomy and participation in decision-making.
Existing Law:
• iTaukei Affairs Act: Establishes and empowers the Great Council of Chiefs, iTaukei Affairs Board, and Provincial Councils.

C. Protection of Customary Land and Territory
Bill 37: Safeguards traditional land and resource ownership.
Existing Law:
• 2013 Constitution (Section 28): Guarantees permanent, inalienable ownership of iTaukei land.
• iTaukei Land Trust Act 1940: Bars permanent sale or transfer of customary land and secures landowners' economic interests.

D. Equitable Sharing of Natural Resource Benefits
Bill 37: Ensures equitable sharing of royalties.
Existing Law:
• 2013 Constitution (Section 30): Guarantees equitable share of royalties from natural resource extraction.

E. Preservation of Language, Traditions, and Cultural Property
Bill 37: Protects cultural knowledge and traditions.
Existing Law:
• 2013 Constitution (Section 31): Guarantees language rights and cultural participation.
• Traditional Knowledge and Cultural Expressions Bill: Developed over 10 years to convert traditional knowledge into enforceable IP rights.

4. AN INSTITUTIONAL FARCE: THE SYSTEMIC BREACH OF LEGISLATIVE SAFEGUARDS
If Bill No. 37 proceeds, it represents a total farce of Parliament and exposes a breakdown in mandatory legal vetting controls.

A. Constitutional Role of the Solicitor-General
Under Section 12(12)(b) of the Constitution, the Solicitor-General is responsible for preparing and vetting draft laws. The Legislative Drafting Section must ensure all draft laws are constitutional, aligned with best practices, and harmonized with existing laws.

Their duty is to block any draft text that duplicates or contradicts existing Acts.

B. Breach of Parliamentary Integrity and Standing Orders
A Bill containing 100 percent duplicate content reaching First Reading indicates the vetting process was bypassed.

Consequences:

1. Abuse of Public Resources: Civil servants and the Standing Committee are forced to analyze a Bill that achieves nothing.
2. Breach of Legislative Quality Control: Violates the mandate of the Office of the Attorney-General to ensure legislation is sound, distinct, and necessary.

Allowing such a Bill to consume parliamentary time sets a dangerous precedent.

5. STRATEGIC CONDEMNATION: AN OPPORTUNISTIC ELECTION PLOY
The general election campaign period commenced on May 25, 2026. Bill No. 37 is a transparent piece of political theater.

Politicians are pushing a duplicate Bill to mislead the iTaukei electorate by claiming to champion indigenous rights through UN frameworks, despite existing Acts already securing these rights.

The Bill also sidelines the decade-long work on the Traditional Knowledge and Cultural Expressions Bill, trading real policy substance for campaign optics.

6. STRATEGIC RECOMMENDATIONS
Colatanavanua Consultancy Pte Ltd urges the Standing Committee to:

1. Recommend immediate and total withdrawal of Bill No. 37 due to statutory redundancy.
2. Formally note the procedural failure in drafting and vetting controls.
3. Demand retrieval and finalization of the Traditional Knowledge and Cultural Expressions Bill.
4. Direct targeted statutory amendments to the iTaukei Affairs Act or iTaukei Lands Act 1905 if modern adjustments are required.

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Outlook

Fwd: [2700 words] 11 June 2026 OPINION Reviewing Fiji's Police Bill 2026: A Clause-by-Clause Critical Appraisal

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[2700 words]

23 June 2026

Submission to *Parliament Standing Committee on Justice, Law and Human Rights*

Reviewing Fiji's Police Bill 2026:

A Clause-by-Clause Critical Appraisal

(Bill Before the Parliament Standing Committee on Justice, Law and Human Rights)

DR SUSHIL K SHARMA

The Fiji Police Bill 2026 — Bill No. 12 of 2026 — arrives in Parliament carrying a purpose both legitimate and overdue. The Police Act 1965, inherited from the colonial administration and amended piecemeal across six decades, is structurally incapable of addressing organised cybercrime, encrypted communications, digital evidence, DNA forensics, or the community policing model that modern democratic societies demand. Fiji needs a new Police Act — but not this version without substantial amendment to provisions that are constitutionally unsound, structurally draconian, and dangerous in the hands of an institution that between May 2015 and April 2020 saw four hundred of its own officers charged with serious violent offences including sixteen counts of rape, two counts of murder, and nine counts of manslaughter (FT 12/11/20, 13/11/20). Parliament has unanimously fast-tracked this Bill to the Standing Committee on Justice, Law and Human Rights. This article is a formal critical appraisal — clause by clause — to inform that committee's work, guide public submissions, and place on the parliamentary record the provisions that must be amended before this Bill becomes the law of this republic.

The Emergency Command Axis — When Politics Controls Policing

Section 9 empowers the Minister to issue binding general policy directions to the Commissioner. Section 8(4) makes the Commissioner's operational command explicitly subservient to those directions during a declared State of Emergency under Section 154 of the Constitution. Together these provisions create a statutory mechanism through which an elected politician can direct an armed police force during a national crisis. This is not hypothetical. Section 8(4) must be amended to insert an absolute proviso that no ministerial direction shall dictate, restrict, or interfere with specific tactical operations, arrest decisions, or individual criminal investigations — powers that must remain the exclusive and personally accountable responsibility of the Commissioner.

Biometric Harvesting of Unconvicted Citizens

Sections 22 and 23 require all recruitment candidates to provide DNA profiles, fingerprints, and palm prints. Section 25 appropriately mandates destruction of that data if a candidate is not recruited. But Section 23(b)(ii) allows the Force to retain an unconvicted citizen's complete genetic profile indefinitely if vaguely deemed relevant to an "active offence investigation." An unsuccessful job applicant — convicted of nothing — can have their DNA permanently stored in a state database on the basis of an internal police determination requiring no judicial oversight. It is a backdoor surveillance registry bypassing every constitutional protection applicable to biometric data collection from unconvicted persons. Section 23(b)(ii) must be removed entirely. Where the Force genuinely believes a candidate's biometric data constitutes evidence in an active prosecution, it must obtain a time-limited High Court order identifying the specific investigation and evidentiary basis before any retention is authorised.

Pre-Emptive Arrest — Detaining Citizens for What They Might Do

Section 47 authorises arrest without warrant of a person who is "about to commit an offence" or whom an officer "suspects on reasonable grounds is about to commit an offence." This is pre-emptive detention — imprisonment of a Fijian citizen not for what they have done but for what a police officer believes they might do. No offence category is specified. No threshold of imminence is defined. No supervisory authorisation is required. In every comparable common law jurisdiction — Australia, New Zealand, the United Kingdom — pre-emptive arrest powers are tightly constrained by specified offence categories, imminence requirements, and supervisory oversight, precisely because open-ended pre-emptive arrest has historically suppressed political dissent. Section 47 must be amended to restrict pre-emptive arrest to specified indictable offences with a prescribed and judicially reviewable imminence standard — not an open-ended power incompatible with Section 9 of the 2013 Constitution.

Warrantless Search — Privacy Violated Before the Court Decides

Section 52 permits entry and search of any place without prior judicial authorisation, if an officer, "reasonably suspects" evidence may be concealed or destroyed. The officer must then seek retrospective post-search approval from a magistrate under Section 53. Section 54(2) states that if approval is refused, evidence is inadmissible. This sounds protective — it is not. The privacy violation has already occurred. Retrospective inadmissibility does nothing to restore the dignity of the person searched without prior authorisation. Prior warrant — except in the narrowest defined emergency circumstances subject to immediate post-search review — is the norm in every comparable democratic jurisdiction. It must be the norm in Fiji. The Bill must require prior judicial authorisation as the rule, with any urgent search exception defined by specific listed offences, an imminence standard, and mandatory judicial review within 24 hours.

Covert Surveillance by Telephone — A 48-Hour Oral Warrant

Sections 57 to 61 authorise a senior officer to apply by telephone for a covert surveillance warrant to secretly monitor and record "any conduct and communication including telecommunication" of any person suspected of a covert operation offence. An oral application warrant is valid for 48 hours immediately upon approval by a High Court Judge. The issuing authority is appropriate — but a telephone application for comprehensive covert communications surveillance, in a country where the Online Safety Act 2018 has been used to investigate journalists and activists for online expression, represents an extraordinary concentration of secret investigative power without adequate independent oversight. Australia's Telecommunications (Interception and Access) Act 1979 requires written warrant applications with specific target identification and mandatory six-monthly reporting to the Attorney-General — standards developed precisely because surveillance powers exercised without external checks generate institutional abuse. Fiji's Bill requires a telephone call. The Standing Committee must insert an independent civilian surveillance oversight function with

standing to contest warrant applications on proportionality grounds before the issuing judicial authority.

The Digital Device Self-Incrimination Trap

Sections 88 to 91 are the most constitutionally dangerous provisions in the entire Bill. A court may order any person — anyone who "uses or has used a digital device" — to surrender passwords, decryption keys, and device access information to police. Section 91(2) states explicitly that it is not a reasonable excuse to refuse on the grounds that compliance will self-incriminate. Ireland's Supreme Court, ruling in 2025 on compelled digital device access in a case directly relevant to common law jurisdictions including Fiji, clarified that the privilege against self-incrimination retains real and meaningful application in the digital context. Section 14(2)(k) of Fiji's 2013 Constitution guarantees every person the right to remain silent and not to testify against themselves. Section 91(2) overrides that constitutional guarantee by ordinary statute — not by constitutional amendment requiring a two-thirds parliamentary majority and a public referendum. The Standing Committee must seek an urgent written opinion from the Attorney-General on the constitutional compliance of Section 91(2) before this Bill proceeds to its second reading.

Stop Departure Orders — Movement Restricted Without a Hearing

Section 69 empowers police to apply to court for a stop departure order prohibiting a person under investigation from leaving Fiji. The person must be notified at their "last known residential address within 24 hours" of issuance. There is no requirement for the person to be present or heard before the order is made. A Fijian citizen can be prohibited from leaving the country — a direct restriction on the right to freedom of movement under Section 21 of the 2013 Constitution — on the basis of a police application made entirely without their knowledge. The natural justice principle of *audi alteram partem* — hear the other side before a decision adversely affecting their rights is made — is structurally absent. Section 69 must be amended to require either prior notice to the affected person or a mandatory post-order hearing within 24 hours of service at which they may contest the restriction before it continues in force.

