

MATRIX 2: SUGGESTED LEGISLATIVE REQUIREMENTS NECESSARY FOR SUCCESSFUL PROSECUTION, PROTECTION OF VICTIMS AND EXTRA-TERRITORIAL COOPERATION IN RELATION TO PEOPLE SMUGGLING, TRAFFICKING IN PERSONS AND RELATED TRANSNATIONAL CRIME

KEY

Interception strategies (column 4) includes listening devices or other special investigation techniques

FIJI

CRIMINALISATION OF PS AND PT		EXTRADITION and MUTUAL ASSISTANCE LEGISLATION		INTERCEPTION STRATEGIES	CRIMINALISATION OF PROCEEDS OF CRIME AND MONEY LAUNDERING		CRIMINALISATION OF THE PROCUREMENT AND/OR PRODUCTION OF FRAUDULENT DOCUMENTS
PS	PT	Extradition legislation	Mutual Assistance legislation	Special investigation techniques including listening devices	POC	ML	
Conspiracy	Conspiracy						
Attempting	Attempting						
Aiding/Abetting	Aiding/Abetting						
Organised crime	Organised crime						
Commercial carrier responsibility	Commercial carrier responsibility						
Extra-territoriality	Extra-territoriality	Treaty required	Treaty required				
Penalty	Penalty	Nationals	Dual Criminality	Application to trafficking/smuggling	Application to trafficking/smuggling	Application to trafficking/smuggling	Application to trafficking/smuggling
		Any bars to PS and/or PT	Any bars to PS and/or PT				
Criminalised but the number involved must be one plus one (Immigration Act)	Section 19 Immigration Act: where one person brings in another	EL	Mutual Assistance and Criminal Matters Act 1997	Y (serious offences only)	Proceeds of Crimes Act (1997) - must be a serious offence categorised as anything punishable by 12 months imprisonment or more		Criminal Procedure Code and the Immigration Act
Y	Y						
Y	Y						
Y	Y						
N	N						

Y	Section 19(7) Immigration Act						
N ET	N ET	T (for all non-Commonwealth countries)	T				
	\$400.00	Extradites nationals provided there is a relevant agreement with that particular country	Not required	Y (serious offences only)			
		Must have mutual agreement for such offences	Will provide mutual legal assistance in trafficking and smuggling cases provided that a mutual assistance arrangement already exists				

FIJI cont.

INTER-AGENCY COOPERATION WITHIN COUNTRY	COUNTRY COOPERATION	ASSISTANCE TO TRAFFICKED/SMUGGLED VICTIMS				PREVENTION STRATEGIES			
	Information Sharing	General	Temporary Visa Protection	Charges Dropped	Repatriate	National action plans	Awareness raising	Immigration Procedures	Other
	Law Enforcement Sharing	Specific							
Combined Law Agency Group (Customs/Police Intelligence exchange (with Immigration to also join) Aim: to facilitate the neutral ground at which each stakeholder that has	Only with PIDC countries	Constitution and Human Rights Commission	TPV granted but only until receive funds for deportation or removal		Yes, under the Constitution	Currently in the process		Sections 7, 8, 9 and 10 of the Immigration Act	

<p>stakeholder that has overlapping authorities share responsibilities in their counter actions and efforts.</p> <p>Activities involve:</p> <ul style="list-style-type: none"> - Exchange of information between agencies; - Facilitating opportunities for the sharing of resources; - Enhancing communications and coordination efforts; - Developing joint targeting strategies; - Developing and enhancing common training opportunities 	<p>Law enforcement cooperation that can be provided or requested for from other countries includes:</p> <ul style="list-style-type: none"> - training of immigration officials in preventative measures for cooperation like attachments in/with Australia, New Zealand, Singapore and Hong Kong Immigration; - provision of the supply of relevant equipments for identifying and preventing people smuggling; - investigation and prosecution methods used for trafficking and smuggling persons in Australia, New Zealand, Singapore and Hong Kong 	<p>Human Rights Commission and section 35 of the Mutual Assistance and Criminal Matters Act of 1997</p>							
--	--	---	--	--	--	--	--	--	--