

Sexual Exploitation of Children in Fiji
Submission
or the Universal Periodic Review of the human rights situation in Fiji

Submitted by

Save the Children Fiji and ECPAT International

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Save the Children Fiji is a non-political organization dedicated to bettering the lives of children in a sustainable manner in Fiji. The organization was created in 1972 and currently works from ground level to policy level with direct work in informal settlement and communities across Fiji.

Save the Children Fiji believes every child has the right to access to quality education whilst being able to live a healthy, happy and active life. Save the Children Fiji supports this by helping promote the rights of children both by working with children directly and also by driving change at higher government and policy levels. This is also supported by the work around disaster preparedness that helps reduce the overwhelming risks to children during times of disaster by educating and empowering communities to act before disasters occur.

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ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 29 years, ECPAT has acted as the international watchdog, monitoring States' response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 109 network members operating in 96 countries.

Justification for submission

1. The present submission serves as an update on the progress that has been made by the Government of Fiji (GoF) to end the sexual exploitation of children (SEC), and to assess the level of implementation of the UPR recommendations relating to SEC made in 2014.¹ New recommendations to end SEC in Fiji will be made. This report and the recommendations herein are made in light of the commitment by Fiji to eliminate all forms of violence against children, including sexual abuse and exploitation, with the adoption of the 2030 Agenda for Sustainable Development in 2015.²
2. During Fiji's previous UPR in 2014, the Report of the Working Group issued 13 recommendations related to children's rights.³ Of these, three recommendations addressed SEC. Portugal and Namibia recommended that Fiji ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography⁴; Lebanon recommended that Fiji take action against child trafficking for sexual exploitation.⁵ Maldives recommended that policies addressing child trafficking be strengthened, but did not refer to SEC.⁶

Methodology and scope

3. The content of this report is primarily based on country work experience and desk research by Save the Children Fiji and ECPAT International.
4. The scope of this report is limited to SEC and its different manifestations, including exploitation of children in prostitution,⁷ online child sexual exploitation (OCSE), child sexual abuse materials (CSAM),⁸ child trafficking for sexual purposes, sexual exploitation of children in the context of travel and tourism (SECTT)⁹ and child, early and forced marriage (CEFM).

Current status and developments of sexual exploitation of children in Fiji

Overview of country conditions

5. Fiji's central location in the south Pacific has made the island nation a regional hub for transportation, telecommunications, business, and trade.¹⁰ The result has been an economic transition from subsistence and traditional ways of living to a cash-based economy and increased urbanization.¹¹ Despite the economic upswing, poverty remains endemic, with 40% of the country's population living below the poverty line.¹² Children represent approximately 40% of Fiji's population of 884,887 people.¹³
6. Increased urbanization has led to additional problems. Families that have migrated to urban centres, with limited access to social services and separation from the safety net of their community, face higher risks of poverty and/or living in the street.¹⁴ Children in street situations, the majority of whom are boys, are particularly vulnerable to sexual exploitation, including

through prostitution and trafficking.¹⁵ Children with disabilities, especially girls, are also vulnerable and face discrimination by children and adults.¹⁶

7. Fiji's traditional and conservative social context contributes to children's vulnerability to sexual exploitation, with men exercising control through violence within the community and family.¹⁷ 71% of women have experienced some form of physical and/or sexual intimate partner or non-partner violence in their lifetime, nearly double the global average of 35.6%.¹⁸ Violence that children may witness and experience has considerable implications for their vulnerability to sexual abuse and exploitation as children and into adulthood.¹⁹