The Commissioner's Veto on Complaints — Justice Stopped at the Top

Section 127 grants the Commissioner unilateral power to summarily dismiss public complaints against police staff if internally deemed vexatious or lacking substance. Section 130 establishes the genuinely independent Fiji Police Force Disciplinary Tribunal — appointed by the Chief Justice and constitutionally separated from the police hierarchy. The Commissioner — head of the institution whose staff are being complained about — holds a veto over which complaints ever reach the independent Tribunal. In a force where four hundred officers faced violent offence charges between 2015 and 2020 (FT 12/11/20, FT13/11/20), this front-end executive veto is not an efficiency mechanism. It is an impunity mechanism. Section 127 must be amended to require that any proposed summary dismissal of a complaint be reviewed by an independent civilian Police Complaints Review Panel comprising legal professionals appointed entirely outside the police hierarchy before it takes effect.

Staff Biometric Retention After Departure

Section 32 permits the Force to retain biometric profiles — DNA, fingerprints, and palm prints — of departed staff and associates for up to twelve months after leaving. Retaining genetic maps and medical data of non-suspect former employees for a year after departure serves no legitimate law enforcement purpose unavailable through standard evidentiary tools. It creates a window for retributive surveillance against whistleblowers who speak publicly about misconduct. In the context of Section 148's disaffection offence — discussed below — the combination of retained biometric data and a broad speech-suppression provision creates a structurally chilling environment for internal accountability. Section 32 must mandate permanent deletion of all biometric information within thirty days of

departure, with a narrow exception available only through a specific High Court evidentiary order.

Standing Orders in Secret — Transparency the Bill Owes the Public

Section 164 empowers the Commissioner to issue internal standing orders governing the administration, deployment, and use of firearms and weapons. Section 164(3) requires consistency with the UN Basic Principles on the Use of Force and Firearms. But standing orders are classified internal directives. The public and Parliament have no statutory mechanism to verify whether those international standards are actually applied in daily policing practice or quietly weakened through administrative reinterpretation. In a force with four hundred violent offence charges against serving officers between 2015 and 2020 (FT 12/11/20, FT 13/11/20), the gap between what a standing order says and what officers do on the street cannot be left to internal self-monitoring. Section 164 must mandate that all standing orders governing use of force and firearms be tabled before Parliament and published on the Fiji Police Force public website within seven days of issuance. Transparency here is not optional. It is the minimum accountability the public is owed.

Police Consultants and the Privatisation of State Power

Section 19 authorises the Commissioner to contract external police consultants — private individuals or corporate entities — to provide specialised services to the Force. Read alongside the digital investigation and covert surveillance powers in Part 5, this opens a pathway for private corporations to gain deep access to police intelligence infrastructure without being subject to the constitutional oaths, disciplinary jurisdiction, or public accountability rules binding sworn officers. Fiji has no equivalent of Australia's Australian Commission for Law Enforcement Integrity to oversee contracted intelligence operations — making the accountability gap here more acute than in comparable jurisdictions. The ANOM operation demonstrated the governance risks of public-private intelligence partnerships without statutory accountability. Section 19 must declare that any external consultant is legally bound by the Bill of Rights under Chapter 2 of the 2013 Constitution and subject to the full disciplinary jurisdiction of the Fiji Police Force Disciplinary Tribunal.

Special Constables — Auxiliary Powers Without Auxiliary Protections

Section 14 establishes the Special Constabulary as an auxiliary arm of the Force, deployable anywhere in Fiji and grantable with the full powers of a regular police officer under written authorisation. Yet the Bill makes no provision for ensuring special constables called into active service during emergencies receive equivalent operational compensation, medical coverage, psychological support, or equipment to regular officers of corresponding rank. Creating a secondary tier of personnel exposed to high-risk environments without equivalent protections is both a labour rights failure and a violation of Section 33 of the 2013 Constitution, which guarantees every worker the right to just and favourable conditions of work. The Bill must guarantee that special constables in active operational service receive complete compensation, medical coverage, and equipment parity with regular enlistees of equivalent rank for the full duration of that service.

Disaffection — A Colonial Ghost That Must Be Exorcised

Section 148 creates an offence of causing disaffection or discontent among members of police staff. This provision is lifted almost verbatim from colonial-era statutes designed to suppress legitimate criticism of police conduct, prevent union organisation within the force, and silence whistleblowers. An officer who witnesses brutality and speaks to a journalist faces prosecution under Section 148. A civil society researcher whose findings cause "discontent" among officers faces the same exposure. This provision has no place in a Bill introduced nine years after Fiji's return to parliamentary democracy. It is not a drafting oversight. It is a deliberate colonial inheritance — and in a nation where the fight for democratic freedoms has been long, costly, and unfinished, its retention in a 2026 policing framework is an insult to that history. Section 148 must be removed entirely. Targeted protections against genuine

unlawful incitement within the force can be drafted narrowly and specifically — not through a provision whose colonial purpose was the suppression of dissent.

Liability Protection Without Defined Limits

Section 161 protects police staff from personal liability for acts done "in good faith" in the exercise of their powers under this Bill. Protecting officers acting in genuine good faith is necessary — but "good faith" is a subjective and undefined standard. In a country where four hundred officers faced violent offence charges between 2015 and 2020 — including rape, murder, and manslaughter — and where the Coalition on Human Rights has documented deaths in police custody, a broad undefined "good faith" immunity clause without judicial boundary lines is institutional impunity dressed in legislative language. The Bill must define "good faith" with statutory precision, explicitly exclude its application to deliberate violence, torture, gross negligence, or sexual offending, and make unambiguously clear that no immunity under Section 161 extends to conduct violating Section 11 of the 2013 Constitution — the absolute right of every Fijian to freedom from torture and cruel, inhuman, or degrading treatment.

Regulations Made Without Democratic Oversight

Section 166 grants the Minister broad power to make regulations to operationalise the entire Bill without any mandatory parliamentary consultation or public notice window before those regulations take effect. Secondary legislation under a Police Act governs the daily reality of policing far more directly than primary provisions — defining search procedures, surveillance thresholds, DNA retention periods, and use of force protocols. Allowing the executive to reshape that reality through administrative instruments, bypassing parliamentary debate and public scrutiny, is a structural democratic accountability gap. Section 166 must require a mandatory sixty-day public notice and comment period for all proposed regulations, with no regulation passing into force until formally laid before and approved by a resolution of Parliament.

A Verdict and a Map Forward

The Fiji Police Bill 2026 contains genuine reforms that deserve preservation. Section 42's anchoring of use of force to the UN Convention Against Torture and UN Basic Principles. Section 26's mandatory training in de-escalation, gender sensitisation, and community engagement. Section 130's independent Disciplinary Tribunal appointed by the Chief Justice. The biometric deletion provisions for unsuccessful recruits. The merit-based recruitment framework. These are real advances on the 1965 Act and must survive every amendment round.

But genuine modernisation requires more than preserving what is good. It requires removing what is dangerous. The fifteen provisions examined here — spanning ministerial emergency command, pre-emptive arrest, warrantless search, telephone covert surveillance, compelled digital self-incrimination, stop departure without hearing, complaint veto, biometric retention, standing order secrecy, consultant impunity, special constable inequality, colonial disaffection, undefined liability immunity, and regulatory bypass — collectively represent a pattern of executive overreach that the Parliamentary Standing Committee must address systematically and without political pressure to rush a Bill of this magnitude before the election window opens.

Every civil society organisation with standing must be given full and genuine hearing time — not a tokenistic submission window designed to satisfy form without delivering substance. Fiji has waited sixty-one years for a modern Police Act. It can wait the additional months required to get this one constitutionally sound, democratically accountable, and worthy of the trust the Fijian people are being asked to place in the institution it governs. A Police Bill that cannot survive rigorous public scrutiny does not deserve parliamentary passage. One that does will be a landmark achievement for this parliament and this nation. The Standing Committee holds that opportunity. Every Fijian is watching how it uses it.

Dr Sushil K Sharma BA MA MEng (RMIT) PhD (Melbourne) — World Meteorological Organisation (WMO) Accredited Class 1 Professional Meteorologist. Former British Aerospace, The Royal Saudi Air Force and Bahrain Air Navigation Directorate Aviation Meteorologist. Former Associate Professor of Meteorology, Fiji National University, and Operational Meteorologist and Manager, Climate Research and Services Division, Fiji Meteorological Services. The views expressed are those of the author alone and do not represent the views of this newspaper.

[2700 Words]

Outlook

WRITTEN SUBMISSION TO THE STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS. - Ratu Felix Colatanavanua

From Felix Colatanavanua <felixcolatanavanua@gmail.com>
Date Thu 6/4/2026 1:39 PM
To Jackson Cakacaka <jackson.cakacaka@legislature.gov.fj>; Alumita Cabealawa <alumita.cabealawa@legislature.gov.fj>

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

PART I: SUBMITTER DETAILS

- **Submitter Name**: Felix Colatanavanua

- **Capacity**: Private Concerned Citizen

- **Contact Number**: 977651

- **Target Legislation**: Fiji Police Bill (Bill No. 12 of 2026)

PART II: PREAMBLE AND THE SACRED MANDATE OF "SALUS POPULI"

The Fiji Police Force operates under a historic Latin motto emblazoned beneath its badge: **Salus Popul**i. This is a shortened form of the foundational legal maxim, "**Salus populi suprema lex esto**"—The Welfare of the People shall be the Supreme Law.

As a private citizen, I submit that Bill No. 12 of 2026 is fundamentally lopsided. It builds an incredibly efficient, hyper-aggressive mechanism to strip ordinary citizens of their constitutional protections, yet remains completely vague, silent, or inadequate when dealing with the systemic cartel corruption festering inside its own uniform. If passed without deep adjustments, this bill will not eliminate our national drug crisis; it will simply transform Fiji into a permanent, legal police state long after the current drug crisis is over.

Therefore, the first mandatory amendment must be the insertion of a statutory Preamble that binds the interpretation of the entire Act to its original purpose:

Proposed Preamble:

"WHEREAS the Fiji Police Force is established to protect the sovereign rights, safety, and liberties of the people of Fiji under the principle of Salus Populi—The Welfare of the People is the Supreme Law; BE IT ENACTED that the presumption of innocence is the unalterable foundation of all law enforcement operations, and every power granted within this Act is secondary to, and constrained by, the duty to serve and protect the public from harm."

PART III: REJECTIONS OF AUTHORITARIAN OVERREACH

While the force must be modernized, modern efficiency must never be achieved by bypassing judicial safeguards. I completely reject the following clauses and demand their amendment or total deletion:

1. Deletion of Oral Covert Surveillance Warrants (Clauses 57 & 58)

The text allows senior officers to apply for covert wiretapping, communication tracking, and secret, forceful entry into private property via an urgent oral or telephonic request. This removes an immediate, transparent judicial paper trail. I demand that all covert surveillance warrants strictly require prior, written applications submitted to an independent judge to prevent retrospective legal engineering.

