

# Trafficking in Persons in Fiji:

A Study of the Volume and Characteristics of Trafficking in  
Persons in Fiji and the Challenges in the Response



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## LIST OF ACRONYMS

CMC	Case Management Coordinator
CSEC	commercial sexual exploitation of children
DoSW	Department of Social Welfare
ERT	Employment Relations Tribunal
FGD	focus group discussion
FID	Fijian Immigration Department
FJD	Fiji dollar
FPF	Fiji Police Force
HTU	Human Trafficking Unit
ILO	International Labour Organization
MEPIR	Ministry of Employment, Productivity and Industrial Relations
MWCPA	Ministry of Women, Children and Poverty Alleviation
NAP	National Action Plan
NGO	non-governmental organization
NRM	national referral mechanism
ODPP	Office of the Director of Public Prosecutions
STI	sexually transmitted infection
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention on Transnational Organized Crime



# EXECUTIVE SUMMARY

Trafficking in persons is the recruitment, transportation, harbouring and/or control of the movement of persons for the purpose of exploitation, typically for sexual exploitation or forced labour. Fiji is a source and destination country of trafficking in persons. Fijian adults are trafficked to other countries in the Pacific region, including Australia, New Zealand and Tonga. Migrant adults are trafficked to Fiji for exploitation in the country's construction, fishing and sex work sectors. Domestic trafficking in persons appears to be an increasing phenomenon in Fiji. Fijian adults and children are trafficked for labour and/or sexual exploitation in Fiji. There are grave concerns that the COVID-19 pandemic has increased unemployment and poverty in the country, leading to increased cases of domestic trafficking in persons.

In recent years, Fiji has made significant progress towards combating trafficking in persons by strengthening prevention activities and victim protection efforts and by pursuing investigations and prosecutions. These efforts included investigating over one year (2020) 10 suspected trafficking cases involving 102 potential victims; formally endorsing a national anti-trafficking strategy for 2021–2026; and creating a trafficking Case Management Coordinator office, which will assume responsibility of coordinating victim support. In recognition of Fiji's efforts to combat trafficking in persons, the US Department of State's 2021 *Trafficking in Persons Report* upgraded Fiji to Tier 2.

This study sought to examine and report on domestic and international trafficking in persons in Fiji, focusing on the volume, characteristics and risk factors for adults and children, and to identify challenges in Fiji's response to trafficking in persons. Fifty semi-structured interviews with trafficking survivors and representatives of government agencies, international organizations, non-governmental organizations, regional entities and academia were conducted over the period 7 April–24 May 2021. In addition, two focus group discussions were conducted with trafficking survivors and representatives of government agencies and civil society in July 2021. A short survey requesting official trafficking in persons figures was also sent to the Human Trafficking Unit of the Fiji Police Force.

The report is divided into three main sections that explore and document: Fiji's legal and policy framework on trafficking in persons; the volume, characteristics, and risk factors of domestic and cross-border trafficking in/from/into Fiji; and challenges in Fiji's response to trafficking in persons. The final section provides a conclusion and series of recommendations for the Government of Fiji, as well as donors, international organizations, and non-governmental organizations in the country on ways to strengthen Fiji's response to trafficking in persons.

## Fiji's legal and policy framework on trafficking in persons

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Fiji acceded to the United Nations Convention on Transnational Organized Crime and its three protocols in 2017. Fiji has also ratified many important international conventions, including the Convention on the Rights of the Child (1989); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); the International Convention for the Suppression of the Traffic in Women and Children (1921); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); the Convention on the Elimination of All Forms of Discrimination against Women (1979); the International Covenant on Economic, Social and Cultural Rights (1966); the International Covenant on Civil and Political Rights (1966); and several key ILO conventions, such as the Worst Forms of Child Labour Convention (No.182) (1999).

Trafficking in persons is criminalized under two national legal instruments in Fiji: the Crimes Act of 2009 and the Immigration Act of 2003. The Crimes Act criminalizes some forms of labour trafficking and all forms of sex trafficking. Articles 112–117 prescribe penalties of up to 20 years' imprisonment for movement-based

trafficking offences involving adult victims, and up to 25 years' imprisonment for offences involving child victims. Other relevant national laws in Fiji include the Fiji Constitution (2013), the Employment Relations Act (2007), the Online Safety Act (2019) and the Child Welfare Act (2010).

In addition to national legislation criminalizing trafficking in persons, a range of anti-trafficking in persons, labour rights, child protection, and related policies are in place or in draft form in Fiji. One of the most important recent policy developments in Fiji is the National Anti-Human Strategy (2021–2026), with the accompanying National Action Plan to Combat Human Trafficking (2021–2026). The National Action Plan places priority on a number of anti-trafficking efforts in Fiji, including improving the procedure for identifying trafficking in persons, improved intelligence gathering and sharing, improved recognition of victims' rights to comprehensive support services, repatriation assistance, data collection activities, and internal and cross-border coordination on trafficking in persons.

## **Volume, characteristics and risk factors of domestic and cross-border trafficking in persons**

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The study has identified a number of important factors that may make Fijians vulnerable to trafficking in persons. These include poverty, unemployment, homelessness, lack of education, family breakdown, migration to urban areas, gender discrimination, teenage pregnancy and child sexual abuse. The COVID-19 pandemic is identified in the research as a major factor contributing, since 2020, to increased vulnerability to domestic trafficking in Fiji. Migrants are further vulnerable to trafficking in persons in Fiji due to a lack of knowledge regarding their rights as migrant workers; debt, which may act as a deterrent to fleeing situations of exploitation; and language barriers, which may mean that migrant workers do not know where they can go in Fiji to report exploitation and seek assistance.

Through official figures provided to the research team by the Human Trafficking Unit of the Fiji Police Force, the study has identified that, on an annual basis, there are several cases of Fijians trafficked abroad, and a number of suspected cases<sup>1</sup> of foreigners trafficked into Fiji.

In terms of recruitment of domestic trafficking victims, traffickers recruit Fijians through a variety of methods; however, a popular method in recent years has been recruitment through social media. Traffickers also sometimes use websites and mobile phone applications to advertise victims for commercial sex. Fijian adults are reportedly trafficked in Fiji for labour and/or sexual exploitation. Fijian children are reportedly trafficked internally for sexual exploitation, forced labour (particularly in agriculture and retail) and forced criminal activities. Children as young as 11 years of age have been identified in situations of child sex trafficking in the country.

In terms of Fijians trafficked abroad, Fijians have been trafficked into Australia and New Zealand for forced labour and/or sexual exploitation. Fijians have also been trafficked into Tonga for exploitation in the construction or agriculture sector.

Migrants trafficked into Fiji are exploited in the sex work sector, fishing sector or construction sector. In the past, Chinese women have been trafficked for exploitation in Chinese-operated massage parlours and brothels. Migrants from South Asian countries (such as Bangladesh) have been trafficked into Fiji for exploitation in farms, factories and construction sites.

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<sup>1</sup> Table 1 in this study shows that the range of suspected cases of migrants trafficked into Fiji is significant – from 2 suspected cases per year to 412.

Domestic trafficking victims, Fijians trafficked abroad and migrants trafficked into Fiji face similar risks. These include threats, violence, fatigue, injury, confinement to the place of exploitation, poor living and working conditions, and psychological harm. Foreigners who are trafficked into Fiji may also suffer confiscation of their personal documents, including their passports, which impedes their ability to flee situations of exploitation.

Traffickers in Fiji are both nationals and foreigners. Local perpetrators are business owners and managers and pimps. Foreign perpetrators include foreign businesspersons and tourists. Perpetrators operate in small and loose networks to identify, recruit, and exploit local and foreign victims. Contact between perpetrators is often performed via mobile phone or social media.

## Challenges in Fiji's response to trafficking in persons

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**Legislation:** Fiji's national legislation is not fully in compliance with international standards, and, as a result, gaps persist regarding Fiji's ability to comprehensively address the exploitation of adults and children. While sections 103 and 118 of the Crimes Act criminalize slavery and debt bondage, respectively, not all forms of labour trafficking are criminalized under the Act.<sup>2</sup>

**Data:** Across the different regions of Fiji, there is no standardized trafficking in persons screening tool. The only government agencies that record data on trafficking in persons cases in Fiji are the Human Trafficking Unit and the Fijian Immigration Department. The relevant agencies do not have databases, and there is no centralized database either for recording and sharing data.

**Identification:** The Fijian population lack knowledge regarding what trafficking in persons is and the key indicators of trafficking. There is also a lack of knowledge among employers and businesspersons regarding the rights of local and migrant workers and trafficking indicators. The result of this lack of knowledge is that trafficking in persons cases may not be reported by victims or the public to the authorities for investigation.

**Investigation and prosecution:** While the development of the Human Trafficking Unit has led to improved investigations of suspected trafficking in persons cases, across the wider law enforcement body in Fiji there is a lack of knowledge regarding the indicators of trafficking in persons. A list of trafficking indicators has been developed as part of the country's National Anti-Human Trafficking Strategy; however, the dissemination and use of the indicators has reportedly been slow. Suspected trafficking in persons cases are sometimes instead investigated as another crime type, such as sexual assault. The Human Trafficking Unit's lack of presence outside of the country's capital, Suva, means that, potentially, less attention is given to suspected trafficking in persons cases in other regions of the country. Finally, insufficient collaboration between police and prosecutors may impede the effective prosecution of trafficking in persons cases.

**Victim protection and reintegration:** Improvements have been made to Fiji's mechanism for protecting and reintegrating trafficking victims; however, challenges remain. There is an overall lack of comprehensive support for victims. The study has identified, in particular, a lack of dedicated case management support; issues for victims (especially male victims) in being referred to appropriate shelter facilities; a lack of psychosocial counselling provided by qualified practitioners; a lack of free legal aid; and a lack of interpretation services.

**Collaboration and information-sharing:** The study has uncovered a lack of consistent collaboration and information-sharing across key sectors and agencies in the country, and between government agencies and non-governmental organizations.

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<sup>2</sup> Forms that are not explicitly covered in the Crimes Act include: exploitation of the prostitution of others or other forms of sexual exploitation; forced services; or practices similar to slavery (which encompass debt bondage, sale of children for exploitation, serfdom and servile forms of marriage).

## Recommendations

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The study provides a series of recommendations for the Government of Fiji, donors, international organizations and non-governmental organizations. The recommendations are as follows:

### Legislation

- Amend trafficking-related provisions of the Crimes Act to criminalize all forms of labour trafficking.
- Amend national legislation to address the current reality of online child sexual exploitation.
- Provide regular and ongoing training to educate front-line organization representatives about relevant national legislation and its application in trafficking in persons cases.

### Prevention

- Increase the number and scope of awareness-raising campaigns that disseminate information on labour and sex trafficking in Fiji, and overseas, with a view to preventing trafficking in persons in Fiji.
- Increase awareness among Fijians of the penalties for trafficking in persons offences, as well as the penalties for foreign businesspersons and tourists engaging in commercial child sexual exploitation in Fiji.
- Increase awareness of labour migrants – before departure and upon arrival in Fiji – of their rights and the support services available to them in Fiji.
- Increase efforts to proactively screen for trafficking in persons among groups of vulnerable persons, such as labour migrants, sex workers and child labourers.
- Increase oversight of the working and living conditions of foreign labour migrants in key sectors, such as agriculture and construction.
- Increase early intervention activities to identify at-risk families and children, and provide such vulnerable persons with socioeconomic support.
- Increase livelihood options for Fijians, particularly the youth.

### Victim identification, investigation and prosecution

- Finalize and implement formal victim identification and referral procedures for relevant government agencies.
- Increase resources for the Human Trafficking Unit, including human resources, vehicles, and funding for Human Trafficking Unit officers to travel to the different regions of Fiji to investigate suspected trafficking in persons cases, and deliver training to all relevant agencies on the indicators of trafficking.
- In the medium to long term, explore options for establishing a human trafficking unit in each region in Fiji.
- Improve the protection afforded to victims in court settings.

### Data and information collection, reporting and sharing

- Relevant agencies should take steps towards establishing databases to store and analyse trafficking in persons data.
- In the medium term, steps should be taken to establish an integrated and centralized database that stores data on all reported cases and allows relevant authorities to input and view data.
- Compile aggregate-level data and anonymized qualitative data on victims, offenders and trafficking offences, in the form of an annual national trafficking in persons report.



### Protection and reintegration of victims

- Ensure that the Case Management Coordinator Office is effective and that victims are being referred to the Office.
- Establish a national referral mechanism for the streamlined referral of victims from the referring body to protection and reintegration services.
- Increase specialized services for trafficking victims, as well as other vulnerable persons.
- Establish dedicated shelters for trafficking in persons victims, including a shelter for male victims.
- Provide all foreign trafficking victims with a visa and the right to work while they remain in Fiji to cooperate with police and prosecutors on investigations and prosecutions.
- Provide a legal alternative, such as a long-term protection visa, to mitigate the risk of victims being returned to countries where they would face retribution or significant hardship.
- Take steps to decriminalize sex work in Fiji and strengthen sex worker support programmes.
- Introduce informal education programmes for children who are out of school and engaging in child labour.

### Coordination

- Improve cooperation and coordination between relevant government agencies, and between government agencies and non-governmental organizations.
- Take steps towards establishing a national task force or inter-agency committee on trafficking in persons.
- Non-governmental organizations should coordinate with non-governmental organization counterparts in other Pacific Island nations to establish a regional civil society network.

### Policy implementation

- Ensure that steps are taken to implement the 2020 National Action Plan and introduce an oversight mechanism to check that the Plan is implemented on the timeline set out.



