



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined second to fourth periodic reports of Fiji*

I. Introduction

1. The Committee considered the combined second to fourth periodic reports of Fiji (CRC/C/FJI/2-4) at its 1909th and 1910th meetings (see CRC/C/SR.1909 and 1910), held on 4 and 5 September 2014, and adopted, at its 1929th meeting, held on 19 September 2014, the following concluding observations.

2. The Committee welcomes the submission of the combined second to fourth periodic reports of the State party (CRC/C/FJI/2-4) and the written replies to its list of issues (CRC/C/FJI/Q/2-4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. However, the Committee regrets the delay in the submission of the report. The Committee expresses appreciation for the frank and constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the adoption of, inter alia, the following legislative measures:

- (a) Fiji Constitution (2013);
- (b) Child Welfare Decree (2010);
- (c) Crimes Decree (2009);
- (d) Domestic Violence Decree (2009);
- (e) Marriage Act (Amendment) Decree (2009);
- (f) Employment Relations Promulgation (2007);
- (g) Prisons and Corrections Act (2006);

* Adopted by the Committee at its sixty-seventh session (1–19 September 2014).



- (h) Family Law Act (2003);
- (i) Immigration Act (2003).

4. The Committee notes with appreciation the ratification of:

- (a) Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (1993), in April 2012;
- (b) Protocols I, II and III additional to the Geneva Conventions, in July 2008;
- (c) World Health Organization Framework Convention on Tobacco Control, in October 2003;
- (d) International Labour Organization Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138), in January 2003;
- (e) International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182), in April 2002;
- (f) Rome Statute of the International Criminal Court, in November 1999;
- (g) Hague Convention on the Civil Aspects of International Child Abduction (1980), in March 1999.

5. The Committee welcomes, among others, the following institutional and policy measures:

- (a) Schools Standard Monitoring and Inspection Policy (2014);
- (b) Child Health Policy and Strategy (2012–2015);
- (c) Policy in Child Protection in Schools (2012);
- (d) Policy in Early Childhood Education (2011);
- (e) National Policy on Persons Living With Disabilities (2008–2018).

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (para. 6) of the Convention)

The Committee's previous recommendations

6. While welcoming the State party's efforts to implement the Committee's concluding observations of 1998 on the State party's initial report (CRC/C/28/Add.7), the Committee notes with regret that some of the recommendations contained therein have not been fully addressed.

7. **The Committee urges the State party to take all the necessary measures to address those recommendations from the concluding observations of the initial report under the Convention that have not been sufficiently implemented, particularly those related to allocation of resources, data collection, birth registration, corporal punishment, sexual abuse and children with disabilities.**

Comprehensive policy and strategy

8. The Committee welcomes the State party's development of a national comprehensive policy and strategy for children. However, the Committee is concerned that the strategy is still in draft form.

9. The Committee encourages the State party to take all necessary steps to provide for a timely adoption of the strategy, and to ensure that sufficient human, technical and financial resources are allocated to facilitate its implementation.

Coordination

10. The Committee welcomes the indication by the State party that the National Coordinating Committee on Children (NCCC) is going to consist of the permanent secretaries of the relevant ministries, but notes that the Cabinet has not yet approved the structure. The Committee notes with concern that at present the effectiveness of the NCCC is hampered by, among other issues, an ineffective structure and insufficient funding.

11. The Committee recommends that the State party take all necessary measures to reinforce the coordination responsibilities of the NCCC and to accelerate approval of the new structure. The Committee recommends that the NCCC be provided with the necessary human, technical and financial resources for its effective operation.

Allocation of resources

12. While welcoming the allocation of financial resources to child protection programmes in the 2014 budget, the Committee notes with concern that no other budget lines have been identified for the implementation of the Convention.

13. In the light of its day of general discussion in 2007 on “Resources for the Rights of the Child — Responsibility of States” and with emphasis on articles 2, 3, 4 and 6 of the Convention, the Committee recommends that the State party:

(a) Adopt a national budget specifically directed at the implementation of the Convention, ensure that the budget is for children of every age, from both sexes and from all socioeconomic backgrounds, and that strategic budgetary lines be defined for children in vulnerable situations, in particular children from minority groups and children with disabilities;

(b) Set up evaluation and monitoring mechanisms to regularly assess the adequacy, efficacy and equitability of resource distribution.

