



Convention on the Rights of the Child

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Committee on the Rights of the Child

List of issues prior to submission of the combined fifth and sixth reports of Fiji*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 30 June 2022. The replies should take into consideration the Committee's recommendations contained in its concluding observations adopted in 2014.¹ The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes and any other type of measures taken, such as the creation or reform of institutions, that are significant for the implementation of the Convention;

(b) Information on the measures taken to ensure the protection of the rights of children in the context of the coronavirus disease (COVID-19) pandemic and to mitigate the adverse impacts of the pandemic, in view of the statement of the Committee of 8 April 2020 on the effects of the COVID-19 pandemic on children;

(c) Any other information that the State party considers relevant and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.

3. The Committee also requests the State party to provide information on how a child rights-based approach is integrated into the planning, implementation, monitoring and evaluation of measures for achieving the Sustainable Development Goals, including with regard to the participation of children and in relation to data collection, and how such measures promote the realization of children's rights under the Convention.

II. Rights under the Convention

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

Legislation

4. Please provide information on the following:

* Adopted by the pre-sessional working group on 11 June 2021.

¹ CRC/C/FJI/CO/2-4.



(a) The measures taken to review existing laws to ensure that they are harmonized and in full compliance with the Convention, and the progress achieved in adopting the Child Care and Protection Bill and Child Justice Bill;

(b) Whether a child-rights impact assessment procedure is in place for all new legislation;

(c) The measures taken to establish a national mechanism for reporting and follow-up to facilitate the preparation of reports to international human rights mechanisms, and the coordination of national follow-up to and implementation of treaty obligations and recommendations emanating from the mechanisms, in view of the State party's ratification of the core international human rights treaties;

(d) Any plans to ratify or accede to the Optional Protocol to the Convention on a communications procedure.

Comprehensive policy, strategy and coordination

5. Please provide information on the following:

(a) The measures taken to adopt a national comprehensive policy and strategy for children, and the human, technical and financial resources allocated for its implementation;

(b) The structure and responsibilities of and budget allocation for the National Coordinating Committee on Children, including the timeline for the finalization of its terms of reference and its operationalization, as well as for the establishment of relevant subcommittees.

Allocation of resources

6. Please describe the measures taken to:

(a) Adopt a national budget specifically directed at the implementation of the Convention, with specific budget lines for children in vulnerable situations, including children from minority groups and children with disabilities;

(b) Incorporate a child rights-based approach in the elaboration of the State budget, including by implementing a tracking system for the allocation and use of resources for children throughout the budget;

(c) Ensure that children, especially those in vulnerable situations, are not affected by austerity measures or regressive measures taken in response to the COVID-19 pandemic and the consequences of the economic crisis triggered by those measures.

Data collection

7. Please provide information on the following:

(a) Progress achieved in developing a comprehensive system of data collection that allows for the collection of data, disaggregated by relevant factors, on all areas of the Convention, including violence against children, adoption, children with disabilities, child labour and trafficking;

(b) The results of the national multiple indicator cluster survey;

(c) Measures taken to ensure that the data and indicators collected, including through the multiple indicator cluster survey and in the context of the Pacific Group on Disability Statistics, are shared among relevant ministries and used for the formulation, monitoring and evaluation of policies and programmes on children's rights.

Independent monitoring

8. Please provide information on the following:

(a) The human, technical and financial resources allocated to the Fiji Human Rights and Anti-Discrimination Commission, and measures taken to ensure its independence

and compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(b) The availability of a child-friendly complaints mechanism for children in relation to violations of their rights, in view of the fact that the Commission does not have the mandate to receive, investigate and address such complaints;

(c) The measures taken or envisaged to appoint a child rights desk officer or other independent officer responsible for children's rights within the Commission, in line with the Committee's previous recommendations.²

Dissemination and awareness-raising

9. Please explain the measures taken to:

(a) Ensure that children, parents, the media and professionals working with and for children are sufficiently aware of the Convention, including through community programmes developed in close cooperation with local government mechanisms;

(b) Ensure that the Convention and the Committee's concluding observations and general comments are translated into local languages.