# Section 1:

## INTRODUCTION



## Geographic and demographic overview of Fiji

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Fiji is an archipelago of 332 islands located in the Pacific Ocean.<sup>3</sup> The population of Fiji is 909,000 persons.<sup>4</sup> Seventy per cent of the country's population lives in Viti Levu, Fiji's largest island.<sup>5</sup> Approximately 29 per cent of the country's population is under the age of 15 years.<sup>6</sup> Over half (58.6%) of the population is urban.<sup>7</sup>

In 2020 GDP per capita employed in Fiji was estimated by the World Bank at USD 6,175.<sup>8</sup> The unemployment rate in Fiji has increased in recent years: from 4.1 per cent in 2017 to 4.8 per cent in 2020.<sup>9</sup>

Violence against women and children is an area of concern in Fiji. Seventy-two per cent of Fijian women are affected by some form of violence during their lifetime.<sup>10</sup> Sixty-four per cent of Fijian women are affected by violence perpetrated by intimate partners.<sup>11</sup> In 2020, the FPF recorded more than 1,500 cases of assault-related offences against women, including murder, attempted murder, manslaughter, infanticide, serious assault, common assault and sexual offences.<sup>12</sup>

## Overview of trafficking in persons in Fiji

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Trafficking in persons can be understood as the recruitment, transportation, harbouring and/or control of the movement of persons for the purpose of exploitation, typically for sexual exploitation or forced labour. The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (hereafter referred to as the Palermo Protocol) articulates the most widely accepted international framework for addressing trafficking in persons and calls upon States Parties to take steps to prevent trafficking, protect victims and prosecute offenders. The Palermo Protocol is the only globally binding international instrument that contains an agreed-upon definition of "trafficking in persons".<sup>13</sup> Fiji acceded to the UNTOC and its three protocols (including the Palermo Protocol) in 2017. Trafficking in persons is criminalized in Fiji under two national legal instruments: the Crimes Act of 2009 and the Immigration Act of 2003.

Fijian children and adults and migrants are vulnerable to trafficking in persons in Fiji. The recent literature on trafficking in persons in Fiji has identified a range of vulnerability factors and drivers of trafficking, including, inter alia, poverty and economic insecurity, lack of education, migration and displacement, and

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<sup>3</sup> World Bank, Country engagement note for the Republic of Fiji for the period FY2015-2017. Report No. 93708-FJ (2015); United States, Central Intelligence Agency (CIA), Australia and Oceania: Fiji, The World Factbook (2018).

<sup>4</sup> World Population Review, Fiji Population 2021 (2021) (accessed 18 July 2022). Available at <https://worldpopulationreview.com/countries/fiji-population>.

<sup>5</sup> World Bank, Country engagement note for the Republic of Fiji; United States, CIA, Australia and Oceania: Fiji.

<sup>6</sup> Country Meters, Fiji population (2021). Available at <https://countrymeters.info/en/Fiji>.

<sup>7</sup> Worldometer, Fiji demographics (2020). Available at [www.worldometers.info/demographics/fiji-demographics/](http://www.worldometers.info/demographics/fiji-demographics/).

<sup>8</sup> World Bank, GDP per capita (current US\$) – Fiji (2020). Available at <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=FJ>.

<sup>9</sup> Trading Economics, Fiji unemployment rate (2020). Available at <https://tradingeconomics.com/fiji/unemployment-rate>.

<sup>10</sup> Nanise Neimila, Gender-based violence 'A global pandemic', Government of Fiji, Ministry of Communications (16 October 2020). Available at [www.fiji.gov.fj/Media-Centre/News/Feature-Stories/Gender-Based-Violence-%E2%80%98A-Global-Pandemic%E2%80%999](http://www.fiji.gov.fj/Media-Centre/News/Feature-Stories/Gender-Based-Violence-%E2%80%98A-Global-Pandemic%E2%80%999).

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Article 3 of the Trafficking Protocol reads: (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article; (d) "Child" shall mean any person under eighteen years of age."

cultural norms that allow for discrimination of and violence against women and children.<sup>14</sup> The NGO Save the Children has identified children with disabilities, especially girls (living in street situations or elsewhere), as distinctly vulnerable to trafficking in persons.<sup>15</sup> Fijian scholar Marie Jane Elaisa Fatiaki has highlighted the vulnerability of Fijian children, particularly those living in poverty and out of school, to child trafficking for sexual exploitation.<sup>16</sup> For several years, the US Department of State trafficking in persons reports have highlighted that Fijian children, as well as women, are vulnerable to trafficking in persons in Fiji, especially for sexual exploitation.<sup>17</sup> The reports have also highlighted that Fijian men and boys are vulnerable to trafficking in persons, mostly for forced labour.<sup>18</sup> Fijians are also trafficked into foreign countries (Australia, New Zealand, Tonga), for exploitation in construction or agriculture. Further, the reports have underscored that migrant workers are vulnerable to trafficking in persons in Fiji, particularly for sexual exploitation and/or forced labour.<sup>19</sup>

Fiji has made significant progress towards addressing trafficking in persons by strengthening prevention activities and victim protection efforts and by pursuing investigations and prosecutions. The US Department of State's 2021 *Trafficking in Persons Report* states that the Government of Fiji demonstrated increasing efforts to prevent and combat trafficking in persons and was thus upgraded to Tier 2. These efforts included investigating, during the one-year reporting period, 10 suspected trafficking cases involving 102 potential victims; formally endorsing a national anti-trafficking strategy for 2021–2026; and creating a trafficking CMC office, which will assume responsibility for coordinating victim support.<sup>20</sup>

## Aim and objectives of the study

The aim of this study was to examine and report on domestic and international trafficking in persons in Fiji, focusing on the volume, characteristics and risk factors for adults and children, and to identify the gaps and challenges in Fiji's response to trafficking in persons.

Specific research objectives included:

- Understand and document the volume of trafficking in persons in Fiji;
- Understand and document the characteristics of trafficking in persons in Fiji;
- Understand and document the different risk/vulnerability factors nationals and migrants, both adults and children, face;
- Understand the protection risks (e.g. physical abuse) of trafficking in persons for nationals and migrants, both adults and children;
- Understand and document the motivations and activities of human traffickers in Fiji;
- Map Fiji's legal and policy framework for preventing and combating trafficking in persons, and identify gaps and challenges in Fiji's response to trafficking.

<sup>14</sup> Walk Free, *Murky Waters: A Qualitative Assessment of Modern Slavery in the Pacific Region* (Nedlands, Perth, Minderoo Foundation Pty Ltd., 2020). Available at <https://cdn.minderoo.org/content/uploads/2020/03/04091414/Walk-Free-Foundation-Pacific-Report-03-2020.pdf>.

<sup>15</sup> Save the Children Fiji, Submission to universal periodic review 2014 (2014).

<sup>16</sup> Marie Jane Elaisa Fatiaki, A study of the trafficking of children in Fiji for sexual exploitation, as an emerging urban issue. Master's thesis, The University of the South Pacific, Suva (2019). Available at <http://uspaquatic.library.usp.ac.fj/gsd/collect/usplibr1/index/assoc/HASH17ca.dir/doc.pdf>.

<sup>17</sup> See, for example, United States, Department of State, *Trafficking in Persons Report*, June 2021 (Washington, D.C., 2021), available at <https://www.state.gov/reports/2021-trafficking-in-persons-report/>; United States, Department of State, *Trafficking in Persons Report*, 20th edition (Washington, D.C., 2020), available at [www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf](https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf).

<sup>18</sup> See, for example, United States, Department of State, *Trafficking in Persons Report*, June 2021; United States, Department of State, *Trafficking in Persons Report*, 20th edition.

<sup>19</sup> United States, Department of State, *Trafficking in Persons Report*, June 2021.

<sup>20</sup> Ibid.

## Research questions

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With consideration of the research objectives, the study sets out to answer the following questions:

- What is the volume of domestic and cross-border trafficking in Fiji?
- What are the vulnerability factors for Fijian adults and children trafficked domestically or internationally and for migrants trafficked to Fiji?
- What are the main forms of exploitation and specific industries?
- What are the protection risks (e.g. physical abuse) for trafficked Fijian adults and children, and for foreign nationals trafficked to Fiji?
- What are the motivations and activities of brokers and traffickers in the Fiji context?
- What are the key gaps and challenges in Fiji's response to trafficking in persons?

## How this study contributes to IOM Fiji's project

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IOM established an office in Suva in 2017 after Fiji became an IOM Member State in 2013. IOM Fiji works with the Government of Fiji and the neighbouring Pacific Island countries on migration issues concerning climate change, labour mobility, development, counter-trafficking, emergency and preparedness, and migrant protection.

IOM has partnered with Homes of Hope, a Fijian NGO, to deliver a two-year project on counter-trafficking in persons Fiji with co-funding from the European Union. The project has two outcomes:

- Outcome 1: Fijian civil society and the Government of Fiji have strengthened their partnership and national approach to preventing trafficking in persons and protecting the rights of victims of trafficking and the associated forms of exploitation and abuse.
- Outcome 2: Fijian civil society effectively raises awareness about trafficking in human beings and advocates for protecting the rights of victims of trafficking and the associated forms of exploitation and abuse.

This study contributes to IOM's Empowering Fijian Civil Society to Counter Trafficking in Human Beings Project by strengthening the knowledge base on trafficking in persons in Fiji and documenting the gaps and challenges that may inhibit the efforts of the Government of Fiji and civil society to effectively prevent and combat trafficking in persons.

Little is currently known about trafficking in persons in Fiji, and there have been few primary studies looking at the phenomenon of trafficking in persons in Fiji. As a result, there is little data on the volume of trafficking in persons Fiji and also limited information on vulnerability factors, forms and sectors of exploitation, and tactics of human traffickers. There is also limited information on the gaps and challenges in Fiji's response to trafficking in persons.

This lack of data and information inhibits strategies to prevent trafficking in persons in Fiji, to identify and protect vulnerable persons and trafficking victims, and to investigate and prosecute trafficking in persons. Strengthening the knowledge base on trafficking in persons in Fiji will improve the ability of government agencies, international organizations and NGOs in Fiji to develop mechanisms to better prevent trafficking in persons, protect victims and bring perpetrators to justice.

The report makes an important contribution to the knowledge base on trafficking in persons in Fiji. The report will be of interest to government agencies, international organizations, NGOs and academia in Fiji, as well as the wider Pacific region.

## Methodology

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Two consultants were responsible for the implementation of this research: a national consultant and an international consultant. The national consultant is a Fijian national with extensive experience working on anti-trafficking policy implementation in Fiji. The international consultant is a trafficking in persons research expert. The national consultant was responsible for data collection, while the international consultant was responsible for qualitative data analysis and report writing.

This report is the result of extensive primary data collection in Fiji. The study adopted mostly a qualitative approach. Fifty semi-structured interviews with trafficking survivors and representatives of government agencies, international organizations, NGOs, regional entities and academia were conducted from 7 April to 24 May 2021. The research aimed to be as comprehensive as possible; thus, all agencies that play a role in identifying victims, protecting victims, investigating or prosecuting trafficking in persons offences, or developing policy on trafficking in Fiji were invited to participate in an interview.

Twenty interviews were conducted with representatives of government agencies; 22 interviews with NGO representatives; two interviews with regional entities; three interviews with academics; two interviews with trafficking survivors; and one interview with a representative from an international organization. In addition, two FGDs were conducted with trafficking survivors and with representatives of government agencies and civil society in July 2021.

In addition to the qualitative methods, a short survey was sent to the HTU (FPF), requesting official data on the number of suspected trafficking in persons cases (foreign and local victims; children and adults) and the number of investigations and prosecutions.

The primary data presented in this report is complemented by findings from the limited body of recent literature on trafficking in persons in Fiji, including academic literature, grey literature and media reports. The international consultant conducted a review of the recent literature on trafficking in persons in Fiji, drawing on academic sources, grey literature and media reports. The national consultant drafted a summary of the legal and policy framework on trafficking in persons after reviewing national legislation and relevant policy documents, such as Fiji's National Anti-Human Trafficking Strategy (2021–2026) and the National Action Plan to Combat Human Trafficking (2021–2026).

## Ethics

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Interview participants were given information about the research through an informed consent form (in English), which explained the purpose of the study, provided details about the interview (for example, the duration of the interview, types of questions asked), and information about how the interview participants' responses were to be stored and how data was analysed. Interview participants were provided with a hard copy of the informed consent form and asked to provide written or verbal consent to participate in the interview.

The interviewer (national consultant) ensured that there was no explicit or implicit coercion so that interview participants could make an informed and free decision on their involvement in the interviews. Participants were made aware of the voluntary nature of their involvement and that they could withdraw from the interview at any time without any negative consequences.

Some interview participants (those working directly with victims or investigating trafficking in persons) were invited to participate in one of the two FGDs that were conducted in July 2021. Prior to each FGD, the participants were provided with information about the purpose of the FGD and the types of questions that would be asked, and processes for ensuring the confidentiality of participants were explained.

## Data analysis

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Interview and FGD audio-recordings were securely transferred by IOM Fiji to the international consultant for the purpose of transcription and data analysis. Transcripts were uploaded to NVivo 12 software, and thematic analysis was performed to identify themes and patterns in key informant and survivor responses to the interview and FGD questions. Initial themes appearing in the research were used to develop “codes”. As the analysis proceeded, new categories emerging from the data led to the development of additional codes. All material was analysed this way then subsequently re-read and re-analysed in order to complete data interpretation and analysis.

## Limitations

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### Lack of knowledge of some key informants on trafficking in persons in Fiji

A number of key informant interview participants had only limited knowledge of trafficking in persons in Fiji. Some interview participants conflated trafficking for sexual exploitation and sex work (adults and youth) or trafficking in persons and migrant smuggling. Only approximately 15 interview participants had extensive knowledge of trafficking in persons trends and characteristics. However, most interview participants could discuss at length the interview questions on gaps and challenges in Fiji’s response to trafficking in persons.

Despite this limitation, a sufficient amount of qualitative data was collected to enable the research team to answer the key research questions.

### Lack of data on the volume of trafficking in persons

Very few interview and FGD participants had knowledge of the volume of trafficking in persons in Fiji. In response to interview questions regarding the volume of trafficking in persons, many interviewed front-line professionals discussed challenges in Fiji in collecting, reporting, and sharing data, and referred to the figures presented in recent US Department of State trafficking in persons reports.

The research team overcame this challenge by sending a short survey to the HTU (FPF), requesting official statistics on trafficking in persons cases during the period 2016–2021. Figures provided by the HTU are outlined in this report.

It should be mentioned that the UNODC will soon be publishing a study on the prevalence of trafficking in persons in Fiji.

### COVID-19 pandemic

Most primary data collection for this study was completed before measures to curb the spread of COVID-19 in Fiji were introduced in April 2021.<sup>21</sup> The final interviews and FGDs were conducted using remote methods. Due to Internet issues in the homes of some of the interview and FGD participants, connection was sometimes interrupted and the participants could not be well heard or understood by the research team. Despite these challenges, all organized interviews and FGDs were conducted, and a sufficient amount of qualitative data was collected to answer the key research questions.