Data collection

14. The Committee regrets the lack of reliable and disaggregated data on many areas of the Convention, as well as of any mechanism to systematically assess the impact of policies and programmes in relation to the implementation of the Convention.

15. In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child, the Committee urges the State party to take all the necessary efforts to establish a comprehensive data collection system. The data should cover all areas of the Convention and should be disaggregated by age, sex, geographic location, ethnic origin and socioeconomic background in order to facilitate analysis of the situation of all children, in particular children in vulnerable situations. Furthermore, the Committee recommends that the data and indicators be shared among the relevant ministries.

Independent monitoring

16. The Committee welcomes the information that a new human rights and anti-discrimination commission will be established. However, the Committee notes with concern that the position of Child Rights Desk Officer within the Fiji Human Rights Commission has been vacant for the last two years owing to resource constraints. Furthermore, the Committee is concerned about reports according to which that Commission is allocated insufficient resources, which has hampered its efficiency.

17. In the light of its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party expedite the process of establishing the new human rights and anti-discrimination commission and allocate all appropriate human, technical and financial resources to ensure the full functionality of the new commission and, in the meantime, the Fiji Human Rights Commission, including its mandate to investigate allegations of human rights violations. In particular, the Committee urges the State party to take prompt measures to reappoint a Child Rights Desk Officer, whether in the Fiji Human Rights Commission or in the new commission, and provide him or her with all the necessary human, technical and financial resources. The Child Rights Desk Officer should be able to receive, investigate and address complaints by children in a child-sensitive manner, ensure the privacy and protection of victims, and undertake monitoring and follow-up measures.

Dissemination and awareness-raising

18. The Committee welcomes the State party's efforts to raise awareness of the Convention's provisions. However, the Committee notes with concern that the Convention has not yet been officially translated into all the local languages, and that awareness-raising programmes, including campaigns, have not been targeted at the outer islands and remote communities.

19. **The Committee recommends that the State party further strengthen its efforts to systematically disseminate and promote the Convention, as well as the Committee's concluding observations throughout the whole country. In so doing, particular focus should be placed on:**

- (a) Ensuring that the Convention, concluding observations and general comments be translated into all of the State party's local languages;
- (b) Distribution of information material tailored specifically to children in different communities, as well as to parents and all professionals working with or for children;
- (c) Close cooperation with local government mechanisms in the organization and implementation of awareness-raising programmes, in local communities, including the outer islands and isolated communities;
- (d) Increasing media awareness through the Internet and the vernacular radio stations.

B. Definition of the child (art. 1 of the Convention)

20. The Committee welcomes that the State party has raised the age of marriage from 16 to 18 years for girls, making it the same as for boys, through the Marriage Act (Amendment) Decree 2009. However, the Committee is concerned that, in spite of the definition of the child in the Constitution as a person under the age of 18, some of the State party's legislation is not yet in full conformity with the Convention.

21. **The Committee recommends that the State party fully harmonize its domestic legislation regarding the definition of the child with its own Constitution, and thus with the Convention.**

C. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

22. While welcoming the existence of several laws prohibiting discrimination, the Committee notes with serious concern that children from ethnic minorities, children living with HIV/AIDS and children with disabilities are often faced with stigma and discrimination. Furthermore, while welcoming the State party's first National Gender Policy of 1 April 2014, the Committee is deeply concerned about the prevalence of patriarchal attitudes, deep-rooted perceived gender roles and existing laws and regulations that discriminate against girls in the family and in the community.

23. In view of article 2 of the Convention, the Committee urges the State party to ensure that all children enjoy equal rights under the Convention without discrimination on any ground, and to this end:

- (a) Adopt and implement a comprehensive strategy to eliminate de jure and de facto discrimination and enact legislation specifically prohibiting all forms of discrimination based on race, sex, disability and real or perceived HIV/AIDS status;
- (b) Establish information campaigns on the situation of children with disabilities and children living with HIV/AIDS, targeted at populations from every age group;
- (c) Based on the new policy, formulate a comprehensive strategy and establish clear targets to eliminate negative attitudes and practices and deep-rooted stereotypes that discriminate against girls and have the potential to hamper the development of their personality, talents and mental and physical abilities to their fullest potential;
- (d) Consult and involve children from all socioeconomic, ethnic and geographic backgrounds who are at risk of discrimination in the aforementioned measures, and involve all sectors of society, so as to facilitate social and cultural change and the creation of an enabling environment that promotes equality.

