



STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

Review Report of the Ministry of Defence, National Security and Policing 2018-2019 Annual Report



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Chairperson's Foreword

I am pleased to present the Review Report of the Ministry of Defence, National Security and Policing 2018-2019 Annual Report ("Annual Report"). This Annual Report was tabled on 14th July, 2023 in this new Parliament Term.

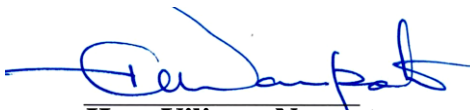
During its deliberation on the Annual Report, the Committee conducted a discussion session with the Ministry of Home Affairs and Immigration and the Fiji Police Force on the 29th of August 2023. The session allowed for a more collaborative discussion between the Committee, representatives from both the stakeholders and the general public as a whole, given the meeting was aired live as required by Parliament.

The Committee has a total of 5 recommendations in this review report that the Committee feels that if implemented will assist the Ministry in the overall delivery of its services to the public.

On behalf of the Committee, I express here our sincere appreciation to the Ministry staff for their cooperation during the deliberation phase and the timely response to the request for information that the Committee required for the compilation of this report. I also thank the Honourable Minister and all staff of the Ministry for their hard work and dedication during the reporting period.

I take this opportunity to also thank the members of the Standing Committee on Foreign Affairs and Defence and the Committee Secretariat for the work put into compiling this bipartisan report.

On behalf of the Standing Committee on Foreign Affairs and Defence, I submit this report to Parliament.



Hon. Viliame Naupoto
Chairperson

Acronyms

CP	Cabinet Paper
GBV	Gender Based Violence
IOM	International Organisation for Migration
NAP	National Action Plan
NOD	Neglect of Duty
KPI	Key Performance Indicator
SAR	Search and Rescue
SDG	Sustainable Development Goal
SO	Standing Orders
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention Against Transnational Organized Crime

Recommendations

The Committee recommends the following:

1. That the Ministry with relevant stakeholders place due consideration in the fast-tracking of the Search and Rescue Bill, and the consequential amendments to the SAR Manual (*refer to paragraph 3.2.1*).
2. That the Ministry also considers providing information on Human Trafficking in all its future reports. Human trafficking must be tackled with adequate resources and relevant policies and should remain at the forefront of the thinking of policy-makers (*refer to paragraph 3.2.2*).
3. That the Security Industry Act 2010 be reviewed as and when required with stringent measures put in place for the collection of arrears of fees, and the Ministry be resourced adequately to allow the annual audits of security companies (*refer to paragraph 3.2.3*).
4. That the Ministry must ensure that vacancies be filled as soon as practicable (*refer to paragraph 3.2.4*).
5. Attempts be made to complete the National War Memorial and adequate budget be allocated in the 2024-2025 Financial Year (*refer to paragraph 3.2.5*).

1.0 Committee Remit and Composition

Pursuant to Standing Order 109 (2) (e) the Standing Committee on Foreign Affairs and Defence is mandated to look into matters related to Fiji's relations with other countries, development aid, foreign direct investment, oversight of the military and relations with multi-lateral organisations. The members of the Standing Committee on Foreign Affairs and Defence are as follows:



Hon. Viliame Naupoto

Chairperson of the Standing Committee on Foreign Affairs and Defence



Hon. Lenora Qereqeretabua

Deputy Chairperson

Deputy Speaker of Parliament
Assistant Minister of Foreign Affairs



Hon. Jovesa Vocea

Member

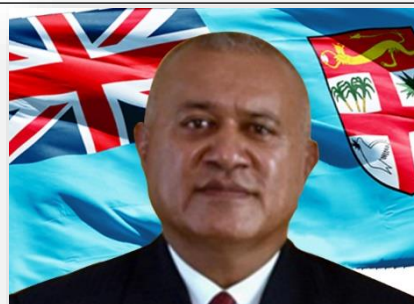
Assistant Minister of Rural and Maritime Development and
National Disaster Management