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<sup>21</sup> Fiji introduced social distancing and other measures in the country later than many other countries around the world due to the fact that the island was effectively closed to international arrivals in the early phases of the pandemic (that is, all of 2020). Thus, no measures needed to be introduced to stem the spread of the disease in the country until April 2021, when the virus was detected in the country.



## Structure of the report

After this section of the report, Section 2 presents an overview of Fiji's legal and policy framework on trafficking in persons. This section maps the key actors and activities for preventing and combating trafficking in persons, protecting victims, and investigating and prosecuting trafficking offences, and summarizes the key policies in place in Fiji to prevent trafficking in persons.

Section 3 discusses the volume, characteristics and risk factors of trafficking in persons in Fiji. This section discusses the various factors that make adults, children and migrants vulnerable to trafficking in persons in Fiji, including poverty, unemployment and homelessness; lack of education; family breakdown; child neglect; migration to urban areas; gender discrimination; and disability. This section also presents the available information on the volume of trafficking in persons in Fiji and the characteristics of domestic and cross-border trafficking, including the key sectors of exploitation. Section 3 also discusses the risks for trafficking victims, including threats, violence, fatigue, injury, confinement to the place of exploitation, poor living and working conditions, and psychological harm. Finally, Section 3 provides an overview of the profile of human traffickers in Fiji, their motivations for offending, and their recruitment tactics and other activities.

Section 4 discusses gaps and challenges in Fiji's response to trafficking in persons. This section discusses the negative effects of the COVID-19 pandemic on trafficking in persons; legislation gaps and challenges; data challenges; prevention and reporting challenges; investigation and prosecution challenges; gaps in victim protection and reintegration; and collaboration and information-sharing challenges.

Section 5 of the report provides a summary of the key findings of the study and a series of recommendations for the Government of Fiji, donors, international organizations, and NGOs in strengthening efforts to prevent and combat trafficking in persons and protect and reintegrate victims.

The Annex contains an anonymized list of the interviews and FGDs.



# Section 2:

## FIJI'S LEGAL FRAMEWORK ON TRAFFICKING IN PERSONS



This section of the report briefly documents Fiji's legal and policy framework on trafficking in persons. It summarizes Fiji's national legislation on trafficking in persons and key anti-trafficking policies in Fiji. The section also presents brief summaries of the key government actors in Fiji that have a responsibility with regard to preventing trafficking in persons, investigating and prosecuting trafficking in persons, and/or protecting victims.

## International obligations

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Fiji acceded to the UNTOC and its three protocols (including the Palermo Protocol) in 2017. Fiji has also ratified the following international conventions:

- Convention on the Rights of the Child, 1989;
- ILO Minimum Age Convention (No. 138), 1973;
- ILO Worst Forms of Child Labour Convention (No. 182), 1999;
- ILO Forced Labour Convention (No. 29), 1930;
- ILO Abolition of Forced Labour Convention (No. 105), 1957;
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990;
- International Convention for the Suppression of the Traffic in Women and Children, 1921;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984;
- Convention on the Elimination of All Forms of Discrimination against Women, 1979;
- International Covenant on Economic, Social and Cultural Rights, 1966;
- International Covenant on Civil and Political Rights, 1966.

## National legislation on trafficking in persons

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*Trafficking in persons is criminalized under two national legal instruments in Fiji: the Crimes Act of 2009 and the Immigration Act of 2003.*

The **2009 Crimes Act** criminalizes some forms of labour trafficking and all forms of sex trafficking. Sections 112–117 criminalize trafficking in persons; however, inconsistent with international law, the Crimes Act requires either domestic or cross-border movement to constitute a trafficking in persons offence. These articles prescribe penalties of up to 20 years' imprisonment for movement-based trafficking offences involving adult victims and up to 25 years' imprisonment for offences involving child victims.

Sex trafficking offences that do not involve movement may be prosecuted under sections 106, 107, 226 and 227 of the Crimes Act. Section 106 criminalizes sexual servitude by means of force or threat and prescribes penalties of up to 15 years' imprisonment if the offence involves an adult victim and up to 20 years' imprisonment if the offence involves a child victim. Section 107 criminalizes "deceptive recruiting for sexual services", including inducing and maintaining individuals in prostitution through deceptive means, and prescribes penalties of up to seven years' imprisonment if the offence involves an adult victim and up to nine years' imprisonment if the offence involves a child victim. Sections 226 and 227 criminalize the buying or selling of children for "immoral purposes", which include prostitution, and prescribe penalties of up to 12 years' imprisonment.

Sections 103 and 118 criminalize slavery and debt bondage respectively; however, as discussed in Section 4 of this report, all forms of labour trafficking are not criminalized under the Crimes Act. The law prescribes penalties of up to 25 years' imprisonment for slavery and penalties of up to one year of imprisonment for debt bondage involving an adult victim and up to two years' imprisonment for those involving a child victim.<sup>22</sup>

Other relevant national legislation in Fiji includes the Fiji Constitution (2013), the Employment Relations Act (2007), the Online Safety Act (2019) and the Child Welfare Act (2010).

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<sup>22</sup> United States, Department of State, *Trafficking in Persons Report*, 20th edition.

## Fiji's policy framework on trafficking in persons

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### Overview of key anti-trafficking policies

A range of anti-trafficking in persons, labour rights, child protection and related policies are in place or in draft form in Fiji. These include:

- National Anti-Human Trafficking Strategy (2021–2026);
- National Action Plan to Combat Human Trafficking (2021–2026);
- Inter-agency Guidelines on Child Abuse and Neglect;
- Child Protection Policy – Education;
- Child Protection Guidelines – ODPP;
- Child Protection Guidelines for Health Workers;
- National Child Protection Policy (draft);
- National Child Labour Policy (draft);
- Provisions Protecting Children in Light Work and Entertainment Industry (draft).

In 2021, Fiji launched the National Action Plan to Combat Human Trafficking (2021–2026). The NAP places priority on strengthening Fiji's anti-trafficking efforts across the following areas:

- Training to identify and manage anti-trafficking activities;
- Trafficking awareness campaigns;
- Enhancing border security to prevent trafficking in persons;
- Conducting research on trafficking in persons;
- Intelligence gathering and sharing;
- Reporting progress on combating trafficking progress to the United Nations and the US Department of State;
- International collaboration;
- Recognition of trafficking victims' status;
- Providing services to victims (health, housing, social services, financial support);
- Repatriation assistance;
- Systematic collaborative Plan of Action to Eradicate Trafficking in Persons and Child Trafficking;
- Investigation of suspected trafficking in persons cases;
- Support for victims during the criminal justice process.

### Key government agencies involved in anti-trafficking efforts in Fiji

A number of government agencies in Fiji have a mandate with regard to combating trafficking in persons, protecting victims or prosecuting offenders.

#### **Ministry of Defence, National Security and Policing**

In 2019, the Ministry of Defence, National Security and Policing was designated by the Government as the agency responsible for coordinating Fiji's response to trafficking in persons and victim services.

#### **National Defence and Security Council**

The National Defence and Security Council is acting as the administrative arm of the Government of Fiji and is responsible for developing and implementing policy to combat trafficking in persons.

#### **Fiji Police Force**

The FPF operationalizes provisions of the 2009 Crimes Act, which criminalizes some forms of labour trafficking and all forms of sex trafficking.

The FPF enforces laws on trafficking in persons and commercial sexual exploitation and investigates criminal violations regarding child labour, child trafficking and commercial sexual exploitation. The FPF maintains the HTU and provides training to other police units focused on combating trafficking in persons. It collaborates with the Australian Federal Police to combat potential child sex trafficking perpetrated by Australian nationals.<sup>23</sup>

### ***Human Trafficking Unit***

The HTU at the Fiji Police Criminal Investigations Department headquarters in Suva was established in 2010 to identify and prosecute persons involved in trafficking in persons either domestically or internationally.

The HTU refers victims to the DoSW or the NGO Homes of Hope for shelter and basic services, and to other NGOs for counselling.<sup>24</sup>

### ***Fijian Immigration Department***

The FID is responsible for efforts to combat trafficking in persons involving foreign nationals. The FID has the legal power to investigate international border-related trafficking in persons offences; however, investigations are, in practice, conducted by the HTU with assistance from the FID.

The FID has established a safe house that provides accommodation for trafficking victims (foreign victims), alongside other migrants who are awaiting repatriation or deportation.

### ***Ministry of Women, Children and Poverty Alleviation***

The MWCPA addresses issues relating to women and gender; its mandate covers combating violence against women and children. In 2018, the MWCPA provided FJD 90,000 to Homes of Hope to help victims of sexual abuse and sex trafficking. In 2015, it launched the National Child Helpline. Members of the public can report suspected cases of sexual abuse or child abuse to the DoSW (see next paragraph) through the Helpline. The toll-free Helpline is operational 24 hours a day, and professional counsellors are on hand to assist callers, especially children.<sup>25</sup>

### ***Department of Social Welfare***

The DoSW is responsible for reviewing reported cases of sexual, physical and emotional abuses. The DoSW coordinates with government agencies and NGOs working on the issue of child protection through the National Coordinating Committee on Children. The DoSW also provides housing services for children. It has a database of reported cases of child abuse and neglect.

### ***Ministry of Employment, Productivity and Industrial Relations***

MEPIR is the lead government agency responsible for enforcing laws related to child labour. MEPIR investigates reports of child labour law violations, conducts site visits, and monitors compliance with the minimum age for employment requirements and the Employment Relations Act.

### ***Employment Relations Tribunal***

The ERT adjudicates alleged violations of child labour provisions in the Employment Relations Act.

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<sup>23</sup> United States, Department of Justice, *Findings on the Worst Forms of Child Labor* (2018). Available at [www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2018/ChildLaborReportBook.pdf](http://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2018/ChildLaborReportBook.pdf).

<sup>24</sup> Fatiaki, A study of the trafficking of children in Fiji for sexual exploitation.

<sup>25</sup> Ashley Schultz, International Child Helpline Day 2018: Fiji (17 May 2018). Available at [www.childhelplineinternational.org/child-helplines/story/international-child-helpline-day-2018-national-child-helpline-fiji/](http://www.childhelplineinternational.org/child-helplines/story/international-child-helpline-day-2018-national-child-helpline-fiji/).

### Policy and activities: Prevention of trafficking in persons

The Government of Fiji, with support from some international organizations and NGOs, has been active in trafficking in persons prevention activities in recent years. For example, in 2020 the Government convened the Inter-agency Working Group on Human Trafficking. The Working Group finalized the NAP on combating human trafficking.<sup>26</sup>

The HTU has conducted public awareness campaigns and other education sessions with Fijian adults and children to increase public understanding of trafficking in persons. The MWCPA has conducted trafficking awareness-raising activities by, for example, hosting workshops on trafficking in persons and child exploitation. Knowledge of the risks of overseas labour migration has also been increased through awareness programmes conducted by MEPIR labour officials.

### Policy and activities: Identification of victims

FPF officers must refer any suspected trafficking cases and victims to the HTU for investigation and referral to protection services.

Potential victims of labour exploitation may be identified through labour inspections. The Child Labour Unit within MEPIR has recently been disbanded. Now all MEPIR labour inspectors are responsible for looking for child labour violations during inspections. Inspections are conducted in the workers' respective languages, including English, Fijian Hindi and vernacular Fijian. Unannounced inspections are permitted within the informal sector; however, inspectors must first seek the business owners' permission before conducting the inspection.<sup>27</sup>

### Policy and activities: Investigation and prosecution

Since 2019, the HTU has been the agency responsible for investigating suspected trafficking in persons offences in Fiji. The US Department of State's 2021 *Trafficking in Persons Report* states that the HTU initiated investigations of 10 suspected trafficking in persons cases during the reporting period. This represented an increase compared with the two investigations conducted in the previous reporting period (2019).<sup>28</sup>

In cases of foreign victims, the Government of Fiji can issue renewable six-month work visas to trafficking victims who are assisting with investigations;<sup>29</sup> according to an interview participant for this study, many such visas have been issued in recent years to suspected trafficking victims.

Since 2021, two HTU officers have been based in the FID head office in Suva. This has enabled the two agencies (HTU and FID) to coordinate on trafficking in persons investigations.

***“When it comes to foreign nationals, Immigration has all the data. It was only sensible to have investigators to come in, or we provide investigation capability. We’re taking small steps at the moment to make the Task Force more useful... We are ticking the right small boxes to make sure there’s a foundation to create something that will react positively to make sure people have support, that human trafficking investigations go through.”***

*—An FGD participant*

The 2021 *Trafficking in Persons Report* suggests that the formalization of the HTU in 2019, as well as increased collaboration and information-sharing between the HTU and the FID, has likely contributed to the increased number of investigations, especially of suspected cases of labour trafficking among migrant workers.<sup>30</sup>

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<sup>26</sup> United States, Department of State, *Trafficking in Persons Report*, 20th edition.

<sup>27</sup> United States, Department of Justice, *Findings on the Worst Forms of Child Labor*.

<sup>28</sup> United States, Department of State, *Trafficking in Persons Report*, June 2021.

<sup>29</sup> United States, Department of State, *Trafficking in Persons Report*, 20th edition.

<sup>30</sup> United States, Department of State, *Trafficking in Persons Report*, June 2021.

### Policy and activities: Protection and reintegration of trafficking victims

Since 2019, Fiji's Ministry of Defence, National Security and Policing has been coordinating victim services.

As noted in previous paragraphs, the MWCPA manages the National Child Helpline for children who need advice, counselling or referral to support services. Between 2016 and 2018, the Helpline received 37,480 calls.<sup>31</sup> Helpline operators may refer callers who are experiencing exploitation or trafficking in persons to a range of government and/or NGO support services.

The Government of Fiji provides trafficking victims with some key support, such as accommodation, legal aid, medical care, interpretation services and allowances for basic necessities; however, because national legislation does not specifically mandate the Government to allocate funds for the protection and reintegration of trafficking victims, NGOs in Fiji continue to provide most essential services to trafficking victims, including shelter, psychosocial counselling and, in some cases, legal aid.