D. Civil rights and freedoms (arts. 7, 8, and 13–17)

Birth registration/name and nationality

24. The Committee welcomes the State party's efforts in tackling birth registration and notes with appreciation that the new Constitution guarantees the right to birth registration and citizenship. However, the Committee regrets that birth registration is still not free and that late registration is penalized with a fee. The Committee is furthermore concerned about reports indicating a decline of birth registration in the past two years, in particular in remote islands.

25. The Committee reiterates its previous recommendation (CRC/C/15/Add.89, para. 35) to launch awareness-raising programmes, regarding the parents' duty to register newborn children. In so doing, the Committee furthermore recommends that the State party:

- (a) Take all the necessary measures to ensure that registration fees, including fees for late registration, are permanently abolished;
- (b) Place particular focus on groups of children whose birth registration remains a serious concern, including continuing to develop measures to increase birth registration in remote areas, and among children from minority groups.

26. The Committee takes note of article 7 of the Citizens Decree, which stipulates that any infant found abandoned in Fiji is deemed to have been born in Fiji unless there is

evidence to the contrary. However, the Committee is concerned that this stipulation might carry a risk of statelessness for children of whom it can be proven that they have not been born in Fiji, but whose nationality can nevertheless not be established.

27. The Committee recommends that the State party take all the necessary measures to avoid a child found abandoned in Fiji being stateless. Furthermore, the Committee recommends that the State party consider ratifying the Convention on the Reduction of Statelessness of 1961.

E. Violence against children (arts. 19, 24 (para. 3), 28 (para. 2), 34, 37 (a) and 39)

Freedom of the child from all forms of violence

28. The Committee notes with appreciation the adoption of the Domestic Violence Decree. The Committee however deeply regrets the high rate of domestic violence directed against girls, as well as against women, which in turn affects their children. In this context, the Committee is furthermore seriously concerned about the State party's indication that, during prosecution of perpetrators of acts against girls and women, traditional apologies, such as *bulubulu*, may in practice be considered a mitigating factor before a sentence is imposed.

29. The Committee urges the State party to strengthen and fully implement legislation punishing domestic violence, and ensure that traditional apologies are under no circumstances accepted as mitigating factor. The Committee also urges the State party to take all the necessary measures, including awareness-raising campaigns, to change attitudes and encourage girls and women to report domestic violence and:

(a) To establish sufficient shelters for women and children, with integrated counselling services, including in remote areas, and provide these with sufficient human, technical and financial resources;

(b) To continue close cooperation with civil society organizations providing shelters for women and children;

(c) To ensure that women who have fled from an abusive partner who was the family's breadwinner have access to financial support for their children and themselves.

Corporal punishment

30. The Committee welcomes the constitutional protection from corporal punishment and notes that the Juveniles Act, article 57 of which provides legal justification for the use of corporal punishment under the right of teachers "to administer reasonable punishment", is currently under review. Furthermore, the Committee notes with serious concern that corporal punishment is not explicitly prohibited in the home, alternative care settings and day care.

31. In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to promote positive, non-violent and participatory forms of childrearing and discipline as an alternative to corporal punishment, and furthermore reiterates its previous recommendations (CRC/C/15/Add.89, para. 36) to comprehensively prohibit corporal punishment by law and that measures be taken to raise awareness on the negative effects of corporal punishment and to ensure that discipline in schools, families and institutional care is administrated in a manner consistent with the child's dignity. The State party shall

furthermore establish regular compulsory training on child rights for every educator and teacher.

Sexual exploitation and abuse

32. The Committee welcomes the creation of the Child Protection Unit in 2009 by the Office of the Director for Public Prosecution in 2010, as well as the reporting and follow-up system “Break the wall of silence”. The Committee notes with deepest concern, however, that sexual exploitation and abuse of children is prevalent in the State party, including through organized child prostitution networks and brothels. Furthermore, the Committee is highly concerned about:

- (a) Traditional apologies such as *bulubulu* being used as reparation, and the possibility of *bulubulu* being used in practice as mitigating factor for sexual offences;
- (b) Specialized services taking into consideration the needs of children not being readily available, services for boys being almost non-existent, and legal aid being limited and not available to all in need;
- (c) The lack of available and trained police officers, particularly in rural areas and including female front-line police officers, to respond to sexual offences against girls, as well as confidentiality of cases being not well maintained;
- (d) Sexual abuse and exploitation often not being regarded as criminal offences by society, particularly if the girl is considered to be of “questionable” character or modesty, and the blame for sexual exploitation being frequently placed on the girl instead of on the abuser, for attracting the abuser’s attention;
- (e) Sexual abuse and exploitation remaining frequently unreported, as speaking up about sexual violence and abuse is generally viewed negatively, bringing shame on the victim, the family and the perpetrator, and “economic devaluation” of the victim, if the victim is a girl;
- (f) Sexual exploitation of children being closely linked to poverty, with pressure placed on children to earn money.

33. **The Committee recommends that the State party:**

- (a) Amend legislation and establish awareness-raising campaigns to ensure that traditional apologies such as *bulubulu* are neither used as mitigating factor, nor as reparation for sexual abuse and exploitation of children and further strengthen implementation of the no-drop policy;
- (b) Provide appropriate support services and ensure the development and implementation of programmes and policies for the prevention, recovery and social reintegration of child victims, both girls and boys, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children;
- (c) Conduct awareness-raising campaigns to combat the blaming of victims of sexual exploitation, and train law enforcement officials, social workers, judges and prosecutors on how to receive, monitor and investigate complaints in a child-sensitive manner that respects confidentiality, and ensure the training of sufficient female front-line police officers;
- (d) Conduct awareness-raising campaigns on sexual exploitation of children and the severe dangers connected to children becoming involved in the sex business, and implement anti-poverty programmes, including with a view to addressing some of the root causes of sexual exploitation.

Helpline

34. The Committee recommends that the State party accelerate the establishment of the planned child helpline, and ensure that it be a 24-hour service, be toll-free and have sufficient, adequately trained personnel. Furthermore, the Committee recommends that the State party take all the necessary measures to facilitate the cooperation of the helpline with State partners, such as the police, health, and social welfare systems and civil society, in order to enable intervention and follow-up, and to make this helpline known to all children throughout the State party.

F. Family environment and alternative care (arts. 5, 9–11, 18 (paras. 1 and 2), 20–21, 25 and 27 (para. 4))

Children deprived of a family environment

35. The Committee regrets the limited monitoring of the implementation of the minimum standards of care in institutions, and the reports indicating difficulties faced by the Ministry for Social Welfare, Women and Poverty Alleviation in managing the homes, which lead to the outsourcing of such services.

36. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee recommends that the State party:**

(a) Ensure periodic review of the placement of children in foster care and institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying the maltreatment of children, while making sure that residential homes are allocated adequate human, technical and financial resources;

(b) Take all appropriate measures to provide the Ministry for Social Welfare, Women and Poverty Alleviation with the necessary resources to effectively manage, as well as monitor residential homes.

Adoption

37. The Committee notes the draft adoption decree, aligning domestic legislation with the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 29 May 1993. However, the Committee regrets that the draft has been pending approval by the Cabinet since June 2012. Furthermore, the Committee is concerned about:

(a) The lack of a national authority officially in charge of monitoring adoption;

(b) The ongoing practice of informal domestic interfamily adoption, with children adopted via an informal arrangement not being guaranteed the same protection as children adopted via a formal arrangement;

(c) Reports of an increase in the adoption of children from China, India and Pakistan in the past five years, which is not being appropriately monitored or followed up.

38. **The Committee recommends that the State party review adoption rules and procedures and ensure that they are in full conformity with the Convention, and particularly:**

(a) To accelerate the adoption of the draft adoption decree and strengthen bilateral arrangements with other countries on the issue of international adoption;

(b) To take and effectively implement measures to monitor informal adoptions and ensure that all adoptions are subject to judicial authorization by a clearly mandated central authority and are adequately followed up;

- (c) To establish a centralized system of data collection on children adopted, disaggregated by age, sex and origin;
- (d) To provide all professionals responsible for adoption cases with the training needed to assess, review and process cases.

