

REHABILITATING OFFENDERS? THE YELLOW RIBBON CAMPAIGN IN FIJI

LILIWAIMANU VUIYASAWA*

INTRODUCTION

Fiji, in common with many countries, has issues with a prison system that does not seem to rehabilitate offenders effectively. Statistics show that 80% of prison population is indigenous Fijian, 55% are between the ages of 20 – 30 and 50% are recidivists.¹ The main causes of committing crimes are unemployment, rural urban drift, peer pressure, and poverty.² Many ex-convicts face difficulties due to the stigma associated with their former status. Consequently, the Commissioner for Prisons, Colonel Iowane Naivalurua, addressed this problem by introducing the Yellow Ribbon Project (YRP), a concept that allows prisoners and ex-convicts rehabilitative opportunities and thereby increases chances of them being successfully reabsorbed into the community. The YRP is founded on the concept that of the need to offer forgiveness and a second chance to ex-offenders. This is a considerable shift in philosophy from the old system of “lock and key detainment” towards an environment of correction.³

This paper begins by describing the YRP. It then goes on to discuss how the YRP has been received or perceived by many people in Fiji.

ABOUT THE YRP

Fiji’s YRP is based on a model that was developed in Singapore. The yellow ribbon motif was drawn from the song o, “Tie a Yellow Ribbon Round the old Oak Tree”. The song tells the story of a prisoner who sought assurance from his wife that, on his release, she would still want him to be part of her life. He wrote to her, saying that if she was still interested, she could let him know by tying a yellow ribbon on the oak tree in the city square. On his homecoming, to the ex-convict’s relief, there were hundreds of yellow ribbons on the tree.⁴ As a release by Fiji’s Prison and Correctional Service states,

Three lines from the song sums up the helplessness of the offender and his need for forgiveness from family and the community:

I’m really still in prison and my love,

* Senior law student, University of the South Pacific.

¹ Fiji Prisons & Correctional Service, “Cautionary Advice: Presentation to Fijian Affairs Board”, Unpublished, undated. See also Fiji Islands Bureau of Statistics, *Prison Population 2006* (2006).

² Ibid.

³ Fiji Prisons & Correctional Service, *About Yellow Ribbon, Proposed Model- Yellow Ribbon Project* <http://www.corrections.org.fj/pages.cfm/yellow-ribbon/about-yellow-ribbon.html> (Accessed March 30 2009).

⁴ Ibid.

She still holds the key,
A simple yellow ribbon's what I need to set me free

Realistically, all offenders face two prisons. The first reflects the actual prison systems where we hold the key. On release, they enter another prison, which is socially and psychology based. The 'SHE' referred to in the song, who holds the key to his second prison is the family, friends, neighbours, employers, colleagues, volunteers, religious groups and the Community at large. In essence everyone else holds the key to this second prison, hence the conception for the Yellow Ribbon Project to address this.⁵

The Yellow Ribbon Program was promoted as being responsive to offenders and the general welfare of the public as it assisted with the rehabilitation of the prisoners and the overall improvement of prisons. By providing rehabilitative opportunities such as instruction in farming techniques and industry skills, literacy courses, spiritual counseling and education on alcohol and drug abuse the project was seen as addressing the country's social and economic problems such as unemployment, poverty eradication and the poor literacy rate amongst adults that contribute to crime.⁶

Various public activities were organised to create public awareness and promotion of the YRP. The Prison Services conducted awareness programs in the urban and rural areas promoting its objectives and educating the public on matters relating to the need for reform and greater involvement from the community.⁷ The prisoners were allowed to take part in church parades, family days, market days in which they were allowed to sell the produce or arts and crafts that they had learnt to make under the YRP at the city park.⁸ The interim government gave the YRP its full support. This was demonstrated by the launching of the YRP by the Interim Prime Minister Commodore Frank Bainimarama and the general displays of yellow ribbons on most government-owned buildings and along streets and highways.⁹

CONTROVERSIES FACED BY THE YRP

Although there had been a fair amount of consultation conducted with certain sectors of the community, and there was general support for the YRP by some, the YRP has not been without controversy. There may be some public sentiment that the law has shifted from allowing them the right to retribution to protecting people who have done wrong against society, and that the YRP is a "soft option".¹⁰ Furthermore, the budget for the

⁵ Ibid.