In terms of shelter for trafficking victims, the FID operates a safe house for international migrants who are awaiting repatriation, including trafficking victims. Younger victims (up to 21 years of age) may be accommodated in any of the four children's homes operated by the DoSW.<sup>32</sup> Victims may also be accommodated in one of a small number of NGO-run shelters in Fiji, for example, the shelters operated by Homes of Hope and the Salvation Army. These shelters welcome victims of sexual violence, including sex trafficking. A small number of other facilities exist in Fiji, which may be capable of providing basic shelter to male and female trafficking victims; however, a full mapping activity of the shelters in Fiji needs to be conducted to understand more about the facilities, who they welcome and their locations in Fiji.

### Policy and activities: Data collection and management

The FPF, the HTU and the ODPP record data on trafficking in persons, including suspected cases, investigations and prosecutions; however, data-sharing between the FPF and the ODPP is reportedly not a straightforward process.

MEPIR maintains a database on child labour, which standardizes current and past data in all seven districts in Fiji.<sup>33</sup> The DoSW has a database of reported cases of child abuse and neglect.

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<sup>31</sup> United States, Department of Justice, *Findings on the Worst Forms of Child Labor*; Global Slavery Index, 2018: country data – Fiji, available at [www.globalslaveryindex.org/2018/data/country-data/fiji/](http://www.globalslaveryindex.org/2018/data/country-data/fiji/).

<sup>32</sup> United States, Department of State, *Trafficking in Persons Report*, 20th edition.

<sup>33</sup> United States, Department of Justice, *Findings on the Worst Forms of Child Labor*.



# Section 3:

## VOLUME, CHARACTERISTICS AND RISK FACTORS OF DOMESTIC AND CROSS-BORDER TRAFFICKING IN PERSONS



This section of the report explores the volume, characteristics and risk factors of trafficking in persons in Fiji. It presents findings from the key informant interviews and FGDs, as well as information from the recent literature on trafficking in persons in Fiji. It discusses the various factors that make adults, children and migrants vulnerable to trafficking in persons in Fiji, including poverty, unemployment and homelessness; lack of education; family breakdown; child neglect; migration to urban areas; gender discrimination; and disability. The section then presents the available information on the volume of trafficking in persons in Fiji and the characteristics of domestic and cross-border trafficking, including the key sectors of exploitation. The section then discusses the protection risks for trafficking victims and, finally, provides an overview of the profile of human traffickers in Fiji, their motivations for offending, and their recruitment tactics and other activities.

## Vulnerability factors of Fijians

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In Fiji, human traffickers prey on the socially and economically vulnerable. The research conducted for this report identified a number of vulnerability factors and drivers of trafficking in persons in Fiji. These factors include poverty, unemployment, homelessness, lack of education, family breakdown, migration to urban areas, gender discrimination, teenage pregnancy and child sexual abuse. While data on the negative effects of the COVID-19 pandemic on trafficking in persons is lacking, the COVID-19 pandemic has been clearly identified in the research as a major factor contributing, since 2020, to increased vulnerability to domestic trafficking in Fiji.

### Poverty, lack of employment and homelessness

The consensus among the interviews and FGDs conducted for this study is that poverty is a key factor making Fijians vulnerable to trafficking in persons.

***“Poverty is the key factor. People are really struggling.”***

*—An NGO representative*

Interview participants highlighted the heightened vulnerabilities of unemployed persons and households experiencing poverty to domestic trafficking during the pandemic. While poverty does not necessarily lead to trafficking in persons, a number of interview participants highlighted the fact that there has been a visible increase in the number of vulnerable persons living and working on the streets during the pandemic. There has been a visible increase, in particular, in the number of young women, some of whom are suspected to be under the age of 18 years, engaging in street-based sex work. Interview participants expressed concern that some of these women and girls may be victims of trafficking for sexual exploitation. However, it should be emphasized that some interview participants conflated sex trafficking and sex work; thus, some caution needs to be applied in interpreting interview and FGD respondents’ comments on women and girls, as well as boys engaging in street-based sex work.

***“Poverty is a key vulnerability factor. Tourism is the only life to them. When the tourist industry collapsed due to the COVID-19 pandemic, in some households consent is being given for the prostitution of daughters... It has become extreme.”***

*—An NGO representative*

Interview participants further highlighted the increased number of children who are suspected to have been trafficked for forced criminal activities. There has been a visible increase in the number of children who are engaged with gangs in street-based drug trafficking. However, it should be highlighted that this does not necessarily mean that the children are trafficked; they may simply be attempting to make a living during a time of increased unemployment.

***“After COVID-19 struck, everything changed for the worse. Things are being done right before our eyes. Exploitation, young children being used to traffic drugs.”***

*—An NGO representative*

### **Lack of education**

Interview and FGD participants highlighted the lack of education as a factor making young Fijians vulnerable to trafficking for forced labour and/or sexual exploitation. Hundreds of Fijian children are out of school each year. Many of these children are suspected to be working for their families and earning income to support their parents and siblings. In some of these cases, the children are engaged in child labour, as meeting the ILO definition of “child labour”, that is, children under the age of 18 years engaging in labour that interferes with their schooling and that is dangerous to the children.<sup>34</sup>

***“I think lack of awareness and lack of education (are vulnerability factors). If they were educated they could secure good jobs to help them. And maybe lack of incentives for young people. There should be alternatives for young people when they drop out of school. Youth programmes should be available in towns and villages.”***

*—An NGO representative*

Fatiaki highlights in her research that children who leave school early are particularly vulnerable to trafficking for sexual exploitation.<sup>35</sup> Of the 30 children in commercial sexual exploitation that were interviewed by Fatiaki, 25 of the exploited children were out of school, including one 10-year-old who had never been to school. Fatiaki’s research has found that the reasons that children leave school early often relate to family financial problems, as well as the lack of support from parent/s for the child’s education.

Although data on the volume of child labour in Fiji is lacking, MEPIR announced in 2019 that 231 of the children identified by the Government as out of school and engaged in child labour had been removed from the child labour situation and returned to school or enrolled in technical training programmes.<sup>36</sup> These figures suggest that there is likely, each year, approximately 200–300 children out of school and engaged in child labour.

### **Family breakdown and separation**

The divorce rate in Fiji has been increasing in recent years.<sup>37</sup> Interview participants highlighted that many children whose parents have separated or divorced are left in one-parent households that may struggle financially. In some of these situations, children may leave school early to financially support their parents and siblings. Other children may be left on their own during the day without supervision while their parents go to work. These children may be at heightened risk of being targeted by human traffickers and other offenders.

***“Early drop out of school and poverty are contributing factors. Trumping them all is family breakdown. Children are left on their own, left to wander; it pushes them to a place of vulnerability.”***

*—An NGO representative*

According to some interview participants, traffickers target children whose families are experiencing breakdown due to divorce or death of a parent. These children are seen as much easier to recruit into commercial sexual exploitation or trafficking.

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<sup>34</sup> ILO, What is child labour (n.d.). Available at [www.ilo.org/ipec/facts/lang--en/index.htm](http://www.ilo.org/ipec/facts/lang--en/index.htm).

<sup>35</sup> Fatiaki, A study of the trafficking of children in Fiji for sexual exploitation.

<sup>36</sup> Tajul, Over 200 Fijian children engaging in child labour back to school: Minister, NAM News Network (12 June 2019). Available at [www.namnewsnetwork.org/?p=28406](http://www.namnewsnetwork.org/?p=28406).

<sup>37</sup> Luke Nacei, Hike in rape and divorce rates, *The Fiji Times* (1 December 2019). Available at [www.fijitimes.com/hike-in-rape-and-divorce-rates/](http://www.fijitimes.com/hike-in-rape-and-divorce-rates/).

***“So many factors are present in the family. Parents have separated or one has passed away. Then it’s easy for them to be targeted by pimps.”***

*—An international organization representative*

In Fiji, it is common practice for parents to send their children to live with extended family members in cities for the purpose of the children’s education. Research has identified that some of these children are vulnerable to involuntary domestic work or are forced to engage in sexual activity in exchange for food, clothing or shelter.<sup>38</sup> Fatiaki has found in her research that children living away from home are particularly vulnerable to commercial and sexual exploitation. Of the 30 children victims of commercial and sexual exploitation that Fatiaki interviewed, 19 had left their homes to live elsewhere, with relatives, friends or on their own. The main factors that led to children moving away from their homes were: children being sent to stay with relatives for their education; children running away from home due to family separation, conflicts in the family, or sexual abuse in the home.<sup>39</sup>

### **Child neglect**

Interview and FGD participants highlighted the vulnerability of children who are experiencing family neglect to exploitation and trafficking in persons. This finding is supported by Fatiaki’s recent research. According to Fatiaki, of her small sample of interviewed children, the children’s family situation and the family’s socioeconomic conditions are the main causes of vulnerability and risk of CSEC and trafficking in persons. Some Fijian children are pushed into the sex trade by families who neglect or abandon them – the families have no income so they make the children earn an income through commercial and sexual exploitation.<sup>40</sup>

### **Migration to urban areas**

According to interview and FGD participants, migration to urban areas is a key factor making children vulnerable to domestic trafficking in Fiji. Increasing migration from rural to urban areas in Fiji has shifted the family structure in the country. Families are, in increasing numbers, leaving the extended family structure to relocate to towns and cities in the countries. A major migration pull is Fiji’s tourism industry – many families are moving to tourism centres, such as Nadi, to find work in the tourism sector. In some cases, children whose parents are working or who are out seeking work are left to fend for themselves outside school hours. These children are vulnerable to commercial and sexual exploitation and child trafficking.

***“Many people moved from villages to town areas. It’s a sign of the challenges in the villages.”***

*—An NGO representative*

### **Gender discrimination**

Another factor that makes adults, children and migrants – especially girls – vulnerable to sexual abuse and child trafficking is gender discrimination in Fiji. Some interview participants highlighted Fiji’s patriarchal society as a key factor of vulnerability to abuse, exploitation and trafficking in persons, especially for young girls. According to interview participants, some Fijian men view women and girls as inferior to males and believe that gender-based violence is acceptable.

***“Another factor is the social status. One of the things we find with gender-based violence [is] the fact that the girls are of a weaker sex. Males have power to make decisions. And have their way in our society since we are patriarchal.”***

*—An NGO representative*

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<sup>38</sup> United States, Department of State, *Trafficking in Persons Report*, June 2019 (Washington, D.C., 2019). Available at [www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf](https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf).

<sup>39</sup> Fatiaki, A study of the trafficking of children in Fiji for sexual exploitation.

<sup>40</sup> Ibid.

## Child sexual abuse

Interview participants commented that child sexual abuse is a problem in Fiji and that there is underreporting of child sexual abuse cases at the community level, as well as to the authorities. Children who have experienced sexual abuse appear to be at heightened risk of sex trafficking in their youth. This finding is supported by Fatiaki's recent research. Fatiaki's research identified that, in Fiji, the children in her small research sample who were sexually abused were vulnerable to trafficking for sexual exploitation. Half of the children that Fatiaki interviewed reported being sexually abused when they were 10–14 years of age. Fatiaki argues that there is a strong link between child sexual abuse and entry into commercial sexual exploitation, with most children entering the sex trade shortly after they are sexually abused.<sup>41</sup>

***“It seems to me the biggest push factor is child sexual abuse.”***

*—An NGO representative*

## Teenage pregnancy

Teenage pregnancy may increase girls' vulnerability to trafficking. Many regions in Fiji has high teenage pregnancy rates. Interview participants reported that many young pregnant girls are ostracized by their families and communities. Those who cannot find shelter and support from the Government or NGOs end up, with their infants, living on the streets or engaging in exploitative work in order to survive.

***“We have a high level of teenage pregnancy rates. The push factor is from the home. I’ve seen young girls who have been ostracized. Not having the means to support the child, they are pushed out of the house. Or they try their best to achieve something. And do negative things to feed the child. Ten per cent of children born in Fiji are from teenage mothers. You join the dots.”***

*—An NGO representative*

## Disability

There is no publicly available data on the number of adults and children with disabilities who are trafficked in Fiji or into foreign countries; however, interview participants highlighted the vulnerability of persons with disabilities to exploitation and trafficking in persons.

Persons with disabilities may be trafficked by family members or others for forced labour and/or sexual exploitation. Without a socioeconomic safety net, adults and children with disabilities are at heightened risk of being targeted by human traffickers and other offenders for exploitative work in factories or farms, begging, or sexual exploitation.

***“I can tell you... sexual exploitation... it’s vulnerabilities in the family, and disabilities. COVID-19 is increasing their vulnerability.”***

*—An NGO representative*

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<sup>41</sup> Ibid.

## Vulnerability factors of international migrants

With regard to the vulnerability factors of international migrants, interview and FGD participants reported that international migrants are vulnerable to trafficking in persons due to:

- **Lack of knowledge regarding their rights as migrant workers:** In the past, migrants signed contracts that they did not fully understand. The contracts and the promised working and living conditions changed when they reached Fiji. Migrant workers are often not aware of which agencies they can approach in Fiji to seek help, and are concerned that if they complain, they will lose their jobs and be deported.<sup>42</sup>
- **Debt:** Many migrant workers, especially those from Asian countries, have entered into debt in order to pay the recruitment agency that has secured their employment in Fiji. The debt may be a deterrent to fleeing a situation of abuse or exploitation.
- **Language barriers:** Many migrant workers are unable to speak English or any of Fiji's national languages. This means that the job-related documentation they receive on their arrival in Fiji is not easily understood. Language barriers may also result in migrant workers not reporting cases of abuse or trafficking to the authorities or not seeking assistance from the authorities or NGOs.

## Volume of trafficking in persons in Fiji

Estimating the true volume of trafficking in persons in Fiji – as in many countries around the world – remains a major challenge. Official trafficking in persons figures are regularly reported in the annual US Department of State trafficking in persons reports.<sup>43</sup> Where data is available, child labour data is reported in the US Department of Labor reports on child labour.<sup>44</sup>

Data received from the HTU on the volume of trafficking in persons in Fiji suggests that:

- Each year, between 2016 and 2021, there had been at least three cases of Fijians trafficked to foreign countries.
- Each year, between 2016 and 2021, there had been between 1 and 411 cases of foreigners trafficked into Fiji. None of these cases involved child victims.

