



STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

Report on the Review of the Child Care and Protection Bill 2024

(Bill No. 5 of 2024)



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TABLE OF CONTENTS

CHAIRPERSON’S FOREWORD	2
COMMITTEE COMPOSITION	4
1.0 INTRODUCTION.....	6
1.1 Background	6
1.2 Procedure and Program.....	6
1.3 Committee Remit	6
2.1 Introduction.....	7
2.2 Objectives of the Bill.....	8
3.0 COMMITTEE’S DELIBERATION AND ANALYSIS OF THE BILL	9
3.1 Initial Reading of the Bill and Deliberation by the Committee - Impact of the Bill	9
3.2 Bill Summary	9
3.4 Evidence received via public consultation.	14
3.5 SDGs Impact Analysis.....	16
3.6 Outcome of deliberation	16
4.0 CONCLUSION	19

CHAIRPERSON'S FOREWORD

The Standing Committee on Justice, Law and Human Rights was referred the Child Care and Protection Bill 2024 in May 2024, to scrutinize and to return a report of its findings to Parliament.

The *Child Care and Protection Bill* replaces the child protection sections of the *Juveniles Act* (Cap 56). It outlines what the country will do to promote the wellbeing of children and to protect them from all forms of violence, abuse, neglect and exploitation. The *Juveniles Act* provision on children in conflict with the law has been incorporated into a separate *Child Justice Bill*.

The aim of the *Child Care and Protection Bill* is to provide a more comprehensive framework for child welfare services, and to better guide the work of the Ministry of Women, Children and Social Protection (MoWCSP) in preventing and responding to child abuse.

The *Child Care & Protection Bill* introduces significant reforms to strengthen child welfare and protection. It establishes a new guiding framework for child protection, emphasizing the responsibility of parents and families for children's care and wellbeing. The Bill creates a new Department of Children under the Ministry of Women, Children, and Poverty Alleviation, with a clear mandate to provide child welfare services in collaboration with various stakeholders. The focus shifts from merely responding to abuse to preventing it through early intervention. It streamlines the process for reporting and responding to child protection cases, integrating existing procedures into a clearer system, now overseen by the Director of Children. The Bill also defines specific actions to safeguard children, either through family agreements or court orders. Responsibility for child protection orders shifts to the Family Division of the Magistrates Court, with more child-friendly procedures. It also introduces new forms of alternative care (kinship, foster, and residential care) with a priority on family-based care and includes new offences to address emerging issues like online exploitation and child grooming.

As part of the review the Committee conducted public consultation in various communities and invited the public to provide written submissions. The Committee received support and commendation on the introduction of the Bill, from most of the public that had participated in the public consultation. However, like most activities that impact the lives of the people of a country, there will also be other suggestions that are based on the premise of making improvements.

At the conclusion, Fiji's commitment to improving child protection is reflected in the introduction of the **Child Care and Protection Bill**, which modernizes the country's child welfare laws in line with international standards, particularly the **United Nations Convention on the Rights of the Child**. The Bill addresses gaps in outdated laws like the **Juveniles Act** and establishes a comprehensive, responsive child protection system focused on prevention, early intervention, and family preservation. It emphasizes a community-based approach, involving families, government agencies, NGOs, and

traditional leaders in safeguarding children. Key provisions include clearer mechanisms for reporting and responding to abuse, promoting family-based care, and strengthening the role of the **Department of Children**. The Bill also responds to public consultations,

At the conclusion of the review, the Committee acknowledges that a few concerns were raised by submitters, highlighting issues such as the need for better parenting support, stronger laws on child sexual abuse, and improved digital safety for children. The Committee extensively deliberated on these concerns and concluded that, by balancing legal reforms with cultural sensitivity and community involvement, the Bill represents a positive shift in Fiji’s approach to child welfare. It aims to create a society where every child is safe, valued, and able to thrive.

The Committee believes that the Bill is sufficient as it stands, with only minor amendments needed. Additionally, the Committee recommends a few measures for the effective implementation of the proposed law, which have been put forth for Parliament’s consideration and are detailed in this report.

I would like to thank the Honourable Members of the Justice, Law and Human Rights Committee for their deliberations and input; Hon. Iliesa Vanawalu (Deputy Chairperson), Hon. Lenora Qereqeretabua, Hon. Jone Usamate, and Hon. Mosese Bulitavu.

