

# **RULE OF LAW AND JUSTICE**

## **Fact Sheet**

### **BACKGROUND**

Fiji's economy and social security is based upon the principles of rule of law, accountability and transparency as cornerstones of good governance. Adhering to the system of good governance warrants a strong commitment to uphold the rule of law and respect for independent institutional arrangements. In pursuing economic transformation, the manifestation of law and order is a necessary condition in allowing the implementation of development activities in order to improve the lives of our people.

An efficient administration of the rule of law and an independent judiciary is critical in ensuring sustained social and economic progress. A stable and accountable justice system must build trust and confidence amongst stakeholders through integrity, fairness and accessibility. By upholding the rule of law and justice, the Fijian government ensures to create an environment in which its people are safe and secure, can be heard, decision-making is fair, transparent and considers protection of fundamental human rights for all. It is widely recognized that achieving sustainable development requires peace, stability, human rights, and the rule of law.

### **CURRENT STATUS**

Law and order of Fiji is governed by the 2013 Constitution. To safeguard the rule of law and democratic processes and provide sufficient legal services, Government has been substantially proving funding to key law and order and justice institutions.

Fiji acts as a financial and administrative hub for many countries in the region. More sophisticated financial services will likely result in Fiji becoming a more attractive target for cybercrimes than many of its neighbours. The Government's broad national goal for rule of law and justice for the upcoming years is to provide a safe and secure environment, access to justice, and promote peace and stability, through improved quality service delivery. Judiciary has

implemented e-filing and electronic case management system.

The Legal Aid Commission has expanded its services in all Magistrates Court locations, throughout the country, with 18 offices in 2017 to 27 offices in 2023. Infrastructure and development – New Police Stations (Nadi, Nakasi, Lautoka), New Court House (Nasinu and Ba). New technological advancements that have helped the FPF solve crimes include data mapping crime, smartphone tracking, social media, CCTV, WiFi capabilities and biometrics. These systems have helped law enforcement agencies solve crimes that would have otherwise been swept under the carpet.

### **CHALLENGES**

1. The outdated laws and legislations which need to be amended or changed to address the changing economic, social and political situation. Financial crimes also pose a significant threat in Fiji, with tax evasion, tax fraud and fraudulent credit card transactions being some of the most prominent financial crimes observed in the country.
2. The FPF faces challenges of repeated accusations of Police violence. However, it is focusing on making improvements with assistance from international partners.
3. The executive faces public criticism for inefficiency and poor public accountability; the reasons for this need to be explored and solutions found.
4. The capacity of the judicial system and the Fiji Human Rights and Anti-Discrimination Commission has grown, but not at the required pace to handle the increasing number of court cases and human rights matters brought forward by the people.
5. There is inadequate focus on imperative of prioritizing anti-corruption measures among leaders, lack of awareness, prevalence of weak institutions with minimal emphasis of anti-corruption and lack of commitment to enhance autonomy of public institutions.

## OPPORTUNITIES

1. The reviving of the Office of the Ombudsman, which is another mechanism to strengthen good governance. The existence of an Ombudsman can promote and protect individual rights, encourage more efficient public administration, provide a cost-effective dispute resolution mechanism, bridge the gap between government and the public.
2. *Access to Legal Aid:* Expanding legal aid services ensures that even marginalized individuals can seek legal assistance. Collaborations between legal professionals, NGOs, and government agencies can bridge gaps.
3. Strengthening legal literacy among citizens is crucial. Initiatives such as community workshops, radio programs, and school curricula can empower people with knowledge of their rights and responsibilities.
4. *Conflict Resolution:* Justice system provides a formal process for resolving disputes. Courts, mediation, and arbitration help settle conflicts, preventing vigilantism and promoting peaceful coexistence.
5. *Equality and Fairness:* Justice promotes equality before the law. It ensures that everyone, regardless of social status, wealth, or power, is subject to the same legal principles. No one is above the law.
6. *Economic Development:* A robust legal system encourages economic growth. Investors feel secure when property rights are respected, contracts are enforceable, and corruption is minimized. Legal frameworks facilitate trade, investment, and entrepreneurship.

## FUTURE POLICES AND STRATEGIES

- **Strengthening regulatory and legal Framework and collaboration within law-and-order agencies:**
  - ✓ Promote the rule of law at the regional and international levels and ensure equal access to justice for all (SDG 16.3) and review all legislation on all law enforcement agencies to ensure transparency and efficiency.

- **Maintain Sovereignty and territorial integrity:**
  - ✓ Implementation of the National Security Strategy (NSS) to remove coups in the future and comply with international treaties and agreements in the best interest of Fiji.
- **Ensure a judicial system that is accessible, efficient, effective and transparent:**
  - ✓ Ensure an independent and impartial judicial system and enhance court management and leadership, streamline and simplify court proceeding and processes.
- **Ensure Robust and effective Policing System to combat crime:**
  - ✓ Enhance intelligence driven crime prevention and investigation enforcement agencies and collaborate with bilateral partners for Transnational Crime and strengthen the capability and capacity of institutions to tackle cybercrime via Cybercrime Act.
- **Uphold the principles of human rights in Fiji:**
  - ✓ Strengthening of National Human Rights Institutions and the protection and promotion of human right and build trust and confidence in the Fiji Human Rights and Anti - Discrimination Commission as an independent human right institution.
- **Strengthen Fiji Corrections Services to provide efficient and effective prison services:**
  - ✓ Provide an efficient and cost-effective prisons services including rehabilitation to ensure systemic re-integration of deviants back into the society and improve infrastructure and design of prison facilities to be conducive to rehabilitation and security and develop incentives to reskill offenders to implement the process of social re-integration.