2. Deletion of the Password Compulsion Penalty (Clause 88)

Empowering a magistrate to issue "Access Orders" that force a citizen to hand over encrypted phone passwords or biometrics under threat of an automatic 5-year prison sentence is a direct violation of Section 13 of the Constitution (the right to silence and freedom from self-incrimination). Treating private passwords as physical evidence rather than protected human thought turns the judiciary into a weapon for police data-mining. This clause must be stripped.

3. Deletion of Warrantless Arrests for Minor Administrative Permits (Clause 122)

The bill allows an officer to execute a warrantless street arrest and pursue up to a 12-month jail sentence if a citizen cannot immediately produce a physical permit or license for a public gathering or community fundraising drive on the spot. Bypassing a judicial warrant over a minor regulatory omission is heavily disproportionate and ripe for selective enforcement against peaceful community groups.

4. Mandating Compensation for Property Destruction (Clauses 83 & 84)

Giving an officer-in-charge at a crime scene unchecked authority to dig up private land, pull down ceiling linings, rip up floorboards, and dismantle vehicle panels creates an extreme avenue for state-sanctioned vandalism. The bill must be amended to create a fast-tracked, independent compensation tribunal for innocent property owners whose holdings are ruined during investigations.

5. Restricting Travel Ban Discretion

The expanded power of the police to place immediate travel bans on citizens during active investigations must be strictly checked. This power must never rest solely on police or ministerial discretion; it must require a fast-tracked order signed by a High Court Judge, ensuring it cannot be weaponized to ground internal whistleblowers or political dissenters.

PART IV: CONDITIONAL SUPPORT FOR PROGRESSIVE MODERNIZATION

I offer my full support for sections of the bill that genuinely advance scientific capability and public safety, provided they remain subject to strict written judicial warrants:

- **Subdivision 3 (Tracking Devices):** Support for the clear authority to install tracking parameters on vehicles, vessels, or cargo to intercept international drug trafficking networks.

- **Forensic & Biometric Database Upgrades**: Support for the long-overdue legal framework regulating digital data mirroring, DNA collection, and forensic tracking to secure airtight criminal prosecutions.

- **Clause 121 (Intoxication Custodial Care):** Strong support for shifting away from immediate criminal jailing for public intoxication toward a compassionate, health-centric 12-hour maximum safety watch.

- **Clause 8 (State of Emergency Continuity):** Full endorsement of keeping the force under the sole operational command of the Police Commissioner during states of emergency, insulating the police from ad-hoc political takeovers during a crisis.

PART V: ANCHORING STRUCTURAL ACCOUNTABILITY AND ANTI-CORRUPTION

If this parliament intends to hand the uniform unprecedented modern powers, it must concurrently install unprecedented internal accountability. The heaviest hammer in this bill must be reserved for the dirty elements within the force who actively protect international syndicates.

1. Total Statutory Independence for the Internal Affairs Division

To break the "blue wall of silence" and stop internal cover-ups, the Internal Affairs Division must be legally restructured to be completely independent of the standard police hierarchy, answering to no external entity—including the Police Commissioner, the Minister, or the Prime Minister—except on baseline procedural matters.

- **Absolute File Security**: All Internal Affairs case files, investigation logs, and intelligence briefs must be entirely encrypted and sealed. No officer outside the division, including the Police Commissioner, shall have the right to access, view, or command the destruction of these files.

- **The Head of Internal Affairs**: Only the Head of Internal Affairs retains the statutory authority to open, manage, or close active investigation files into police misconduct.

The text must explicitly state: "**The Internal Affairs Division possesses unconditional statutory authority to investigate up to the highest levels of command, including the Police Commissioner**."

2. The Statutory Oath Penalty Multiplier

The official Oath of Office must be enshrined directly within the schedule of this Bill. The text must dictate an automatic statutory enhancement for a breach of public trust: if a sworn police officer is convicted of any criminal offense under the Crimes Act or Illicit Drugs Control Act, the court is statutorily mandated to inflict a consecutive, mandatory minimum 50% additional prison sentence with zero eligibility for early parole.

3. The FICAC Joint Alliance and Whistleblower Firewall

To bypass internal cover-ups, the bill must legislate a seamless integration with the Fiji Independent Commission Against Corruption (FICAC). Honest police officers must be granted an ironclad, anonymous statutory pipeline to report corrupt superiors directly to FICAC. The law must state that any officer cooperating with FICAC is automatically shielded by absolute whistleblower protections, making it a severe criminal offense for a Commissioner to demote, reassign, or fire them under a vague "loss of confidence" pretext.

4. **Strict Tiers for Administrative Leave**

We must end the double standard where citizens face immediate warrantless jail time while corrupted cops enjoy slow, full-salary suspensions. The bill must codify an explicit sliding-scale:

* **Tier 1 (Minor Misconduct)**: Desk duty with pay, stripped of street powers and firearms.

* **Tier 2 (Serious Accusations):** Total ban from police property, suspension with baseline pay while the tribunal fast-tracks a trial.

* **Tier 3 (Cartel Offenses/Unexplained Wealth)**: Immediate suspension without pay. If a cop's assets do not match their government salary, their wealth must be instantly frozen, and financial support severed.

5. Absolute Evidence Room Custodian Liability

The ongoing crisis of drug exhibits vanishing from secure police stations must stop. The bill must mandate that all evidence storage rooms operate via multi-factor biometric trails and 24/7 cloud-backed CCTV. Every division must appoint a named Chief Exhibit Custodian who carries absolute personal criminal liability. If drug evidence goes missing or is tampered with under their watch, they must face double the maximum statutory penalty for that specific narcotic substance.

PART VI: MANDATING THE 21ST CENTURY DIGITAL OVERHAUL

We cannot conquer a multi-million-dollar transnational drug trade if our police stations are operating as an 1800s paper-and-ledger exercise. The reason files constantly go missing or cases mysteriously stall is because handwritten notebooks are highly vulnerable to manipulation and loss.

I demand the inclusion of a **Mandatory Digital Transformation and Victim-Centric Justice Framework**:

1. Blockchain-Secured Digital Case Management (DCMS)

The bill must legally mandate that all police reporting be digitized instantly. The moment a citizen logs a complaint—even via a verified Viber message—a permanent, unalterable digital file and case number must be generated. If a file sits stagnant with zero recorded investigative actions for more than 14 days, the system must trigger an automated supervisor alert to the Station Officer, legally forcing an internal audit into why the case is stalling.

2. Tourist Remote Testimony Protection

Our tourism-reliant economy is actively exploited by criminals who know that once an international visitor boards a flight home, their case will collapse because they cannot afford to fly back to testify. The bill must grant non-resident victims a statutory right to provide statements and face courtroom cross-examination via secure video-conferencing technology (Zoom/Teams). No officer shall be permitted to close a file simply because a tourist has left the country.

3. AI Efficiency and Legal Co-Pilots

The bill should mandate the deployment of practical AI to support our hard-working, resource-stifled officers. It must explicitly fund speech-to-text dictation smartphones that instantly compile spoken victim statements into compliant digital formats on the street, alongside an AI statutory engine that cross-references the Crimes Act on the spot to tell an officer exactly what legal sections have been broken and what evidence must be secured.

PART VII: CONCLUSION

Bill No. 12 of 2026 is structurally incomplete and operationally dangerous. It lays down a meticulous blueprint for a police state while leaving the doors wide open for internal corruption and administrative decay.

I urge the Standing Committee to reject the authoritarian overreaches, support the technical forensic upgrades, and aggressively install the internal accountability, FICAC integration, and digital mandates outlined in this submission. Let us ensure that the welfare of the people remains, in fact, the supreme law of Fiji.

APPENDIX A: PROPOSED SCHEDULE 1 — STATUTORY OATH OF OFFICE

Every individual appointed as a sworn officer or special constable of the Fiji Police Force must, before entering upon the duties of their office, take and subscribe to the following statutory oath:

Statutory Oath of Office for Police Officers

"I, [Name of Officer], do solemnly and sincerely swear/affirm that I will well and truly serve the people of Fiji in the office of a police officer, according to the Constitution and the laws of the Republic of Fiji. I will uphold and protect the rights, freedoms, and dignity of every person, acting at all times with integrity, impartiality, and respect. I will enforce the law without fear, favour, malice, or ill-will, and I will never misuse the powers entrusted to me for personal gain or to shield corruption.

I will speak the truth in all official matters, and I will not conceal, falsify, or destroy evidence or information. I will report without delay any misconduct, collusion, or corruption by any officer, regardless of rank. I will safeguard life and property, preserve public safety, and honour the principle of Salus Populi — the welfare of the people is the supreme law. I make this oath freely, fully understanding that any breach of this trust dishonours the uniform, violates the law, and triggers the mandatory enhanced penalties prescribed under this Act."

Vinaka vakalevu,

Ratu Felix Colatanavanua
Concerned Private Citizen
9776518

FIJI WOMEN'S CRISIS CENTRE SUBMISSION: FIJI POLICE BILL No. 12 of 2026.

Acronyms

Bill	**Fiji Police Bill No. 12 of 2026**
FPF	**Fiji Police Force**
FWCC	**Fiji Women's Crisis Centre**
IOPC	**Independent Office for Police Conduct**
ICCPR	**International Covenant on Civil and Political Rights**

1. BRIEF ON FIJI WOMEN'S CRISIS CENTRE

The Fiji Women's Crisis Centre (FWCC) is a human rights organisation, based on the principles of human rights, democracy and the rule of law, which has been in existence for over 41 years.

The goal of FWCC is to eliminate all forms of violence, in all spheres of life, against women and girls in Fiji and the Pacific. FWCC implements this vision through an integrated and comprehensive program designed to prevent and respond to violence, by reducing individual and institutional tolerance of violence against women, and increasing available and appropriate services for survivors.

FWCC addresses the problem of violence against women using a human rights and development framework. This focus on human rights includes a feminist analysis of the problem and permeates all aspects of FWCC's work, recognising that the root causes of violence against women are unequal gender power relations, imbedded in Patriarchy.

The Fiji Women's Crisis Centre is also the Secretariat for the Fiji NGO Coalition on Human Rights, a coalition that has been in existence since 1998.

2. INTRODUCTION

FWCC acknowledges and welcomes the recognition of gender, human rights and professional development training provisions within the Fiji Police Bill 2026 (Bill). FWCC also recognises that this Bill represents a significant improvement from previous legislative frameworks, particularly in its incorporation of several important human rights safeguards and modern policing standards. These developments reflect an attempt to a positive shift towards a more rights-based and professional policing environment in Fiji. This reflects a meaningful effort to strengthen public trust, improve professionalism within the Fiji Police Force (FPF) and align the legislative framework with current policing expectations.