Children's rights and the business sector

10. Please describe the measures taken to:

(a) Require businesses to promote children's rights and the Convention, including with respect to the environment and health and labour standards;

(b) Establish a regulatory framework for industries and their affiliates, including in the extractive and fossil fuel industries and the informal sector, to ensure that their activities do not have an adverse impact on children's rights.

B. Definition of the child (art. 1)

11. Please explain the measures taken to align domestic legislation with the Convention, which defines a child as a person under 18 years of age.

C. General principles (arts. 2–3, 6 and 12)

Non-discrimination

12. Please describe the measures taken to:

(a) Enact legislation prohibiting all forms of discrimination based on race, sex, disability, HIV/AIDS status and sexual orientation;

(b) Prevent and address discrimination against children, in particular girls, children from ethnic minorities, children living with and affected by HIV/AIDS, children with disabilities, lesbian, gay, bisexual, transgender and intersex children, and adolescent mothers, including through awareness-raising campaigns and the adoption of a national strategy;

(c) Monitor, receive and address complaints of discrimination against children.

Best interests of the child

13. Please provide information on the following:

(a) The measures taken to ensure that the right of the child to have his or her best interests taken as a primary consideration is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings, actions and decisions;

² CRC/C/FJI/CO/2-4, para. 17.

(b) Capacity-building and training for relevant professionals on determining the best interests of the child;

(c) Any court cases or rulings that have invoked the principle of the best interests of the child since the adoption of the State party's new constitution in 2013.

Respect for the views of the child

14. Please describe the measures taken to:

(a) Ensure the right of the child to be heard, and that children's views and opinions are given due consideration in decisions affecting them in relevant legal and administrative proceedings;

(b) Promote the meaningful participation of children within the family and the community, at school and in the realm of local and national policymaking and decision-making affecting children, including on climate change.

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

Birth registration and nationality

15. Please indicate how the State party proposes to:

(a) Ensure that all children in its territory have access to birth registration and birth certificates free of charge, including by abolishing fees for late registration and removing barriers to registration for children in outlying islands and children from minority groups;

(b) Raise awareness among parents of the new e-registration procedure launched in 2019 and of the importance of birth registration;

(c) Safeguard children who were abandoned in the State party, but who were not born there and whose nationality cannot be established, against statelessness.

Right to privacy and access to appropriate information

16. Please explain the measures taken to:

(a) Ensure digital inclusion for children and promote the equitable access of children to online services and connectivity, particularly for rural children and children with disabilities;

(b) Ensure that any policies or laws, such as the Cybersecurity Act and the Online Safety Act, that are aimed at protecting children from online harms do not adversely affect their right to privacy;

(c) Enhance the digital literacy of children, teachers and families, and protect children from information and material harmful to their well-being;

(d) Protect the privacy of children in the media, including social media.

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

Corporal punishment

17. Please describe the measures taken or envisaged to:

(a) Prohibit corporal punishment in all settings, including at home, in schools and in alternative and day-care settings;

(b) Repeal the right of teachers "to administer reasonable punishment";

(c) Promote positive and non-violent forms of discipline among teachers, staff of childcare facilities, parents and caregivers.

Violence, including sexual exploitation and abuse

18. Please explain the measures taken to:

(a) Address the high prevalence of domestic violence and sexual exploitation and abuse against children, including within the circle of trust, online sexual exploitation, cyberbullying, and sexual exploitation and abuse in the context of prostitution and tourism;

(b) Prevent the use of traditional apologies such as *bulubulu* and amend legislation to ensure that all children subject to any form of sexual exploitation are treated as victims and not subjected to criminal sanctions;

(c) Ensure mandatory reporting and investigation of, intervention in and, where appropriate, prosecution of all cases of violence, including domestic violence and sexual offences, against children, including those in the outlying islands and rural communities;

(d) Ensure the effective implementation of the inter-agency guidelines on child abuse and neglect, including through the training of relevant professionals and the establishment of district inter-agency committees on child abuse and neglect;

(e) Strengthen the capacity of social workers, psychologists, law enforcement authorities, the judiciary, National Child Helpline personnel and other relevant professionals, including through pre-service and in-service training, to address cases of violence, abuse and sexual exploitation against children in a confidential and child-sensitive manner;

(f) Conduct awareness-raising and education programmes, including for children and parents, aimed at preventing and tackling domestic violence and the abuse and sexual exploitation of children and at combating the stigmatization of victims;

(g) Ensure the sufficient allocation of financial, human and technical resources to child protection services, in view of the increase in the number of cases being reported, including through the National Child Helpline;

(h) Ensure child-friendly and multidisciplinary interventions, as well as the provision of comprehensive support, including psychological recovery and social reintegration, for child victims of violence, sexual abuse and exploitation.