G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1–3) and 33)

Children with disabilities

39. The Committee welcomes the provisions for the protection of the rights of persons with disabilities in the 2013 Constitution and the Inclusive Education Policy of 2010, as well as the draft disability decree of 2013. However, the Committee notes with great concern that children with disabilities are frequently faced with discrimination and exclusion, and furthermore regrets that:

- (a) Children with disabilities are often faced with extreme poverty, and that insufficient measures are taken by the State party to ensure the effective access of children with disabilities to health, education and social services, and to facilitate their full inclusion into society;
- (b) Children with disabilities, particularly girls, are more vulnerable to sexual exploitation and violence, including prostitution;
- (c) Special schools for children with disabilities are preferred over inclusive education, and secondary-level education is non-existent for them;
- (d) The number of well-trained professionals working with and for children with disabilities is insufficient, and there are no speech therapists in the country, although speech impairment constitutes the main impairment in the Fiji Early Intervention Centre.

40. **In the light of general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, and specifically recommends that it:**

- (a) Ensure that all children with disabilities, including children with mental, speech, hearing and visual disabilities, receive adequate financial support, and increase budget allocation to ensure the equal access of children with disabilities to adequate social and health services, placing particular focus on children in remote areas;
- (b) Raise awareness about the risk of violence and sexual exploitation faced by children with disabilities, and take all necessary measures to increase the protection of children with disabilities within communities, the home and institutional settings;
- (c) Ensure that the development of inclusive education is given priority over special schooling and train teachers accordingly, as well as provide full access to children with disabilities to secondary education;
- (d) Undertake greater efforts to make available all the professional specialists necessary, in particular in remote areas, and increase the allocation of human, technical and financial resources in that regard.

Health and health services

41. The Committee welcomes the decrease of the under-5 mortality rate, the infant mortality rate and maternal mortality rate. However, the Committee notes with concern that the State party has not yet reached its 2015 Millennium Development Goals in that regard.

The Committee furthermore regrets the geographic disparities regarding infant and under-5 mortality, with under-5 mortality being significantly higher in the Eastern and Northern Divisions, particularly due to the remoteness of villages and the lack of easily accessible health services.

42. In the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party:

(a) Strengthen its efforts to further reduce the under-5 and infant mortality rates, in particular by focusing on preventive measures and treatment, including immunization and improved nutrition and sanitary conditions, in particular in remote areas;

(b) Enforce its efforts to improve prenatal care and further reduce maternal mortality, including by increasing the training of midwives and ensuring the generalization of specific actions to prevent post-partum bleeding and other major causes of maternal death;

(c) Pay particular attention to the urban/rural divide and ensure that all children enjoy the same access and quality of health services, including in remote and rural areas, and take specific measures to reduce the disparity in service access;

(d) Seek financial and technical assistance from the United Nations Children's Fund (UNICEF) and the World Health Organization, among others, in that regard.

Mental health

43. The Committee welcomes the State party's institutional, policy and legislative measures such as the establishment of the National Committee on the Prevention of Suicide, the National Suicide Prevention Policy of 2008 and the Mental Health Decree 2010, which, *inter alia*, sets up stress management services in the three main hospitals. However, the Committee regrets the increasing suicidal behaviour among children within the State party, and is further concerned about:

(a) The stress management services not being specially equipped to also address children's needs;

(b) The current lack of specialized and widely available professional counselling services for children, despite suicide being considered a major health concern for children;

(c) Indo-Fijians being considered most at risk of committing suicide.

44. The Committee urges the State party to undertake research on suicide risk factors among children, including the root causes of depression, and use the results of such research to develop a comprehensive system of services specifically addressed at children, including stress management services and mental health promotion and prevention activities, with a view to ensuring the effective prevention of suicidal behaviour. Furthermore, the Committee urges the State party to:

(a) Ensure that all children, in particular children in remote areas, children living in poverty, children in street situations, children who are out of school and children being cared for out of the home, have equal access to social workers and psychological counselling services;

(b) In taking these measures, place particular attention on children from Indo-Fijian communities.

Harmful practices

45. The Committee is very concerned about the prevalence of arranged marriages of girls of 15 years of age, particularly in Indo-Fijian communities.

46. **The Committee recommends that the State party amend legislation to ensure criminalization and prosecution of early and forced marriage, and set up awareness-raising and educational programmes about the harmful effects of early and forced marriage.**

Adolescent health

47. While acknowledging the measures taken to inform children about sexual and reproductive health, both by the Adolescent Health Development Clinic and via teacher training in Family Life Education, the Committee is very concerned about the high rate of teenage pregnancies.

