

Advocating for Legislative Change

Getting Started

Championing the fight for Violence Against Women and Girls (VAWG), the House of Sarah www.houseofsarah.org is a faith-based Non-Government Organisation.

In Fiji, a child is defined as an individual under the age of 18, however current legislation relating to children includes the Juvenile Act 1973, Convention on the Rights of the Child 1993, the Fijian Constitution, Family Law Act 2003, Employment Relations Act 2007 and the Child Welfare Act 2010.

As the Juvenile Act 1973 and Child Welfare Act 2010 are the 2 main referenced legislation on matters concerning children, the changing landscape of crimes against children warrants an urgent need to update this legislation.

The House of Sarah welcomes the drive from the Minister for Women, Children and Social Protection to update the Juvenile Act 1973 and the Child Welfare Act 2010 which have been renamed as the Child Justice Bill and the Child Care and Protection Bill respectively.

About the House of Sarah

With the mission to provide a listening ear, a warm heart and a welcoming hand to those in need, the House of Sarah has 4 sections within the Organization namely Prevention, Response and Intervention, Gender Equality and Theology (GET) and Christian Talanoa Network to break the Silence on Violence against Women and Girls.

Under the Prevention and Response and Intervention sections, the House of Sarah adopted the SASA!¹ - Start Awareness Support Action and Sarah Carers² approach in 2019 as a means to having eyes and ears in Communities across Fiji through volunteers.

The Bills provide the Sarah Carers and the House of Sarah with stronger legislative backing as it receives reports of Violence and works with agencies like the Fiji Police Force, Fiji Women's Crisis Centre, Medical Services Pacific to name a few to ensure that Survivors³ of Violence have easy access to relevant medical and counselling services.

To date, Sarah Carers have recorded nearly 700 cases of Violence Against Women and Children with statistics indicating an average of children being involved in every 2 cases reported. Through their links with the Communities, Women feel safe when dealing with Sarah Carers.

Year	Children	Women
2019	13	35
2020	25	120
2021	35	146
2022	18	107
2023	7	100

¹ SASA! - Start Awareness Support Action is an evidence-based community mobilization approach to prevent violence against women

² Sarah Carers - Volunteer women who advocate Violence Against Women and Girls in Communities and provide intervention and referral services for those who report cases of violence

³ Survivor – those who report Violence or are referred to as Survivors and not Victims



2024	17	62
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These statistics indicate the on-going issues of Violence Against Women and Girls and the escalating crimes against children.

The updated Bills therefore provide a proactive approach to child welfare and justice, signaling a new era of enhanced protection and support for children in Fiji. The House of Sarah has proposed herein amendments including changes in referenced terms and their definitions, stronger deterrents for dollar fines and prison terms and the overall inclusion of faith-based organizations.

Moving Forward

Having these Bills updated and finalized will strengthen the House of Sarah's vision to have a Community where Women and Girls are free from the fear of Violence. The Bills will also provide a stronger voice and protection for Children not only from offenders but in Court as we look forward to a safer future for Children.

CHILD JUSTICE 2024 (BILL NO. 4 OF 2024)

Description	Child Justice Bill 2024	House of Sarah Comments
PART 1- PRELIMINARY		
2. Interpretation	Lists 29 <ul style="list-style-type: none"> - Adult - Appropriate Support Person - Approved Child Justice Agencies and Organisations - Child - Child in conflict with the law - Child Justice Court - Child Justice Officer - Child Welfare Officer - Community-based Corrections Officer - Community Volunteer Supervisor - Court - Department - Director - Diversion - Family - Family Division - Indictable offence - Legal Aid Commission - Minister - Ministry - Parent - Police Officer 	<p>The Constitution of the Republic of Fiji, Convention on the Rights of the Child and the Employment Relations Act 2007 make reference to ‘Guardians’ in the absence of a parent however ‘Guardian’ is not listed in Part 1 Section 2 – Interpretation of the Child Justice Bill.</p> <p>Proposed Amendment To ensure consistency with legislation that makes reference to children, Guardian should be included in Part 1 – Section 2 Interpretation and be defined as</p> <p><i>“a person(s) lawfully having charge of a child other than the parents or a person to whose care a child has been committed even temporarily, by a person having authority over the child”</i></p> <p>as listed in Part 1 Preliminary Subsection 4 Interpretation of the Employment Relations Act 2007</p> <p>guardian includes—</p> <ul style="list-style-type: none"> (a) a person lawfully having charge of a child other than the parents; or (b) a person to whose care a child has been committed even temporarily, by a person having authority over the child; <p>The term ‘Guardian’ is widely accepted in place of a parent and should be included in this Bill.</p>