However, FWCC remains concerned that despite these advancements, the Bill continues to contain provisions that raise fundamental human rights issues and

accountability gaps. In particular, the use of broad, vague and undefined terminology in several sections creates a risk of inconsistent interpretation and application and may unintentionally expand police powers beyond what is necessary or proportionate in a democratic society.

These concerns are addressed under the following areas:

A. Accountability, Oversight and Transparency
B. Human Rights
C. Use of Force and Safeguards Against Abuse of Power
D. Professionalisation, Community Trust and Gender-Responsive Policing
E. Responses to Questions from the Panel

FWCC therefore submits that further refinements are required to ensure that the Bill is precise, rights-compliant and fully aligned with constitutional and international human rights standards.

A. ACCOUNTABILITY, OVERSIGHT AND TRANSPARENCY

Section 148 – Disaffection

One of the concerns noted by FWCC is with regards to Section 148 which appears to mirror section 91 of the UK Police Act – which is now considered as part of an outdated UK legislation While maintaining discipline within the FPF is important, the use of the term "disaffection" is overly broad, vague and subjective. The provision creates a risk that journalists, trade unions, civil society organisations, human rights defenders and members of the public could be accused of causing disaffection merely for criticising police conduct, policing institution, exposing misconduct or advocating for police reform. Therefore, even encouraging a legitimate debate, protesting working conditions, or advocating for internal reform can be classified as an act calculated to cause disaffection. For the UK Police, their corresponding provision ensures that police lack the fundamental right to strike or take collective industrial action – in other words, police officers can face potential prosecution for simply suggesting or appearing to

encourage a strike or a work to rule whereby a withdrawal of goodwill is done by police officers.[1]

The lack of a clear definition of "disaffection" also can act as a deterrence for officers from publicly whistleblowing on corruption, complaints of sexual harassment, domestic violence and crimes against women within FPF, underfunding and systemic failures within their own forces. This section also has an alarming effect on public participation, freedom of expression and legitimate scrutiny of policing institutions by the public. Accountability in democratic societies depends on the ability of individuals and organisations to openly discuss concerns regarding police conduct without fear of prosecution. The supreme law of the land – the Fiji Constitution guarantees our rights to freedom of expression. Similarly, Fiji has ratified the International Covenant on Civil and Political Rights (ICCPR) which also these rights. As a signatory to this Convention, Fiji has an obligation to honour this.[2] The public must be allowed to scrutinise the FPF and speak freely to hold them accountable for their conduct and miscarriage of justice. In the same way, such scrutiny and genuine concerns of the public was also a way in which the No Drop Policy came into existence.

FWCC therefore recommends reviewing the entire provision of Section 148 as this section, in its current form, can be weaponised by the State and FPF to neutralise police labour rights, civil liberties and the FPF being held to account.

Section 161 – Protection from Liability

FWCC acknowledges the need to ensure that police officers are able to carry out their duties without the fear of constant litigation and to prevent defensive policing. However, Section 161 raises concerns regarding accountability because it provides broad immunity from civil and criminal liability in circumstances where an officer acts in good faith by following a warrant or order which "appears to be lawfully issued."

[1] "The Office of Constable: The bedrock of modern day British policing", The Police Federation, URL: https://polfed.org/media/14239/the-office-of-constable-with-links-2018.pdf (Accessed on 14/06/26)

[2] Article 19, International Covenant on Civil and Political Rights, OHCHR. - *guarantees the right to freedom of expression, including the freedom to seek, receive and impart information and opinions without interference* Retrieved from: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

This section creates a high evidentiary threshold because acting in bad faith requires more than just negligence, incompetence, or a simple mistake which could have been easily avoided. Furthermore, this also gives room for FPF to claim that they owe no duty of care to individual citizens for example in instances where they fail to prevent a crime or properly investigate one.

The phrase "appears to be lawfully issued" is also overly broad and may shield officers from accountability even where warrants or orders are erroneously given or were maliciously procured or based on bad intelligence or where constitutional rights will be allowed to be violated.[3] Similarly, the use of terms such as "good faith" in Section 161 and "by any means" in Section 57 lacks sufficient precision and creates uncertainty regarding the limits of police powers and protections.

FWCC submits that the Bill should make it clear that immunity does not apply where officers' actions are negligent, reckless, use excessive force, corrupt, based on a warrant, summons or order which was maliciously based or based on bad intelligence or where they knowingly violate constitutional rights. Such amendments would ensure that officers acting legitimately remain protected while preserving accountability for serious misconduct and abuses of power.

Independent Civilian Police Complaints Mechanism

FWCC remains concerned that under the Bill, the initial complaints process remains largely controlled by the FPF, including senior officers and the Commissioner. While the Bill establishes an Independent Disciplinary Tribunal under Section 130, access to this body is effectively dependent on complaints first passing through internal police screening and assessment processes.

This creates a structural risk that complaints may be dismissed, filtered or resolved internally at an early stage without independent scrutiny. While the Bill provides for an independent appeal avenue for a complainant whose complaint has been summarily dismissed by the Commissioner, it does not rule out the fact that this

[3] Keegan & Ors v Chief Constable of Merseyside, [2003] EWCA Civ 936, [2003] 1 WLR 2187, [2003] Po LR 408, URL *https://www.bailii.org/ew/cases/EWCA/Civ/2003/936.html*

arrangement positions the FPF as a gatekeeper to its own accountability mechanism, which undermines independence, transparency ,ethics and public confidence in the complaints process.

FWCC submits that this model does not adequately reflect international best practice in police accountability. Comparable jurisdictions have moved towards independent complaint intake and investigation systems that are civilian led, gender-balanced and are structurally separated from operational police control. For example, the Independent Office for Police Conduct (IOPC) in the United Kingdom[4] or the Independent Police Conduct Authority in New Zealand[5] that are institutionally independent from the police and government and has the authority to receive complaints directly from the public, initiate investigations without police referral and conduct independent oversight of police misconduct matters.

Independent oversight provides assurances for both the public and Police that allegations of misconduct or neglect of duty will be properly dealt with, without having to waste the complainant's time and resources in their search for justice. This also ensures that citizens are protected from abuse of those in power and from excessive use of force, encourages discipline within the police force, improves policing practices and systems, protects against the politicisation of the police force, and ensures that there is a safe and just society.

FWCC therefore recommends that the Bill be amended to provide a direct statutory right of access to an Independent Civilian Police Complaints Commission which should be:

- funded by Government
- operationally independent of the FPF and the executive.

  Such a body should have clear statutory powers to:
- receive complaints directly from members of the public
- conduct or direct independent investigations into police conduct

[4] The Independent Office for Police Conduct, =Retrieved from: https://www.policeconduct.gov.uk/. – this body can never be led by someone who was ever in the police force.
[5] Independent Police Conduct Authority, New Zealand Government. (2017) Retrieved from: https://www.ipca.govt.nz/. – led by a Judge

- compel evidence and witness cooperation
- refer matters for prosecution or disciplinary action where appropriate.

FWCC further submits that this reform is necessary to address systemic institutional accountability gaps within the policing framework. Effective oversight must not depend on internal police discretion at the entry point, particularly in cases involving allegations of serious misconduct, including excessive use of force, deaths in custody, corruption, gender-based violence, torture or abuse of authority.

Strengthening independent complaint intake and ensuring direct access to oversight mechanisms would significantly enhance transparency, improve public confidence in policing institutions and align Fiji's legal framework with emerging international standards of democratic police accountability.

B. HUMAN RIGHTS

The Bill lacks privacy and civil liberties protections. By failing to do so, this Bill empowers FPF to carry out acts that can encroach on the preservation of human rights and democracy. This poses a real danger to the spirit of democracy, human rights and rule of law for our nation.

Section 87–91 – Access to Digital Devices

FWCC acknowledges that digital evidence has become an important component of modern criminal investigations. However, Section 87 to 91 raise significant human rights concerns because they grant police broad powers to compel access to digital devices, passwords, information and technical assistance, with non-compliance constituting a criminal offence.

These provisions contradicts important rights protected under the ICCPR, including the right to privacy under Article 17.[6] Combined with the broad definition of "specified person" under Section 87, these powers can extend beyond suspects and allow significant intrusions into personal privacy of citizens.

[6] Ibid 1.

Digital devices contain extensive personal information, including communications, financial records, medical information, family photographs and confidential correspondence. Without sufficient safeguards, these powers create a risk of interference with privacy rights and enables the potential abuse of private data and it also undermines freedom of speech and association. Knowing that the police can access your digital devices and read through private messages and search histories can act as a barrier for citizens not to express controversial thoughts or critical thinking. This can cause citizens to avoid being affiliated with certain groups of people or attend protests, which they know attracts police scrutiny and monitoring, especially in honour of bilateral relationships with other countries.

FWCC recommends that the Bill include stronger judicial oversight by ensuring that the FPF must establish a clear nexus between the specific device, the crime under investigation and the specified person. The application must also show cause on all other non-invasive efforts that have been employed and that an application for a digital device access is the last resort. Warrant must be narrowly tailored to only search for specific relevant data in order to avoid exploratory fishing expeditions. There should also be clearer limitations on the use of required information, duration for the digital device access, protection of data and its use, and safeguards. These would assist in balancing legitimate law enforcement objectives with the protection of fundamental rights.

C. USE OF FORCE AND SAFEGUARDS AGAINST ABUSE OF POWER

Section 57–67 – Covert Surveillance and Tracking Powers

FWCC acknowledges the importance of surveillance and tracking powers in the investigation of serious criminal offences. However, Section 57 to 67 grant extensive powers to conduct covert surveillance, intercept communications, utilise tracking devices and enter private property, including by force in certain circumstances. These powers constitute significant intrusions into individual privacy and therefore require particularly strong safeguards.

While the Bill requires warrants and consideration of the seriousness of offending, FWCC remains concerned that oversight mechanisms are insufficient and impractical. The Bill does not establish an independent oversight body responsible for reviewing surveillance activities, does not require post-surveillance notification in appropriate circumstances and contains limited transparency requirements regarding the use of these intrusive powers.

FWCC is particularly concerned about Section 63 relating to applications for covert or forcible entry warrants. Given the significant intrusion into an individual's constitutional right to privacy, applications for such warrants should be subject to stronger judicial scrutiny. FWCC recommends that applications require both detailed written and oral submissions before a Court which can also be heard in Chambers to ensure careful consideration of necessity, proportionality and potential human rights impacts or breaches.