Hon. Ratu Isikeli Tuiwailevu

Member

Assistant Minister of i-Taukei Affairs



Hon. Ioane Naivalurua

Member



Hon. Sakiusa Tubuna

Alternate Member

Assistant Minister for the Office of the Prime Minister



Hon. Alikia Bia

Alternate Member

1.1 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:

- Mrs. Susana Buarua – Senior Committee Clerk
- Ms. Marica Tuisoso – Deputy Committee Clerk
- Mrs. Darolin Vinisha – Deputy Committee Clerk

2.0 Background and Terms of Reference

The Standing Committee on Foreign Affairs and Defence, hereinafter referred to as the Committee, was referred the Ministry of Defence, National Security and Policing 2018-2019 Annual Report (“Annual Report”) for scrutiny on 14th July, 2023. The Annual Report was referred to the Committee pursuant to Standing Order 38 of the Standing Orders of the Parliament of the Republic of Fiji, whereby the Committee was assigned to investigate its contents and report back on the Annual Report in a subsequent Parliament Sitting.

2.1 Procedure and Program

I. Public Submission (written submission and oral submission)

In relation to Standing Order 111 (1), the Committee is committed to upholding public trust in Parliament by ensuring that there is public participation and that all such participation is given due consideration. The Committee had called for a joint oral public submission from the Ministry of Home Affairs and Immigration and Fiji Police Force on 29th August, 2023. The Committee ensured that its meetings were open to the public and media, except during such deliberations and discussions to develop and finalise the Committee’s report.

A summary of the submission is provided in a later part of this report, under the heading ‘Committee’s Deliberation and Analysis’ and copies of the written submission can be obtained from the online appendices of this report, which can be accessed from the Parliament website: www.parliament.gov.fj.

II. Oral and Written Evidence Received

The Committee received oral and written submission from the Ministry of Home Affairs and Immigration as listed in the *Appendices*.

3.0 Committee Deliberation and Analysis

3.1 Introduction

The purpose of the review was to scrutinise the performance of the Ministry of Defence, National Security and Policing based on its 2018-2019 Annual Report.

The report is reflective of the Ministry's performance and achievements based on the financial and human resources approved by the Government enabling the Ministry to deliver and achieve its required services for the year under review.

The Ministry continues to collaborate with its stakeholders for the improvement of its policies to ensure safety, security and wellbeing of all Fijians. It continues to work with the security forces for the achievement of the Ministry's goals.

The Committee after reviewing the report identified pertinent issues confronting the Ministry and opportunities for improvements.

3.2 Evidence received via written and verbal submission

The submissions received were extensively considered and deliberated upon by the Committee with various issues highlighted below:

3.2.1 Search and Rescue (SAR)

3.2.1.1 The Committee was informed that the Search and Rescue Manual launched in 2019 provides an overview of the search and rescue architecture for Fiji which stipulates the different roles and responsibilities of the various stakeholders that are involved in search and rescue. The Ministry also has a draft SAR Bill that is before the Office of the Solicitor-General (OSG) for vetting. The Committee enquired with OSG on the progress of their vetting process however there has been no response to date. The Bill will empower agencies and establish the Fiji Rescue Coordination Centre. Subsequently, aligning the three classes of Search and Rescue, namely Land, Maritime and Aeronautical to the Rescue Coordination Centre. This will ensure a more coordinated approach to resource deployment and command and control during search and rescue missions. The current arrangement is disjointed and does not define a clear line of command and control.