I, on behalf of the Committee, commend Child Care and Protection Bill 2024 (*Bill No. 5 of 2024*) to Parliament and seek support of all the members of this August house for the Bill.



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HON. RATU RAKUITA VAKALALABURE
CHAIRPERSON

COMMITTEE COMPOSITION

The Committee is made up of Members of both the Government and Opposition Members. Members of the Standing Committee are as follows



Hon. Ratu Rakuita Vakalalabure
(Chairperson)



Hon. Iliesa Vanawalu
(Deputy Chairperson)



Hon. Mosese Bulitavu
(Member)



Hon. Lenora Qereqeretabua
(Member)



Hon. Jone Usamate
(Member)

Committee Secretariat Team

Supporting the Committee in its work is a group of dedicated Parliament Officers who make up the Committee Secretariat and are appointed and delegated by the Secretary-General to Parliament pursuant to Standing Order 15 (3)(i). The Secretariat team is made of the following Parliament officers:

- Mr. Jackson Cakacaka – Senior Committee Clerk
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1.0 INTRODUCTION

1.1 Background

The Standing Committee on Justice, Law and Human Rights, referred to as the ("**Committee**"), was assigned the Child Care and Protection Bill 2024 (Bill No. 5 of 2024). for review in May 2024. The Bill was referred to the Committee in accordance with SO 51(2), which tasked the Committee with the examination of the Bill and the responsibility to report on its findings in a subsequent Parliament Sitting.

1.2 Procedure and Program

The Committee has conducted a thorough review of the Child Care and Protection Bill 2024 (Bill No. 5 of 2024). This report outlines the findings, observations, and recommendations of the Committee regarding the Bill, which aims to enhance Fiji's disaster risk management framework.

The Committee read through the Bill and made its own deliberation of the Clauses in the Bill. The Committee called for submissions from the public and other interested stakeholders by placing advertisements through the local newspapers on 16 August 2024.

The Committee was mindful of the provisions in Standing Order 111(1)(a) and ensured that its meetings were open to the public and the media, except during such deliberations and discussions to develop and finalise the Committee's observations and this Report.

1.3 Committee Remit

The Standing Committee on Justice, Law, and Human Rights, created in accordance with Standing Order 109 of Parliament's Standing Orders, is tasked with several duties. As outlined in Standing Order 110, these include scrutinizing each Bill referred to it by Parliament and review any subordinate legislation presented in Parliament that falls under its purview.

2.0 CHILD CARE AND PROTECTION BILL (BILL NO. 5) 2024

2.1 Introduction

Fiji is committed to the Convention on the Rights of the Child (CRC) and is taking steps to enhance the protection and welfare of all children, particularly those without parental care or facing abuse. This year, the government has introduced legislation that aligns with the CRC's requirements, focusing on family-based care and prevention of family separation. The Child Care and Protection Bill and the Child Justice Bill are central to this effort, emphasizing the roles of families and communities in child-rearing and protecting children's rights. These bills will replace outdated legislation and establish a new Department for Children to oversee child protection services, ensuring specialized support and a community-based approach. The government's goal is to create a supportive environment for children in Fiji, prioritizing their safety, rights, and well-being.

The Juveniles Act 1974

The Juvenile's Act was first introduced in 1974 and has not been substantially revised since that time. It is now quite outdated and doesn't fully reflect advances Fiji has made in developing the child welfare system. In particular, the Juveniles Act:

- Is based on the inherited (and now outdated) British approach to child protection that focused on “rescue and removal” of children, and effectively applied the same approach to both children in need of protection and children in conflict with the law.
- Focuses only on responding after a child has been abused and neglected and does not address prevention and early intervention to help children and families before problems escalate.
- Has an outdated definition of “children in need of care, protection or control” that doesn't explicitly address all forms of child abuse and exploitation (physical, emotional and sexual abuse, child labour, etc.).
- Provides limited guidance on the role of the Department in leading and coordinating a comprehensive child welfare system.
- Does not provide detailed guidance on procedures for reporting and responding to child abuse allegations.
- Focuses primarily on court-ordered child protection interventions, with no provision for mediation or family conferencing, and limited provision for the involvement of the child and family in decision-making.
- Has an outdated approach to alternative care, with an emphasis on placement in approved institutions or “boarding out” children, and no clear preference for family preservation and family-based forms of care.
- Does not acknowledge the important role that extended family, traditional and community leaders, faith-based organizations and NGOs can play in advising, supporting and assisting children and families facing difficulties;

- Is not in line with international standards and best practices; the UN Committee on the Rights of the Child has found that the Juveniles Act does not meet Fiji's obligations under the Convention on the Rights of the Child.