Section 62 is also concerning because it allows the FPF, particularly a senior officer, to authorise the placement of a tracking device on or in a citizen's vehicle, craft or goods. It is further concerning that such an authorisation is based on a suspicion or belief that the tracking device will expedite a covert operation. This poses a severe threat to civil liberties and gives FPF unchecked power to monitor movements and private details of citizens. Without a judicial oversight, it also allows such surveillance to be carried out on political whims, bias and unfettered police discretion which undermines the protection of citizen's rights under the Constitution.

Further concerns arise regarding the management, holding and protection of information and data obtained through surveillance activities. The Bill does not adequately address who will control the data collected, how long it will be held, what security measures will be implemented or what penalties will apply where confidential information is improperly disclosed. Given recent public concerns regarding the unauthorised release of sensitive information, including post-mortem reports and photographs, stronger safeguards are necessary to ensure confidentiality, data security and accountability.

FWCC therefore recommends the establishment of independent oversight mechanisms, stronger judicial safeguards, enhanced reporting obligations and clear statutory requirements governing the procedural collection, storage, use and destruction of surveillance-related information given that the information collected and stored can be used to threaten or track people.

Strengthening Use of Force, Reasonable Force and Use of Arms Provisions

FWCC notes the recent statement by the Ministry of Policing on the 18 June 2026 confirming that there are currently no plans to routinely arm police officers with firearms, despite existing legal provisions allowing officers to carry firearms where necessary. While FWCC welcomes this position, it remains deeply concerned that even in the absence of routine firearm use, Fiji continues to experience a troubling number of deaths, serious injuries and allegations of torture and ill-treatment arising from police operations and detention settings.

The deaths of Vilikesa Soko and the assaults suffered by Rajneel Singh demonstrate that the greatest risk to human rights violations in Fiji is not necessarily the use of firearms, but the misuse of physical force, excessive restraint techniques, custodial violence and the absence of effective accountability mechanisms. These incidents highlight the urgent need to ensure that Police officers are not given the power to use arms.

The right to life is protected under section 8 of the Constitution of the Republic of Fiji, which guarantees that every person has the inherent right to life and must not be arbitrarily deprived of life. This protection is further reinforced by Article 3 of the Universal Declaration of Human Rights, which provides that everyone has the right to life, liberty and security of person. Any use of force by police officers must therefore be strictly regulated and exercised only in a manner that is necessary, proportionate, lawful and accountable. In addition, reasonable force should only be applied when there is an imminent threat. This will ensure the balancing of Police response, civilian rights and the pursuit of justice.

International best practice demonstrates that strong legal safeguards and detailed operational guidance significantly reduce excessive force and police-related deaths. The Convention against Torture Initiative Police Resource Toolkit on the Lawful Use of Force notes that all uses of force must comply with the principles of legality, necessity, proportionality, precaution, non-discrimination and accountability. The Toolkit further emphasises that force should only be used when non-violent means such as persuasion, negotiation and mediation have proven ineffective and that force must always be the minimum necessary to achieve a legitimate law enforcement objective.

The Toolkit also highlights examples from the United States and United Kingdom, where police agencies have prohibited dangerous restraint techniques such as chokeholds and "hog-tying" because of their association with deaths and serious injuries in custody.
The Toolkit further identifies comprehensive training, mandatory de-escalation techniques, scenario-based exercises, regular refresher courses, post-incident medical care, detailed reporting requirements, independent investigations and public transparency as essential safeguards for preventing excessive force and protecting human rights.

Fiji has had a checkered history in terms of guns. Similarly, the FPF has also had a checkered records of guns and use of force as far as violence and brutality is concerned. In light of Fiji's history of deaths and serious injuries occurring in police custody and during police operations, FWCC considers it essential that the Fiji Police Bill contain stronger and more detailed provisions governing the use of force, reasonable force, restraints and the use of arms. FWCC recommends that the use of arms should only be used in situations where there is a threat to national security and that there should be a specially trained unit that undergo continuous, intensive training on the safe and responsible use of arms, according to the conventions and UN guidelines Fiji has ratified.

The legislation should establish clear legal thresholds for the use of force, require that force be used only as a last resort, prohibit force that is punitive or retaliatory in nature, mandate stronger de-escalation wherever possible, require comprehensive and ongoing training for all officers and provide for mandatory reporting, independent investigation

and public accountability whenever force results in serious injury or death. Such safeguards are necessary to uphold the constitutional right to life, prevent torture and ill-treatment and restore public confidence in policing.

D. PROFESSIONALISATION, COMMUNITY TRUST AND GENDER-RESPONSIVE POLICING

Section 152 – Failure to Assist Police

FWCC is concerned about Section 152, which creates an offence punishable by a fine of up to $5,000 for failing to assist police when requested. While there may be circumstances where public assistance is necessary to protect life or prevent serious harm, the provision does not adequately recognise the legitimate safety concerns faced by many members of the public.

The section fails to provide sufficient protections for elderly persons, persons with disabilities, pregnant women, caregivers, women in domestic violence situations, individuals suffering from illness and persons who may face retaliation or violence as a result of assisting police. Due to Fiji's criminal climate, individuals who assist police may subsequently be exposed to intimidation, threats or violence within their communities. Criminalising a person's decision to prioritise their own safety as well as their families safety may discourage trust and cooperation rather than strengthen it.

FWCC submits that the Bill should recognise a person's right to refuse assistance where doing so would place them at risk of physical harm, retaliation or undue hardship. Explicit exemptions should be provided for disability, illness, pregnancy, domestic violence situations, caregiving responsibilities and other circumstances affecting vulnerability. The Bill should also require officers to explain why assistance is necessary and how any risks to the individual will be managed.

FWCC further notes that the proposed maximum fine of $5,000 appears excessive and may disproportionately impact vulnerable members of the community. Consideration should be given to adopting a more proportionate penalty framework consistent with comparable jurisdictions such as New Zealand where the fine for not assisting police is

a fine not exceeding $2,000.[7] It should be noted that community trust is best built through voluntary cooperation rather than coercion.

Section 9 – Powers of the Minister

FWCC recognises that Section 129(6) of the Constitution permits the Minister to issue general policy directions to the Commissioner of Police.[8] However, neither the Constitution nor Section 9 of the Bill clearly defines the limits of ministerial directions. Public confidence in policing depends upon the operational independence of the FPF and the perception that policing decisions are free from political influence and can work independently.

Moreover, it is crucial that the government and it's ministers or the minister in charge of policing does not have a powerful standing or interference powers in the FPF to ensure and allow the FPF to work independently, maintain law and order without political interference, preserve peace, safety and security for all individuals and protect the rights of all individuals.

FWCC therefore recommends that Section 9 expressly state that ministerial directions must not relate to individual investigations, arrests, charging decisions, surveillance activities, prosecutions or operational policing matters. Such an amendment would strengthen institutional independence, promote professionalism and ethics. Maintaining a clear distinction between policy oversight and operational decision-making is essential for preserving public trust in the impartial administration of justice.

E. RESPONSES TO QUESTIONS FROM THE PANEL

Section 11 – Delegation of Commissioner's Powers

The Fiji Women's Crisis Centre is concerned that Section 11 which permits the Commissioner of Police to delegate any of his or her powers, duties or functions under

[7] Section 51 (New Zealand Policing Act 2008) Retrieved from: https://www.legislation.govt.nz/act/public/2008/72/en/latest/#DLM1102254.
[8] *Constitution of the Republic of Fiji* 2013.

the Act to the Deputy Commissioner or any Police officer. While administrative delegation may be necessary for operational efficiency, the provision is drafted too broadly and risks undermining the constitutional office of the Commissioner of Police established under Section 129 of the Constitution of the Republic of Fiji. Additionally, delegating such powers to any police officer weakens the chain of command in the FPF and it would be difficult for the public to identify who to hold accountable.

Section 129 of the Constitution expressly places the FPF under the command of the Commissioner of Police and confers upon the Commissioner specific responsibilities relating to the organisation, administration, deployment and control of police operations. The Constitution further grants the Commissioner independent powers concerning appointments, removals, disciplinary matters and employment decisions within the Force. These powers are vested personally in the Commissioner as a constitutional position appointed by the President.

Allowing the Commissioner to delegate any of his or her powers, duty or function to any Police officer creates a risk that constitutionally entrusted powers may be exercised by individuals who have not been appointed through the constitutional process and who do not carry the same level of legal accountability. Such a broad delegation power may dilute the constitutional responsibility of the Commissioner and create uncertainty regarding who is ultimately accountable for significant decisions affecting the operation and governance of the Fiji Police Force.

FWCC recommends that Section 11 be amended to clearly state that administrative and operational functions and constitutional powers must remain vested exclusively in the Commissioner and delegated only to the Deputy Commissioner in certain or limited circumstances and not to any Police Officer. In addition, the Bill should clearly define and entail the powers, roles and responsibilities that can be delegated to the Deputy Commissioner by the Commissioner. Any delegation should be limited, transparent, recorded in writing and subject to appropriate oversight mechanisms to preserve constitutional accountability and public confidence in the FPF.

Division 9 – Forensic Procedures

FWCC states that crime laboratory analysts are supposed to be neutral in their findings, but this is not always true. Global studies have shown that some crime laboratories funded by law enforcement sources may demand analysts produce results to help secure convictions. Even subtle pressures may affect the objectivity of analysts when they are supervised by members of the police. Studies reveal that being organizationally affiliated with a party creates unintentional cognitive biases that lead experts to cloud their analyses and opinions in ways that favor the perceived interests of their organizational partners.[9]

To avoid undue influence and pressure, it is recommended that forensic laboratory facilities should not come under the bureaucracy of law enforcement but be an independent forensic lab. It is crucial that these labs be independent of the Police to ensure that their forensic analysists can provide objective tests and testimony in a criminal case. In a pathbreaking report on forensics science in the United States in 2009, it recommended - "removing all public forensic laboratories and facilities from the administrative control of law enforcement agencies or prosecutors' offices." [10]

Three Pillars for Reforming Forensic:

A) Independence: The National Academy of Sciences report, *Strengthening Forensic Sciences in the United States: A Path Forward,* warned that a "lack of independence" in crime labs can damage the objectivity of forensic science.

- **Biased Forensics-** The work that forensic examiners do is linked to police. Evidence collection is often handled by police, who determine which cases to prioritize. They decide what evidence to collect and what to send for forensic testing. Even the forms that police use to submit evidence to a crime lab can include all sorts of biasing information, like a suspected person's race and criminal record. Independence and scientific accountability are deeply needed. In addition to lab independence, a range of reforms can ensure that the work

[9] Centre of integrity in forensic sciences, Strengthening the Independence, Objectivity & Reliability of Crime Laboratories. Retrieved from: https://cifsjustice.org/about-cifs/reliability-of-crime-laboratories/ (Accessed 22 June 2026).
[10] Ibid 9.

that forensic examiners do is independent. They need to be de-biased. Forensic examiners should not receive biasing information from police.

