



FIJI HUMAN RIGHTS COMMISSION

GPO Private Mail Bag
SUVA, FIJI ISLANDS

17th April 2008

RE: Protest on Tibet.

The Fiji Human Rights Commission states that the Constitution defines the human rights law on demonstrations in Fiji.

Section 31 of the Constitution states:

- (1) Every person has the right to assemble and demonstrate with others peacefully.
- (2) A law may limit, or may authorize the limitation of, the right to freedom of assembly:
 - (a) in the interests of national security, public safety, public order, public morality, public health or the orderly conduct of national or municipal elections.

The Commission advises that the law that limits the right to freedom of assembly in Fiji, pursuant to section 31 (2) (a), is the Public Order Act 1976.

Section 2 of the Act provides the relevant definitions:

‘assembly’ means any gathering of three (3) or more persons assembled for a common purpose;

‘meeting’ means an assembly held for the purpose of discussion on matters of public interest or for the purpose of the **expression** of views on such matters.

Section 8 of the Public Order Act states that a permit is required before any public meeting (assembly) can take place. A permit is mandatory.

Schedule 1 of the Public Order Act provides the Form for the making of an application for a public meeting or assembly. The application must be made at least 7 days before the date of the proposed meeting.

A meeting conducted in a public place without a permit would be unlawful and unconstitutional. Those breaking the law and acting unconstitutionally can therefore be arrested.

Whether the Tibet protest in Fiji was constitutional would depend on whether a permit for the meeting or assembly was granted by the District Officer who is the delegated authority for issuing permits. Media reports suggest that a permit was not granted.

The Fiji Human Rights Commission noted last week that the Delai Lama has publicly asked protestors on the issue of Tibet to keep their actions within the law. The Commission supports the Delai Lama's call in this respect as being in concert with the Fiji Constitution.

The Commission states that ignorance of the law is never an excuse and it would be advisable in future for protestors to receive competent legal advice before placing their safety and security at risk by engaging in unconstitutional or unlawful demonstrations. Since 1976 it has been a requirement of Fiji's law that anyone wanting to demonstrate or express views in a public place should apply for a permit first. The 1997 Constitution in section 31 (2) made provision for the application of the Public Order Act 1976. The legal limitations to freedom of assembly should be noted carefully.

Nevertheless, the Commission has asked the authorities not to press charges against the Fiji protestors whom they arrested as the point would have been made to them by now that a permit is required for any sort of public demonstration with a common purpose.



Dr Shaista Shameem
Chairperson.