⁶ Fiji Prisons & Correctional Service, above n 1.

⁷ Fiji Times, 'The Yellow Ribbon Tradition' (2008 Sept 27) <http://www.fijitimes.com.fj> (Accessed March 27 2009).

⁸ Ibid.

⁹ Fiji Prisons & Correctional Service, 'Yellow Ribbon Programme- Pre- Launch' <http://www.corrections.org.fj> (Accessed March 28 2009).

¹⁰ Joyfields Institute, 'A New Day for Fiji's Prisons' September 8 2008 http://www.joyfields.org/newsandarticles/fiji_prisons_reform.html (Accessed 6 July 2009).

Prisons and Correctional Services Department increased to an estimated 13.7 million dollars for 2008 from 12 million for the previous year.¹¹ This may also raise concerns about costs. However, the main source of controversy is that the YRP has become politicised.

Many people were introduced to the programme through awareness activities, which involve the presentation of information rather than consultation activities, which involve a dialogue. This meant that the programme was seen by some as being “imposed” by the interim government. As the interim government is distrusted, this means that the YRP is also distrusted and there is a perception by some that the YRP is simply a device to enable the interim government to allow early release of offenders, particularly those who once held prominent positions in government and the armed forces, against the wishes of many.¹² This perception has been enhanced by the releases of both Francis Kean and a number of soliders who had been involved in the deaths of civilians after they had been taken to barracks.

Francis Kean had been sentenced to 18 months for the manslaughter of John Whippy,¹³ an incident that occurred when he was the Navy Commander. A couple of months into his sentence the President granted him a compulsory supervision order, which meant that he was allowed to serve his remaining sentence outside prison. Following Kean’s release he was almost immediately reinstated as Navy Commander. Commodore Bainimarama and Commander Kean are brothers-in-law. In a press release that stated that Kean’s reappointment was based on merit, not nepotism, reference was made to the Yellow Ribbon Programme:

Recently, the Government and the Fiji Prison Services had ventured in the Yellow Ribbon Project, allowing offenders who have been remorseful for their acts, an opportunity to be re-absorbed back into society. There has been numerous occasion, where re-introduction has been introduced, Commander Kean... [is one] of the many [to have benefited from reabsorbtion].¹⁴

This incident drew a lot of criticism. In comments on one blog, whilst one commentator did separate the YRP from the reinstatement of Kean,¹⁵ the more virulent criticisms of

¹¹ Fiji Prisons & Correctional Service, ‘Budget Allocations 2008’ <http://www.corrections.org.fj> (Accessed March 28 2009).

¹² See, for example, Raw Fiji News, ‘Fiji’s Yellow Ribbon Con Job’ ‘When one sees the reasons as to the introduction of such a campaign like the yellow ribbon into Fiji penal system, one just cannot fail to see the underlying reasons why it has been introduced in the first place. They seem to have been solely introduced to provide a ‘legal’ exit for the regime to release convicted individuals who have been part of regime or connected in some way.’ (Raw Fiji News, ‘Fiji’s Yellow Ribbon Con Job’ (14 February 2009) <http://rawfijinews.wordpress.com/2009/02/page/2/> (Accessed 30 March 2009)).

¹³ *State v Kean* [2007] FJHC 69 <http://www.paclii.org>.

¹⁴ Fiji Government Online portal, ‘RFMF re-employs Commander Kean’ (16 January 2009) http://www.fiji.gov.fj/publish/page_13963.shtml (Accessed 6 August 2009).

¹⁵ ‘As for the Yellow Ribbon Project, the Prison’s Commissioner must be really disappointed that it has been hijacked by Frank in this way. His efforts in helping people re assimilate into the community with the Yellow Ribbon Project have been held in high regard I believe.’ (Solivakasama Worldwide Movement for

both the YRP and the reinstatement of Kean¹⁶ are probably a more accurate reflection of the sentiment created by this action.