Procedures must ensure that evidence is not bias by assumptions about a person's race, poverty, income, status, neighbourhood, criminal history or other characteristics.

Procedures must ensure that evidence is not bias by Police pressure to convict.

B) Accuracy: forensic methods can and do go terribly wrong. We need reforms to prevent unreliable forensics from being used. We need to make sure that the real error rates for the forensics that are used are shared with lawyers, judges, jurors and the public. We all deserve to know how accurate this evidence really is.

C) Oversight: the independent labs should make sure that they do accurate work and should not abuse people's rights.[11]

Forensic Testing of Survivors of Sexual Offences

FWCC notes that Division 9 of the Bill has made provisions for the requirement of consent before DNA and bodily samples are extracted for testing. It is also noted that the consent requirement is only extended to suspects, instances of locating missing persons and identification of deceased persons.

In its 41 years of existence, FWCC has come across numerous cases where women and girls who were subjected to rape, other sexual offences and physical violence were often coerced or forced to undergo invasive medical examination before investigation into their cases would progress. This is contrary to a person's right to be free from medical procedures without their consent.[12] Such police procedures and mannerisms results in further traumatization of survivors and it also discourages women from reporting and pursuing their access to justice.

[11] Start Small – a Toolkit for Local Organisers to Reform Forensic Evidence, 2024. Retrieved from: https://forensicsreform.com/files/2024/09/toolkit-forensics_FINAL.pdf.

[12] Section 11 of the 2013 Constitution of Fiji.

The Criminal Procedure Act no longer recognizes corroboration in sexual offences. Successful prosecutions of rape cases have been carried out in courtrooms without the need of medical examination reports.[13]

FWCC recommends that the Bill clearly state that consent for any forensic procedure, including medical examinations, of survivors or complainants of violence must be acquired with free and willing consent of survivors. It must also state that a refusal of such consent should not stop an investigation.

Thus, FWCC recommends that:

- The forensic unit be an independent to the FPF
- The independent forensic unit be government funded and that this funding to separate from the FPF budget or funding
- These independently funded forensic unit be allowed to set their own budget priorities
- The independent forensic unit employ civilians for more objective and impartial investigations
- The independent forensic unit establish code of ethics and procedures to protect against all type of biasness.
- Survivors should be allowed to refuse forensic sampling and should not be shunned or treated unfairly for not wanting to provide forensic samples.

Section 48 - Issuing Authority

FWCC is concerned with Section 48 that gives Justices of the Peace the authority to sign search warrants for the FPF. Justices of the Peace do not have the same powers, legal training as judicial officers, as the issuing of a search warrant requires careful legal assessment. Search warrants directly affect an individual's constitutional right to privacy under the 2013 Constitution and should therefore be subject to strong judicial oversight. Unlike judicial officers, Justices of the Peace are often laypersons who may not have

[13] Kumar v State [2021] FCA 101; AAU0140.2015 (27 May 2021) Retrieved from: https://paclii.org/fj/cases/FJCA/2021/101.html.

the formal legal education or specialised training needed to interpret complex laws and assess whether police evidence meets the required legal threshold.

Issuing a search warrant is not a mere official procedure, it requires a careful balancing of police powers against the rights and freedoms of citizens. Allowing persons without sufficient legal training to perform this role weakens an important safeguard against overreach, increases the risk of unlawful or defective warrants, and may lead to violations of civil rights. This could also undermine public confidence in the administration of justice. FWCC therefore recommends that the power to issue search warrants be removed from Justices of the Peace and reserved only for judicial officers, who have the necessary legal background, training, and authority to perform this function.

3. CONCLUSION

In conclusion, FWCC reiterates its acknowledgement of the significant progress made in the Fiji Police Bill 2026, particularly in strengthening training provisions, introducing improved safeguards and demonstrating a clearer commitment to human rights and professional policing. Reforming the Police Act is not just timely matter that needs updating but it is necessary and these reforms represent an important step forward in modernising Fiji's policing framework and enhancing public confidence in law enforcement institutions.

FWCC submits that policing responses must always be responsible and consistently grounded in human rights and the rule of law. Such compliance, especially where human rights is concerned, is not a barrier to enforcement work. Instead, it is a measure of institutional success. FWCC emphasises that meaningful accountability and effective human rights protection cannot be achieved where key provisions remain broad, ambiguous or overly lenient in their scope. Without clearer definitions, stronger independent oversight mechanisms and strong safeguards against misuse of power, there is a continuing risk that well-intentioned reforms may be undermined in practice.

FWCC therefore urges that the Bill be further strengthened to ensure clarity, precision and strict compliance with constitutional protections and international human rights standards. In doing so, Fiji can ensure that its policing framework not only supports

effective law enforcement, but also fully upholds the rights, dignity and safety of all people.

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VII. Start Small – a Toolkit for Local Organisers to Reform Forensic Evidence, 2024. Retrieved from: https://forensicsreform.com/files/2024/09/toolkit-forensics_FINAL.pdf.

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Outlook

Bills Consultation

From Lote Tawakece <lotetawakece@gmail.com>
Date Thu 6/25/2026 3:19 AM
To Alumita Cabealawa <alumita.cabealawa@legislature.gov.fj>

1. Rights of Indigenous People's Bill. a) right to have our own Indigenous Fijian flag like the Aboriginals of Australia and the Maoris of New Zealand. b) right to teach traditional and culture of the Fijian people from primary to secondary schools curriculum.

2. Commercial Use of Marine Areas. a) right to own our Land and Qoliqoli as Land Owning Unit (LOU) 100% ownership replacing the 1965 Colonial land laws of the Mining and Mineral Act owned by the State.

5. Police Bill. a) forming of a Para Military Police Unit to combat drugs and hard core crimes to replace the Combined Military and Police operations. b) recruiting experienced retired CIA and DEA agents to train our police officers locally and help investigating white collars crime and drug cartels.

Thanks.

Lote Rokovau.
(Turaga ni Yavusa Savula, Nasavu, Naitasiri)

Contact 9660787.



SUBMISSION TO THE STANDING COMMITTEE ON THE COMMERCIAL USE OF MARINE AREAS (CUMA) BILL 2025
From: Solomone Radaniva Tuibua, Eldest Member of Mataqali Vuniwi
Landowning Unit: Mataqali Vuniwi, Yavusa Wairuku, Waivunia Village, Nasavusavu, Cakaudrove
Date: 10th June, 2026

Subject: Return of Customary Marine Tenure, Enforcement Rights Against Commercial Users Under CUMA

CUMA bill explanation:

1. My Standing and Our Licensed Marine Protected Area
I am an indigenous Fijian and the eldest member of Mataqali Vuniwi, the customary owner of the qoliqoli where Naivuatolu Community Cooperative Marine Park is located in Maravu, Waivunia, Nasavusavu. While I am not the Turaga ni Yavusa, I make this submission on behalf of the struggles our Mataqali has faced as the owner of our traditional fishing grounds.
In 2019, our Mataqali was issued what we understand to be the only Ministry of Lands licence granted to any landowning unit in Fiji to manage a marine area. This licence was issued purely for conservation purposes. Our Mataqali paid the Government $100.00 per year for a 5 year term. We were placed under strict observation by the Lands Department and prohibited from undertaking any change within our own traditional Marine Protected Area, despite being the customary owners. Due to Fiji Surfing Decree Act, we were not able to gain a single cent from our own licensed marine park.
In 2024, the licence was renewed but the annual fee was increased to $1,000.00, a tenfold increase without consultation. The Ministry of Lands then advised us to apply for a full 99 year lease over the same marine park we had already been protecting for 5 years at our own cost.

2. The Core Problem: No Legal Power to Enforce User-Pays in Our Own Qoliqoli
For years our Mataqali has struggled with commercial diving agencies who bring tourist guests into our marine park to conduct business. These operators use our reefs, our fish stocks, and the biodiversity we have conserved, yet they have been reluctant to pay the fees we set for access.

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Under the current State licensing system, we have no legal ownership and therefore no enforceable right to stop them or to compel payment. When we raise the issue, we are told that the qoliqoli is owned by the State and we are only "licence holders for conservation". This has left us funding the protection of a resource that others profit from without consent or compensation to the Mataqali.

This is the exact inequity CUMA must resolve.

3. Core Submission: Vest Ownership to Enable Management and Benefit Sharing

I submit that the CUMA Bill must return full proprietary ownership of all indigenous fishing grounds in Fiji to their respective iTaukei landowning units, as was the legal position before the Deed of Cession in 1874.

Ownership means the legal right to:

1. Exclude or grant access to commercial users like diving agencies.
2. Set and enforce user fees for tourist activities in our qoliqoli.
3. Enter commercial agreements for tourism, research, and blue carbon without requiring State approval.
4. Retain 100% of benefits from the sustainable use of our marine resources.

Specific recommendations for CUMA:

1. Automatic Conversion: All existing Ministry of Lands conservation licences held by LOUs must convert to 99 year customary title at no cost. LOUs should not pay to lease what they already conserved.
2. Statutory Enforcement Power: CUMA must give LOUs the same powers as a landowner to issue trespass notices and levy enforceable fees on commercial users in their qoliqoli. The State should assist with enforcement through Fisheries and Police.
3. Transitional Provision: All current commercial operators, including diving agencies using a qoliqoli, must negotiate access agreements with the LOU within 12 months of CUMA commencement or cease operations.
4. No Retrospective Fees to State: Fees paid by our Mataqali from 2019-2024 should be credited against future administrative costs, since we were paying the State to protect our own resource.

4. International Precedent: New Zealand's Customary Marine Title

New Zealand's Marine and Coastal Area (Takutai Moana) Act 2011 shows that recognising customary ownership strengthens the economy:

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1. Customary Marine Title gives iwi/hapū the right to say yes or no to commercial activities, and to set conditions including fees.
2. Result: Dive operators, aquaculture farms, and tourism ventures now sign access agreements directly with iwi. This has not stopped tourism. It has created partnerships and revenue streams for customary owners.
3. Enforcement: CMT holders can apply for wāhi tapu restrictions and infringement fines are issued by the Crown to support the iwi's rules.

Fiji should adopt this principle: If a diving agency wants to use Mataqali Vuniwi's reef, they must deal with Mataqali Vuniwi as the owner, not the State.