Manifestations of SEC in Fiji

Exploitation of children in prostitution

8. Though little research has been done recently to investigate the exploitation of children in prostitution, it is known to be the primary form of exploitation among victims of SEC in Fiji.²⁰ Past studies, media reports and anecdotal evidence from NGOs and communities in Fiji have indicated that the average age of children exploited in prostitution has decreased over time.²¹ Similar reports have said that while girls comprise the majority of children exploited in prostitution in Fiji, boys are also exploited.²² In line with global trends, children in Fiji are exploited in both individual and organized operations, often in clubs and brothels operating as motels or massage parlours.²³
9. Many young girls are exploited in prostitution as a means of survival and to provide income for their families.²⁴ Taxi drivers are often key actors as well, facilitating the exploitation of girls by transporting them to offenders in motels or brothels.²⁵ Both boys and girls in street situations engage in prostitution as a survival strategy.²⁶ Additionally, some children engage in sexual exploitation by being 'on call' through mobile network groups of offenders while other children may establish their own network through personal contacts with friends, relatives, and hotels.²⁷ Family problems, including parental neglect and lack of family support, have been suggested as prevalent reasons for children leaving school and being sexually exploited through prostitution.²⁸ Financial hardships were also common reasons why children did not complete their education.²⁹ Children who discontinue school are at an increased risk of a range of abuses and exploitation and there is a lack of services to provide a safety net for them.³⁰
10. Socioeconomic factors do not always underlie the reasons why children are exploited in prostitution. In a 2010 ILO survey of children in Fiji, a significant portion of victims of SEC did not describe their family's socioeconomic status as poor or very poor. Some child victims actively engaged in exploitative sexual activities in order to gain access to material goods such as clothing, accessories, drinks and cigarettes.³¹ To this end, children are lured into prostitution in areas such as Savusavu, which are perceived as hotspots for affluent foreign retirees.³² Updated studies are

required to determine the existing underlying reasons for the exploitation of children in prostitution.

Online child sexual exploitation (OCSE)

11. Incidents of OCSE, including CSAM-related conduct, is likely on the rise given the sharp growth in telecommunications usage, with 114.18 mobile-cellular telephone subscriptions per 100 inhabitants and nearly 50% of individuals using the Internet.³³ Though conducive to innovation and development, this increasing telecommunications usage creates an environment where children are increasingly vulnerable to sexual exploitation. The misuse of available technologies allows perpetrators new avenues to groom and exploit children. Moreover, the anonymity of the Internet facilitates opportunities for offenders to share and disseminate CSAM.³⁴
12. Despite the prohibition on production and possession of CSAM, data and recent legislative efforts indicate that OCSE is a threat to children in Fiji.³⁵ In Fiji, a major factor that has been identified in children's sexual victimization, online or otherwise, is a lack of awareness by parents of the risks that their children face online.³⁶ Though data is limited, there are also reports of girls being exploited in the production and dissemination of CSAM.³⁷ The scope of the dissemination of CSAM through the Internet requires further study.

Sale and trafficking of children for sexual purposes

13. In Fiji, cultural practices may increase a child's vulnerability to trafficking for sexual purposes. As in other Pacific cultures, the nuclear family is not considered the "basic social unit" in Fijian culture.³⁸ A common practice (though less common among Fijians of Indian descent)³⁹ of informal adoptions in which parents, often in rural areas, send their children to attend high school in urban centres exists. This practice helps parents to bear the costs of education and other major expenditures, but increases a child's vulnerability to SEC. When families send their children to live with extended relatives or other families, often in larger cities, they may be sexually exploited as a means of exchange for housing, school fees, clothing and may be forced into domestic servitude. In other cases, 'adopted' children are taken abroad to be sexually exploited.⁴⁰ There have also been cases of parents selling their children for money and goods and those children being sexual exploited.⁴¹

Sexual exploitation of children in travel and tourism (SECTT)

14. As travel has become more affordable and accessible in an increasingly interconnected world, more people are traveling and arriving in areas of the world that have previously been more remote.⁴² The rising risk of SECTT is one consequence of this global phenomena.⁴³

15. Tourism is a major driver of Fiji's economy, accounting for 38% of the GDP.⁴⁴ The country's dependence on tourism increases children's vulnerability to SECTT. As with other forms of sexual exploitation in Fiji, there is limited information on SECTT, but there is research and anecdotal evidence that suggests it presents a serious threat to children in the country.⁴⁵ Further, similar to other global contexts, reports have indicated that boys in Fiji are exploited in SECTT to an increasing extent but have less access to rehabilitation, reintegration or counselling services than many girls.⁴⁶ As a result, they often experience greater difficulty escaping exploitation.⁴⁷

Child, early and forced marriage (CEFM)

16. East Asia and the Pacific is home to 12% (75 million) of women worldwide who were first married or in a union before age 18.⁴⁸ There are no statistics on the rate of CEFM in Fiji. The practice of early and arranged marriages is notable in the Indo-Fijian community, with the main driving forces being the "belief that the girl child is an economic burden, and the opportunity for a better life especially, if the groom is a foreigner."⁴⁹ In some Pacific countries, many marriages are conducted by village chiefs and are not necessarily registered with the government, increasing the risk of CEFM. In Fiji, marriages are typically registered with the government and as a result are relatively well regulated, this may reduce the risk of CEFM for girls in particular. However, further research is required to validate the implementation and enforcement of this legislation, particularly in isolated village communities.