3.2.2 Reports on Human Trafficking and National Action Plan on Trafficking in Persons

3.2.2.1 In the report under review, the Ministry reported the facilitation of Fiji's accession to the Palermo Protocol under the United Nations Convention against Transnational Organized Crime (UNTOC) and approaching the US Embassy for assistance for the review of the National Action Plan on Trafficking in Persons. The Committee through the joint submission from the Ministry and the Fiji Police Force enquired as to the status of Human Trafficking in Fiji. The Committee was informed that in 2018 and 2019, there were twenty-three (23) reported cases of human trafficking while two (2) cases were successfully prosecuted by the courts. According to the Ministry, the issue on the number of cases being reported were the result of a lack of awareness disseminated to

the public. The Ministry has taken proactive actions through a border marshal training with *Turaga ni Koro* and *Mata ni Tikina* to be aware of the signs of human trafficking.

- 3.2.2.1.1 Definition of Human Trafficking: The Palermo Protocol is the only globally binding international instrument that contains an agreed-upon definition of “trafficking in persons”. Fiji acceded to the United Nations Convention against Transnational Organized Crime (UNTOC) and its three protocols (including the Palermo Protocol) in 2017. Trafficking in persons is criminalized in Fiji under two national legal instruments: the Crimes Act of 2009 and the Immigration Act of 2003.¹ The Palermo Protocol which Fiji is signatory to define Human Trafficking in Article 3 (a) as follows: "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person, having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

The Committee feels that there is very little information on Human Trafficking involving Fijians. However, the Committee resorted to secondary research methods to retrieve information from reliable sources as highlighted in this report. The *2023 US Report on Trafficking in Persons: Fiji* reported that there is considerable efforts by the government on its anti-trafficking capacity with Fiji remaining on Tier 2. This indicates that Fiji is not fully compliant, but making “significant efforts” to be compliant with the minimum standards.² The United Nations Office on Drugs and Crime (UNODC) 2023 Results of the Fiji National Trafficking in Persons Prevalence Survey Report highlighted that the prevalence rate of trafficking in persons in Fiji is 0.60%, equating to 5,208 hidden victims in the past five years (2017-2021) from a national population of 884,887.³

According to the International Organisation for Migration (IOM) Report published in 2022, the challenges in Fiji’s response to trafficking in persons are as follows⁴:

¹ Trafficking in Persons in Fiji: A Study of the Volume and Characteristics of Trafficking in Persons in Fiji and the Challenges in the Response. Published by: International Organisation for Migration. Available at: <https://publications.iom.int/system/files/pdf/Trafficking-in-persons-in-Fiji.pdf>

² 2023 Trafficking in Persons Report: Fiji - OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS. Available at: <https://www.state.gov/reports/2023-trafficking-in-persons-report/fiji/#:~:text=Reports%20indicated%20children%20as%20young,and%20brothels%2C%20particularly%20in%20Suva.>

³ UNODC 2023 Results of the Fiji National Trafficking in Persons Prevalence Survey. Available at: https://www.unodc.org/documents/data-and-analysis/tip/2023/FIJI_TIP_RESULTS_REPORT_UNODC_FBOS_FINAL_2023.pdf

⁴ Trafficking in Persons in Fiji: A Study of the Volume and Characteristics of Trafficking in Persons in Fiji and the Challenges in the Response. Published by: International Organisation for Migration. Available at: Available at: <https://publications.iom.int/system/files/pdf/Trafficking-in-persons-in-Fiji.pdf>