Child Care and Protection Bill

- Develop a contemporary legal framework for the child welfare system that aligns with current practices in the Social Welfare Department and incorporates global best practices.
- Clearly define roles and responsibilities to strengthen families and protect children.
- Establish a legal foundation for a collaborative approach to child welfare services, led by the Department of Children, in partnership with other government agencies, NGOs, faith-based organizations, and traditional and community leaders.
- Ensure that the child welfare system is grounded in and supports positive Fijian cultural values and community practices.

The establishment of a Child and Care Protection Bill in Fiji is essential to safeguard the rights and well-being of children in our society. Despite the rich cultural values that emphasize community care and support for children, gaps in legal protections and inconsistent practices have left many vulnerable to abuse, neglect, and exploitation. This bill aims to create a comprehensive legal framework that addresses these issues, ensuring that every child has access to a safe and nurturing environment. By codifying protections and promoting collaborative efforts among government agencies, community organizations, and families, we can strengthen the safety net for our children and uphold their rights as integral members of society.

2.2 Objectives of the Bill

The objective of the Bill, which aligns with the government's intention to promote the welfare and protection of children and to provide for families and communities to receive assistance in the care and protection of children, is clearly outlined in Clause 4 of the Bill:

- 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 organizations, faith-based organizations and traditional or community leaders engaged in the provision of services designed to promote the well-being and protection of children; and
- d) provide for the care and protection of children in circumstances where their parents, families and communities are unable to do so.

3.0 COMMITTEE’S DELIBERATION AND ANALYSIS OF THE BILL

3.1 Initial Reading of the Bill and Deliberation by the Committee - Impact of the Bill

The Committee commenced its analysis of the Bill, reading through it, Clause by Clause. From this initial reading, it was noted that the Child Care and Protection Bill 2024 (‘Bill’) replaces the child protection sections of the *Juveniles Act* (Cap 56). It outlines what the country will do to promote the wellbeing of children and to protect them from all forms of violence, abuse, neglect and exploitation. The Committee had extensive discussions on the provisions of the Bill and resolved that it is prudent to firstly hear the views of the public, specifically the stakeholders on this very important piece of proposed legislation. This public consultation would then allow the Committee to gauge the public’s perspective on the Bill before deliberating further, whilst also bearing in mind the requirements as set down by Parliament in referring the Bill to the Committee.

The aim of the *Child Care and Protection Bill* is to provide a more comprehensive framework for child welfare services, and to better guide the work of the Ministry of Women, Children and Social Protection (MoWCSP) in preventing and responding to child abuse.

3.2 Bill Summary

By way of consensus, the Committee agreed that it would be prudent to include the necessary issues that the proposed law intends to address. This would readily give the reader of this Report the aforementioned information regarding the Bill, which is summarized below.

Part 1 Overview of the Bill:

The Child Care and Protection Bill emphasizes that while parents, with support from family members, have primary responsibility for caring for and protecting their children, the government also has a duty to assist and intervene, when necessary, especially in cases of abuse or neglect. The Bill outlines guiding principles for child welfare, including the belief that every child deserves protection from harm, with their best interests always being a primary concern. It stresses the importance of family preservation, with children ideally being raised in their own family environment, and advocates for involving children and relevant family members in decisions about their care. The Bill also prioritizes collaboration and consensus in decision-making, with court intervention as a last resort, and promotes a collective approach to child well-being involving parents, extended families, government bodies, NGOs, and community leaders.

Part 2 Establishment of the Department of Children:

The Bill designates the Department of Children as the primary agency for child welfare services, outlining its responsibilities to coordinate prevention and intervention services, develop reporting policies, respond to suspected child abuse, manage alternative care for vulnerable children, and monitor child welfare services. It emphasizes a collaborative approach, recognizing that child protection is a shared responsibility among government agencies, NGOs, community leaders, and others. To ensure quality and adherence to children's rights, the Bill grants the Minister the authority to establish standards for service providers and requires the registration and inspection of children's homes to maintain oversight and accountability.