**Table 1. Annual volume of trafficking in persons cases – non-Fijian, 2016–2021**

Nationality	2016	2017	2018	2019	2020	2021
Bangladesh		6		4	16	52
India	1	10			13	7
Philippines	1					7
Republic of Korea			411			
New Zealand			1			

<sup>42</sup> According to an interview participant, this situation has been improved in recent years and there is now a standard contract that all companies must use for employing foreigners in Fiji.

<sup>43</sup> The annual reports can be accessed at [www.state.gov/trafficking-in-persons-report/](https://www.state.gov/trafficking-in-persons-report/).

<sup>44</sup> The reports on child labour and forced labour can be accessed at [www.dol.gov/agencies/ilab/resources/reports/child-labor](https://www.dol.gov/agencies/ilab/resources/reports/child-labor).

As shown in Table 1, the number of trafficking in persons cases in Fiji involving foreign nationals spiked dramatically in 2018, with 411 suspected victims of human trafficking from the Republic of Korea. These cases involved suspected trafficking of the Republic of Korea nationals by a Republic of Korea group Kubuabola, which allegedly acted under the pretence of a religious and business organization to traffic victims for “violence and barbaric rituals”.<sup>45</sup>

In 2021 there was also an increase in suspected human trafficking cases involving Bangladeshi victims. In these cases, Bangladeshi migrants were allegedly exploited in Fiji when Fiji’s borders closed due to the COVID-19 pandemic and the migrants became stranded in Fiji and were coerced to engage in work that they had not originally agreed to.

Interview participants reported that the volume of trafficking in persons is likely much higher than these figures suggest. A lack of reporting of suspected trafficking in persons cases is a major reason for the low number of investigations and prosecutions. As discussed in Section 4 of this report, members of the public, as well as a large proportion of the private sector, the government sector and civil society are unaware of what “trafficking in persons” means and are unfamiliar with the key indicators of trafficking in persons. Some trafficking in persons cases are misreported to the authorities as other forms of exploitation or abuse. Other factors responsible for the low number of investigations and prosecutions of trafficking cases are explored in more detail in the section of the report on gaps and challenges in Fiji’s response to trafficking in persons (Section 4).

It is suspected that since the COVID-19 pandemic, an increasing number of girls have been trafficked domestically for sexual exploitation and an increasing number of boys have been trafficked for forced criminal activities.

***“We know there is an issue and a potential increasing issue of domestic sex trafficking. We predict an increase in domestic child sex trafficking in the next couple of years due to the COVID situation.”***

*—An FGD participant*

As noted in previous paragraphs, interview participants expressed serious concern about the impacts of the COVID-19 pandemic on unemployment and poverty in Fiji, and noted the visible increase in the number of homeless adults and children and the number of children and youth engaging in risky work and crime on the streets. This finding is supported by other recent research. For example, in an October 2020 media report, Save the Children commented that more children were in situations of poverty in Fiji, and this was driving children to engage in exploitative sexual activities to obtain money.<sup>46</sup> The *UN Pacific Socio-Economic Impact Assessment of COVID-19 in Fiji Report* further noted that the COVID-19 pandemic has possibly led to an increase in the online sexual exploitation of children.<sup>47</sup>

***“Human is increasing. Money laundering and other crimes too are increasing. The criminals have networks... It [trafficking in persons] has increased and it will continue to increase.”***

*—A government representative*

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<sup>45</sup> Semi Turaga, Fiji Police is investigating possible case of modern day slavery involving South Korean group –. Kubuabola, *Fiji Village* (8 August 2018). Available at <https://fijivillage.com/news/Fiji-Police-is-investigating-possible-case-of-modern-day-slavery-involving-South-Korean-group---Kubuabola-rs52k9>.

<sup>46</sup> Christine Rovoi/Radio New Zealand (RNZ), Children in Fiji involved in prostitution: NGOs, as posted on *New Zealand Herald* (15 October 2020). Available at [www.nzherald.co.nz/world/children-in-fiji-involved-in-prostitution-ngos/XY4RFAQCZZT43GBC75X2VUZWA/](http://www.nzherald.co.nz/world/children-in-fiji-involved-in-prostitution-ngos/XY4RFAQCZZT43GBC75X2VUZWA/).

<sup>47</sup> RNZ, UN report finds sexual exploitation of children a concern in Fiji (2 October 2020). Available at [www.rnz.co.nz/international/pacific-news/427436/un-report-finds-sexual-exploitation-of-children-a-concern-in-fiji](http://www.rnz.co.nz/international/pacific-news/427436/un-report-finds-sexual-exploitation-of-children-a-concern-in-fiji).



There is also a lack of data on the volume of foreigners trafficked into Fiji. According to the US Department of State's 2021 *Trafficking in Persons Report*, nationals of several countries in Asia, including China, Indonesia and Thailand, have been trafficked into Fiji for sexual and/or labour exploitation; however, the reports do not specify the number of foreign victims.<sup>48</sup> Interview participants reported that while there have been investigations by MEPIR of complaints by migrant workers since the start of the pandemic, no new trafficking in persons cases involving foreign victims have been identified since early 2020 when the COVID-19 pandemic began and Fiji closed its international borders.

## Characteristics of domestic trafficking

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According to interview and FGD participants, domestic trafficking in persons is an increasing phenomenon in Fiji. Traffickers recruit Fijian victims through a variety of methods; however, a **popular method in recent years has been recruitment through social media**. Traffickers also sometimes use websites and mobile phone applications to advertise victims for commercial sex.<sup>49</sup>

### Domestic trafficking of Fijian adults

Fijian adults are reportedly trafficked within the country for forced labour and/or sexual exploitation. Some interview participants reported an increasing number of young male and transgender persons trafficked for sexual exploitation. Interview and FGD participants highlighted that traffickers exploit adult victims in farms, factories, construction sites, illegal brothels, local hotels and private homes.<sup>50</sup>

### Domestic trafficking of Fijian children

Fijian children are trafficked for sexual exploitation, forced labour (especially in agriculture and retail) and forced criminal activities in Fiji. According to the 2018 US Department of Justice report on child labour in Fiji, children in Fiji engage in the worst forms of child labour, including performing dangerous tasks in agriculture.<sup>51</sup>

Reports have indicated Fijian children as young as 12 years of age exploited in sex trafficking in the country;<sup>52</sup> however, other sources have reported children even younger than this being trafficked for sexual exploitation. For example, a July 2020 media article reported that an 11-year-old Fijian girl had been rescued from sex trafficking in Fiji. She was reportedly trafficked by her own family, who transported the child to various venues for the purpose of profiting from her sexual exploitation.<sup>53</sup> One interview participant reported that their NGO had supported trafficked children as young as 11 years old and that sex trafficking victims were becoming younger:

**“One of the youngest trafficked pregnant girls we had was 11 years old. The last five years we’ve watched it [the age of the victims] go down and down.”**

—An NGO representative

Interview and FGD participants reported a common practice of Fijian children being transported to hotels in popular tourist areas of Fiji for sexual exploitation. Foreign tourists reportedly request sexual acts with Fijian children, and pimps or other intermediaries provide the children to meet this demand. The US Department of State's 2021 *Trafficking in Persons Report* comments that foreign yacht owners and foreigners hiring locally owned yachts dock in rural Fijian islands and seek young women, usually children, for marriage; some of these women and children are at risk of forced labour or sex trafficking.<sup>54</sup>

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<sup>48</sup> See United States, Department of State, *Trafficking in Persons Report*, June 2021.

<sup>49</sup> Ibid.

<sup>50</sup> Information provided by interview and FGD participants; United States, Department of State, *Trafficking in Persons Report*, June 2021.

<sup>51</sup> United States, Department of Justice, *Findings on the Worst Forms of Child Labor*.

<sup>52</sup> United States, Department of State, *Trafficking in Persons Report*, June 2021.

<sup>53</sup> Inoka Rabonu, 11-year-old girl, youngest known victim of sex trafficking in Fiji: Homes of Hope, *Fiji Sun* (31 July 2020). Available at <https://fijisun.com.fj/2020/07/31/11-year-old-girl-youngest-known-victim-of-sex-trafficking-in-fiji/>.

<sup>54</sup> United States, Department of State, *Trafficking in Persons Report*, June 2021.



## Characteristics of trafficking of Fijians abroad

There is limited information available on Fijians trafficked into foreign countries. Interview and FGD participants noted that Fijians have been exploited in other Pacific countries, namely Australia and New Zealand, for forced labour and/or sexual exploitation. There have been reports of Fijian adults in these destination countries, as well as Tonga, subjected to forced labour in the construction or agriculture industries in the destination countries.<sup>55</sup>

### Agriculture and horticulture

Forced labour has reportedly been identified in the agriculture and horticulture sectors of New Zealand and Australia. The victims are often international migrants, including Fijian nationals, who lack understanding of their rights as workers and their visa conditions. The lack of understanding of these work and visa conditions may be abused by unscrupulous employers who exploit the workers, threaten the workers and their families, and prevent the workers from escaping and seeking assistance.<sup>56</sup>

There is also evidence that Fijians are trafficked for domestic work in foreign countries. The available literature suggests that Fijians have been subjected to domestic servitude in Australia and New Zealand.<sup>57</sup>

### Domestic servitude

In 2019, an Australian couple was sentenced to jail for forced labour offences. For years, the couple had exploited a Fijian woman in their home in a situation of domestic servitude.<sup>58</sup> In this case, the victim had her movements monitored, her communication with family and friends restricted and had been prevented from travelling home.<sup>59</sup>

## Characteristics of trafficking of migrants into Fiji

The COVID-19 pandemic led to Fiji implementing measures to curb the spread of the virus, including the closure of air and sea borders. Thus, interview participants reported that no new cases of migrants trafficked into Fiji have been reported since early 2020. However, prior to the pandemic, traffickers had been known to exploit migrant workers in Fiji, especially in the sex, fishing and construction sectors.

Some interview participants noted an increase in recent years in the number of Chinese women trafficked for sexual exploitation in Fiji:

***“There is an increase in Chinese nationals coming to Fiji and exploited for sexual exploitation.”***  
*—A government representative*

In terms of labour exploitation, migrant workers from South Asian and South-east Asian countries have been exploited in farms, factories and construction sites in Fiji. Interview participants noted increased concern for the welfare of some dozens of Bangladeshi migrant workers who had been stranded in Fiji during the pandemic and may be vulnerable to exploitation and labour trafficking in Fiji’s construction sector. Some cases of abuse in Fiji’s construction sector are reportedly being investigated as labour concerns and complaints; however, some cases involve exploitation and lack of payment that can be tantamount to trafficking in persons offences.

<sup>55</sup> See, for example, United States, Department of State, Trafficking in Persons reports; Walk Free, *Murky Waters*.

<sup>56</sup> Walk Free, *Murky Waters*.

<sup>57</sup> Ibid.

<sup>58</sup> Kate McKenna, Brisbane couple jailed for keeping Fijian woman as servant, ABC News (17 April 2019). Available at [www.abc.net.au/news/2019-04-16/couple-sentenced-over-forcing-fijian-woman-to-be-servant/11019432](http://www.abc.net.au/news/2019-04-16/couple-sentenced-over-forcing-fijian-woman-to-be-servant/11019432).

<sup>59</sup> Walk Free, *Murky Waters*.

*“With Bangladeshis, the language barrier is there. They’re signing documents but not knowing what’s on the document... They weren’t paid, they were given extra responsibilities. If there was no job in the restaurant, for example, they were used as security, doing night and day security work. They weren’t happy because they weren’t brought here to do that.”*

*—A government representative*

#### Construction

There have been reports that the passports of some migrant workers in Fiji’s construction sector are confiscated, and that these migrants are subjected to controlled movement and endure poor working and living conditions. Migrants who have been identified as exploited or trafficked in Fiji’s construction sector are Filipinos, Nepalis, Bangladeshis and Pakistanis. For some of the exploited migrant workers, language barriers mean that they face challenges in knowing where they can go for help and explaining their problems to the authorities and support service agencies.

Recruitment agencies operating in the victims’ home countries, as well as vessel owners and other crew, have reportedly exploited migrant fishermen from East and South-east Asian countries in forced labour on Fiji-flagged fishing vessels or foreign-flagged fishing vessels (mainly China-flagged vessels) transiting Fijian ports and waters. These victims of forced labour on fishing vessels endure poor working and living conditions and work for limited or no compensation on foreign fishing vessels in Pacific waters.<sup>60</sup>

According to one interview participant, trafficking in the fishing sector in Fiji is increasing, with even senior boat crew being vulnerable to trafficking in persons:

*“We’ve noted more recently that even some professionals like ship captains, they’re trafficked. They’re offered something when they’re recruited then they’re exploited in Fiji.”*

*—A government representative*

#### Fishing

Interview participants expressed concern that Fijians and migrants are trafficked on fishing vessels in Fiji and other countries in the Pacific region. A recent report by the NGO Walk Free suggested that the poor treatment of local fishing crew in Fiji is possibly tantamount to trafficking in persons.<sup>61</sup> Deceptive recruitment processes include crew being given contracts without sufficient understanding of the contents of the contracts, contracts with inaccurate details relating to pay and working conditions, and migrant workers being made to sign new contracts stipulating different conditions on arrival.<sup>62</sup>

Finally, there is reportedly a phenomenon of some Fijian men marrying women from South Asian countries (particularly Nepal and Pakistan) and subjecting them to domestic servitude in Fiji. The passports of these victims are confiscated, and they suffer abusive living and working conditions, threats and violence.

### Protection issues for trafficking victims

Interview and FGD participants highlighted that trafficking victims face multiple protection risks. Victims trafficked for forced labour or sexual exploitation face similar protection risks, including threats, violence, fatigue, injury, confinement to the place of exploitation, poor living and working conditions, and psychological harm.

<sup>60</sup> Pacific Immigration Directors’ Conference, 2014 People Smuggling, Human Trafficking and Irregular Migration in the Pacific.

<sup>61</sup> Walk Free, *Murky Waters*.

<sup>62</sup> Business & Human Rights Resource Centre, Out of sight: Modern slavery in Pacific supply chains of canned tuna, briefing paper (2019). Available at [www.business-humanrights.org/en/from-us/briefings/out-of-sight-modern-slavery-in-pacific-supply-chains-of-canned-tuna/](http://www.business-humanrights.org/en/from-us/briefings/out-of-sight-modern-slavery-in-pacific-supply-chains-of-canned-tuna/).