	<ul style="list-style-type: none"> - Public Prosecutor - Records - Register - Social Enquiry Report - Summary Offence - Welfare Officer 	
<p>3. Objectives</p>	<p>(d) promote involvement of families, traditional or community leaders, civil society and community members in the rehabilitation and reintegration of children in conflict with the law; and</p>	<p>Faith-based organisations contribute significantly to community well-being, health, and social development by collaborating with Government ministries and civil society to identify and address social challenges in Fiji.</p> <p>Proposed Amendment With 'faith-based organisations' referenced in Part 2 Section 8 - Powers and Duties of the Director below, the term should be included in</p> <ul style="list-style-type: none"> - (d) of the Objectives as amended below <p>(d) promote involvement of families, traditional, faith-based or community leaders, civil society and community members in the rehabilitation and reintegration of children in conflict with the law; and</p> <ul style="list-style-type: none"> - and Interpretation Part 1 Section 2 of the Bill. Definition to be used is as defined by the United Nations Environmental Programme “Legally registered international faith-based development and humanitarian NGOs, Religious leaders, religious institutions such as Mosques, Churches and their affiliated NGOs; and independent local community entities inspired by faith principles.” <p>Including term Faith-based organization (FBO) in Part 1 - Section 2 Interpretation will provide clarity on its meaning.</p> <p>PART 2—ORGANISATION OF SERVICES FOR THE SUPERVISION, REHABILITATION AND REINTEGRATION OF CHILDREN IN CONFLICT WITH THE LAW</p> <p><i>Powers and duties of the Director</i></p> <p>8. The Director is responsible for the promotion and the development of policies, procedures and services for the supervision, rehabilitation and reintegration of children that accord with the objectives of this Act, including—</p> <ul style="list-style-type: none"> (a) encouraging a collaborative approach between government authorities, non-government organisations, faith-based organisations and communities in the development of diversion, rehabilitation and reintegration services for children in conflict with the law;

<p>4. General Principles</p>	<p>A court or person performing a function under this Act must be guided by the following principles – (f) parents or other appropriate adults must be able to assist a child at all stages of criminal proceedings and, wherever possible, participate in decisions affecting the child;</p>	<p>To avoid confusion, and ensure reference consistency, Bill needs to use terms that are listed in Part 1 - Section 2</p> <p>Proposed Amendment Point (f) to say “appropriate support person” and/or “guardian” as listed in 2 Interpretation instead of appropriate adult and be amended as per below (f) parents or other appropriate support person or Guardian must be able to assist a child at all stages of criminal proceedings and, wherever possible, participate in decisions affecting the child;</p>
<p>Part 3 – DIVERSION</p>		
<p>12. Objectives of Diversion</p>	<p>12. The objectives of diversion are to – (f) encourage the parents, family and traditional or community leaders of a child in conflict with the law be directly involved in holding the child accountable and providing opportunities for the child to correct his or her offending behaviour;</p>	<p>As mentioned in #3 Objectives above, the inclusion of and use of the term faith-based provides clarity on its meaning and relevance for use in the Bill</p> <p>Proposed Amendment Point (f) to say; (f) encourage the parents, family, faith-based, traditional or community leaders of a child in conflict with the law be directly involved in holding the child accountable and providing opportunities for the child to correct his or her offending behaviour;</p>
<p>13. Children to be considered for Diversion</p>	<p>13. 2 A child may be considered for diversion if – (a) the child, being of sound mind, voluntarily acknowledges responsibility for the offence; (c) the child, having had the opportunity to consult with a legal representative, consents to diversion and the diversion plan;</p>	<p>Note How is SOUND MIND determined?? During basic counselling, a Child Justice Officer can determine ‘Sound Mind’ as mentioned in (a) of a child and that would determine if the child can acknowledge / accept responsibility for the offence. A written report would suffice to document and confirm ‘Sound Mind’.</p> <p style="text-align: center;"><i>Duties of child justice officers</i></p> <p>10.—(1) A child justice officer has the duties and powers of a community-based corrections officer under the Community-Based Corrections Act 2018. (2) In addition to the duties specified in any other written law, a child justice officer is responsible for— (a) providing children in conflict with the law with support, basic counselling and basic information about their rights at all stages of the criminal justice process;</p>

