

## TERMS OF REFERENCE FOR THE REVIEW OF FIJI'S ELECTORAL LEGISLATION

### 1. BACKGROUND

- 1.1 The Attorney-General refers the *Electoral Act 2014*, *Political Parties (Registration, Conduct, Funding & Disclosures) Act 2013*, and the *Electoral (Registration of Voters) Act 2012* (**the Electoral Legislation**) for review by the Fiji Law Reform Commission (FLRC) in accordance with section 5(2)(c) of the *Fiji Law Reform Commission Act 1979*.
- 1.2 The FLRC and the Electoral Commission of Fiji (ECF) will jointly undertake a comprehensive review and reform of the current Electoral Framework in consultation and collaboration with the Ministry of Justice (MOJ), also known as the Ministry responsible for Elections.

### 2. KEY OBJECTIVES

- 2.1 In undertaking the review, a Part Time FLRC Commissioner(s)/Review Team must:
- i. Assess and review the existing current electoral laws together with relevant sections of the Constitution, and recommend necessary changes and reforms, including but not limited to simplifying and strengthening the democratic principles underlying the Electoral Legislation; reviewing the restrictions placed on civil society actors including political parties and the media; reviewing the powers of the Supervisor of Elections, electoral offences and penalties; promoting the representation of women and improving gender equality in the electoral system by the inclusion of Special Measures and/or Temporary Special Measures; maintaining electoral management body neutrality and streamlining the electoral management architecture for greater cohesion and efficiency; reviewing electoral timelines; strengthening the accountability of elected representatives to voters; separating the roles of the Supervisor of Elections and Registrar of Political Parties (ROPP) to ensure the independence of the office of the ROPP; eliminating any disability-based discriminatory provisions and enhancing participation of persons with disabilities in the electoral system.

- ii. Ensure that the draft Bill(s) and Regulations are suitable for Fiji's current and future needs and circumstances; that they are aligned to international good practice and standards; and that they comply with domestic obligations under international law, including international Conventions ratified by Fiji such as the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the UN Convention on the Rights of Persons with Disabilities (CRPD);
- iii. Recommend reforms that uphold the principles of democracy and good governance, equality, inclusion, and fairness;
- iv. Undertake a comparative analysis of relevant laws in other jurisdictions with similar socio-geopolitical contexts and that have incorporated international good practices in order to identify and propose suitable options for electoral reform in Fiji;
- v. Carry out community-wide consultations with targeted stakeholders including government agencies, political parties, civil society organizations, the media, electoral experts and members of the public. The consultations will enable the Review Team to gather stakeholder perspectives on perceived limitations and challenges in the existing law and to elicit suggestions for improving the electoral framework.

### 3. TIMELINE

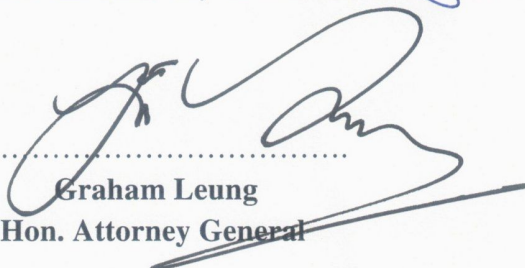
3.1 The Review is expected to be completed by or before the 4<sup>th</sup> of April 2025.

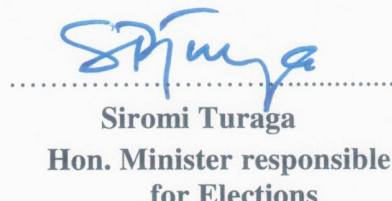
### 4. FINAL REPORT OUTCOMES

4.1 A Final Report, draft Bill(s) and Regulations, and a draft Cabinet Paper will be submitted to both the Minister responsible for Elections and the Attorney-General for their consideration.

4.2 Prior to the handover of these documents, a validation exercise is to be conducted with identified stakeholders to communicate the key findings, and elicit final feedback for improvement of the proposed recommendations and draft Bill(s) and Regulations.

Issued this 21<sup>st</sup> day of February 2025.

  
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**Graham Leung**  
Hon. Attorney General

  
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**Siromi Turaga**  
Hon. Minister responsible  
for Elections