5. Conclusion

My Mataqali conserved our qoliqoli for 5 years under a state licence that banned us from benefiting from it, while commercial operators used it for free. We were then told to apply for a 99-year lease for the same area and charged 10x more.

CUMA must end this. It should restore ownership so that we can manage our qoliqoli, require diving agencies to pay fair access fees, and use that income to employ our youth as rangers and guides.

I request that the Committee:

1. Vest qoliqoli ownership in the registered Mataqali.
2. Give LOUs legal power to set and enforce commercial access fees.
3. Recognise conservation work by LOUs as evidence of ownership for CUMA purposes.

I am prepared to provide our licence documents and evidence of non-payment by diving agencies to the Committee.

Sincerely,



Solomone Radaniva Tuibua
Senior Advisor & Founder, NCC Ltd

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23 June 2026

The Chair
Standing Committee on Justice, Law and Human Rights
Parliament of the Republic of Fiji

By email and post

Dear Chair and Members of the Committee,

Re: Request for immediate stay on enactment and targeted review — Fiji Police Bill

I write as Director of Ore-Ashen Consulting to request that the Committee **recommend an immediate stay on the enactment** of the Fiji Police Bill and convene a short, binding review to address serious legal and human-rights concerns, including explicit protection for **due process of law**.

Concise statement of concern
The Bill expands intrusive policing powers (warrantless urgent searches and arrests, compelled device access, biometric and DNA regimes, covert surveillance) in ways that, as drafted, risk undermining constitutional guarantees, statutory safeguards and the fundamental right to **due process of law**.

Legal instruments engaged or at risk

- **Constitution of the Republic of Fiji** — Bill of Rights protections: liberty, privacy, fair trial, freedom of expression and due process of law.
- **Criminal procedure statutes** — arrest, detention, bail and remand safeguards that operationalise due process.
- **Evidence law** — admissibility, exclusionary principles and protections against compelled self-incrimination.
- **Police governance statutes** — existing Police Act and accountability frameworks.
- **Human Rights and Anti-Discrimination Commission Act** — independent oversight and complaint mechanisms.
- **Data-protection and privacy principles** — limits on collection, retention and use of biometric/DNA data.
- **International human-rights obligations** — standards on necessity, proportionality, due process and remedies.

Principal conflicts and risks

- **Due process and presumption of innocence:** coercive investigatory orders, broadened arrest/search powers and criminal sanctions for non-compliance risk de

facto pre-trial punishment unless constrained by clear statutory thresholds, prompt judicial oversight and effective remedies.

- **Privacy and data security:** biometric and DNA collection and retention lack explicit purpose limitation, minimal retention periods and mandatory destruction rules.
- **Compelled device access:** password and device orders raise self-incrimination and privacy concerns absent narrow judicial tests and exclusionary remedies.
- **Covert powers:** surveillance and tracking require prior judicial authorisation where practicable, or immediate post-action judicial review with mandatory reporting to protect due process.
- **Freedom of expression:** vaguely worded offences risk chilling legitimate criticism and civic activity.
- **Oversight deficit:** internal disciplinary mechanisms alone are insufficient to secure due process and public confidence.

Who stands to lose most and mitigation priority

- **Most vulnerable:** Muslim community leaders and organisations face heightened risk of stigmatization, harassment and security threats.
- **Mitigation priority:** protect vulnerable communities by using intermediaries (NGOs, interfaith convenors) for document requests and community affidavits; ensure confidentiality, in-camera options and legal cover to preserve due process and safety.

Relief requested (clear and binding)

1. **Recommend an immediate stay** on the Bill's enactment until the Committee completes a targeted review.
2. **Commission a short, public consultation and expert review** (4–6 weeks) including constitutional, criminal-procedure and privacy experts, civil society, police representatives and affected community leaders.
3. **Require the Government to table and commit to binding amendments** before further parliamentary consideration, including:
    - Mandatory **prior judicial authorisation** for intrusive searches, device access orders and covert surveillance except in narrowly defined emergencies with immediate post-action judicial review and reporting to safeguard due process of law.
    - Clear **statutory limits on biometric and DNA collection**: purpose limitation, minimal retention periods, mandatory destruction timelines, access logs and independent audits.
    - Establishment or strengthening of an **independent civilian oversight body** with investigatory, audit and public-reporting powers to enforce due process and accountability.
    - Removal or precise re-drafting of any vague offences that may criminalise legitimate expression; inclusion of necessity and proportionality tests.
    - Explicit **remedies and exclusionary rules** for evidence obtained in breach of statutory safeguards and due process protections.
4. **Hold public hearings** (in-person and virtual) and publish a public timetable for the Committee's review and the Government's response.

Additional submission

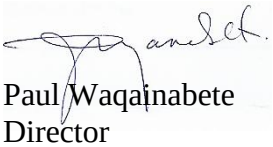
Ore-Ashen is willing to tender addition submission containing proposed amendment text,

comparative models from comparable jurisdictions, and a short legal memorandum on proportionality, oversight, remedies and due process will be provided for the Committee's consideration.

Conclusion
A short, structured pause and binding amendment process will preserve legitimate policing needs while ensuring compliance with constitutional due process guarantees and international standards. This approach protects public safety and democratic legitimacy simultaneously.

Please acknowledge receipt of this letter and advise the Committee's intended next steps.

Yours faithfully,



Paul Waqainabete
Director
Ore-Ashen Consulting

Outlook

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

Semesa Tuicolo

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

SUBMISSION ON: Fiji Police Bill 2026 (Bill No. 12 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 **Fiji Police Bill 2026 (Bill No. 12 of 2026)**. As an organization dedicated to advancing human rights, institutional accountability, equality, and the protection of marginalized populations, we acknowledge the necessity of modernizing the legislative framework governing the Fiji Police Force to enhance transparency, public safety, and human rights compliance.

A robust, modern policing framework must be fundamentally inclusive of all members of Fijian society. This submission reviews the Bill through a **SOGIESC**, **gender**, and **intersectionality lens**, focusing deeply on the lived realities of Vakasa, Sian, Trans, and Non-binary (VST+) individuals.

An intersectional approach recognizes that individuals do not experience law enforcement through a single identity alone. Discriminatory profiling, structural violence, and institutional neglect compound heavily when gender identity intersects with age (youth and *matua* structures), socio-economic vulnerability, geographic isolation, and indigenous or cultural backgrounds. TAAG presents these specific legislative gaps, comparative analyses of prior testimonies, and recommendations to align this Bill with Fiji's international commitments and domestic realities.

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

By law, this Bill must give operational effect to the international instruments Fiji has formally committed to, which include:

1. **International Covenant on Civil and Political Rights (ICCPR):** Ratified by Fiji in 2018. Under Articles 2, 7, 9, and 26, Fiji is obligated to guarantee equal protection of the law and ensure freedom from arbitrary detention, torture, or cruel, inhuman, and degrading treatment for *all* persons without distinction of any kind, including sex and gender identity.

2. **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW):** Ratified by Fiji in 1993. CEDAW mandates the elimination of gender-based biases, systemic violence, and institutional discrimination across all state sectors, including law enforcement.
3. **The Universal Periodic Review (UPR) & UN Special Procedures:** In its successive UPR cycles, Fiji has received and accepted key recommendations regarding the protection of LGBTQI+ and gender-diverse individuals from discrimination and police misconduct.

3. ANALYSIS OF PRIOR SUBMISSIONS AND PUBLIC TESTIMONY

TAAG has monitored the public consultations and reviewed key submissions already presented to the Committee. We offer the following analytical reflections to assist the Committee in balancing diverse community perspectives with the state's constitutional and international legal obligations:

A. Addressing Concerns Regarding "Social Cohesion" and Traditional Structures

- **The Trend in Prior Submissions:** Several submissions from faith-based institutions and traditional provincial representatives have expressed concern that introducing explicit protections or moving away from binary definitions might disrupt community harmony or conflict with traditional communal structures.
- **TAAG's Intersectional Analysis:** TAAG emphasizes that true social cohesion cannot exist if a segment of the community is left structurally vulnerable to violence and institutional erasure. For indigenous VST+ individuals, their identity is deeply intertwined with their communities. By codifying clear protections, the Bill does not undermine communal structures; rather, it ensures that law enforcement protects *all* community members equally. Security frameworks are strongest when they protect the vulnerable rather than relying on structural exclusion.

B. Aligning Civil Society Calls for "Public Accountability" with SOGIESC Realities

- **The Trend in Prior Submissions:** Broader human rights and civil society organizations (CSOs) have strongly advocated for independent oversight, constraints on police powers, and clearer guidelines on detention conditions.
- **TAAG's Intersectional Analysis:** TAAG strongly echoes and reinforces these submissions. However, we note that general calls for accountability often miss the specific ways police powers are weaponized against marginalized genders. For example, while standard testimonies call for clean detention facilities, they often overlook where a transgender woman or a non-binary person is placed, or who searches them. TAAG's

submission provides the specific operational definitions required to make the accountability mechanisms called for by general civil society effective on the ground.

4. CORE GAPS AND SUBSTANTIVE RECOMMENDATIONS

Gap 1: Binary Concepts in Physical Searches and Forensic Procedures vs. ICCPR Article 7 & 9

- **The Intersectional & Sensitivity Issue:** The Bill structures procedural safeguards entirely around binary concepts of sex (e.g., requiring searches to be conducted by an officer of the "same sex"). In Division 9 (Forensic Procedures), the definition of "intimate area" includes a person's genital or anal area, buttocks, or breasts. Without explicit guidelines protecting transgender, non-binary, or intersex individuals, standard binary searches amount to degrading treatment.
- **The Intersectional Lens:** This risk multiplies significantly for **young trans individuals and rural or low-income VST+ persons**, who face heightened levels of intimidation, lack access to legal support during immediate detention, and are statistically more vulnerable to coercive or abusive search practices.
- **Recommendation:** Insert a clear, non-binary procedural clause within Part 5 (Investigative and Enforcement Powers) or Division 9:

  "Where any search or forensic procedure requires an officer or qualified person of a specific sex or gender, the person subject to the procedure must be asked for their preference regarding the gender of the officer, and their self-identified gender must be respected, regardless of legal gender markers or sex assigned at birth."