		<p>c) the child, having had the opportunity to consult with a legal representative, in the presence of a parent or legal guardian consents to diversion and the diversion plan;</p> <p>Accepting responsibility in (a) is fine for a child of Sound Mind however with regards to the diversion plan and its implementation, it should be mandatory that a parent or guardian be present in addition to the legal representation as it is the parent and/or guardian that will ensure that the child complies with / completes the diversion plan.</p>
14. Diversion Plans	<p>(3) A diversion plan may include one or more of the following conditions for the child –</p> <p>(d) supervision and guidance by an appropriate adult or peer mentor;</p>	<p>To avoid confusion, and ensure reference consistency, Bill needs to use terms that are listed in Part 1 - Section 2</p> <p>Proposed Amendment Point (d) to say “appropriate support person” and “guardian” as listed in 2. Interpretation instead of appropriate adult and peer mentor (d) supervision and guidance by an appropriate support person or guardian;</p>
15. Referral to community conference	<p>15. - (1) A person exercising authority under this Act to divert a child may convene, or cause to be convened through a child justice officer or a welfare officer or a traditional or community leader, a community conference for the purpose of developing a diversion plan.</p>	<p>As mentioned in #3 Objectives above, the inclusion of and use of the term faith-based provides clarity on its meaning and relevance for use in the Bill</p> <p>Proposed Amendment Point (1) say; 15. - (1) A person exercising authority under this Act to divert a child may convene, or cause to be convened through a child justice officer or a welfare officer or a traditional, faith-based or community leader, a community conference for the purpose of developing a diversion plan.</p>
PART 4 - CHILDREN AND THE POLICE		
29. Children in Custody	<p>29. - (1) A child who is arrested or detained at a police station or in the custody of a police officer must be –</p> <p>(e) permitted, without delay to communicate in private with –</p>	<p>To avoid confusion, and ensure reference consistency, Bill needs to use terms that are listed in Part 1 - Section 2</p> <p>Proposed Amendment Amend to say “appropriate support person” as listed in 2. Interpretation instead of appropriate adult. Point (i) to say;</p>