48. **In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee recommends that the State party:**

- (a) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention given to preventing early pregnancy and sexually transmitted infections;
- (b) Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children, and combat discrimination against them;
- (c) Take measures to raise awareness of and foster responsible parenthood and sexual behaviour, with particular attention paid to boys and men.

HIV/AIDS

49. While welcoming the State party's efforts and initiatives to limit the spread of HIV/AIDS, such as the provision of antiretroviral drugs free of charge or the multisectoral Fiji National HIV/AIDS Strategic Plan 2007–2011, the Committee is highly concerned that the rate of young people diagnosed with HIV is steadily increasing.

50. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:**

- (a) Disseminate information and materials to the public, in particular to adolescents, on prevention and protection methods, including safer sex practices;
- (b) Improve follow-up treatment for HIV/AIDS-infected mothers and their infants to ensure early diagnosis and early initiation of treatment;
- (c) Improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services;
- (d) Seek technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF.

Drug and substance abuse

51. The Committee notes as positive the establishment by the Fiji Police of the dedicated Drug Unit, in cooperation with the National Substance Abuse Advisory Council under the Ministry of Education, and the organization of campaigns in schools by the Council. The Committee, however, regrets that the use of different types of drugs, such as

marijuana, ecstasy, speed and cocaine, as well as glue-sniffing, among children is increasing.

52. The Committee recommends that the State party address the incidence of drug use by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information and life skills education on preventing substance abuse, including tobacco and alcohol, and develop accessible and youth-friendly drug dependence treatment and harm reduction services.

Breastfeeding

53. While welcoming the measures taken to promote breastfeeding and to implement the International Code of Marketing of Breast-milk Substitutes, the Committee is concerned that the State party has not introduced any mechanism monitoring the Code. Furthermore, the Committee is concerned about:

- (a) The high number of children aged up to 6 months who are not being exclusively breastfed;
- (b) The lack of knowledge about proper breastfeeding practices;
- (c) The lack of a comprehensive policy on infant and young child feeding.

54. The Committee recommends that the State party ensure that every hospital with a newborn nursery is regularly monitored on adequate implementation of the International Code of Marketing of Breast-milk Substitutes and that it:

- (a) Raise awareness on the importance of breastfeeding and on the risks of formula feeding;
- (b) Promote proper breastfeeding practices and develop a policy on infant and young child feeding practices, which includes infant feeding and HIV.

Impact of climate change on the rights of the child

55. The Committee welcomes the introduction of the National Climate Change Policy and the establishment of the National Climate Change Coordinating Committee, and further appreciates the increased efforts by the State party to provide forums where children are taught about climate change and measures to address climate change. However, the Committee notes with concern that insufficient measures are taken to enable children to have their voices heard and contribute to decisions made with regard to climate change. The Committee is highly concerned about the impact of climate change on children and their families, in particular those living in Fijian communities in coastal and low-lying areas, where climate change is resulting in the loss or salinization of land and fresh water resources, and reduced opportunities for agriculture and subsistence living. The Committee also draws attention to reports indicating that children face more acute risks from disasters and are more vulnerable to climate change than adults.

56. The Committee recommends that the State party:

- (a) In developing policies or programmes to address the issues of climate change and disaster risk management, ensure that the special physical and psychological vulnerabilities and needs of children, as well as their views, are taken into account, and that children are fully involved in the policy dialogue on climate change;
- (b) Finalize and implement national legislation and policies for sustainable safe water supplies and sanitation, with a view to increasing access to sufficient safe drinking water and providing adequate sanitation, in particular on the outer islands;
- (c) Strengthen social protection systems to ensure that children and families affected by climate change will receive sufficient and adequate support;

(d) Increase children's awareness and preparedness for climate change and natural disasters by incorporating it into the school curriculum and teacher training programmes;

(e) Seek and strengthen bilateral, multilateral, regional and international cooperation in implementing those recommendations.

Standard of living

57. The Committee welcomes the housing projects by the Poverty Alleviation Fund, but notes with concern that town councils and the Housing Authority have been unable to meet the demand for affordable housing, and that poor families frequently find themselves with no other option but to live in informal settlements with insecure tenure and poor living conditions. The Committee is furthermore concerned about:

(a) The high rate of child poverty being the main cause for child labour in the State party and the principal reason for school dropout, as well as increasing children's vulnerability, including of children with disabilities, to being engaged in prostitution;

(b) Government welfare and poverty reduction programmes being insufficiently targeted at Indo-Fijians, who frequently suffer from the highest poverty levels within the country;

(c) Persons, in particular children, with disabilities being at very high risk of living in poverty.