Legislative framework on prohibition of sexual exploitation

International obligations

17. Fiji ratified the Convention on the Rights of the Child (CRC) on 13 August 1993.⁵⁰ Fiji signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 16 September 2005,⁵¹ but has yet to ratify it, as recommended by Namibia and Portugal during the last UPR.⁵² Fiji has not signed the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,⁵³ as recommended by Portugal during the last UPR.⁵⁴

National legislation

Exploitation of children in prostitution

18. The Employment Relations Act (2007) under Section 91 criminalizes "the use, procuring or offering of a child for prostitution."⁵⁵ The Crimes Act 2009 offers further detail on the prohibition of the exploitation of children in prostitution.⁵⁶ The Decree sets a sentence of twelve years imprisonment for parents or any person with custody, charge or care of a child who "sells, lets for hire or otherwise disposes" of a child with the intention that the child will be employed or used for the purpose of prostitution, illicit sexual intercourse, any unlawful and immoral purpose, or with the

knowledge that the child will be exploited for these purposes.⁵⁷ A sentence of twelve years is also imposed in cases when a person “buys, hires or otherwise obtains possession” of a child with the intention that the child will be subjected to any of the aforementioned forms of sexual exploitation.⁵⁸

19. Section 230 of the Crimes Act imposes a sentence of 6 months imprisonment for living “wholly or in part on the earnings of prostitution.”⁵⁹ The section does not say whether this offence applies to children who are exploited in prostitution, but other sections of the Act speak to the criminal liability of children. Section 26 states that a child under 10 years of age cannot be held criminally responsible for an offence.⁶⁰ However, Section 27 states that a child over 10 years but under 14 years may be held criminally liable if “the child knows that his or her conduct is wrong” and that “the question whether a child knows that his or her conduct is wrong is one of fact...[with] the burden of proving this on the prosecution.”⁶¹ This seems to leave child victims of prostitution over age 10 open to criminal prosecution.
20. Further, while certain provisions of the Crimes Act prohibit “defilement” and prohibit “permitting defilement” of a child under age 16, it is deemed a “sufficient defence” if the “person charged had reasonable cause to believe, and did in fact believe, that the person was of or above the age of 16 years.”⁶² Thus, children aged 16 and 17 are vulnerable to sexual exploitation.

Online child sexual exploitation (OCSE)

21. Section 91 of the Employment Relations Act (2007) criminalizes the sexual exploitation of children through CSAM, but does not address that CSAM is largely an online phenomenon in today’s world.⁶³ The Section forbids the “use, procuring or offering of a child...for the production of pornography or for pornographic performances.”⁶⁴ Similarly, Section 62A of the Juveniles (Amendment) Act states that a person who “records from, reproduces, places onto, views, or accesses on or from, media or records of pornographic activity directly or indirectly involving juveniles, or persons who look like juveniles whether they are or not” is liable to a fine not exceeding \$25,000 and/or 14 years imprisonment.⁶⁵ The Section further criminalizes the production, participation in, viewing, dissemination, selling, and purchasing of “media or recording of” pornographic activity directly or indirectly involving children or individuals who look like children whether they are or not.⁶⁶ Under the Juveniles Act, a “juvenile” is defined as “a person who has not attained the age of seventeen years.”⁶⁷ As a result, an offender is not liable for the sexual exploitation of a child through CSAM if the child is aged 17.
22. The Online Safety Act, passed in 2018, touches on aspects of OCSE. The Act makes it a crime to post an “intimate visual recording of an individual” without consent.⁶⁸ The Act qualifies that the requirement of consent “does not include the consent of a child”⁶⁹ and a child is defined as “an individual who has not reached 18 years of age.”⁷⁰ This clarifies that posting an intimate visual recording of a child is prohibited under any circumstances. Violation carries a fine of up to \$20,000 and/or imprisonment of up to five years.⁷¹ The definition of “intimate visual recording”⁷² does not

include audio recordings, leaving a significant loophole in protection. The Act also does not address the production, procuring, possessing or knowingly obtaining CSAM online.⁷³ Similarly, it does not contain any provisions criminalizing grooming for the purpose of producing CSAM or causing children to view sexual abuse or sexual activities.⁷⁴