	(i) his or her parents, family members or other appropriate adult;	(i) his or her parents, family members or other appropriate support person;
PART 5 - PRE-TRIAL RELEASE AND REMAND OF CHILDREN IN CONFLICT WITH THE LAW		
30. Presumption in favour of release	<p>(4) A court, when deciding whether to release a child, must have regard to all relevant factors, including –</p> <p>(d) the child’s age, character, background and criminal history;</p> <p>(e) the availability of a parent, other appropriate adult, child justice officer or community volunteer supervisor to supervise the child;</p>	<p>Proposed Amendment</p> <p>Amend (d) to say;</p> <p>(d) the child’s age, character, background, medical and criminal history;</p> <p>Amend to say “appropriate support person” as listed in 2. Interpretation instead of appropriate adult</p> <p>Medical history has to be included for cases that require on-going medical treatment e.g. drug addiction child(ren) will be suffering from withdrawal and require a specific treatment plan to ensure recovery and rehabilitation.</p> <p>(e) the availability of a parent, other appropriate support person, child justice officer, community volunteer supervisor or representative from Part 2 Subsection 11 of the Child Care and Protection Bill to supervise the child;</p> <p><i>Register of approved child protection agencies, organisations and children’s homes</i></p> <p>11.—(1) This section establishes the Register of approved child protection agencies, organisations and children’s homes, that must be kept and maintained by the Director.</p> <p>Part 2 Subsection 11 has a register of all approved child protection agencies, organisations and children’s homes and should be the list from which a supervisor is chosen for the child.</p>
PART 7 - METHODS OF DEALING WITH CHILDREN		
47. Purpose and principles	<p>(3) In determining what order to impose on a child in conflict with the law, the court must take into account –</p> <p>(h) any proposals that the child, his or her parents or a traditional or community leader may put forward for the future</p>	<p>As mentioned in #3 Objectives above, the inclusion of and use of the term faith-based provides clarity on its meaning and relevance for use in the Bill</p> <p>Proposed Amendment</p> <p>Amend (h) to say;</p> <p>(h) any proposals that the child, his or her parents or a traditional, faith-based or community leader may put forward for the future improvement of the child,</p>

	improvement of the child, including the outcome of any community conference arranged in accordance with section 49;	including the outcome of any community conference arranged in accordance with section 49;
49. Delete Referral to community conference for recommendations	(2) Where no child justice officer is available, the court may request that a traditional or community leader convene a community conference.	As mentioned in #3 Objectives above, the inclusion of and use of the term faith-based provides clarity on its meaning and relevance for use in the Bill Proposed Amendment Point (2) to say; (2) Where no child justice officer is available, the court may request that a traditional, faith-based or community leader convene a community conference.
53. Conditions relating to community-based corrections orders	(1) A community-based corrections order or intensive community-based corrections order – b (i) that the child reside with a parent or other appropriate adult who agrees to take responsibility for the care and supervision of the child;	To avoid confusion and ensure consistency with referenced terms/definitions, terms as listed in 2 Interpretations must be used Proposed Amendment Amend b (i) to say; (i) that the child reside with a parent or other appropriate support person who agrees to take responsibility for the care and supervision of the child;
PART 8 - CUSTODIAL FACILITIES FOR CHILDREN		
63. Absconders	63.1 (3) A person commits a summary offence and is liable on conviction to a fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both, if the person - (a) knowingly assists or attempts to induce, or does induce, a child to run away from a remand home or rehabilitation centre;	Note \$5000 is not a strong deterrent to offenders. The dollar fine needs to remain at \$10,000 as listed in Section 19 'Obstruction' of the Child Welfare Act 2010 to be a deterrent to offenders. Also, for transparency all convicted person(s) should be added to the Register of Sex Offenders which was enacted in 2021 and disclosed to all organizations listed in Part 2 Subsection 11 as well as other relevant Agencies.

		<p>[CHW 19] Obstruction</p> <p>19 Any person who—</p> <ul style="list-style-type: none">(a) obstructs a designated medical officer or any person authorised by a designated medical officer under section 16(1) in holding a child under a care and treatment order; or(b) removes a child from a health facility knowing that the child is the subject of a care and treatment order; or(c) keeps a child in his or her custody knowing that the child is the subject of a care and treatment order, <p>commits an offence and is liable to a fine not exceeding \$10,000 or an imprisonment term not exceeding 18 months or both.</p>
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CHILD CARE AND PROTECTION BILL 2024 (BILL NO. 5 OF 2024)