58. The Committee recommends that the State party take all the necessary measures to provide support and material assistance to economically disadvantaged families and undertake structural changes in order to address child poverty. Particular focus shall be placed on:

(a) Taking prompt measures to ensure that all families living in informal settlements are provided with adequate and affordable housing and have access to safe drinking water and sanitation;

(b) Ensuring priority access to services for all families and children at risk, paying particular attention to children from Indo-Fijian communities and children with disabilities;

(c) Ensuring that social workers are well trained to identify families and children at risk, manage the social schemes effectively and follow up on their implementation and assess their impact.

H. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

59. While welcoming the tuition-fee assistance by the Ministry of Education, the "One laptop per child" programme for primary school students and the Prime Minister's announcement of fee-free education in his address on the 2014 budget, the Committee notes that indirect costs, such as for uniforms, books and transport, partly remain in place, leading to children dropping out of schools as their families cannot afford those costs. Furthermore, the Committee is concerned about:

(a) Adolescent pregnant girls or adolescent mothers being frequently forced to drop out of school;

(b) Rural schools being frequently faced with a lack of access to water, electricity or means of communication;

(c) The education system, despite being considered as one of the best in the Pacific region, not being well adapted to the needs of the community and labour force, with a significant number of the State party's school leavers being unable to find employment.

60. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

(a) **Increase its budgetary allocations for basic and secondary education and make sure that all indirect and hidden costs are eliminated;**

(b) **Ensure that pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools;**

(c) **Allocate sufficient financial support to ensure that all schools are provided with the infrastructure necessary to provide for an effective learning environment;**

(d) **Undertake impact assessments of educational programmes and strategies and take corrective measures to ensure that school leavers are prepared for the demands of the national job market.**

61. The Committee welcomes the increased access to schooling, which has reduced the practice of sending children to major urban centres to go to school, although it notes that the practice persists.

62. **The Committee recommends that the State party further increase schooling opportunities in remote areas, as well as transportation services.**

I. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)

Asylum-seeking and refugee children

63. The Committee is concerned about the lack of particular provisions in the Immigration Act addressing the specific needs and vulnerabilities of refugee and asylum-seeking children, and that the Immigration Act does not contain any provisions on family reunification.

64. **The Committee recommends that the State party:**

(a) **Amend part 6 of the Immigration Act in order to provide for special provisions protecting accompanied and unaccompanied refugee and asylum-seeking children;**

(b) **Introduce provisions on family reunification into the Immigration Act.**

Economic exploitation, including child labour

65. The Committee notes with appreciation the Employment Relations Promulgation 2007, setting the minimum age for employment at 15 and prohibiting children under age 18 from engaging in hazardous work. However, the Committee regrets the absence of a comprehensive list of hazardous work. Furthermore, the Committee is gravely concerned about:

(a) The high number of children engaged in child labour in the State party, most of them working in informal ways for families as domestic workers, labourers, or farm workers;

(b) Child labour increasing and being exacerbated by factors such as urban migration, poverty, homelessness and living away from parents.

66. The Committee urges the State party to take every necessary measure to tackle the root causes of child labour while at the same time implementing and further strengthening its legal framework to eradicate child labour, including in the informal and private sectors. It also urges the State party:

- (a) To complement the Employment Relations Promulgation by including a definition and a list of hazardous work that is consistent with international standards;
- (b) To ensure that the involvement of children above age 15 in labour is based on genuine free choice and subject to adequate safeguards in accordance with the Convention and international standards;
- (c) To employ and train sufficient labour inspectors, and to ensure that thorough investigations and robust prosecutions of persons violating labour laws are carried out and that sufficiently effective and dissuasive sanctions are imposed in practice;
- (d) To collect data on child labour and the incidence of hazardous child labour and working conditions, disaggregated by age, sex, geographical location and socioeconomic background, and to use that data to develop effective policies and strategies to prevent and eliminate all forms of child labour;
- (e) To ratify International Labour Organization Convention concerning Decent Work for Domestic Workers, 2011 (1989);
- (f) To seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office in that regard.