Personal documents, including passports, of migrants who are trafficked into Fiji are also confiscated. This finding is supported by recent research. For example, a 2020 report by Walk Free indicates that confiscation of passports is common among male migrant workers in the construction sector in Fiji.<sup>63</sup> Confiscation of personal documents can make the victims feel that they cannot approach the authorities for assistance, or return home, and highlights the importance of migrant workers knowing their rights, what trafficking in persons is and where to go for help if they were exploited.

Domestic and foreign victims of trafficking for sexual exploitation further face STIs, unwanted pregnancies, drug addiction and abortion. This finding is supported by Fatiaki's research on CSEC in Fiji. Fatiaki's research found that the children she interviewed were assaulted by drug dealers and clients and suffered headaches and STIs. They reported feeling very unsafe due to the threat of physical abuse perpetrated by pimps, clients and some older sex workers. The children also reported being concerned that their family members would find out that they were engaged in commercial sex.<sup>64</sup>

## Profiles and activities of human traffickers

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The research conducted for this report reveals that a number of individuals are involved in trafficking in persons offences in Fiji. With regard to the trafficking of Fijian nationals and foreigners, there are local Fijians involved in trafficking in persons offences, including business owners and managers, and pimps. These individuals work independently or in small and loose networks to recruit, transfer and exploit trafficking victims. Foreign perpetrators have also been identified, including foreign businesspersons and tourists who organize the trafficking of Fijian women and children for sexual exploitation.

With regard to child trafficking offences, some immediate family members are also responsible for trafficking family members. Interview participants reported that this is often due to family poverty. As the quote below illustrates, Fijian children were trafficked for labour exploitation and/or sexual exploitation prior to the COVID-19 pandemic, but the number of children trafficked by their family members has likely increased since the start of the pandemic due to the increase in unemployment and household poverty:

***“Cases I’ve encountered, it is parents who are using the kids to gain money. They do it for economic need. For family survival. It was before COVID. But since COVID, now it may have increased.”***

*—A government representative*

The motivation of human traffickers and other perpetrators in Fiji is primarily financial. Those engaged in organizing and committing the exploitation of Fijian and migrant victims in the sex sector, or the labour sector, may make significant financial profits from the exploitation of the victims.<sup>65</sup>

Traffickers recruit victims primarily through social media; however, other methods, such as false job advertisements, and sourcing victims directly in their local areas are also used. According to interview participants, there are both male and female human traffickers in Fiji. They are often from the same local areas as the victims.

***“The pimps are someone within the home or the neighbourhood. Male and female.”***

*—An NGO representative*

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<sup>63</sup> Walk Free, *Murky Waters*.

<sup>64</sup> Fatiaki, A study of the trafficking of children in Fiji for sexual exploitation.

<sup>65</sup> This information was provided by interview participants.

Trafficking for sexual exploitation appears to be fairly organized in Fiji. Interview participants described loose networks of individuals in various towns and cities in Fiji that coordinate the recruitment, transportation and exploitation of both male and female victims. Contact between perpetrators is often performed via mobile phone or social media. Victims are often recruited in their local areas, and then transported to Suva or other towns in Fiji where they are exploited.

*“They recruit through social networks. They mostly take them to Suva. Maybe because Suva is a big area where they can’t be clearly identified. This was happening before COVID-19.”*

*—A government representative*

# Section 4:

## CHALLENGES IN FIJI'S RESPONSE TO TRAFFICKING IN PERSONS



This section of the report explores some of the challenges in Fiji's response to trafficking in persons, including legislation challenges, data challenges, prevention and reporting challenges, investigation and prosecution challenges, victim protection and reintegration challenges, and collaboration and information-sharing challenges. The section begins with a summary of the challenges posed by the COVID-19 pandemic, as the pandemic has had negative effects on nearly all aspects of Fiji's response to trafficking in persons.

## Negative effects of the COVID-19 pandemic on Fiji's response to trafficking in persons

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The COVID-19 pandemic has had far-reaching negative effects on Fiji's response to trafficking in persons. When government-imposed restrictions on social contact and travel were introduced in Fiji in 2020, additional law enforcement and other resources were shifted to implementing the Government's efforts to control the spread of the virus. Travel and social contact were significantly limited, meaning that many prevention and victim protection activities were disrupted.

The effects of the COVID-19 pandemic on trafficking in persons volume and characteristics in Fiji remain largely unknown; however, interview participants highlighted that the closure of international borders did not mean that international and domestic trafficking in persons stopped completely. Interview participants highlighted the plight, for example, of stranded migrant workers in Fiji who were unable to return to their home countries and who had been subject to exploitative working conditions in the construction sector during the pandemic. Domestic trafficking cases appear to have increased, with a significant increase in households with little or even no income – adults and children in these households are at heightened risk of trafficking for labour and/or sexual exploitation.

Despite the suspected increase in domestic trafficking cases during the pandemic, prevention activities, such as labour inspections, and community awareness-raising campaigns and education sessions largely stalled due to the inability of front-line organization staff to travel and interact with communities.

In terms of protection of victims, some victims have reportedly faced protracted periods of time in a shelter or safe house while awaiting support services, and, for some victims, repatriation to their home countries. Due to the inability of NGO staff, health professionals, psychologists and other relevant personnel to visit victims in shelters, victims have experienced a reduction in support services.

With regard to investigation and prosecution of trafficking in persons cases, as in many other countries around the world,<sup>66</sup> law enforcement officers were pulled from their normal responsibilities to instead focus on managing the COVID-19 response, thus detracting from their time investigating trafficking in persons offences and other crimes. This means that investigations and prosecutions of trafficking in persons cases, as well as other crimes, were postponed for a period of some months during the pandemic.

***“COVID dominates, and nearly all Police are out there enforcing COVID safety protocols. And forget about human trafficking investigations because everyone is dealing with the COVID response.”***

*—An FGD participant*

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<sup>66</sup> See UNODC, Human Trafficking and Migrant Smuggling Section, *The Effects of the COVID-19 Pandemic on Trafficking in Persons and Responses to the Challenges: A Global Study of Emerging Evidence* (Vienna, 2021). Available at [www.unodc.org/documents/human-trafficking/2021/The\\_effects\\_of\\_the\\_COVID-19\\_pandemic\\_on\\_trafficking\\_in\\_persons.pdf](http://www.unodc.org/documents/human-trafficking/2021/The_effects_of_the_COVID-19_pandemic_on_trafficking_in_persons.pdf).

Coordination on trafficking in persons, both within Fiji and in terms of bilateral and multilateral coordination, was also very challenging during the height of the COVID-19 pandemic. As government and NGO representatives were unable to travel by air, and in some periods, by road, many meetings were postponed or cancelled. Interview participants highlighted the overall challenge of communicating with counterparts in government, as well as counterparts in international organizations and NGOs, due to staff working from home, and competing priorities.

Finally, budget for combating trafficking in persons in Fiji reportedly dwindled during the height of the pandemic due to other priorities, and the decline in revenue from international tourism. Front-line organizations, such as the FPF, the FID and the DoSW, have faced increasing demands for support but with fewer financial and human resources to provide support.

***“We’re doing our best. With COVID we’re working with limited budget and resources. We’ve lost employees. We need to work together, and come up with better processes to address this issue.”***

*—An FGD participant*

## Legislation gaps and challenges

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While sections 103 and 118 of the Crimes Act criminalize slavery and debt bondage, respectively, not all forms of labour trafficking are criminalized under the Crimes Act.<sup>67</sup>

***“We’re hoping to have amendments to the Crime[s] Act in the upcoming Parliamentary session. Not all human trafficking offences are currently legislated, not covered, not sufficient. Or up to the standards of the Palermo Protocol.”***

*—A government representative*

In a number of articles in Fiji’s Crimes Act, domestic and international trafficking are key offences that are punishable by long jail sentences. The Crimes Act separates domestic and cross-border trafficking in two provisions (section 115 and section 112, respectively). Additionally, sections 102–110 address slavery. The trafficking provisions explicitly refer to “sexual services”, “exploitation” and “debt bondage”. Debt bondage is further captured separately in sections 118 and 119. While a number of articles in the Crimes Act cover trafficking in persons offences, the result of having all of these interrelated offences captured across so many provisions is that an individual may receive a 12-year sentence, when the offence is considered a trafficking-related crime under Division 6; or a 25-year sentence, when the individual is charged with a crime against humanity, according to section 84; or a sentence of between 7 and 15 years, when based on slavery provisions. Alternatively, a 20-year sentence would apply where the offence is brought under the trafficking provision in the Immigration Act, which also criminalizes both trafficking in persons and smuggling of migrants.

Another challenge is that the Crimes Act and the Immigration Act conflate trafficking in persons and migrant smuggling. In international law, forced labour is one of the specified forms of exploitation for which a person may be trafficked, but it is not an element of the smuggling offence. However, in Fijian law, aggravated smuggling includes an intention to exploit a person in forced labour, which would make it essentially an offence of trafficking as understood in international law. Thus, it is not clear when various offences would apply to a situation, given that several provisions may be applicable to a certain circumstance. For example, where a person is trafficked for slavery, a standard trafficking offence could be charged, or slavery could be charged under the Crimes Act, or the trafficking offence in the Immigration Act could also apply. It is not clear what should happen in practice. Similarly, the difference in practice between “aggravated smuggling” (which involves forced labour) and trafficking in persons for forced labour is not clear.

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<sup>67</sup> United States, Department of State, *Trafficking in Persons Report*, 20th edition.

Online child sexual exploitation is becoming an increasing problem around the world. Article 91 of the Employment Relations Act (2007) criminalizes the sexual exploitation of children; however, it does not address the current reality of online exploitation.

## Data challenges

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There are various challenges associated with data collection in Fiji. One is that the only government agencies in Fiji that record data on trafficking in persons cases in the country are the HTU and the FID; **the relevant agencies do not have databases, and the only data that is regularly reported is on prosecuted cases.** This data is shared with the US Department of State for the annual trafficking in persons reports; however, the investigation and prosecution figures published in the annual reports are extremely low and mask the true magnitude of trafficking in persons in Fiji.

***“I don’t think we have any data. Just data on those who are prosecuted.”***

*—A government representative*

Another data-related challenge is that **across the different regions in Fiji, there is no standardized trafficking in persons screening tool.** This likely means that many victims are not being appropriately identified as trafficking in persons victims because officers ask the victims different questions and come to their own conclusions regarding the individuals’ victim status. This is rendered even more problematic in light of the fact that police officers are reportedly often not well trained to detect trafficking for labour exploitation.

Another data-related challenge is that the data sets collected by different agencies and across Fiji’s regions are not always easily comparable because different indicators are being used and different variables are collected.

***“In Fiji there’s limited data available. You need to know the definition. So far, people operating in their own agencies are collecting the fields that they feel satisfy their mandate. So when you zoom out and you see everyone with their own data sets, that’s where you need policy direction to harmonize this.”***

*—A government representative*

Further, data is not often collected at the local level. Only the HTU in Suva is able to investigate trafficking in persons cases, and all trafficking in persons investigation and prosecution data is held in police headquarters in Suva, with the regions not being informed of the volume or characteristics of trafficking in persons in their areas, or nationally, or the status of investigations in each region.

The final challenge is that the only trafficking in persons data that is recorded is **not stored in a centralized database and thus cannot be easily viewed by front-line agencies, such as the FID, MEPIR and the DoSW, or analysed, reported and used for policymaking purposes.**

## Prevention and reporting challenges

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The research conducted for this report reveals that there is a lack of knowledge among the Fijian population regarding what trafficking in persons is and the key indicators of trafficking. As a result, **few suspected cases of trafficking in persons are reported to the authorities for investigation.**



The HTU conducts anti-trafficking awareness seminars in communities in Fiji; however, it is difficult to measure whether these seminars have any positive effect on the targeted communities in terms of preventing trafficking in persons. It also remains unclear whether the seminars are disseminating knowledge regarding the risks of overseas employment or also cover domestic trafficking risks. It is also unknown whether the seminars provide communities with information about where to go to seek help or report suspected trafficking in persons cases.

***“Trafficking in persons has always been here in different forms, but it hasn’t been defined, labelled or recognized.”***

*—An NGO representative*

As noted in previous paragraphs, the lack of reporting from the public on suspected trafficking in persons cases is, in part, responsible for the low numbers of investigations and prosecutions of trafficking in persons in Fiji. The crime is not frequently reported (due to lack of knowledge of Fijians regarding trafficking in persons), and then some cases are not properly investigated (due to lack of knowledge of the FPF regarding the indicators of trafficking in persons).

***“In Fiji we see that things are underreported, but they are there. The matters aren’t reported to the police.”***

*—An NGO representative*

Cultural and other factors may play an important part in the lack of reporting of suspected trafficking in persons cases to the national authorities. For example, a common practice in Fiji is to send children to live with family members in different parts of the country. Some of these children are trafficked for labour and/or sexual exploitation by family members; however, the family and the community may not identify the child’s situation as child labour or child trafficking.

***“I’ve noticed an increase in children being trafficked. Next door, your auntie’s neighbour, it’s there but we don’t classify it as trafficking in persons. So many children are being trafficked. Eight to 12 years old.”***

*—An NGO representative*

Interview and FGD participants reported that, particularly in the past five years, there have been many cases of child trafficking that have been incorrectly reported by community members as child sexual abuse or another offence.

***“It wasn’t called human trafficking. To me honestly it’s an interesting issue because it’s new. Issues of sexual exploitation, I come across them. Child abuse. Abduction... Some of the things I’ve come across in the past should have been human trafficking.”***

*—An NGO representative*

Interview and FGD participants further highlighted the lack of knowledge among employers and businesspersons regarding the rights of local and migrant workers and the indicators of trafficking in persons. Interview participants reported a number of cases defined as “labour abuse” or other offences that may have actually been trafficking in persons cases.

Employers are further not sufficiently familiar with the penalties for trafficking in persons, and this means that some unscrupulous employers believe that they can act with impunity. Similarly, local and migrant workers are not sufficiently aware of their rights and are thus reluctant to seek help when they are exploited. Migrant workers may fear reporting exploitative working and living conditions to the authorities for fear that they will lose their jobs and be deported.