Description	Child Care and Protection 2024	House of Sarah Comments
PART 1- PRELIMINARY		
Interpretation	<p>Lists 25</p> <ul style="list-style-type: none"> - Approved Children’s Home - Child - Child in need of protection - Child Welfare Officer - Court - Designated Medical Officer - Department - Director - Emotional Abuse - Family - Hazardous or Explosive Behaviour - Health Facility - Mandatory Reporter - Ministry - Minister - Neglect - Parent - Physical Abuse - Place of Safety - Police Officer - Register - Sexual Abuse - Sexual Exploitation - Street 	<p>The Constitution of the Republic of Fiji, Convention on the Rights of the Child and the Employment Relations Act 2007 make reference to ‘Guardians’ in the absence of a parent however ‘Guardian’ is not listed in Part 1 Section 2 – Interpretation of the Child Justice Bill.</p> <p>Proposed Amendment</p> <p>To ensure consistency with legislation that makes reference to children, Guardian should be included in Part 1 – Section 2 Interpretation and be defined as</p> <p><i>“a person(s) lawfully having charge of a child other than the parents or a person to whose care a child has been committed even temporarily, by a person having authority over the child”</i></p> <p>as listed in Part 1 Preliminary Subsection 4 Interpretation of the Employment Relations Act 2007</p> <p>guardian includes—</p> <ul style="list-style-type: none"> (a) a person lawfully having charge of a child other than the parents; or (b) a person to whose care a child has been committed even temporarily, by a person having authority over the child; <p>The term ‘Guardian’ is widely accepted in place of a parent and should be included in this Bill.</p> <p>Likewise ‘Professional’ from the Child Welfare Act 2010 needs to be included with the updated definition as</p> <p><i>‘means a Health Care Professional, a Welfare Officer, a Police Officer, a Teacher, a Legal Practitioner and a staff member and/or representative from Part 2 Subsection 11 of the Child Care and Protection Bill’.</i></p>

	<p>- Well-being</p>	<p><i>Register of approved child protection agencies, organisations and children's homes</i></p> <p>11.—(1) This section establishes the Register of approved child protection agencies, organisations and children's homes, that must be kept and maintained by the Director.</p> <p>Part 2 Subsection 11 has a register of all approved child protection agencies, organisations and children's homes and to avoid confusion should be the list from which a 'Professional' is referred to.</p>
<p>Objectives / Purpose</p>	<p>The objectives of this Act are to -</p> <ul style="list-style-type: none"> a) promote the well-being of children and to protect them from all forms of violence, abuse, neglect and exploitation; b) acknowledge the role of parents, families and communities in promoting the well-being and protection of children and to encourage and support them in carrying out that role; c) foster collaboration between government agencies, non-governmental organisations, faith-based organisations and traditional or community leaders engaged in the provision of services designed to promote the well-being and protection of children; and 	<p>Confidentiality is important when dealing with children and should be included in the Objectives for the Act.</p> <p>Proposed Amendment</p> <p>The point on confidentiality from the Child Welfare Act 2010 should be included as (e)</p> <ul style="list-style-type: none"> - to protect the confidentiality and integrity of cases and of professionals handling these cases as information is sensitive so including confidentiality has merit <p>[CHW 2] Purpose of the Act</p> <p>2 The purpose of this Act is to—</p> <ul style="list-style-type: none"> (a) ensure mandatory reporting of cases of possible, likely or actual harm in relation to events discovered by a professional to be affecting the health and welfare of children; (b) emphasise the duty of care of the professional in handling cases of possible child abuse and outlining the reporting requirements of such cases in their care; and (c) to protect the confidentiality and integrity of cases and of the professionals handling these cases.

	<p>d) provide for the care and protection of children in circumstances where their parents, families and communities are unable to do so.</p>	
<p>5. Child in Need of Care and Protection</p>	<p>5. Child in need of care and Protection (f) the child is being or is likely to be harmed due to any of the following – (i) physical abuse (ii) sexual abuse or sexual exploitation; (iii) emotional abuse; (iv) neglect; or (v) hazardous or exploitive labour;</p>	<p>A child would need care and protection if faced with a forced marriage.</p> <p>Proposed Amendment Add (vi) to say forced marriage</p> <p>Include Forced Marriage in Part 2 – Interpretation and define it as a marriage to an individual under the age of 18</p> <p>MARRIAGE ACT 1968</p>  <p style="text-align: right;">Last Updated: 2 July 2010</p> <p>[MRG 29] Penalty for marrying a minor</p> <p>29 Any person who— (a) willfully and unlawfully marries a person under the age of 18 years; or (b) induces or endeavours to induce any marriage officer or other person to solemnise marriage between parties when the person so acting knows that one of the parties to the marriage is a minor; or (c) abets or assists the principal offender in any such act or endeavour as is described in paragraphs (a) and (b), knowing that a party to the marriage or intended marriage is minor,</p> <p>shall be guilty of an offence and liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 2 years. [s 29 subst Decree 26 of 2009 s 11, effective 24 July 2009]</p>
<p>7. Responsibility of parents</p>	<p>7. A parent has the primary role of safeguarding and promoting the well-being of his or her child and in particular is responsible for – (j) ensuring that in the temporary absence of a parent, the child is cared for by a person who is</p>	<p>Include Guardian as it is more specific than ‘a person’ and would have the best interests of the child</p> <p>Proposed Amendment Amend (j) to say;</p>