Children in street situations

67. The Committee notes with serious concern that a number of children from the age of 5 live and work on the streets, live at home and regularly work on the streets, or work on the streets during seasonal periods such as cane-crushing off-season or school holidays. The Committee is furthermore deeply concerned about:

- (a) The high number of children in street situations working as wheelbarrow boys in the markets or shoe-shiners, as well as the significant number who fall victim to prostitution, pornography and sex trafficking;
- (b) Instances of caregivers engaging children in street-begging.

68. The Committee recommends that the State party:

- (a) Undertake a systematic assessment of the conditions of children in street situations in order to obtain an accurate picture of the root causes and magnitude thereof, and develop and implement a comprehensive policy to address the root causes;
- (b) Take all the necessary measures to ensure that child protection laws, in particular those relating to the responsibility of parents and caregivers, are always implemented;
- (c) In coordination with civil society, provide children in street situations with the necessary protection, including access to nutrition and shelter, a family environment, adequate health-care services, the possibility to attend school and other social services.

Sale, trafficking and abduction

69. The Committee welcomes the National Plan of Action to Eradicate Trafficking in Persons and Child Trafficking in Fiji, launched by the Department of Immigration in February 2011. However, the Committee regrets the lack of disaggregated data and

information about the prevalence and root causes of trafficking, as well as about training for law enforcement personnel in that regard. The Committee is furthermore gravely concerned about:

- (a) The practice among families of selling their daughters into marriage;
- (b) The State party being a source country for children subjected to sex trafficking and forced labour, with child trafficking victims being exploited in illegal brothels, local hotels, private homes and other rural and urban locations;
- (c) The traditional practice of sending children to live with relatives or families in larger cities, where they might be subjected to domestic servitude or may be coerced to engage in sexual activity in exchange for food, clothing, shelter, or school fees, putting them at risk of human trafficking;
- (d) Lack of resources to effectively investigate and prosecute child trafficking, in particular international trafficking.

70. The Committee urges the State party to:

- (a) Undertake research into the root causes and the extent of child trafficking, in particular child trafficking for the purpose of sexual exploitation, within the State party, to identify children at risk and develop targeted policies and programmes;
- (b) Raise awareness among at-risk populations of the dangers of trafficking, including the connection between the practice of sending children to live in the cities and child trafficking, and develop information campaigns targeted at families and children, in particular children in vulnerable situations, on how to protect themselves;
- (c) Increase human, technical and financial resources allocated to the investigation of, prosecution of and follow-up on child-trafficking cases, and provide specialized training to law enforcement officers in that regard;
- (d) Consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Administration of juvenile justice

71. The Committee is seriously concerned about the situation of children in conflict with the law. In particular, the Committee regrets:

- (a) The minimum age of criminal responsibility being as low as 10 years of age;
- (b) Suva being the only city with a special juvenile court;
- (c) Life sentences being imposed on juvenile offenders;
- (d) The particularly poor conditions of prisons inconsistent with international standards, in particular overcrowding, deteriorating infrastructure and a lack of delivery of essential services.

72. The Committee urges the State party to bring its juvenile justice system fully into line with the Convention, in particular articles 37, 39 and 40, with other relevant standards and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular, the Committee urges the State party to:

- (a) Raise the minimum age of criminal responsibility to an internationally accepted level;

- (b) Establish additional specialized juvenile court facilities and designate specialized judges for children, and ensure that those specialized judges receive appropriate education and training;
- (c) In accordance with article 37 (a) of the Convention, ensure that no life sentences are imposed on children;
- (d) Promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time, and that it is reviewed on a regular basis with a view to withdrawing it;
- (e) Ensure that detention conditions are compliant with international standards, including with regard to access to education and health services.

J. Ratification of international human rights instruments

73. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and the other core human rights instruments to which it is not yet a party.

IV. Implementation and reporting

A. Follow-up and dissemination

74. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined second to fourth periodic reports, the written replies of the State party and the present concluding observations be made widely available in the languages of the country.

B. Next report

75. The Committee invites the State party to submit its combined fifth and sixth periodic reports by 11 September 2020 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation of the report for the purposes of consideration by the treaty body cannot be guaranteed.

76. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I).

The word limit for the common core document is 42,400 words, as established by the General Assembly in paragraph 16 of its resolution 68/268.