Harmful practices

19. Please provide information on the following:

(a) Any legislative measures to criminalize and prosecute child and forced marriage;

(b) Awareness-raising campaigns on the harmful effects of child marriage on the physical and mental well-being of girls.

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

20. Please describe the measures taken to:

(a) Ensure the availability of affordable and adequate childcare services;

(b) Promote equal parental responsibilities of fathers and mothers.

Children deprived of a family environment

21. Please explain the measures taken to:

(a) Support and prioritize family-based care, including foster care, for children who cannot stay with their families, and establish mechanisms for implementing the provisions on alternative care contained in the Care and Protection Bill;

(b) Ensure the periodic review of children in alternative care settings, including foster care and residential homes, and allocate sufficient resources for the Ministry for Social Welfare, Women and Poverty Alleviation to effectively manage and monitor residential homes;

(c) Ensure that children in alternative care settings have access to confidential complaints mechanisms and are able to report cases of maltreatment, and that such cases are investigated.

Adoption

22. Please describe the measures taken to:

(a) Ensure the effective implementation of the Adoption Act, including through the development of related regulations, and strengthen bilateral arrangements with other countries on the issue of international adoption;

(b) Monitor informal adoptions and ensure the judicial authorization and follow-up of adoptions by a mandated central authority;

(c) Provide training to professionals responsible for adoption cases, including administration officials and the judiciary.

G. Children with disabilities (art. 23)

23. Please provide information on the following:

(a) Resources allocated for the implementation of the Rights of Persons with Disabilities Act;

(b) Access of children with disabilities to social and health services, and access of their families to financial and other support;

(c) Awareness-raising campaigns to prevent the stigmatization of children with disabilities and to prevent violence against them;

(d) Development of inclusive primary and secondary education, with appropriately trained teachers, for children with disabilities;

(e) Availability of professional specialists for children with disabilities.

H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Health and health services, including mental health services

24. Please describe the measures taken to:

(a) Reduce inequalities in health outcomes and in access to high-quality health services for children in rural areas, outlying islands or disadvantaged situations;

(b) Ensure the access of all children, especially in rural areas and outlying islands, to quality health care, including sufficient health infrastructure, and to immunizations against measles, COVID-19 and other communicable diseases;

(c) Address malnutrition, overweightedness and obesity among children;

(d) Ensure the access of children, in particular those living in the outlying islands and those living in informal settlements, to safe drinking water and sanitation facilities, including through the adoption of the National Water and Sanitation Act and the National Water Resource Management and Sanitation Policy;

(e) Raise awareness about the importance of breastfeeding and monitor the implementation of the International Code of Marketing of Breast-milk Substitutes;

(f) Ensure the access of children to mental health services, including stress management and psychological counselling services;

(g) Implement the national mental health and suicide prevention policy and identify, prevent and address suicide risk factors among children, especially among Indo-Fijian children.

Adolescent health

25. Please explain the measures taken to:

(a) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure their access to family planning services, including contraceptives;

(b) Foster responsible parenthood and sexual behaviour among adolescents and protect the rights of pregnant teenagers and adolescent mothers and their children;

(c) Decriminalize abortion in all circumstances and ensure girls' access to safe abortion and post-abortion care services;

(d) Address the high incidence of drug, alcohol and tobacco use by children;

(e) Raise awareness about HIV/AIDS and improve access to age-appropriate HIV/AIDS, sexual and reproductive health services.