Part 3, Clause 16 Prevention and Early Intervention:

The Bill clarifies the Department of Children's role in leading prevention and early intervention efforts. It mandates the Department to coordinate with various government and non-government agencies, focusing on community engagement in child protection issues. Key activities include promoting positive parenting practices, respecting values that support children's well-being, raising awareness about the risks of abuse and neglect, and integrating child protection into disaster preparedness plans. This collaborative approach aims to strengthen child welfare across communities.

Additionally, the Bill emphasizes the importance of early identification of family issues and proactive intervention to prevent serious harm to children. It requires the Department to promote and coordinate early intervention services aimed at empowering families and communities to recognize and respond to vulnerable children. This includes collaborating with families and service providers to mitigate risk factors and offer voluntary support services to reduce the negative impacts on children and ensure their well-being.

Part 3, Division 2 Prevention Services:

The Bill outlines clear procedures for reporting, assessing, and responding to cases of children in need of protection. Anyone can report suspected child abuse, but certain professionals—such as health workers, teachers, police officers, and social workers—are legally required to do so.

Welfare officers are tasked with assessing whether a child needs protection. Their responsibilities include:

- Visiting the child's home
- Interviewing the child, their parents, and relevant individuals
- Investigating the child's circumstances
- Requesting information from individuals or government agencies
- Arranging a medical examination for the child if necessary.

Part 3, Division 3, Assessment and Intervention Planning:

The Department of Children may take different actions in response to a report, depending on the circumstances. These actions include creating a care plan with the parents, removing the child to a safe place, referring the case to the police if a crime is involved, seeking a court-issued care and protection order, or taking no action if the situation is already being addressed. The welfare officer may also hold an inter-agency case conference to determine the best course of action and, when appropriate, arrange a "family conference" with the child's family and community leaders to develop a care plan.

Clause 27, Agreed Care and Protection Plans:

The Bill outlines that, when possible, child welfare officers will seek parental agreement on a care plan for the child. This plan may include counselling and support for the child, requirements for parents to attend family counselling or a parenting course, regular monitoring and supervision of the child by a welfare officer, restrictions on the abuser's contact with the child, and the child's placement in the home of a family member or other approved individual.

Division 6 – Care and Protection Orders:

The Bill grants the Department of Children the authority to take stronger actions when parents disagree on or refuse to cooperate in protecting a child. If necessary, the Director can apply to the Family Division of the Magistrates Court for a care and protection order. Unlike the Juveniles Act, which had a combined focus on children in conflict with the law and those needing protection, the Bill shifts responsibility for care and protection orders to the Family Division, which already has the authority under the Family Law Act.

After reviewing the report from the child welfare officer and hearing from the child, parents, and family members, the Court may issue one or more of the following orders:

Supervision Order: Places the child and parent under the supervision of a child welfare officer or another designated individual. The order may require parents to attend counselling or seek treatment for issues like alcohol abuse, and it may restrict certain actions, such as preventing the child from having contact with an abusive relative.

Restraining Order: Bans the abuser from any contact with the child.

Temporary Custody Order: Places the child with a relative, foster family, or the Director for a specified period (up to 12 months). This order may also specify who is responsible for the child's maintenance, while efforts are made to resolve the home situation for the child's safe return.

Permanent Custody Order: Grants custody of the child to a family member, another suitable person nominated by the Director, or the Director. This order is made when it is determined that it is not in the child's best interest to return to their parents, with arrangements made for a permanent home, preferably with extended family, foster care, or adoption.

Part 4- Children in the Care of the Director:

The Bill provides detailed guidance on the Director's responsibilities towards children in care, ensuring their well-being and the full protection of their rights under the CRC. Children in the Director's care may be placed with an approved family member, an approved foster parent, or a registered children's home. The Bill emphasizes that priority should be given to family-based placements, with children's homes used only as a last resort when family or foster placements are not suitable or feasible.

Part 15A of the Crimes Act - Offences Against Children:

The Child Care and Protection Bill introduces new offences to address emerging risks, particularly online exploitation of children, supplementing the Crimes Act. Key provisions include:

Updated child pornography offence: The Bill strengthens the juvenile pornography laws from the 1997 Juvenile (Amendment) Act to align with international protocols and modern digital threats. It criminalizes a range of activities, from possessing and viewing to producing and distributing child pornography, with harsher penalties for production and distribution (up to 15 years' imprisonment).