Sale and trafficking of children for sexual purposes

23. Fiji has a number of laws that address the sale and trafficking of children for sexual purposes. In the Immigration Act of 2003, trafficking includes the “recruitment, transportation, transfer, harbouring or receipt of a person for the purposes of exploitation”.⁷⁵ The Act states that exploitation includes any form of sexual exploitation, consistent with the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.⁷⁶ The Immigration Act of 2003 also states that “trafficking in a person who is a child regardless of whether the child's entry into the Fiji Islands or any other state was arranged by unlawful means” amounts to an offence.⁷⁷ The Act sets the penalty for trafficking in children at \$750,000 or 20 years imprisonment.⁷⁸
24. The Employment Relations Act 2007 prohibits the sale and trafficking of children.⁷⁹ The provision prohibits “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances” but frames this exploitation within the context of “child labour.”⁸⁰ Further, it does not explicitly prohibit trafficking for the purposes of CEFM.
25. Sections 114 and 117 of the Crimes Act 2009 criminalize the trafficking of children both from abroad and domestically when a person either “intends that the other person will be used to provide sexual services or will be otherwise exploited” or “is reckless as to whether the other person will be used to provide sexual services or will be otherwise exploited”.⁸¹

Sexual exploitation of children in travel and tourism (SECTT)

26. Fiji lacks a legal framework protecting children from SECTT. Fiji has neither criminalized visiting the country with the intention to sexually exploit a child nor travelling to another country with the intention of sexually exploiting a child. While the laws prohibiting other forms of SEC offer children some measure of protection, without legislation specifically targeting SECTT, children will remain vulnerable to this type of sexual exploitation.

Child, early and forced marriages (CEFM)

27. In July 2009, the Marriage Act (Amendment) Decree 2009 raised the legal marriage age for girls from 16 to 18 and repealed the requirement for parental consent in cases where one or both party is under age 21.⁸² The amendment also makes wilfully marrying a person under 18 years of age an offence punishable by a fine of up to \$500 or to imprisonment for a term not exceeding two years.⁸³ Likewise, inducing or endeavouring to induce a marriage officer or other individual to

solemnize a marriage involving a minor or assisting the principal offender in marrying a child carries the same sentence.⁸⁴

Extraterritorial jurisdiction and extradition law

28. Part 3 of the Crimes Act 2009 outlines the jurisdiction of Fijian courts. With respect to extraterritorial jurisdiction, the Decree states that the provisions of any Act or Decree can extend beyond Fiji's "standard geographical jurisdiction" if the offence is committed by: (1) "any citizen of Fiji in any place outside Fiji"; (2) "any corporation registered in Fiji in any place outside of Fiji"; or (3) "any resident of Fiji in any place outside of Fiji."⁸⁵ If these conditions are met, jurisdiction may be extended if there is "no comparable offence in the foreign jurisdiction where the citizen, corporation, or resident committed the offence."⁸⁶ Such a provision leaves children vulnerable to sexual exploitation in the event that the foreign jurisdiction has a comparable offence but does not effectively enforce it.

29. The Office of the Director of Public Prosecutions manages extradition requests in accordance with the Extradition Act 2003.⁸⁷ The Act does not list all offences subject to extradition; rather it "requires only that it be any offence that carries a sentence of not less than 12 months imprisonment or death, and that if committed in Fiji would attract a similar sentence".⁸⁸ This provision applies to all of the SEC offences described above because the terms of imprisonment for each exceed 12 months.

Recommendations to the GoF

- Ratify both the (1) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the (2) Optional Protocol to the Convention on the Rights of the Child on a communications procedure;
- Revise Section 230 of the Crimes Act to explicitly exempt children, defined as any person under the age of 18, from criminal liability for living "wholly or in part in the earnings of prostitution." This would serve to rightfully recognize that all children exploited in prostitution are victims of sexual exploitation;
- Revise the Juveniles Act to define "juvenile" as any person under the age of 18;
- Expand the scope of the Online Safety Act to criminalize online 'grooming' and audio child sexual abuse materials;
- Adopt specific legal provisions to define and criminalise the sexual exploitation of children in travel and tourism.