Impact of climate change on the rights of the child and environmental health

26. Please describe the measures taken to:

(a) Reduce greenhouse gas emissions and decarbonize the economy, in line with the national development plan;

(b) Ensure that children's needs and views are taken into account in the development and implementation of laws, policies and programmes addressing climate change and disaster risk management, such as the draft climate change bill, the national climate change policy for 2018–2030, the draft national ocean policy and the displacement guidelines in the context of climate change and disasters;

(c) Provide support to children and families who are vulnerable to the effects of climate change;

(d) Empower children to prepare for natural disasters and address climate change through age-appropriate school curricula and awareness-raising activities;

(e) Increase the physical safety and resilience of school infrastructure;

(f) Reduce air pollution, including by enforcing clean air standards and monitoring and by providing households with efficient stoves, and ensure the availability of remedial measures for affected children and their families.

Standard of living

27. Please describe the measures taken to:

(a) Address child poverty and ensure that children in economically disadvantaged situations, including children living in rural areas, children whose parents work in the informal sector, children whose parents lost their jobs in the aftermath of the COVID-19 pandemic and children vulnerable to natural disasters, have access to social protection programmes and stimulus packages;

(b) Ensure that children living in informal settlements, including Indo-Fijian children and children with disabilities, have access to food and affordable and climate-resilient housing;

(c) Ensure that social workers are trained to identify and address the needs of families and children in economically disadvantaged situations.

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

28. Please explain the measures taken to:

- (a) Eliminate indirect and hidden costs of preschool, primary and secondary education, and ensure access to quality education of children living in remote areas;
- (b) Ensure that all children have access to virtual classes following natural disasters as well as in the context of the COVID-19 pandemic;
- (c) Ensure that all schools are equipped with the infrastructure necessary to provide an effective learning environment;
- (d) Support pregnant teenagers and adolescent mothers to continue their education in mainstream schools;
- (e) Address bullying and violence in schools;
- (f) Integrate human rights education and sexual and reproductive health education into the mandatory school curriculum and teacher training programmes, and ensure that it includes material on sexual orientation and gender identity;
- (g) Undertake impact assessments of educational programmes and strategies in order to take corrective measures to ensure that school leavers are prepared for the demands of the national job market;
- (h) Adopt a comprehensive policy and action plan on early childhood education, and monitor the quality of early childhood education services throughout the State party.

J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**Asylum-seeking and refugee children and children in situations of migration**

29. Please describe the measures taken to amend the Immigration Act in order to provide for special provisions on family reunification to protect accompanied and unaccompanied refugee and asylum-seeking children.

Economic exploitation, including child labour

30. Please explain the measures taken by the State party to:

- (a) Strengthen its legal framework to eradicate child labour and to identify and tackle its root causes;
- (b) Amend the order relating to hazardous occupations and develop a definition and list of hazardous work explicitly prohibited for children;
- (c) Strengthen the monitoring of employment practices, including through the use of trained labour inspectors, and ensure that cases involving child labour are investigated and perpetrators are prosecuted.

Children in street situations

31. Please describe the measures taken to:

- (a) Analyse and address the extent and root causes of children living in street situations, and adopt a comprehensive policy to address the phenomenon;
- (b) Ensure the effective implementation of child protection laws, in particular those relating to the responsibility of parents and caregivers;
- (c) Ensure that children in street situations are provided with access to nutrition and shelter, a family environment, health-care services, educational opportunities and other social services.

Sale, trafficking and abduction

32. Please provide information on the following:

- (a) The root causes and extent of trafficking in children, in particular for the purpose of sexual exploitation;
- (b) Awareness-raising campaigns among at-risk populations of the dangers of trafficking;
- (c) Procedures in place for identifying children who are victims of trafficking, sale and abduction;
- (d) Measures taken to investigate cases of child trafficking, prosecute perpetrators and provide specialized training to law enforcement officers.

Administration of child justice

33. Please explain the measures taken or envisaged to:

- (a) Raise the age of criminal responsibility to at least 14 years;
- (b) Designate specialized judges for children, and ensure that such judges receive training on the provisions of the Convention and the Child Bench Book;
- (c) Abolish life imprisonment for children for offences committed while they were under the age of 18;
- (d) Promote non-custodial and non-judicial measures, wherever possible, for all children recognized as having infringed criminal law, and ensure that detention is used only as a measure of last resort and for the shortest possible period;
- (e) Ensure that children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to food, education and health services;
- (f) Address allegations of ill-treatment of children by the police during arrest and detention, as well as cases of violence against children in detention.

