



ODPP ANNUAL CONFERENCE 2023

Speech by Acting Director of Public Prosecutions Mr David Toganivalu at the ODPP Annual Prosecution Conference at Warwick Resort & Spa, Sigatoka, Fiji

Theme: “Navigating a balance between Human Rights and the Criminal Law”

Introduction

Honourable Justice of the Court of Appeal- Justice Mataitoga
Chairman and Proceedings Commissioner Human Rights
Commission

President of the Fiji Law Society

Incoming Permanent Secretary for Education

Acting Director of the Legal Aid Commission

Director Police Prosecution

Director Fiji Performing Rights Association

Distinguished Speakers from abroad our very own here in Fiji

Fellow participants from other agencies and the private bar

On behalf of Mr. Pryde, myself and the ODPP; it is an honour and privilege for me this morning to welcome you all to the

beautiful Warwick Fiji here on the Korolevu Coast in the Province of Nadroga to the Annual DPP's Conference.

The theme for this year's conference is "*Navigating a balance between human rights and the criminal law*". And the first thing that came to my mind before I can even talk about human rights was how Fiji as a country was doing with our human rights record. And whether we as a prosecuting agency were observing the human rights protocols when dealing with the criminal law? I am glad to say that when I looked at the Human Rights and Rule of Law Index on the ranking of 177 Countries, Fiji was ranked 94 in terms of compliance. That is to say 1 being not compliant to 177 being compliant. So it is fair to say, we are on the better half of the scale but does that mean we have struck the right balance? Are we persecuting for political reasons or prosecuting in the public interest? Are we really disclosing all relevant and admissible evidence to the accused persons? Are we turning a blind eye to police misconduct on accused persons? Do we as prosecutors and the Courts doing enough to have cases of child victims or vulnerable persons dealt with in expeditious manner? Do the enforcement agencies do enough to crack down pirate DVD music and movie outlets?

Are the sedition laws a hinderance to free speech? The list may go on but these are the fundamental issues that we need to ask ourselves and hope that the 2 day Conference will be an avenue for us to discuss, share ideas and network with our colleagues here on the limited topics that we have in our 2 day meet.

‘Human rights are the basic rights and freedoms that every person is entitled to regardless of their race, color, nationality, ethnicity, sexual orientation, language, religion, political opinion, or any other status. These rights are essential for leading a life of dignity and respect’. And I am sure that everyone present here today would like to live in a country with dignity and respect. So when considering our processes within the criminal justice system, do parties obtain a fair trial? Do we have a judicial system that is independent? Are accused persons adequately represented in order to reduce unnecessary delay? Is the rehabilitative initiatives by the Corrections Department assisting in addressing recidivism or re-offending? We maybe cannot achieve all our goals and objectives but we as a key stakeholder of the criminal justice system play an important role in observing human rights.

Fiji has a Bill of Rights in our Constitution. Specifically, to our theme is the right from unreasonable search and seizure; rights of arrested and detained persons, the rights of accused persons, rights of children AND freedom of speech, expression and publication. Most of us are aware of these universally accepted rights and freedoms and but we sometimes run into difficulties when trying to navigate the rights versus the reality.

There is no doubt that human rights play an important role in the life of every citizen. It is the responsibility of governments and other related organizations and stake holders present here today to protect and promote these rights so that all individuals can lead a life of freedom and security. And it is through Conferences and trainings like these that we strive to improve awareness, educate the upcoming lawyers, police officers and other interested persons and use the forum to network and share ideas. To conclude, I am sure we will all enjoy the 2 day Conference and be enlightened and or refreshed on the topics that is before us. I sincerely hope that we can have some fruitful discussions and of course enjoy the facilities and hospitality of the Warwick Fiji.

Thank you, Vinaka vakalevu and Danya vad!!!