	known and trusted by both the child and his or her parent.	(j) ensuring that in the temporary absence of a parent, the child is cared for by a person or Guardian who is known and trusted by both the child and his or her parent.
12. Director may request services from other agencies	12.- (1) The Director, may request a government department or agency to provide services to a child or his or her family. (2) Notwithstanding subsection (1), the government department or agency may, as far as practicable, comply with the request if it does not unduly prejudice the discharge of its functions.	Part 2 Subsection 11 of the Child Justice Bill has a register of all approved child protection agencies, organisations and children’s homes and should be the list from which the Director refers to. Proposed Amendment Amend 12- (1) and (2) respectively to say (1) The Director, may request a government department or agency as recognized in Part 2 Subsection 11 of the Child Justice Bill to provide services to a child or his or her family. (2) Notwithstanding subsection (1), the government department or agencies as recognized in Subsection 11 of the Child Justice Bill may, as far as practicable, comply with the request if it does not unduly prejudice the discharge of its functions.
PART 3 - CARE AND PROTECTION OF CHILDREN		
40. Medical examinations and information	40.- (1) A child held under a care and treatment plan at any health facility may be medically examined with or without the consent of the child or the child’s parents.	Strongly disagree that a child be examined without consent, a parent must be present for a medical examination. Proposed Amendment Amend to say; 40.- (1) A child held under a care and treatment plan at any health facility may be medically examined only with the consent of the child or the child’s parents and/or authorized guardian.
PART 4 - CHILDREN IN THE CARE OF THE DIRECTOR		
62 Duties of the Director	62 - (1) The Director must take reasonable steps to ensure that a child placed in his or her care meets the following standards ensuring – (c) the child receives education, training or employment	Note Under Part 10 of the Employment Relations Act 2007 and Part 8 of the Employment Relations (Administration) Regulations 2008 respectively, children above 15 can be employed for 8 hours a day and be provided with benefits as listed in the Regulation / Act.

	opportunities appropriate to the child's age and ability;	
"PART 15A - OFFENCES AGAINST CHILDREN		
287B - (1) Child pornographic material	A person commits an indictable offence if he or she possesses, views, downloads or accesses child pornographic material. Penalty – Imprisonment for a term not exceeding 5 years.	<p>Note Penalty Imprisonment term of 5 years is too less and should be increased as a deterrent to offenders. Suggest considering imprisonment of 15 years as per the Australian Criminal Code Act 1995 below</p> <p><i>Criminal Code Act 1995</i></p> <p>1 After section 474.22 of the Criminal Code Insert:</p> <p>474.22A Possessing or controlling child abuse material obtained or accessed using a carriage service</p> <p>(1) A person commits an offence if:</p> <ul style="list-style-type: none"> (a) the person has possession or control of material; and (b) the material is in the form of data held in a computer or contained in a data storage device; and (c) the person used a carriage service to obtain or access the material; and (d) the material is child abuse material. <p>Penalty: Imprisonment for 15 years.</p> <p>For transparency all convicted person(s) should be added to the Register of Sex Offenders which was enacted in 2021 and disclosed to all organizations listed in Part 2 Subsection 11 as well as other relevant Agencies.</p> <p>The register will enable agencies to monitor sex offenders and to assist in reducing the risk posed by sex offenders and the rate of sexual offences in Fiji, by providing specified agencies with the information needed to monitor sex offenders in the community, including after the completion of their sentences and current information that may assist the Fiji Police Force to rapidly resolve cases of sexual offences.</p>