New summary offence of sexual communication with a child: This offence prohibits adults from sending sexual communications to children under 16 or encouraging them to engage in sexual communication.

New offence of luring a child: This targets adults who groom or lure children under 16, including through online communication or using obscene material or alcohol, with the intent of committing a sexual offence.

3.3 In-depth Analysis of the Clauses of the Bill -

The Committee then had extensive discussions on the Clauses and identified certain Clauses that merit proper consideration.

These discussions resulted in the identification of a few issues which the Committee placed as priority issues to be further discussed and deliberated on. Some of the main issues noted from these discussions are as follows:

Clause 7 (b) – The Committee sought clarification on the term ‘a disability’

Clause 7 (c) – The Committee sought clarification on why non-communicable diseases were not added.

Clause 7(e) - The Committee proposes inserting ‘child access to basic and other education...’ and delete the word ‘*completes*’

Clause 7 (j) – The Committee queried in respect to infant, clarification on consent?

Clause 10: Delegation of Powers – Clarification was sought on the appropriateness of the provision for the Director to delegate powers to any staff member. The Committee was of the view that this would pose the risk of abuse of power and that delegation should be filtered and streamlined to certain responsible staff.

Clause 15 (d) – Clarification was sought on the meaning of the word ‘positive non-violence’ and what does it entails in respect to prevention measures in promoting care and protection of a Child.

Clause 24: Committee suggested to insert the word ‘parent or guardian’ throughout the Bill.

Clause 26: A written submission suggested adding the word "inter-agency" case conferences as there are 2 types of conferences in the Bill. The addition would bring clarity as to what conference is being referred to.

Clause 33 (2): remove the repeated use of the word ‘the following’.

Clause 36 (1): The Committee recommended changing "the child" to "a child."

Clause 36 (3) (d): The Committee suggested adding "the time the care and treatment plan was developed" to the sentence for clarity.

Clause 40 (6): The Committee proposed replacing "offer" with "officer."

Clause 42 (2): The Committee advised removal of the word "with."

Clause 42 (3) (c): The Committee requested clarification on whether the provision should include the Director and other person with the leave of the court, as outlined in Clause 42 (1) (b).

Clause 42 (5): The Committee requested the Drafters to rephrase as the provision is incomplete.

Clause 43: The Committee intends to ask the drafters for clarification, as the provision appears inconclusive or incomplete.

Clause 58 (2): There is a grammatical error; the comma after the word ‘should’ should be removed for clarity.

Clause 66 (3) – Committee suggested inserting the word ‘cause’ after the word ‘sufficient’ as reflected in sub-clause (4).

Clause 71 (consequential amendments) Clause 287B (4) of the *Crimes Act* - Committee sought clarification on the meaning of the word 'legitimate purpose' as provided under the child pornography material. The Committee queries what is the qualification for ‘legitimate purposes’ on the grounds of justice, science and education that prevents a person from conviction.

Amend 'Director' to Director for Children and 'Department' to Department of Children throughout the Bill for consistency.

3.4 Submissions received via public consultation.

All the submissions received during the public consultation were considered and deliberated on extensively. The main points and issues noted from the submissions are summarized below.

Parental Responsibility and Control

The protection of children and the responsibilities of parents are central concerns in modern societies. Various proposals and discussions emphasize the need for more robust child protection laws, increased parental accountability, and the regulation of factors contributing to children's well-being, such as mobile phone usage and traditional discipline.

One of the core elements of child protection is strengthening parenting. There were concerns raised in the Public Consultations that there be more parenting awareness programs which aim to provide parents with the tools and knowledge to raise their children effectively. These educational initiatives can cover a wide range of topics, from fostering healthy emotional development to teaching effective discipline strategies. Such programs not only empower parents to provide better care but also emphasize their legal responsibility in ensuring the safety and well-being of their children.

In line with this, the concept of mandatory parental responsibility is gaining traction. Some proposals suggest that parental responsibilities should be formalized within the law, making parents legally accountable for their children's welfare, particularly in cases of neglect. This approach underscores the importance of parents fulfilling their duty of care, not only to provide basic needs but also to nurture and guide their children.