Implementation

Policies and plans

30. In 2017, the GoF published its 5-Year & 20-Year National Development Plan.⁸⁹ The Plan does not have a dedicated section on the sexual exploitation of children. However, there are several sections that touch on SEC: (1) to develop education, the GoF plans to train teachers on “protective behaviours programs to detect any child sexual abuse”;⁹⁰ (2) to develop health and medical services, “sexual violence against women and children will be addressed as Fiji practitioners will adhere to processes of referral and evidence preservation to support women and increase the rate of perpetrator accountability”;⁹¹ (3) and to develop national security and rule of law, the GoF plans to improve police response to child sex abuse.⁹² Similarly, there are several initiatives in the Plan to combat human trafficking,⁹³ but no explicit focus on trafficking in children.

Coordination and evaluation

31. Fiji’s National Coordinating Committee for Children (NCCC), a multi-sectoral committee chaired by the Social Welfare Department within the Ministry of Women, Children and Poverty Alleviation, oversees and monitors the implementation of the CRC.⁹⁴ The NCCC also manages the Child Protection Policy and Programme. The Inter-Agency Committee on All Forms of Child Abuse, Neglect, and Abandonment is attached to the NCCC. The Inter-Agency Committee is composed of NGOs, including the Fiji Women’s Crisis Centre and Pacific Children Project, and the Departments of Health, Social Welfare, Prosecution, Police, and Education.

32. In November 2018 the NCCC organized an event for the Prevention of Child Abuse and Neglect National Celebration.⁹⁵ The NCCC has also launched a coalition to promote and increase child abuse and neglect education that will include NGOs and other development partners, and those partners within the government that are involved in child protection issues.⁹⁶

National complaint mechanisms

33. The Ministry of Social Welfare, Women and Poverty Alleviation has the authority to receive complaints regarding sexual exploitation of children. Further, The Child Welfare Act 2010 obligates healthcare and other professionals to report cases when they “[become] aware or reasonably suspects...that a child has been or is being, or is likely to be harmed”.⁹⁷ In 2012, the Ministry established a National Child Register in response to this mandatory reporting, in order to identify trends and gaps in child protection and develop strategies to address them.⁹⁸

Child-sensitive justice

34. Established in 2009, the Child Protection Division is responsible for conducting “criminal proceedings against sexual and other serious offences committed against children or matters

where children are the primary witnesses.”⁹⁹ The Child Protection Division’s main role is to foster a “child-friendly environment” to ease the process through which child victims engage with prosecutors by familiarizing them and their families with the criminal justice system and relevant processes.¹⁰⁰

35. For both criminal and civil trials, the Juveniles Act has established a number of rules and procedures for “juvenile” victims. This includes allowing an empty courtroom during a juvenile’s testimony of abuse against them,¹⁰¹ admitting the juvenile’s testimony by deposition if attending court is found to be harmful to them,¹⁰² prohibiting disclosing the juvenile’s identity (an exception can be made if it is in the “interests of justice or of the public”),¹⁰³ and assigning a welfare officer to any juvenile deemed to be “in need of care, protection or control”.¹⁰⁴ As noted above, a “juvenile” is defined as “a person who has not attained the age of seventeen years.”¹⁰⁵ As a result, a child aged 17 may not be protected under these provisions.
36. Although the international community recognizes remedies for rights violations as a key aspect of the “promotion, protection and realization” of children’s rights, child victims of sexual exploitation across the world continue to face barriers to accessing compensation.¹⁰⁶ No information was available to confirm if child victims of sexual exploitation receive compensation in Fiji.

Recommendations to the GoF

- Adopt a national plan of action to address all manifestations of sexual exploitation of children and provide adequate human and financial resources for its implementation;
- Enshrine in national legislation the right to a remedy for all child victims of sexual exploitation and establish a State fund to compensate child victims.

Prevention

37. Fiji has implemented a number of prevention-related programmes and activities. One of these is the “Children are a Gift from God” educational resource package and training facilitation manual, originally produced through the Pacific Children’s Project and jointly implemented by UNICEF Pacific and the Australian Government.¹⁰⁷ The resource package has been used in villages across all 14 Fijian provinces, including maritime areas, to foster community dialogue and strength-based approaches to effectively protect children from abuse, neglect and exploitation.¹⁰⁸ The resource promotes caring for children by tapping into “existing community values regarding what is seen as ‘right’ and ‘wrong’ behaviour, influenced by a strong cultural engagement with religious faith.”¹⁰⁹ Representatives from the Ministry of Women, Children and Poverty Alleviation who conduct the training have found success in encouraging communities to reflect on how the ways they were raised has affected how they raise their children, particularly regarding physical modes of discipline. Another key area of discussion is “how community attitudes and expectation are changing in terms of the roles of children in a modern society.”¹¹⁰