The release of eight soldiers and one police officer who were convicted for the manslaughter of Sakuiasa Rabaka and sentenced to 4 years imprisonment¹⁷ helped to cement this sentiment. After the sentencing on 17 March 2009, doubts were raised as to whether the YRP would be used as an excuse to reduce the sentence.¹⁸ By mid May all were released under compulsory supervision orders. Another soldier, who had been convicted for the manslaughter of Nimilote Verebasaga on 7 April 2009 and sentenced to three years imprisonment¹⁹ was released at the same time. Again bloggers responded angrily.²⁰

CONCLUSION

So is the YRP merely “a farce”, or has it been unfairly politicised? One answer is to make the point that the releases that have garnered public attention should be separated from the rest of the work of the YRP, and it is this work that the YRP should be evaluated upon.

In Fiji, the shift in the philosophy of the prisons from retribution to rehabilitation and restoration is a new way of thinking. However, there is much international literature that supports this as being the most effective approach for achieving “justice” and maintaining law and order.²¹ Possibly there was a lack of community involvement in developing the YRP, as opposed to being given awareness about a State defined programme. This may have enhanced suspicion of the YRP and meant that the shift from retribution to rehabilitation was not well understood in all quarters. However, the underlying philosophy of shifting the prison environment away from retribution and towards rehabilitation and restoration are internationally accepted.

It should also be remembered that in March 2006, prior to the coup, the elected government passed the *Prisons and Corrections Act 2006*. The long title of this Act is ‘an

democracy in Fiji, ‘Yellow Ribbon Project and responses’

<http://solivakasamablog.wordpress.com/2009/02/03/yellow-ribbon-project> (Accessed 6 August 2009)).

¹⁶ For example ‘The Yellow Ribbon is just a farce which was preconceived to cater for the eventual release and reinstatement of brother in law [Francis Kean]. There was never a noble intention in the project. It was all a conspiracy to suit one particular person’ (Ibid).

¹⁷ *State v Nayacalagilagi* [2009] FJHC 73 <http://www.pacii.org>.

¹⁸ For example a post on the Fiji Coup 2006 blog commented ‘Rabaka Trial’ 18 March 2009 ‘What remains to be seen however is how much of the actual 4 years jail time they truly serve before the Yellow Ribbon farce grants them the convenient “get out of jail” card on a silver platter.’ (Fiji Coup 2006, ‘Rabaka Trial’ (18 March 2009) <http://www.fijicoup2006.blogspot.com/2009/03/rabaka-trial.html> (Accessed 6 August 2009)).

¹⁹ *State v Vuniwawa* [2009] FJHC 101 <http://www.pacii.org>.

²⁰ A number of blog quotes can be found Raw Fiji News, ‘The release of Rabaka’s Fiji military police killers kills the sincerity of the junta’ May 14 2009, <http://rawfijinews.wordpress.com/2009/05/14/the-release-of-rabakas-fiji-military-police-killers-kills-the-sincerity-of-the-junta/> (Accessed 6 August 2009).

²¹ See, for example, Jim Considine and Helen Bowen (eds), *Restorative Justice: contemporary themes and practice* (1999).

Act to repeal the Prisons Act and to make comprehensive provision for the administration of prisons with appropriate emphasis on providing corrective services and applying all human rights obligations and standards, and for related matters.’ Section 3(e) states ‘When interpreting or applying any provision of this Act, and when exercising any prescribed power, duty or function, all persons shall facilitate the shift of underlying philosophy from the containment of prisoners to the provision of effective and appropriate corrective services’. The YRP is a continuation of a shift in philosophy that had been in place before the interim government came into power.

The website of the Prisons and Correctional Services Department suggests that there is ongoing engagement with communities and promotion of reintegration of ex-offenders. It is these activities, and their long term impacts, that need to be assessed.

It will be a pity if the underlying philosophy of the YRP gets lost in politics. The successful re-integration of ex-offenders into the community is, in most if not all cases, the best security for society. This is particularly so in the context of Fiji as there are strong links to be made between the ideals of the YRP and customary dispute resolution. Hopefully in the future the YRP can develop into something that is seen as a benefit for Fiji.