- 1) **Legislation:** Fiji's national legislation is not fully compliant with international standards, and, as a result, gaps persist in Fiji's ability to comprehensively address the exploitation of adults and children. While sections 103 and 118 of the Crimes Act criminalize slavery and debt bondage, respectively, not all forms of labour trafficking are criminalized under the Act.
- 2) **Data:** Across the different regions of Fiji, there is no standardized trafficking in persons screening tool. The only government agencies that record data on trafficking in persons cases in Fiji are the Human Trafficking Unit with the Fiji Police Force and the Fiji Immigration Department. The relevant agencies do not have databases, and there is no **centralized** database either for recording and sharing data.
- 3) **Identification:** The Fijian population lack knowledge regarding what trafficking in persons is and the key indicators of trafficking. There is also a lack of knowledge among employers and businesspersons regarding the rights of local and migrant workers and trafficking indicators. The result of this lack of knowledge is that trafficking in persons cases may not be reported by victims or the public to the authorities for investigation.
- 4) **Investigation and prosecution:** While the development of the Human Trafficking Unit has led to improved investigations of suspected trafficking in persons cases, across the wider law enforcement body in Fiji there is a lack of knowledge regarding the indicators of trafficking in persons. A list of trafficking indicators has been developed as part of the country's National Anti-Human Trafficking Strategy; however, the dissemination and use of the indicators has reportedly been slow. Suspected trafficking in persons cases are sometimes instead investigated as another crime type, such as sexual assault. The Human Trafficking Unit's lack of presence outside of the country's capital, Suva, means that, potentially, less attention is given to suspect trafficking in persons cases in other regions of the country. Finally, insufficient collaboration between police and prosecutors may impede the effective prosecution of trafficking in persons cases.
- 5) **Victim protection and reintegration:** Improvements have been made to Fiji's mechanism for protecting and reintegrating trafficking victims; however, challenges remain. There is an overall lack of comprehensive support for victims. The study has identified, in particular, a lack of dedicated case management support; issues for victims (especially male victims) in being referred to appropriate shelter facilities; a lack of psychosocial counselling provided by qualified practitioners; a lack of free legal aid; and a lack of interpretation services.
- 6) **Collaboration and information-sharing:** The study has uncovered a lack of consistent collaboration and information-sharing across key sectors and agencies in the country, and between government agencies and non-governmental organizations.

The Committee notes a lack of reporting on human trafficking in the Annual Report under review. There is also a lack of information on the subject from the Fiji Police

Force Annual Reports that the Committee had deliberated on and tabled in Parliament. The Ministry of Home Affairs and Immigration and the Fiji Police Force are the two entities that have the responsibility to deal with curbing human trafficking. The Committee is of the view that given the effects of globalisation and the fluidity of labour movement across borders, human trafficking should naturally thrive in such situations. It is therefore important for the country given its central geographical position and the easy access to international air and sea ports that Fiji offers, human trafficking must be tackled with adequate resources and relevant policies and should remain at the forefront of the thinking of policy-makers. The Committee is of the strong view that there needs to be close collaboration on information gathering and sharing on human trafficking amongst relevant authorities and non-governmental organisations. If this is already occurring, this must be included in all future reports.

3.2.2.2 The National Action Plan (NAP) on Trafficking in Persons was launched in 2021 for a period of 5 years (2021-2026). The Ministry is currently implementing and reviewing the NAP in consultation with government Ministries, donor partners and civil societies. The NAP will now be known as the *National Referral Mechanism*. The National Committee is chaired by the Ministry and includes the Ministry of Women, Ministry of Education, Ministry of Health and Medical Services, Ministry of Communication, Ministry of iTaukei Affairs, Fiji Revenue and Customs Service (FRCS), Fiji Bureau of Statistics, Fiji Financial Intelligence Unit (FIU), Ministry of Employment, Productivity and Industrial Relations (MEPIR), Immigration Department, Fiji Police Force, Office of the Solicitor-General, Director of Public Prosecutions (DPP), Non-Government Organisations (NGO), donor partners and CSOs.

3.2.3 Security Industry Act 2010

The Committee notes that in the report under review, there is no mechanism in place to establish the total number of security companies operating in Fiji and therefore contributing towards the inability to monitor the collection of the Security Industry License fees. The Ministry in its response during the submission stated that they are in close collaboration with the Security Industry Licencing Board to address the above issue and remedial steps have been taken to recover the outstanding arrears of 2015. The Ministry also advised the Committee that they have a shortage of human resources to conduct the required annual audit of security companies. The Committee is of the view that the Ministry is to be supported through the allocation of adequate resources to allow them to conduct these annual audits.