38. Much of the program's success as an outreach tool is due to the commitment it has garnered from "champions" within the government, development agencies and communities.¹¹¹ For example, a limited number of Social Welfare Officers from the Department of Social Welfare "work tirelessly" to raise awareness about the importance of protecting children in marginalized communities and to facilitate the founding of community-based groups who strategize actions to establish more protective environments in their villages.¹¹² In order to continue to enhance the resource package's success, additional manpower and capacity will be required.¹¹³ Further, sustained and systematic evaluation of these training activities and their impact will be necessary in order to maximize its effectiveness.¹¹⁴ Future iterations of the manual should expand its reach by making it more accessible to individuals with "little or no training or experience in child protection issues."¹¹⁵
39. A smaller scale programme that is aimed at reducing children's vulnerability to sexual exploitation is Care and Protection Allowance. In 2015, the Ministry for Women, Children and Poverty Alleviation and UNICEF released the Child Sensitive Social Protection in Fiji: Assessment of the Care and Protection Allowance report.¹¹⁶ The report evaluated the effectiveness of Fiji's Care and Protection Allowances, which targets impoverished and vulnerable children with monthly food voucher program and cash transfer schemes. Reaching 5,000 children across Fiji, the programme is specifically designed for children from single-parent households, prisoner-dependent families, and foster families living in poverty.¹¹⁷ Overall, the assessment concluded that the Care and Protection Allowance, in line with international experiences with cash transfer, was used appropriately and significantly improved the lives of program beneficiaries. While the programme is not explicitly intended to prevent sexual exploitation, by keeping children from becoming "worse off and some even destitute", it has helped reduce children's vulnerability.¹¹⁸
40. In 2017, Kids Link Fiji (KLF), a child-led group that Save the Children Fiji facilitates, campaigned on sexual violence against children, expressing "their disappointment in neglectful adults, parents and community members for not taking care of children when they are most vulnerable."¹¹⁹ That same year, KLF presented its Children's Manifesto on the Rights of a Child in which the need to "feel safe physically, sexually and mentally" was expressed.¹²⁰ In 2018, KLF planned to continue their efforts to campaign on violence against children, the prevention of cruelty and neglect, and other children's rights issues.¹²¹
41. Regarding SECTT, members of the Fiji Hotel and Tourism Association's (FHTA) Code of Practices and Ethics have agreed to include language to "discourage and whenever possible prevent sexual tourism or exploitation of human beings in any form, especially of children and the mentally or physically challenged persons."¹²² The FHTA states that the accommodation providers of the association's membership represent nearly 80% of Fiji's total room inventory.¹²³ While membership to the FHTA is voluntary, members have agreed "to accept and be bound" by the Code as a condition of membership. Violation of the Code and failure to remedy the violation can result in expulsion from the association, suspension of membership, or other disciplinary action

against the offending member.¹²⁴ No data is available on how effective the Code has been as a prevention measure against SEC.

Protection

42. The Fiji Access to Justice Project, commenced in 2016 and scheduled to run until 2020, has worked to increase access to justice for “impoverished and vulnerable groups” by enabling them to access their rights and legal services through essential justice institutions, while simultaneously “strengthening those key justice institutions to undertake improved service delivery”.¹²⁵ These reforms include ensuring that victims’ cases against perpetrators are “effectively prosecuted” and that “court cases [proceed] at the proper pace”.¹²⁶ Another key component of the assessment entails giving a voice to the most vulnerable groups in Fijian society, which includes women and persons with disabilities, by assessing their perceptions on access to justice. This process will include a participatory gender analysis, which will help inform the formulation of more gender-sensitive services. The project is meant to support Goal 16 and Goal 5 of the SDGs, which promote peaceful and inclusive societies and gender equality and empowerment of all women and girls.¹²⁷
43. Fiji’s social programmes addressing the unique needs of child victims of trafficking and other forms of SEC are largely based in Suva and primarily target girls. Given the concentration of support services in the urban capital city, there is a significant need to expand and enhance services for boys and children in remote areas. In its Concluding observations on the combined second to fourth periodic reports of Fiji in 2014, the CRC expressed its concern over the lack of specialized services, services for boys, legal aid, and trained police officers for cases of sexual exploitation.¹²⁸
44. The Fiji Police Force includes a Cyber Crime Investigations Unit, and since its first case of OCSE in 1995, the unit has investigated child sexual exploitation materials.¹²⁹ The unit also conducts outreach activities with schools, church groups and community programs.¹³⁰ The Police Force’s Sexual Offences Unit also has a mandate to investigate sexual offenses against children, including sexual exploitation, but increased investment is needed to carry out this mandate more effectively.¹³¹
45. The Online Safety Act established an Online Safety Commission with the authority to receive complaints related to electronic communication that causes or is meant to cause harm.¹³² However, the Act restricts the parties who can submit a complaint. According to the Act, only “a child, the child’s parent or legal guardian, or the school principal or head teacher of a school if the child is a student at the school and consents,” may submit a complaint to the Commission on the child’s behalf if they believe the child is the “subject, or targeted recipient, of electronic communication intended to cause or likely to cause harm.”¹³³ As explained by the Fiji Women’s Crisis Centre, to provide more protection for children, the law should be consistent with the mandatory reporting obligations imposed on all professionals listed in the Child Welfare Act 2010.¹³⁴