Child Protection and Legal Framework

A critical aspect of child welfare which was commonly brought up in the consultation involves revising laws concerning sexual offences and child abuse. Discussions with various stakeholders and the public suggest that penalties for sexual offences, especially those involving children, should be adjusted to reflect the severity of the crime. For example, increasing the penalties for crimes against children (such as Section 287C of the Crimes Act) aims to serve as a stronger deterrent while also offering justice to victims.

However, addressing abuse also involves ensuring that such crimes are reported and acted upon promptly. There was a proposal to expand the list of mandatory reporters, individuals who are legally required to report cases of child abuse or neglect. It was proposed to include community leaders such as village headmen, as well as healthcare professionals, ensuring a broader net for identifying and addressing abuse. Similarly,

some suggested removing barriers that hinder the reporting of abuse in rural or traditional communities, where certain village laws might discourage it.

Disciplinary Measures and Child Rights

The issue of discipline is particularly contentious. There were quite a few submitters who advocated for the reinstatement of corporal punishment, arguing that traditional methods of discipline, such as spanking, have been effective in maintaining respect and order in families. There were others who suggested limiting physical discipline to certain circumstances, such as allowing mothers to administer discipline under specific legal guidelines. However, this issue must be carefully balanced with children's rights, ensuring that any form of physical discipline does not cause harm or perpetuate cycles of violence.

However, there were a few who argued that reinstating corporal punishment could lead to the abuse of children's rights, particularly in cases where children are not provided adequate protection from excessive punishment. Instead, many advocates call for a holistic approach to discipline, combining guidance, emotional support, and positive reinforcement with any physical forms of correction.

Cybersecurity and Mobile Phone Regulation

In terms of digital access, one of the most pressing concerns regarding child welfare is the unrestricted access children have to mobile phones and the internet. Many of the submitters emphasize the need for age restrictions and parental control over mobile phone usage to prevent children from becoming vulnerable to cybercrimes, online bullying, and exposure to inappropriate content. Some even suggest that children should not be allowed to own phones until they reach a certain age, such as 17, to ensure better oversight and control.

Moreover, there are calls for regulating harmful mobile apps and websites, such as pornography sites or social platforms like Telegram, which could expose children to harmful content. These measures aim to protect children from the dangers of unrestricted online access and ensure that their digital environment is safe and supportive.

Community Awareness and Sensitivity

Furthermore, awareness campaigns aimed at educating villagers about child protection and the legal frameworks surrounding child welfare are crucial. Training programs, such as those designed to educate communities about curfews and other child safety measures, could help ensure that local customs are aligned with broader societal goals of child protection.

In conclusion, the submissions highlighted a complex web of issues that must be addressed to ensure the protection and well-being of children. From strengthening parenting skills and holding parents accountable for neglect to regulating mobile phone usage and reconsidering corporal punishment, these ideas reflect a growing recognition of the need to balance children's rights with their welfare. A multi-faceted approach

involving legal reforms, community involvement, and educational programs is necessary to protect children from harm, foster responsible parenting, and create a safer, more nurturing environment for the next generation.

3.5 SDGs Impact Analysis

Consideration was also given to the impact the Bill has on the sustainable development goals and Fiji's efforts towards its development plans. These global goals are closely interconnected with the fundamental principles of childcare and protection.

- SDG 3- aims to ensure healthy lives and well-being for all, underscores the importance of safeguarding children's health, particularly in reducing preventable deaths among newborns and young children.
- SDG 16.2 - directly addresses the need to end abuse, exploitation, and violence against children, reinforcing the importance of creating safe environments for children to grow and thrive.
- SDG 5.2 and 5.3 - focuses on eliminating violence against women and girls and harmful practices such as child marriage and female genital mutilation, both of which have a profound impact on the well-being and protection of young girls.

These goals advocate for a holistic approach to child protection, where children's rights, health, safety, and dignity are upheld at every stage of their development.

Regarding SO110(2), the Committee ensured that full consideration will be given to the principle of gender equality to ensure all matters are considered regarding the impact and benefit on both men and women equally. Furthermore, there was emphasis placed on women in providing opinions to the Bill. The Committee felt the importance of equal gender participation and had empowered women to participate more during the public consultation. With much consideration, the Committee noted the issues raised and eventually these opinions and suggestions are reflected in the current form of the Bill.

3.6 Outcome of deliberation

The Committee's deliberations on the proposed Bill resulted in several important resolutions and adjustments aimed at improving the clarity and effectiveness of the legislation. These changes focus on refining the definitions, objectives, and clauses of the Bill, as well as ensuring that penalties for offenses are aligned with existing legal standards.