		<p style="text-align: center;">REGISTRATION OF SEX OFFENDERS ACT 2021</p> <div style="text-align: center;">  </div> <p style="text-align: center;">[RSO 6] Establishment of register</p> <p>6 (1) The Commissioner must establish a register of sex offenders to be known as the Register of Sex Offenders.</p> <p>(2) The register must contain, to the extent that it is known to the Commissioner, the following information in relation to each sex offender—</p> <ul style="list-style-type: none"> (a) the name and photograph of the sex offender, and other identifying particulars; (b) details of each sexual offence or corresponding offence of which the sex offender has been convicted; (c) the date on which the sex offender was charged for any sexual offence or corresponding offence; (d) the date on which the sex offender was convicted for any sexual offence or corresponding offence; (e) the date on which the sex offender was sentenced for any sexual offence or corresponding offence; (f) for each sexual offence or corresponding offence of which the sex offender was convicted, the sentencing notes of the sentencing judge or magistrate; (g) the date on which the sex offender ceased to be in custody in respect of a sexual offence or corresponding offence, or ceased to be in custody in respect of any offence during his or her reporting period; (h) the corresponding criminal case number and investigation file number relevant to the charge, conviction and sentence; (i) any information reported in respect of the sex offender under Division 2 or 3; (j) any information provided to the Commissioner in respect of the sex offender under Division 2 or 3; and (k) any other information as prescribed by regulations. <p>(3) For the avoidance of doubt, the register must not contain information in relation to a person who ceases to be a sex offender under section 5(2).</p>
<p>287C Sexual communication with a child</p>	<p>(2) For the purposes of this section, communication is sexual if –</p> <ul style="list-style-type: none"> (a) any part of it relates to sexual activity; or (b) a reasonable person would, in all the circumstances but 	<p>Note</p> <p>Penalty Imprisonment term of 2 years is too less considering the exploitative circumstances in which the material was obtained and how widely it will be circulated. As a further deterrent, those found guilty of this offence should be added to the Register of Sex Offenders which was enacted in 2021 and disclosed to all organizations listed in Part 2 Subsection 11 as well as other relevant agencies.</p>

regardless of any person's purpose, consider any part of the communication to be sexual. Penalty – Imprisonment for a term not exceeding 2 years.

REGISTRATION OF SEX OFFENDERS ACT 2021



[RSO 6] Establishment of register

6 (1) The Commissioner must establish a register of sex offenders to be known as the Register of Sex Offenders.

(2) The register must contain, to the extent that it is known to the Commissioner, the following information in relation to each sex offender—

- (a) the name and photograph of the sex offender, and other identifying particulars;
- (b) details of each sexual offence or corresponding offence of which the sex offender has been convicted;
- (c) the date on which the sex offender was charged for any sexual offence or corresponding offence;
- (d) the date on which the sex offender was convicted for any sexual offence or corresponding offence;
- (e) the date on which the sex offender was sentenced for any sexual offence or corresponding offence;
- (f) for each sexual offence or corresponding offence of which the sex offender was convicted, the sentencing notes of the sentencing judge or magistrate;
- (g) the date on which the sex offender ceased to be in custody in respect of a sexual offence or corresponding offence, or ceased to be in custody in respect of any offence during his or her reporting period;
- (h) the corresponding criminal case number and investigation file number relevant to the charge, conviction and sentence;
- (i) any information reported in respect of the sex offender under Division 2 or 3;
- (j) any information provided to the Commissioner in respect of the sex offender under Division 2 or 3; and
- (k) any other information as prescribed by regulations.

(3) For the avoidance of doubt, the register must not contain information in relation to a person who ceases to be a sex offender under section 5(2).