*“There is a lack of knowledge on both sides – employers and employees. Even if they want to come to the authorities there are other things at stake. If they complain something might happen to them. There needs to be more awareness [of] the law, the penalties, the consequences. Right now nothing happens that’s why they [employers] do it. They [employers] don’t fear the law.”*

*—A government representative*

There is also a lack of knowledge regarding the support services that are available to trafficking victims. This lack of knowledge regarding support services acts as a deterrent for trafficking victims seeking assistance from the authorities, the DoSW and NGOs. This finding is supported by Fatiaki’s recent research on CSEC in Fiji. Most of the children that Fatiaki interviewed were unaware of the support services available to them. Children reported being aware of Homes of Hope, Medical Services Pacific, Red Cross and hospital clinics for STI testing; however, the children were largely unaware of other services provided through the DoSW, the Fiji Women’s Crisis Centre and the Sex Worker Advocacy Network Fiji.<sup>68</sup>

## Investigation and prosecution challenges

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Official figures provided by the FPF and the FID for this study suggest that each year between 2016 and 2021, there have been between three and four investigations of suspected trafficking in persons cases. This suggests that most foreign victims do not go through the criminal justice process and instead are repatriated to their home countries.

Only one trafficking in persons case has been prosecuted in Fiji, and only one person has been convicted for trafficking in persons offences since 2014.<sup>69</sup>

Among front-line organizations, there is an overall lack of knowledge of the key indicators of trafficking in persons. A number of interview participants employed in government agencies or civil society reported that, in recent years, they had come across dozens of cases that may have been trafficking in persons, but that they had only very recently received training in identifying trafficking in persons. Underreporting and misreporting of trafficking in persons offences means that cases are not appropriately investigated.

Investigation gaps and challenges were identified across the key front-line agencies responsible for investigating labour abuse or trafficking in persons. With regard to MEPIR, for example, the research conducted for this report identified that MEPIR does not adequately investigate labour violations for indicators of trafficking. MEPIR labour inspectors are responsible for identifying labour law violations, including wage violations; however, the inspectors are not adequately trained to identify forced labour or trafficking in persons. This criticism is also highlighted in the recent trafficking in persons reports of the US Department of State. As noted in the 2021 *Trafficking in Persons Report*, labour inspectors conducted 843 inspections in 2020, which was a significant decrease compared with the 3,562 inspections conducted in 2019, and no child labour violations were identified in 2020. The 2021 *Trafficking in Persons Report* further comments that the Fijian authorities did not adequately monitor the labour conditions of foreign workers on different worksites, including construction sites.<sup>70</sup>

The research conducted for this report also identified that DoSW welfare officers are not adequately trained to identify child trafficking cases. Because of the welfare officers’ lack of knowledge regarding the indicators of child trafficking, cases are instead reported as, for example, child sexual abuse or child neglect.

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<sup>68</sup> Fatiaki, A study of the trafficking of children in Fiji for sexual exploitation.

<sup>69</sup> Information provided, in a survey response, by the HTU; United States, Department of State, *Trafficking in Persons Report*, June 2021.

<sup>70</sup> United States, Department of State, *Trafficking in Persons Report*, June 2021.

A key challenge for front-line organizations' ability to appropriately identify and investigate trafficking in persons cases in Fiji is that the different government agencies in Fiji operate within their mandate and the legislation that underpins their work. For example, the FID officers define trafficking in persons using the Immigration Act, focusing on international trafficking. Police officers define trafficking in persons using the Crimes Decree. The DoSW welfare officers use the child abuse framework to review child sexual abuse cases.<sup>71</sup>

Even when trafficking cases are referred to the police, they may not be appropriately investigated. This finding is supported by the US Department of State's *Trafficking in Persons Report* comments on law enforcement capacity in Fiji. According to the 2020 *Trafficking in Persons Report*, law enforcement representatives are often not aware of the definition of trafficking in persons or the procedure for interviewing victims.<sup>72</sup> A 2019 media article reported that 80 per cent of police officers in Fiji were unaware of how to investigate suspected trafficking in persons cases.<sup>73</sup>

***“The officers, they need to be trained. The majority of officers are not aware of how to tackle human trafficking offences.”***

*—A government representative*

Fiji's National Anti-Human Trafficking Strategy (2021–2026) contains a list of trafficking indicators for officials to use for victim identification; however, the 2021 *Trafficking in Persons Report* notes that the authorities did not frequently use these indicators, or share them with counterparts in other agencies.<sup>74</sup>

Another challenge for Fiji is that the HTU is only situated in Suva and there is no HTU presence in other parts of the country. This means that police in different regions must report suspected trafficking cases to the HTU for investigation. HTU officers must travel long distances to collect evidence, impeding swift investigations of trafficking cases.

***“The issue isn't well addressed in the Northern Division because the Human Trafficking Unit is based in Suva. So every case that we are suspicious of, we need to relay this to Police Headquarters in Suva. If you talk about investigation, none are done here.”***

*—A government representative*

In terms of prosecution challenges, the research conducted for this report identified a lack of effective coordination between police and prosecutors as a key factor impeding the effective prosecution of trafficking cases. Another challenge in conducting prosecutions of trafficking in persons cases is that there is insufficient support for victims. Because foreign victims are not allowed to work and earn an income while they are participating in the court process, some victims will decline to continue with the court process and instead request to return to their home countries.<sup>75</sup> Lengthy prosecutions (several years) and a lack of victim-friendly court features (for example, a screen between the victim and the trafficker, and the ability for victims to provide video testimony) may also deter Fijian victims from participating in court cases. Access to free legal aid is also reportedly challenging for victims. Finally, interview and FGD participants reported that some local victims fear social stigma and, for this reason, will decline to contribute to the investigation and prosecution, as they worry that their families will learn through the media or word of mouth that they were sexually exploited.

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<sup>71</sup> Fatiaki, A study of the trafficking of children in Fiji for sexual exploitation.

<sup>72</sup> United States, Department of State, *Trafficking in Persons Report*, 20th edition.

<sup>73</sup> Luke Nacei, Ahmed: Fijian police unaware of how to handle trafficking cases, *Fiji Times* (13 December 2019), available at [www.fijitimes.com/ahmed-fijian-police-unaware-of-how-to-handle-trafficking-cases/?fbclid=IwAR2mn3Ib2IgmWR36seSxuFRTrQJaWng0ql02bXmVNCzJOW\\_e6tf1p7nFgCg](https://www.fijitimes.com/ahmed-fijian-police-unaware-of-how-to-handle-trafficking-cases/?fbclid=IwAR2mn3Ib2IgmWR36seSxuFRTrQJaWng0ql02bXmVNCzJOW_e6tf1p7nFgCg). It should be noted that this comment regarding law enforcement excludes the specialized HTU.

<sup>74</sup> United States, Department of State, *Trafficking in Persons Report*, June 2021.

<sup>75</sup> United States, Department of State, *Trafficking in Persons Report*, 20th edition.

## Victim protection and reintegration challenges

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While improvements have been made in recent years to the mechanisms for protecting and reintegrating domestic and international victims, there remain gaps and challenges in Fiji's efforts to protect trafficking victims. Most protection and reintegration activities in Fiji are performed by NGOs. The Government of Fiji has made available to victims essential support, such as accommodation, legal aid, medical care, interpretation services and allowances for basic necessities; however, due to a lack of budget and resources, these services are, in practice, largely provided by NGOs.

### Lack of comprehensive support

The research conducted for this report identified an array of different services available to trafficking victims, which are similar to those made available to victims of other offences, such as gender-based violence. However, the framework for trafficking victim protection in Fiji is, overall, patchy, with referral, case management, and service provision lacking coordination and comprehensiveness.

There was consensus in the interviews conducted for this study that some of the services made available to trafficking victims in Fiji are inadequate. Interview participants pointed, in particular, to gaps in the provision of case management support, shelter, psychosocial counselling and interpretation. With regard to children, specifically trafficked children, they face challenges not only in accessing case management support, shelter, and counselling but also social and educational programmes aimed at children. Children in rural areas in Fiji face reportedly acute challenges in accessing social programmes and quality services.

### Case management

A key gap in the protection and reintegration of trafficking victims in Fiji is that there is a **lack of case management support**. Due to a lack of resources, victims are not always allocated a case manager by the agency (usually an NGO) that is supporting the victim. Thus, the victim lacks a focal point who is able to guide him or her throughout the entire process of rehabilitation, legal process and, where relevant, repatriation. Due to the absence of a case manager, victims are often not aware of the support that is available to them through State and NGO services.

The Ministry of Defence, National Security and Policing has recently created the CMC Office, as well as a case management mechanism, which established formal procedures for officials to refer victims to the CMC. The CMC should assume responsibility for coordinating victim support and overseeing the progression of investigations and prosecutions; however, as noted in the 2021 *Trafficking in Persons Report*, the CMC has not overseen any cases or coordinated victim services, and the case management mechanism is thus not yet implemented in practice.<sup>76</sup>

***“They [the government] don’t have the resources to look after these people. I’m waiting to see if anything comes out of the NAP. There was supposed to be a case management coordinator. It’s nice to have an action plan, but it needs to be implemented.”***

*—A government representative*

### Shelter

Several facilities are available for the short-term accommodation of trafficking victims in Fiji. The FID operates a safe house for migrants awaiting deportation, which can accommodate trafficking victims who are migrants. The safe house is not specifically for trafficking victims, and trafficked persons are accommodated in the shelters alongside various other migrants.

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<sup>76</sup> United States, Department of State, *Trafficking in Persons Report*, June 2021.

Children and youth under the age of 21 years can be accommodated in one of the four DoSW children's homes.<sup>77</sup> In addition, there are at least two NGO-run shelters that can accommodate female victims of sex trafficking: (1) a shelter run by Homes of Hope in Suva; and (2) a shelter run by the Salvation Army, also in Suva. These shelters accommodate female trafficking victims alongside female victims of other sexual-based offences.

A mapping activity has not yet been conducted on the shelter system in Fiji; therefore, the Government of Fiji is not currently aware of precisely what facilities in Fiji are equipped to accommodate victims of trafficking.

A further key gap is the location of the shelters. The shelters run by Homes of Hope and the Salvation Army are based in Suva. There may be some small facilities in the different regions; however, most trafficking victims are referred to the Homes of Hope or Salvation Army shelters, which are at a long distance from the victims' homes and families.

Another key gap is the lack of shelter available to male trafficking victims. The Homes of Hope and Salvation Army shelters can currently only support females. At present, there are very few facilities that can accommodate Fijian male victims of trafficking who are over 21 years of age.

***“There are limitations – like they [the shelters] can only support females.”***

*—An FGD participant*

Finally, there are no shelters designed specifically for trafficking victims. Trafficking victims are accommodated at the existing shelters alongside victims of other offences or migrants awaiting deportation. Some of the facilities are reportedly very basic, with few services available. The NGO shelters that can accommodate female trafficking victims are reportedly better equipped to provide services to trafficking victims; however, they lack of financial and human resources to provide comprehensive care for trafficking victims.

### **Counselling**

Interview and FGD participants emphasized the need for trafficking victims to access free psychosocial counselling; however, there was consensus in the interviews and FGDs that **psychosocial counselling for victims is difficult to access because of the financial constraints faced by relevant government agencies and NGOs, and the fact that there are few qualified counsellors available in Fiji, especially in more rural parts of the country.**

The research identified a potential lack of awareness among staff in key government agencies regarding the services that NGOs can provide to trafficking victims. For example, some government agency interview participants reported that they had called several NGOs when they wanted to refer a trafficking victim to support services, including psychosocial counselling but that the NGOs could not provide the counselling services that the victim needed. Interviews with NGO representatives, however, identified a range of counselling and other services that can be provided to trafficking victims but respondents commented that they rarely received trafficking victim referrals. It is possible that there is a lack of knowledge, among front-line agencies, of the NGOs present in the country and the services that they are able to provide to trafficking victims, including psychosocial counselling.

### **Interpretation**

Another protection gap that the research identified is the interpretation service for foreign trafficking victims. Victims from some countries, such as Bangladesh and China, have reportedly faced challenges and delays in being provided with access to qualified interpreters. The lack of interpretation services available means that victims have trouble communicating with the authorities, shelter staff, psychosocial counsellors and legal aid professionals.

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<sup>77</sup> Ibid.

## Stigma

Another key protection challenge, especially for agencies responsible for reintegrating domestic trafficking victims, is social stigma. Both male and female trafficking victims experience stigma, and this may deter them from providing evidence to the authorities, accessing services and returning to their home communities. Interview participants highlighted the very difficult situation, in particular, of female sex trafficking victims who face stigma. Many female sex trafficking victims experience acute shame about what happened to them and are deeply concerned that their families will find out that they have been trafficked for sexual exploitation. For this reason, sex trafficking victims may not want to return to their communities and may not seek out support services because of fear that by accessing services word will spread that they have been exploited for sexual purposes, and they will be ostracized.

## Collaboration and information-sharing challenges

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There was consensus in the interviews and FGDs conducted for this study that there is **inadequate collaboration on trafficking in persons prevention, investigation, prosecution and victim protection**. Interview and FGD participants noted inadequate collaboration, in particular, between these organizations and groups:

- **The FPF and the ODPP:** Under Fiji's legal system, the ODPP acts independently from law enforcement investigations, which impedes effective coordination between police and prosecutors on trafficking in persons cases.
- **Government agencies and NGOs:** NGOs that are endeavouring to prevent trafficking in persons in Fiji, or protect and reintegrate victims, lament the lack of information shared by government agencies on individual cases, as well as on the volume of trafficking and trafficking characteristics. This lack of information leads to NGOs developing policy and programmes in the dark, with limited evidence on which to base their interventions.
- **Government agencies and regional entities:** Regional entities reportedly receive most of their information on trafficking in persons (as well as migrant smuggling) from NGOs in Fiji, rather than the Government. This inhibits their ability to develop an evidence base on which to establish effective interventions or policy recommendations.

# Section 5:

## CONCLUSION AND RECOMMENDATIONS





## Conclusion

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The research conducted highlights that trafficking in persons, both domestic and international, certainly exists in Fiji, and that it is an increasing problem.