46. In 2015, the Ministry of Women, Children, and Poverty Alleviation established the National Child Helpline.¹³⁵ The Helpline, operated by professional counsellors from the Medical Services Pacific, offers referrals to children in need of counselling, advice, and other support services, or who want to report cases of child neglect and abuse. The Ministry of Women, Children and Poverty Alleviation estimated that the Child Helpline received around 1,700 genuine calls in 2016-17; however, it is unknown how many of these calls were related to SEC.¹³⁶
47. Homes of Hope (HoH) works to reintegrate girls who are victims of sexual violence into communities and families. HoH receives girls referred to them through the Fiji Department of Social Welfare, through networked stakeholders, or by word of mouth.¹³⁷ The majority of girls they support are between the ages of 15-17. Supporting up to 45 girls, young mothers, and their children, HoH offers a range of support services including residential dormitories, trauma informed counselling, legal assistance, and medical care. As soon as girls decide to join HoH's campus, the Social Service Team begins to establish and foster a relationship with the girl's family and community.¹³⁸

Recommendations to the GoF

- Expand social programmes directed at child victims of sexual exploitation to protect children, both boys and girls, nationwide.

International cooperation

48. Fiji has affirmed its commitment to a number of international and regional initiatives that directly and indirectly address SEC. Fiji has consistently engaged in the Bali Process, which held its seventh ministerial conference and Second Bali Process Government and Business Forum in August 2018. During the Ministerial Conference, recommendations from business to government were adopted which focused on enhancing "collaboration on tackling modern slavery."¹³⁹ Efforts to implement the Bali Process have also focused on implementing the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and promoting child protection practices in the private sector.¹⁴⁰ Notably, the Fijian government signalled its intention to enhance its work with the private sector and civil society to "improve the protection, rehabilitation and reintegration of victims of human trafficking regardless of their nationality."¹⁴¹
49. Following the 2014 Third International Conference on Small Island Developing States, the UN General Assembly passed Resolution A/70/202 to establish the SIDS Partnership Framework to "monitor and ensure the full implementation of pledges and commitments."¹⁴² The 18 "Samoa Pathway Priority Areas" include social development and gender equality and women's empowerment. Towards achieving progress in these two priority areas, Fiji, along with several other Pacific island countries, partnered with the Australian government and UNICEF on a project (2014-2017) to protect children from violence, abuse and exploitation in the Pacific.¹⁴³ Project deliverables for Fiji included conducting trainings and capacity building activities for service

providers and professionals (e.g. police, social welfare, health workers, education providers), developing child protection national policies to prevent, detect, and respond to violence against children, and implementing guideline protocols for teachers and students to prevent, detect and report violence against children.¹⁴⁴ A number of project activities emphasised the need for community engagement and social mobilization, evidence-based approaches to strengthening child protection systems, and promoting implementation of international instruments including the CRC and its Optional Protocols.¹⁴⁵

¹ Human Rights Council (2014), [Report of the Working Group on the Universal Periodic Review – Fiji](#), A/HRC/28/8.

² Sustainable Development Goal Targets 5.2, 8.7, and 16.2.

³ Human Rights Council (2014), [“Report of the Working Group on the Universal Periodic Review – Fiji”](#), A/HRC/28/8. Recommendations 99.10, 99.46, 99.47, 99.48, 99.79, 99.80, 99.81, 99.82, 99.83, 99.84, 100.2, 100.5, 101.9.

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