The Security Division of the Ministry has been assessing and identifying gaps in the systems and processes of the Security Industry Act which have now been put forward for review to further improve the implementation of the Act. The improvement includes the review of the Security Industry Act 2010, the formulation of the Security Industry Enforcement Regulation and the review of the Security Industry Standard Operating Procedures (SOP). The review has been pending since 2015 and was expected to be completed by the end of 2020-2021 financial year.

The Committee was informed by the Ministry that a draft Cabinet Paper (CP) is being prepared to advise Cabinet of the Review of the Security Act. The Ministry is liaising with the OSG for legal advice and Ministry for Finance for funding to carry out a nation-wide consultation process. The Fiji Islands Security Employers Association (FISEA) and other stakeholders have been formally notified during a recent meeting of the Security Industry Licensing and Registration Board.

The Ministry as per Section 3 (j) of the Security Act 2010 is responsible for ensuring that all agents or security companies that apply to be Recruitment Agents should apply for a Security Master License and also pay fees. All applications are vetted, processed and submitted to the Security Industry Licensing and Registration Board for endorsement or otherwise. Two companies that deploy security officers overseas have registered with the Ministry; Access United Fiji PTE Ltd and Bastion Security Services PTE Ltd, whilst three-hundred (300) companies which hold valid Master License have registered with the Ministry.

3.2.4 Budget Utilization

- 3.2.4.1 The Committee noted that twenty-seven percent (27%) of the budget for the reporting period was not utilized. One of the reasons stated was the resignation of staff. The Committee urges the Ministry to be efficient in filling the vacancies created through resignation.

3.2.5 Status of the National War Memorial Project

- 3.2.5.1 In the report under review, the construction of the National War Memorial Project was delayed due to adverse weather conditions and the difficulty in the payment of performance bond by contractors. Through the Committee's enquiry, the Committee was informed that the National War Memorial Project was shelved due to some recommended changes to the statue that is to be erected at the site. The Ministry will relook at this project once funding has been secured. The Committee feels that this project is important for the nation and efforts should be made to complete it as soon as possible.

4.0 Gender Analysis

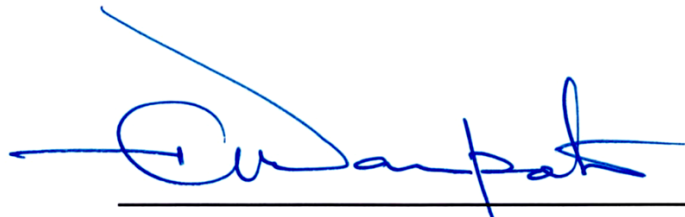
The Parliament of Fiji Standing Orders 110 (2) requires the Committee to give full consideration to the principle of gender equality so as to ensure all matters are considered with regards to the impact and benefit on both men and women. The Ministry during the reporting period reported that forty-two percent (42%) of the total workforce were women whilst fifty-eight percent (58%) were men. This indicates that the Ministry continues to ensure promotion of equal employment opportunity with gender representation. The Committee suggests that in future reports that an indication of the level of posts held by women be included.

5.0 Conclusion

The Standing Committee on Foreign Affairs and Defence has fulfilled its mandate approved by Parliament which was to scrutinize the Ministry of Defence, National Security and Policing 2018-2019 Annual Report. The Committee has conducted its review and formulated the findings with regards to the Ministry's performance.

The Committee report is bi-partisan and the key areas highlighted by the Committee in its recommendations would improve the overall performance of the Ministry in the future.

6.0 Members' Signatures



Hon. Viliame Naupoto
Chairperson



Hon. Lenora Qereqeretabua
Deputy Chairperson



Hon. Jovesa Vocea
Member



Hon. Ratu Isikeli Tuiwailevu
Member



Hon. Ioane Naivalurua
Member

7.0 Appendices

No	Date	Agency/Organisation	Written Evidence	Oral Evidence
1	29 th August 2023	Ministry of Home Affairs and Immigration	✓	✓