- A new clause was added under the 'Objectives' section of the Bill to emphasize the importance of confidentiality in handling sensitive cases. The new provision reads as follows:

(e) To protect the confidentiality and integrity of cases and of professionals handling these cases as information is sensitive so including confidentiality has merit.

This addition highlights the commitment to safeguarding both the individuals involved in cases and the professionals working on them, ensuring that privacy and integrity are maintained throughout the process.

- In response to feedback from the Ministry of Women, Children, and Social Protection (MWCSP) and the drafters, the Committee resolved to amend Clause 4(c). The term “*school’s or educational facilities*” was inserted before “*faith-based*” to broaden the scope of institutions covered under this clause. This ensures that both educational and faith-based institutions are explicitly included in the Bill, reinforcing the importance of child protection in various settings.
- Clause 7 (e) - The Committee noted a grammatical error on this provision and recommends that the provision be rephrased with clarity and it reads as follows:

a. *Ensuring the child's access to basic and other education and encourage further study.*

- Clause 36(1) - The Committee noted a grammatical error on clause 12(c) and recommends that the sub-clause be amended to remove ‘*the*’ before the word ‘*child*’ and replace it with ‘*a child*’ to read as follows:

36.— (1) A designated medical officer may order that a child be held at the same or different health facility where a designated medical officer becomes aware or reasonably suspects that a child at a health facility.

- Clause 40 (6) - The Committee noted a grammatical error in this clause and recommends amending it by replacing “*medical offer*” with “*medical officer*”. The revised clause should read as follows:

(6) The designated medical officer must inform the parents of the child of the transfer and the reasons for it, unless the designated medical officer believes on reasonable grounds that a proceeding has been or will be instituted against the parent for harming the child.

- Clause 42 (2) - The Committee noted a grammatical error in this clause and recommends amending it by removing the ‘*with*’ before “*subsection*”. The revised clause should read as follows:

(2) An application made under subsection (1) must be accompanied by a care and protection plan compiled by a child welfare officer with the Director’s approval.

- Clause 42(5) – The Committee requested the drafters to rephrase the provision by adding the phrase “*the Director is to provide*” after the word “*permanently*.” The revised text now reads as follows:

Where the Director proposes to remove the child from a person’s custody permanently, the Director is to provide a description of the arrangements made for the child’s long-term placement.

- Clause 52(2) - The Committee noted a grammatical error in this clause and recommends amending the provision by removing the word “that” after the word “until”. The revised clause reads as follows;

(2) A restraining order may be amended by the court and remains valid until the court revokes the order.

- Clause 58 (2) – The Committee noted a grammatical error and recommended amending the provision by removing the comma after the term “must be”. The amended clause reads as follows;

(2) The procedure for the conduct of an appeal must be in accordance with the rules of court relating to an appeal against a Ruling of the court.

- Clause 66 (3) – The Committee recommended amending the provision by adding the word “cause” after “sufficient” with the amended clause reading as follows;

(3) Notwithstanding section 11(9), if the Director is not satisfied with the management, maintenance or conduct of any registered children’s home, the Director must give written notice to the children’s home, requiring the children’s home to show sufficient cause as to why it should not be removed from the Register.

- Regarding the penalties for sexual offenses under Clause 67(2)(a), it was proposed that the penalties for individuals be amended to include either imprisonment for up to 3 years or a fine of \$10,000, while sub-clause (b) would include the 'body corporate' with a fine of not exceeding \$15,000.

CLAUSE 71 (CONSEQUENTIAL AMENDMENTS):

- The Committee recommended amending the Domestic Violence Act 2009 in Section 19(1)(c) by deleting subparagraph (ii) and substituting it with the following:

“(ii) a welfare officer, a child welfare officer or a child justice officer employed in the Ministry responsible for child welfare; or”

- The Committee recommended amending the Family Law Act 2003 as follows:

(a) Deleting “Department of Social Welfare” wherever it appears and substituting it with “department responsible for children”; and

(b) Deleting “Director of Social Welfare” wherever it appears and substituting it with “Director responsible for children.”

