

# Fiji - United States Department of State

## FIJI: Tier 2 Watch List

The Government of Fiji does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included initiating a similar number of investigations compared to the previous year, increasing the number of officers assigned to the police human trafficking unit, designating an agency responsible for coordinating victim services, and convening the interagency working group on trafficking. In addition, the government convicted a trafficker for the first time since 2014. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government continued to lack guidelines for victim identification; did not train labor, customs, or immigration officials on trafficking; and identified only one victim during the reporting period. The government did not adequately investigate labor violations for indicators of trafficking or provide adequate support to victims, which also impeded prosecution efforts. Some reports suggested official complicity impeded anti-trafficking efforts. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Fiji was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Fiji remained on Tier 2 Watch List for the third consecutive year.

## PRIORITIZED RECOMMENDATIONS:

Develop and implement formal victim identification and referral procedures for police, immigration, customs, and labor officials. • Proactively screen groups vulnerable to trafficking, such as foreign migrant workers, persons in commercial sex, and child laborers. • Increase efforts to investigate and prosecute trafficking offenses, and convict and punish traffickers, including by increasing resources for the police human trafficking unit. • Amend trafficking-related provisions of the Crimes Act to criminalize all forms of trafficking. • Improve coordination between police and prosecutors working trafficking cases. • Deliver effective training to police, prosecutors, immigration, customs, and labor officials on trafficking. • Increase the provision of victim services, including by increasing coordination among agencies and with NGOs. • Increase the oversight of the working conditions of foreign construction workers and increase investigation of labor violations involving children and migrant workers for forced labor. • Proactively investigate potential official complicity in trafficking-related crimes. • Enable identified foreign victims to work and earn income while assisting with investigations and provide a legal alternative to victims' removal to countries in which they would face retribution or hardship. • Take steps to implement the 2020 anti-trafficking national action plan. • Increase dissemination of labor and sex trafficking awareness campaigns, including to raise awareness of sex trafficking laws among foreign tourists.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The 2009 Crimes Act criminalized some forms of labor trafficking and all forms of sex trafficking. Sections 112-117 criminalized trafficking in persons but, inconsistent with international law, required either transnational or domestic movement to constitute a trafficking offense. These articles prescribed penalties of up to 20 years' imprisonment for movement-based trafficking offenses involving adult victims, and up to 25 years' imprisonment for those involving child victims; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with other serious crimes, such as kidnapping. Sex trafficking offenses that did not involve movement could be prosecuted under Sections 106, 107, 226, and 227 of the Crimes Act. Section 106 criminalized sexual servitude by means of force or threat and prescribed penalties of up to 15 years' imprisonment if the offense involved an adult victim and up to 20 years' imprisonment if the offense involved a child victim. Section 107 criminalized "deceptive recruiting for sexual services," including inducing and maintaining individuals in prostitution through deceptive means, and prescribed penalties of up to seven years' imprisonment if the offense involved an adult victim and up to nine years' imprisonment if the offense involved a child victim. Sections 226 and 227 criminalized the buying or selling of children for "immoral purposes," which included prostitution, and prescribed penalties of up to 12 years' imprisonment. The penalties prescribed under these sections were sufficiently stringent and commensurate with the penalties prescribed for other grave crimes, such as rape. While Sections 103 and 118 criminalized slavery and debt bondage respectively, all forms of labor trafficking were not criminalized under the Crimes Act. The law prescribed 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; the penalties for slavery were sufficiently stringent, while the penalties for debt bondage were not. During the reporting period, the government initiated a review of its trafficking legal framework with assistance from an international organization.

Police initiated investigations of two suspected trafficking cases during the reporting period (three in 2018) and continued to investigate three cases initiated in previous years. The government initiated prosecution of one suspected trafficker (three in 2018), and in a case involving domestic child sex trafficking, the government convicted a trafficker for the first time since 2014 and sentenced them to 14 years' imprisonment. Following its formalization as a unit during the previous reporting period, the police's human trafficking unit (HTU) increased its staff from four to seven officers. Nonetheless, the unit lacked adequate resources to effectively conduct investigations. Police did not proactively investigate trafficking cases consistently, and a lack of effective coordination between police and prosecutors continued to impair the government's pursuit of trafficking cases. Inadequate victim support, including insufficient efforts to enable victims to work and earn an income while assisting with investigations, weakened the success of prosecutions. Restrictive policies limiting law enforcement officials' access to child victims staying in government shelters may have hindered the ability of police and prosecutors to build rapport with victims, obtain statements, and prepare victims for trials against their traffickers. The Department of Immigration did not renew temporary work permits to foreign victims participating in an ongoing police investigation, which hampered the police's ability to complete the investigation when the victims returned to their home country. HTU continued to conduct trainings for police recruits and prosecutors; however, observers reported the one-day anti-trafficking trainings provided to police recruits were insufficient. Law enforcement were often

not aware of the definition of trafficking, procedures for interviewing victims, or how to proactively identify victims. Fijian law enforcement continued to cooperate with South Korean authorities to investigate leaders of a church that allegedly confiscated the passports of its members who worked without pay in various companies owned by the church. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses; however, some reports indicated low-level official complicity impeded anti-trafficking efforts, including by preventing the investigation of trafficking in Chinese-operated brothels.