III. Statistical information and data

34. The statistical information and data provided by the State party should cover the period since the consideration of its previous reports on the implementation of the Convention. The data should be disaggregated by age, sex, ethnic origin, national origin, type of disability, geographical location and socioeconomic status.

35. The provision of tables presenting trends over the reporting period is recommended, and explanations of or comments on significant changes that have taken place over the reporting period should also be provided.

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

36. Please provide information on the budget lines regarding children and the social services sectors, indicating the amount allocated to each budget line and its proportion in terms of the total national budget.

B. General principles (arts. 2–3, 6 and 12)

37. Please provide data, disaggregated as described in paragraph 34 above, on cases of discrimination affecting children, prosecutions brought before the courts under legislation governing non-discrimination and sanctions imposed on perpetrators.

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

38. Please provide data, disaggregated as described in paragraph 34 above, on:

- (a) The birth registration rate, including the number of children who have been registered through the new e-registration system;
- (b) Stateless children living in the State party.

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

39. Please provide data, disaggregated as described in paragraph 34 above, on:

- (a) Child victims of violence, including abuse, neglect, domestic violence and sexual exploitation and abuse in and outside the home, in alternative care settings and in detention, the cases that have been reported to the authorities, investigated and prosecuted and the sanctions that have been imposed on perpetrators, disaggregated by type of offence;
- (b) Children who have received protective measures and multidisciplinary remedies for children as victims and/or witnesses of violence, in particular abuse, neglect and sexual exploitation and abuse;
- (c) Child and forced marriages.

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

40. Please provide data, disaggregated as described in paragraph 34 above, on:

- (a) Children in residential homes, the number of such homes and their size and the length of stay;
- (b) Children in family-based, community-based and kinship care, and in situations of informal adoption.

F. Children with disabilities (art. 23)

41. Please provide data, disaggregated as described in paragraph 34 above, on children with disabilities:

- (a) Receiving economic and other types of support services;
- (b) Living with their families;
- (c) Living in residential care and the length of stay;
- (d) Attending regular schools and separate schools;
- (e) Reporting violence and abuse, including sexual violence, the number of investigations and prosecutions carried out and the sentences imposed on perpetrators.

G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

42. Please provide data, disaggregated as described in paragraph 34 above, on:

- (a) Children diagnosed with mental health issues or a mental illness;
- (b) Children who have attempted or committed suicide;
- (c) Teenage pregnancy;
- (d) Drug, alcohol and tobacco abuse among children;
- (e) Children living below the poverty line;

- (f) Children living in informal settlements;
- (g) Children living in households with improved cooking stoves.

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

43. Please provide data, disaggregated as described in paragraph 34 above, on:
- (a) Children dropping out of school;
 - (b) Children attending early childhood education programmes and the average length of attendance.

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

44. Please provide data, disaggregated as described in paragraph 34 above, and further disaggregated by accompanied or unaccompanied status, on asylum-seeking and refugee children who have resettled in the State party.

45. Please provide data, disaggregated as described in paragraph 34 above, on:
- (a) Children working in hazardous conditions;
 - (b) Cases of child labour investigated and leading to prosecution and sanctions imposed on employers found to have been involved in child labour;
 - (c) Children in street situations.

46. Please provide data, disaggregated as described in paragraph 34 above, and further disaggregated by type of crime, on:

- (a) Children who have been arrested, and the reasons for such arrests;
 - (b) Children in detention, including pretrial detention, and in facilities such as police cells and prisons, and length of stay;
 - (c) Children who are serving life sentences for offences committed while under the age of 18;
 - (d) Children referred to diversion and non-custodial sentencing options;
 - (e) Children who have received rehabilitation and reintegration support;
 - (f) Cases of ill-treatment and violence committed by law enforcement officials against children during arrest and detention that have been investigated and prosecuted, and the consequent penalties.
-