Human traffickers prey on socially vulnerable adults and children in Fiji. A number of factors make Fijians vulnerable to trafficking in persons, including, but not limited to, poverty, unemployment, homelessness, lack of education, family breakdown, migration to urban centres, gender discrimination, teenage pregnancy and child sexual abuse. Victims often experience multiple vulnerabilities – these, combined with a lack of socioeconomic safety net, make adults and children vulnerable to human traffickers. The COVID-19 pandemic has worsened unemployment and poverty in Fiji, and as a result, has likely made more people vulnerable to exploitation and abuse. Migrants are further vulnerable due to their lack of knowledge regarding their rights as migrant workers, the confiscation of their personal documents, language barriers, and their lack of knowledge regarding what support is available to them in Fiji.

Men and women in Fiji are trafficked for forced labour and/or sexual exploitation. Victims are trafficked in their local areas, or, more often, to urban parts of Fiji for exploitation in farms, construction sites, illegal brothels, local hotels and private homes. Fijian children are trafficked for sexual exploitation and/or forced labour, or forced criminal activities. Fijians are trafficked to other countries in the Pacific region, including Australia, New Zealand and Tonga, for forced labour and/or sexual exploitation. Migrants are trafficked to Fiji for forced labour or sexual exploitation, too. There is evidence of women from Asian countries trafficked for sexual exploitation in Fiji, particularly in Suva. There are concerns, which merit further investigation, regarding the exploitation of Bangladeshi migrant workers in Fiji's construction sector, as well as Asian nationals trafficked on fishing vessels in Fiji and the wider Pacific region.

Adult and child victims of trafficking face a range of protection risks, including threats, violence, fatigue, injury, confinement, poor living and working conditions, and psychological harm. In the case of foreigners trafficked into Fiji, their personal documents, including their passports, may be confiscated, which can make their escape and return home challenging. In addition to these harms and injuries, victims of sexual exploitation face specific risks, including STIs, unwanted pregnancies and drug addiction.

Perpetrators of trafficking in persons in Fiji include brokers or recruiters, unscrupulous business owners and managers, pimps, as well as persons involved in other aspects of the trafficking offence, such as the transport of victims (for example, taxi drivers). Traffickers appear to work in small and loose networks in Fiji. As in other countries around the world, the key motivation for trafficking in persons offences in Fiji is financial gain. Victim recruitment methods are also similar to those of traffickers operating in other countries – traffickers utilize social media, false job advertisements on the Internet and mobile applications. Many victims are sourced directly in their local areas.

Fiji has made progress in strengthening its mechanisms to prevent and combat trafficking in persons and protect and reintegrate victims. Its commitment to combating trafficking in persons is demonstrated in its improved ranking in the US Department of State's 2021 *Trafficking in Persons Report* – Fiji was upgraded to Tier 2. However, gaps and challenges in combating trafficking in persons in Fiji remain. In terms of national legislation challenges, not all forms of labour trafficking are criminalized under Fijian national law. The Crimes Act and the Immigration Act conflate trafficking in persons and migrant smuggling, and the term “trafficking in persons” is defined differently across the two acts.

There is a lack of data on the volume of trafficking in persons and on trafficking characteristics and trends. Relevant government agencies do not have databases for managing trafficking in persons data. There is no centralized database either; thus, data is not shared easily between relevant government agencies. Further, trafficking in persons data collected by key frontline agencies, such as the FPF, the FID and the DoSW, is not easily comparable because the agencies are using different definitions and indicators.



Only a small number of suspected trafficking in persons cases are reported to the authorities because of the lack of awareness of the Fijian public on what trafficking in persons is, and the key indicators of trafficking.

Even among front-line organizations, including the FPF,<sup>78</sup> knowledge regarding trafficking in persons is lacking and capacity in investigating suspected trafficking in persons cases is inadequate. The HTU officers are well trained to investigate trafficking in persons cases but lack a presence in all parts of the country.

The protection and integration framework for victims is patchy; most victim protection work is coordinated and delivered by NGOs. There are gaps in the provision of case management support, shelter, psychosocial counselling and interpretation services. There are no dedicated shelters for trafficking victims, and there are very few facilities that can accommodate male victims who are over the age of 21 years.

Finally, inadequate collaboration between front-line organizations in Fiji inhibits efforts to prevent and combat trafficking in persons. Collaboration between key government agencies, between government agencies and NGOs, and between government agencies and regional entities needs to be improved.

## Recommendations

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In light of the gaps and challenges outlined in Section 4 of this study, this final section sets out some recommendations the way forward on strengthening Fiji's response to trafficking in persons. The recommendations are mostly directed at the Government of Fiji, as well as donors, international organizations and NGOs.

### Legislation

- Amend trafficking-related provisions of the Crimes Act to criminalize all forms of labour trafficking.
- Amend national legislation to address the current reality of online child sexual exploitation. Article 91 of the Employment Relations Act (2007) criminalizes the sexual exploitation of children; however, it does not address the current reality of online exploitation.
- Provide regular and ongoing training to educate front-line organization representatives (FPF, FID, MEPIR, DoSW) about relevant national legislation and its application in trafficking in persons cases.

### Prevention

- Increase the number and scope of awareness-raising campaigns that disseminate information on labour and sex trafficking in Fiji and overseas, with a view to preventing trafficking in persons in Fiji. Campaign messages and materials should be developed through participatory methods and pre-tested on members of the target population prior to their implementation. Campaigns should strengthen knowledge and understanding of both domestic trafficking and cross-border trafficking. Campaign materials should be prepared in all key languages.
- Increase awareness among Fijians of the penalties for trafficking in persons offences, as well as the penalties for foreign businesspersons and tourists engaging in CSEC in Fiji. Fiji should cooperate with the governments of major tourist-sending countries, such as Australia and New Zealand, to develop campaign materials, which could be disseminated at airports in destination countries and Fiji's airports. Campaign materials should be prepared in all key languages, and messages should be pre-tested.
- Increase awareness of foreign labour migrants – before departure and upon arrival in Fiji – of their rights and the support services available to them in Fiji. Information should be prepared in the languages of migrant workers.
- Increase efforts to proactively screen for trafficking in persons among groups of vulnerable persons, such as international labour migrants, sex workers and child labourers.
- Increase oversight of the working and living conditions of foreign labour migrants in key sectors, such as agriculture and construction.

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<sup>78</sup> This finding excludes the HTU, which has expertise in investigating suspected trafficking in persons crimes.

- Increase early intervention activities to identify at-risk families and children, and provide such vulnerable persons with socioeconomic support.
- Increase livelihood options for Fijians, particularly the youth. Cooperate with the private sectors in Fiji and the wider Pacific region to identify livelihood skills training opportunities, paid internships and apprenticeships, and employment opportunities.

#### Victim identification, investigation and prosecution

- Increase the capacity of representatives of the FPF in identifying human trafficking cases. The training curriculum at the Police Academy should include training in the indicators of human trafficking.
- Finalize and implement formal victim identification and referral procedures for the FPF, the HTU, the FID, the MEPIR and the DoSW. A standard victim screening tool should be developed for use by all these agencies. Clear processes for referring victims to investigation and prosecution mechanisms, as well as protection mechanisms, should be documented, and the processes must be widely disseminated through training given to all relevant government agencies and NGOs.
- Conduct regular capacity-building training – through the HTU and ODPP – for agencies, such as the FID, the MEPIR and the MWCPA; NGOs; and the public to increase awareness and reporting.
- Increase resources for the HTU, including human resources, vehicles, and funding for HTU officers to travel to the different regions of Fiji to investigate suspected trafficking in persons cases, and deliver training in the indicators of trafficking to the FPF, the FID, the MEPIR, the DoSW, relevant NGOs and communities.
- Investigate, in the medium to long term, options for establishing a human trafficking unit in each region in Fiji. The HTU is currently in Suva, and this limits the ability of officers to investigate suspected trafficking in persons cases in other regions, as well as for other regions to benefit from the HTU's knowledge and expertise.
- Improve the protection afforded to victims in court settings. Explore the possibility of victims being protected from the view of the accused by a screen and the possibility of victims providing video testimony.

#### Data and information collection, reporting and sharing

- Relevant agencies should take steps towards establishing databases to store and analyse trafficking in persons data.
- In the medium term, steps should be taken to establish an integrated and centralized database that stores data on all reported cases and allows relevant authorities to input and view data. The database may be managed by the MDNSP or another appropriate government agency. Cases of interest can then be referred to the HTU for investigation and appropriate victim support. Data on victims, traffickers, offences, investigations, prosecutors and court judgements should be captured in the centralized database. The Government of Fiji should further develop guidelines covering, inter alia, rules on data security, who may access the database, analysis of data, and reporting and sharing data.
- Compile aggregate-level data and anonymized qualitative data on victims, offenders and trafficking offences in the form of an annual national trafficking in persons report. The report should be made available to all relevant government agencies, international organizations, and NGOs in Fiji and provide an annual picture of the volume of trafficking in persons (including reported cases, investigated cases, prosecuted cases, convictions), trafficking characteristics and trends, recent policy initiatives and anti-trafficking activities, and progress towards achieving the goals outlined in the NAP.

#### Protection and reintegration of victims

- The Government of Fiji should ensure that the CMC Office is effective and that victims are being referred to the Office. An independent oversight mechanism should be established to verify the sound functioning of the Office.

- Establish an NRM for the streamlined referral of victims from the referring body to protection and reintegration services. Lessons learned from countries that have established NRMs, such as the United Kingdom, should be collected in the preliminary phase of the NRM design. Under the NRM activities, all relevant agencies should be provided with information on what the other NRM members do in terms of identifying victims, investigating and prosecuting trafficking cases, and providing protection and reintegration services to victims.
- Increase specialized services for trafficking victims, as well as other vulnerable persons. Special attention should be paid to increasing provision of psychosocial counselling by trained counsellors.
- Where lack of capacity is identified in the provision of protection and reintegration services for trafficking victims, decisive steps should be taken to address the gap. For example, it may be necessary to train a generation of psychosocial counsellors at university level in Fiji. This could be achieved by providing scholarships or other financial support to encourage Fijians interested in mental health issues to complete formal training and become qualified counsellors.
- Establish dedicated shelters for trafficking in persons victims. There should be, at a minimum, at least one shelter for female victims and children, and another shelter for male victims. The shelters should have a dedicated case manager for victims, as well as a programme of comprehensive services for victims, comprising, at a minimum, psychosocial support, referral to health services, legal aid and livelihood skills training.
- Provide a legal alternative, such as a long-term protection visa, to mitigate the risk of victims being returned to countries where they would face retribution or significant hardship, and be at risk of re-trafficking.
- Take steps to decriminalize sex work in Fiji and strengthen sex worker support programmes.
- Introduce informal education programmes for children who are out of school and engaging in child labour.

## Coordination

- Improve cooperation and coordination between the following groups, in particular: police and prosecutors; relevant government agencies (FPF, HTU, FID, MEPIR, DoSW); government and NGOs; and government and regional entities. Where relevant, establish formal memorandums of understanding to guide the collaborative activities and information-sharing between the key agencies.
- Take steps towards establishing a national task force or an inter-agency committee on trafficking in persons. Through wide consultation with all relevant stakeholders across Fiji, decide which agency should lead the task force, the financial and human resource requirements, the mechanisms for data and information-sharing, and the processes for decision-making and policy implementation. At a minimum, the task force/committee should have representation from the following agencies, such as the FPF, the HTU, the FID, the MEPIR, the DoSW and the ODPP; international organizations, such as UNODC and IOM; and key NGOs including Homes of Hope and the Salvation Army.
- NGOs should coordinate with NGO counterparts in other Pacific Island nations to establish a regional NGO network. The network would be a useful platform for sharing information and data on trafficking in persons, as well as on policy changes, and persistent challenges and promising practices in the protection and reintegration of victims.

## Policy implementation

- Members of the Coordination Steering Committee should ensure that the implementation of the 2020 NAP is incorporated into their respective work plans and mandatory reporting on the achievement of NAP targets are provided within the set timelines.
- The Coordination Steering Committee should advise the National Defence and Security Council on the need for any policy changes to improve the implementation of the NAP.



## Annex: Anonymized list of interview participants and other sources of information and data

	Date	Type of agency/individual	Location
1	7 April 2021	NGO	Lautoka
2	7 April 2021	NGO	Lautoka
3	8 April 2021	NGO	Lautoka
4	8 April 2021	NGO	Nadi
5	8 April 2021	NGO	Lautoka
6	8 April 2021	NGO	Nadi
7	9 April 2021	Survivor	Lautoka
8	9 April 2021	NGO	Nadi
9	9 April 2021	NGO	Nadi
10	9 April 2021	NGO	Nadi
11	9 April 2021	NGO	Lautoka
12	16 April 2021	NGO	Suva
13	16 April 2021	Government	Suva
14	16 April 2021	Government	Suva
15	16 April 2021	Survivor	Suva
16	16 April 2021	Government	Suva
17	19 April 2021	Government	Labasa
18	19 April 2021	Government	Labasa
19	19 April 2021	Government	Labasa
20	19 April 2021	Government	Labasa
21	19 April 2021	Government	Labasa
22	19 April 2021	Government	Labasa
23	20 April 2021	Government	Labasa
24	20 April 2021	Government	Labasa
25	20 April 2021	Government	Labasa
26	20 April 2021	NGO	Labasa
27	20 April 2021	NGO	Labasa
28	21 April 2021	Government	Labasa
29	21 April 2021	Government	Labasa
30	21 April 2021	Government	Labasa
31	26 April 2021	NGO	Online interview
32	26 April 2021	NGO	Online interview
33	26 April 2021	NGO	Online interview
34	27 April 2021	NGO	Online interview
35	27 April 2021	NGO	Online interview
36	28 April 2021	NGO	Online interview
37	28 April 2021	Regional entity	Online interview
38	28 April 2021	Regional entity	Online interview
39	29 April 2021	Embassy	Online interview

40	29 April 2021	NGO	Online interview
41	4 May 2021	NGO	Online interview
42	4 May 2021	University	Online interview
43	5 May 2021	International organization	Online interview
44	5 May 2021	University	Online interview
45	18 May 2021	Government	Online interview
46	19 May 2021	Government	Online interview
47	19 May 2021	NGO	Online interview
48	20 May 2021	Government	Online interview
49	21 May 2021	Government	Online interview
50	24 May 2021	University	Online interview
	May 2021	Government	Written response to interview questions
	15 July 2021	FGD 1	Online
	21 July 2021	FGD 2	Online





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