## PROTECTION

The government maintained efforts to identify and protect victims. The government identified and provided assistance to one trafficking victim, an increase from zero victims identified during the previous reporting period. The police anti-trafficking unit had informal guidelines in place to assist officers to identify victims. However, government officials did not proactively screen for victims of trafficking among vulnerable populations, and the government did not have formal victim identification procedures for all relevant agencies. The government did not report efforts to train labor inspectors, customs officials, or immigration authorities on trafficking or victim identification. The government did not develop a formal mechanism to refer victims to services, but the Office of the Director of Public Prosecutors reported that police officers must refer any identified victims to the HTU. During the reporting period, the government designated the Ministry of Defense and National Security as the agency responsible for coordinating victim services. However, because the law did not specifically mandate the provision of services to victims of trafficking and because the government did not allocate funds specifically for trafficking victims, victims often relied on NGOs for services. The government made available accommodation, legal aid, medical care, interpreters, and allowances for basic necessities. The Department of Immigration operated safe houses for foreign individuals awaiting deportation, including trafficking victims. The government could place victims younger than 21 in the custody of the Department of Social Welfare, which operated four children's homes. The government reported creating new agreements with civil society on victim services and public awareness. The lack of proactive screening may have resulted in the penalization of unidentified victims for unlawful acts their traffickers compelled them to commit. The government did not offer legal alternatives to foreign victims' removal to countries in which they would face retribution or hardship but could issue renewable six-month work visas to victims assisting with investigations.

## PREVENTION

The government increased efforts to prevent trafficking. In February 2020, the government convened the Interagency Working Group on Human Trafficking for the first time in years, resulting in the transfer of chairperson responsibilities from the Department of Immigration to the Ministry of Defense and National Security, which oversees the police. The Working Group finalized an updated anti-trafficking national action plan in March 2020. The police anti-trafficking unit continued to conduct public awareness campaigns and seminars aimed at children and parents. In coordination with an NGO and the ministry responsible for indigenous affairs, HTU conducted seminars in 30 villages on the island of Kadavu that included a component on trafficking awareness. The Ministry of Women, Children, and Poverty

Alleviation co-hosted a three-day workshop on trafficking and child exploitation with an international organization in December 2019. Labor officials conducted awareness programs targeted at Fijians who work overseas to prevent labor exploitation. The Ministry of Employment, Productivity, and Industrial Relations employed 38 labor inspectors dedicated to identifying labor law violations, including wage violations, and 35 dedicated to health and safety. Inspectors reportedly did not have an adequate understanding of forced labor. Labor inspectors conducted 3,562 inspections in 2019 and identified 41 child labor violations that mostly involved children working in family retail establishments during school hours. However, the government did not report if it investigated any of these cases, or labor violations involving migrant workers, for indicators of forced labor. In addition, observers reported authorities did not adequately monitor the labor conditions of worksites, including construction sites, of companies with foreign owners or that had connections to foreign investors. The government did not make efforts to reduce the demand for commercial sex acts. The government trained some diplomatic personnel on trafficking but did not provide anti-trafficking training to Fijian military personnel prior to their deployment abroad as part of international peacekeeping missions.

## **TRAFFICKING PROFILE**

As reported over the past five years, human traffickers exploit domestic and foreign victims in Fiji, and traffickers exploit victims from Fiji abroad. Family members, taxi drivers, foreign tourists, businessmen, crew on foreign fishing vessels, and other traffickers have allegedly exploited victims from Thailand and China, as well as Fijian women and children, in sex trafficking. Traffickers exploit victims in illegal brothels, local hotels, private homes, and massage parlors, and traffickers sometimes utilize websites and cell phone applications to advertise victims for commercial sex. Observers reported a practice where taxi drivers transported Fijian child sex trafficking victims to hotels in popular tourist areas at the request of foreign tourists seeking commercial sex acts. Some Fijian children are at risk of sex and labor trafficking as families follow a traditional practice of sending them to live with relatives or families in larger cities, where they may be subjected to domestic servitude or coerced to engage in sexual activity in exchange for food, clothing, shelter, or school fees. Fijian children were at risk for forced labor in agriculture, retail, or other sectors. Some Fijian men reportedly marry women from Nepal and Pakistan and subject them to domestic servitude in Fiji. Traffickers exploit Fijian and Chinese women and children in Chinese-operated massage parlors and brothels, particularly in Suva. Anecdotal reports indicated traffickers transported Chinese victims into Fiji on small boats, avoiding ports. Labor traffickers exploit workers from South and East Asian countries in small, informal farms and factories, and in construction. Recruitment agencies operating in victims' home countries, vessel owners, and other crew subject migrant fisherman from Southeast Asian countries, especially Indonesia, in forced labor on Fijian flagged fishing vessels or foreign flagged fishing vessels (mainly China- and Taiwan-flagged) transiting Fijian ports and waters. Victims of forced labor experience threats of violence, passport confiscation, debt-based coercion, excessive working hours, and abusive living and working conditions.