- The Committee recommended amending the Juveniles Act 1973 by deleting Part 6 to Part 12.
- The Committee recommended amending the Family Law Regulations 2005 as follows:
 1. *In Section 4, by deleting “Juveniles Act 1973” and substituting it with “Child Care and Protection Act 2024.”*
 2. *In Regulation 5, by deleting “department of social welfare” and substituting it with “department of children.”*
- The Committee recommended amending the *Domestic Violence (Prescribed Forms) Rules 2009*, specifically in the *Schedule, form 6*, by deleting “the Director of Social Welfare or a Welfare Officer appointed under section 37(2) of the *Juveniles Act 1973*” and substituting it with “a welfare officer, a child welfare officer, or a child justice officer employed in the Ministry responsible for child welfare.”
- The Committee recommended amending Rule 8.20 of the *Family Law Rules 2005* by deleting “*Department of Social Welfare*” wherever it appears and substituting it with “*Department of Children.*”

3.7 Recommendations

The Committee would like to make a few specific recommendations for the successful implementation of the Bill.

Capacity Building

- The Committee notes that Child Welfare Officers will play a crucial role in protecting the rights and well-being of children involved in the care and protection. It is recommended that proper training be conducted to ensure that Child Welfare Officers are equipped with the knowledge and skills needed to support children effectively and promote justice. Through training, staff will learn how to handle sensitive situations with care and understanding and help them make better decisions when working with children and their families.

Translation of Bill

- The Committee recommends the translation of the Bill as it would be crucial for communities to fully understand its implications. The Committee is of the view that when the Bill is translated into local languages, more people can access and comprehend its contents and eventually advocate for the best interest of children ensuring that they benefit from the protections and provisions outlined in the legislation.

Adequate Budget

- The Committee recommends an adequate budget to the ministry for the successful implementation of the Bill. The proposed legislation aims to improve the treatment of children within the Justice System ensuring their rights are respected and protected. Sufficient funding will enable the Ministry to establish necessary programs for staff and create friendly facilities for children. Moreover, a well-planned budget will create a more supportive environment for vulnerable children in our society.

4.0 CONCLUSION

In conclusion, Fiji's ongoing commitment to the protection and well-being of children is clear through the introduction of the Child Care and Protection Bill, a critical piece of legislation aimed at modernizing the country's child welfare framework in alignment with international standards, particularly the United Nations Convention on the Rights of the Child (CRC).

This Bill represents a significant step forward in addressing the gaps and deficiencies of outdated laws like the Juveniles Act and aims to create a child protection system that is comprehensive, responsive, and centred on the welfare of children.

The Bill emphasizes a collaborative, community-based approach to child protection, prioritizing family preservation and empowering families, communities, and various stakeholders—including government agencies, NGOs, and traditional leaders—to play an active role in safeguarding children.

Key provisions of the Bill underscore the importance of prevention, early intervention, and proactive measures to protect children from abuse, neglect, and exploitation before harm occurs. It also introduces more robust mechanisms for reporting, responding to, and managing cases of child abuse and neglect, ensuring children have access to timely and effective support services.

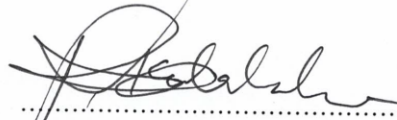
By establishing clear guidelines for alternative care, strengthening the role of the Department of Children, and promoting positive, culturally sensitive child-rearing practices, the Child Care and Protection Bill marks a positive shift in how Fiji addresses child welfare issues. The Bill prioritizes family-based care, a child welfare system rooted in Fijian values, and the adoption of modern child protection principles to safeguard children's rights.

The public consultations and stakeholder input on the Bill have provided valuable insights, highlighting concerns such as the need for increased parenting support, stronger laws on child sexual abuse, and greater regulation of children's digital lives. These contributions reflect a growing recognition of the need for a multifaceted, holistic approach to child protection—one that balances legal reforms with community education, stronger parental responsibility, and cultural sensitivity.

As Fiji moves forward with the implementation of this Bill, the government's efforts will be crucial in creating a society where every child is safe, valued, and empowered to

thrive. By taking these critical steps, Fiji is not only fulfilling its international obligations under the CRC but also demonstrating its commitment to ensuring a bright and secure future for its children.

MEMBERS SIGNATURE



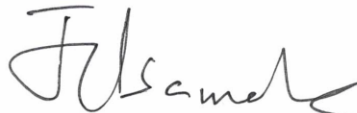
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HON. MOSESE BULITAVU

Date: 02/12/24