Gap 2: Absence of Explicit SOGIESC Protection vs. ICCPR Article 26 & UPR Commitments

- **The Intersectional & Sensitivity Issue:** Clause 7 outlines the functions of the Force, including preserving peace, safety, and protecting individual rights. However, general "all persons" protections historically leave marginalized VST+ populations vulnerable to targeted harassment, structural erasure, or systemic neglect unless explicitly named in operational mandates.
- **The Intersectional Lens:** Socio-economically disadvantaged trans youth and informal workers often navigate public urban spaces more frequently, making them disproportionately vulnerable to arbitrary profiling, vagrancy-style policing, and street harassment by authorities. Explicit protections safeguard these highly exposed demographics.
- **Recommendation:** Amend Clause 7(2) by adding an explicit non-discrimination mandate:



"In the performance of its functions, the Force must ensure non-discriminatory service delivery and protection to all persons, explicitly prohibiting discrimination based on sex, gender identity, gender expression, sexual orientation, or sex characteristics."

Gap 3: Institutional Diversity and Workplace Protection vs. CEDAW General Recommendations

- **The Intersectional & Sensitivity Issue:** Clause 12 mandates "Merit based recruitment and promotion", and Clause 35 provides for "Counselling for Police staff" to support well-being. The Bill, however, lacks clear workplace equity protections or safeguards against systemic harassment targeting female and SOGIESC-diverse police personnel within the internal structures of the force.
- **The Intersectional Lens:** Indigenous women and VST+ personnel within law enforcement face overlapping barriers of patriarchal institutional subcultures compounded by expectations of traditional norms. Recruitment and well-being programs must be culturally sensitive and structurally equitable to prevent internal marginalization.
- **Recommendation:** Amend Clause 12 to include institutional equity targets, and expand Clause 35 to guarantee culturally competent care:

  "The Commissioner must ensure that internal personnel mechanisms, including recruitment, promotion, and well-being programs under Clause 35, promote gender equity and provide a workplace free from harassment based on sexual orientation, gender identity, or expression."

Gap 4: Accountability for Identity-Based Misconduct vs. UN Convention Against Torture (CAT)

- **The Intersectional & Sensitivity Issue:** Clause 123 establishes a Code of Conduct, and Clause 126 provides for complaints against police staff. However, the Bill does not explicitly categorize SOGIESC-based violence, verbal abuse, or discriminatory profiling by police officers as "serious misconduct" or a specific disciplinary offense.
- **The Intersectional Lens:** Power imbalances are severely felt when victims are marginalized along multiple axes—such as youth, trans status, and financial insecurity. These intersecting factors discourage victims from utilizing standard complaint channels out of fear of retaliation, further compounding the need for strict, non-negotiable codification of misconduct.
- **Recommendation:** Incorporate an explicit operational standard within the Code of Conduct frameworks under Clause 123:

"Any form of discriminatory profiling, identity-based verbal abuse, or gender-targeted violence by a member of the Police staff shall be treated as serious misconduct, initiating immediate internal and external tribunal review."

Gap 5: Lack of Mandated, Intersectional Training on Human Rights vs. ICCPR Article 2

- **The Intersectional & Sensitivity Issue:** Clause 26 provides a broad mandate for the training and education of police staff but does not specify curriculum requirements regarding human rights, gender-mainstreaming, or SOGIESC sensitivity.
- **The Intersectional Lens:** To ensure police officers respect diverse communities, training cannot treat gender or human rights as siloed issues. Curricula must be rooted in sensitivities that recognize local contexts, including navigating engagements with youth and traditional *matua* frameworks, while fully upholding human rights.
- **Recommendation:** Add a mandatory subclause to Clause 26:

  "The training and education framework must include mandatory, continuous curricula on human rights, intersectional gender-mainstreaming, gender-based violence response, and SOGIESC awareness for all police staff."

5. CONCLUSION

For the Fiji Police Force to be a modern, world-class institution that truly serves and protects *all* people in Fiji, it must legally shed binary, exclusionary framework languages. Incorporating explicit SOGIESC, gender-inclusive, and intersectional safeguards directly into the Fiji Police Bill 2026 will bring the nation into alignment with its international treaties (ICCPR, CEDAW, CAT) and global UN mechanisms, ensuring true equal protection under the law for every Fijian, regardless of their intersecting identities.

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

PROPOSED LIBERATION OF FIJI PARTY SUBMISSSION ON THE POLICE BILL.

1.0 INTRODUCTION.

The proposed Liberation of Fiji Party categorically rejects the proposed Police Bill, as it fundamentally contradicts the rights and freedoms guaranteed under Chapter 2 (Bill of Rights) of the 2013 Constitution.

Furthermore, with the **reported discovery of oil and petroleum resources within Fiji's maritime boundaries,** there is growing concern that **this Bill could serve as a legal framework for the establishment of a highly restrictive policing regime, comparable to the experience of West Papua,** where indigenous peoples have **not equitably benefited from the exploitation of their natural resources with thousands of unexplained deaths, torture and missing people.**

2.0 CONCERNS.

The following provisions of the proposed Police Bill are of particular concern:

2.1 Section 8 – Ministerial Direction of the Commissioner of Police

This section empowers an elected Minister to issue binding directions to the Commissioner of Police, thereby compromising the operational independence of the Police Force.

2.2 Section 47 – Preventive Arrest Powers

This section authorizes the police to arrest citizens not for offences they have committed, but for acts they are suspected of potentially committing, creating a significant risk of arbitrary detention.

2.3 Section 52 – Warrantless Search Powers

This section permits police officers to enter and search premises without first obtaining a court-issued warrant, undermining constitutional protections against unreasonable searches.

2.4 Section 57 – Secret Surveillance Authorisation

This provision allows a senior police officer to obtain approval by telephone to conduct covert monitoring and surveillance of individuals, raising serious concerns regarding privacy and judicial oversight.

2.5 Section 69 – Stop Departure Orders

This section authorizes the police to issue stop departure orders preventing individuals from leaving Fiji without first providing the affected person an opportunity to be heard.

2.6 Section 88 – Compelled Access to Digital Devices

This provision requires individuals to surrender their digital devices, passwords and decryption keys to police, with refusal constituting a criminal offence punishable by imprisonment.

2.7 Section 127 – Dismissal of Public Complaints

This section grants the Commissioner of Police unilateral authority to summarily dismiss complaints lodged by members of the public against police officers, thereby weakening accountability and independent oversight.

2.8 Section 148 – Restrictions on Police Communication

This provision restricts police officers from speaking to the media regarding misconduct or transgressions committed against civilians, limiting transparency and public accountability.

2.9 Section 161 – Immunity for Acts Done in Good Faith

This section affords legal protection to police officers for acts undertaken in "good faith." However, the Bill fails to define what constitutes "good faith," creating uncertainty and the potential for abuse of this immunit

3.0 CONCLUSION.

For the reasons outlined above, the proposed Liberation of Fiji Party respectfully submits that the Police Bill is inconsistent with the constitutional protections guaranteed under Chapter 2 of the 2013 Constitution and poses significant risks to civil liberties, democratic

accountability, and the rule of law. Accordingly, the Bill should be withdrawn or substantially amended before any further consideration.

END.

SUPPLIMENTRY SUBMISSION TO THE POLICE BILL.

1. **The Fiji Police Act Chapter 85 must remain the lawful Police Legal Procedures guided by the Criminal Procedure Code Cap 21 and all lawful orders that have been made and subjected to enforcement spelt out in the Force Standing orders founded on the legal framework established in 1965. This Police Act still holds legal depths and has survived and proven to remain powerful till today on the following evidential proof:**

    a) **That it has helped Loyal Police Officers detect UNFAITHFUL Police Officers who run criminal network within the police force whereby as of today the Police Internal Affairs grounds itself upon.**
    b) **That the Police Act 85 section 5 stands and commands against any breach of laws including the making of this Police Bill grounded on 2013 constitution written outside of a Legal Parliament with unknown author and the absence of proof that the same constitution belongs to Fiji; NO DOCUMENT OF PROOF THAT THIS DOCUMENT WAS TRANSFERRED FROM THE UNLAWFUL AUTHOR to Fiji here on written this section 5 of the same Police Act Cap 85 to favor the offence of breaking law and criminal net work within the Police Force. It is written against the Bill of Rights- the rights of the people**

2. **The power given to the Commissioner of Police to kill any complain would mean that there would be no purpose in having judges and criminal lawyers, no purpose for the DPP office as the whole power shits to the Commissioner of Police to be the Judge and Jury.**

3. **The Police Act Cap 85 has come through the toughest times in Fiji history empowering Police Officers to execute their duties during coups of 1987, 1988, 2000, and coup of 2006 with natural disasters and hundreds of thousands of criminals who have been imprisoned including the current President of Fiji, George Speight the 2000 coup leader, Military senior officers, Police senior Officers, Chiefs, lawyers, government officials and ordinary citizens.**

Below are two significant cases that displays the risk of making new bills here subject to Police Bill under a constitution claimed to have belonged to Fiji with undisclosed author. Two cases below where police colluded with DPP to break the law.

Case law 1. Civil Action No. 158 of 2024 ***Police Breach of lawful procedures on a civilian, Adi Veronica Malani reported against Ayas Sayad Khaiyum for throwing a bomb on her. She filed a law suit against the Commissioner of Police Rusiate Tudravu and DPP party for breaking the law whereby DPP Pryde COLLUDED and ordered one of his lawyers to instruct the Police officers not to put Khaiyum under caution but to break police investigation procedures against the Police Act Cap 85 not to be charged even though statement of potential evidence was recorded. The recent criminal doing by the current A/DPP TIKOISUVA colluded with Police of officers broke the Police Act Cap 85 investigation Procedures using a statement that is outside of the main witness statement to rule out charges against Khaiyum. An unsigned letter bearing Nany Tikoisuva's name was served on Adiveronic***

Case law 2*. Police Breach of lawful order and procedures against a police Officer reporting the crime against the Police force being twisted to imprison the loyal officers: Criminal case number 1775 of 2004 State vrs Damiano Logaivau***. The Police officer was acquitted in 2006 due to Police Force breaking the laws prescribed by the Police Act Cap 85.**

The Police Act Cap 85 it is powerful enough to empower Police Officers. The fundamental defects is the application of Police operations on lawful processes against its lawful orders bound.

Reiterated herewith is Liberation of Fiji's position and strong objection against the Police Bill for the following reason:

1. **The Police Bill sources it direct power from a constitution written outside of a legal Parliament undermine the legal capacity of the Police Police Act Cap 85**
2. **T and to undermine the judgs o criminal lawyershat the Commissioner of Police cannot be allowed to kill any complaint against the will of the people who deserves fair trial under the bill of rights. He cannot be allowed to be the judge to kill complaint. This is a criminal act against s5 of the Police Act cap 85 that stands to defend any breach of laws of this country.**
3. **The Police bill design is to enhance criminal activities to enhance and consolidate the officers criminal network who are already in political crime,**

drugs and other associated white collar crimes network operating within the Police Force against the Police Act Cap 85.

Vinaka Saka