

## National Laws

Legislation of Interpol member states on sexual offences against children

# Fiji - Fidji - Fiyi

Suva

The information on this page is up to date as of spring 2006

## II. Rape

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### Section 149 'Definition of rape' of the Penal Code of Fiji

'Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act, or in the case of a married woman, by personating her husband, is guilty of the felony termed rape.'

### Section 150 'Punishment of rape'

'Any person who commits the offence of rape is liable to imprisonment for life, with or without corporal punishment.'

### Section 151 'Attempted rape'

'Any person who attempts to commit rape is guilty of a felony, and is liable to imprisonment for seven years, with or without corporal punishment.'

## III. Other forms of child sex abuse

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### Section 154 'Indecent assaults on females'

(1) Any person who unlawfully and indecently assaults any woman or girl is guilty of a felony, and is liable to imprisonment for five years, with or without corporal punishment.

(2) It is no defence to a charge for an indecent assault on a girl under the age of sixteen years to prove that she consented to the act of indecency.

(3) It shall be a sufficient defence to a charge for an indecent assault on a girl under the age of sixteen years to prove that she consented to the act of indecency and that

the person se, charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of sixteen years.

(Inserted by 16 of 1960, s. 9.)

Indecently insulting or annoying females

(4) Whoever, intending to insult the modesty of any woman or girl, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman or girl, or whoever intrudes upon the privacy of a woman or girl by doing an act of a nature likely to offend her modesty, is guilty of a misdemeanour, and is liable to imprisonment for one year.'

(Amended by 11 of 1948, s. 2, and by 21 of 1950, s. 3.).

### **Section 155 'Defilement of girl under thirteen years of age'**

'(1) Any person who unlawfully and carnally knows any girl under the age of thirteen years is guilty of a felony, and is liable to imprisonment for life, with or without corporal punishment.

(2) Any person who attempts to have unlawful carnal knowledge of any girl under the age of thirteen years is guilty of a misdemeanour, and is liable to imprisonment for five years, with or without corporal punishment.

(3) It is no defence to a charge for unlawful carnal knowledge of a girl under the age of thirteen years to prove that she consented to the act.'

## **IV. Child prostitution**

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### **Section 157 'Procuration'**

'(1) Any person who

1. procures or attempts to procure any girl or woman under the age of twenty-one years, not being a common prostitute or of known immoral character, to have unlawful connection, either in Fiji or elsewhere, with any other person or persons; or
2. procures or attempts to procure any woman or girl to become, either in Fiji or elsewhere, a common prostitute; or
3. procures or attempts to procure any woman or girl to leave Fiji, with intent that he may become an inmate of or frequent a brothel elsewhere, or
4. procures or attempts to procure any woman or girl to leave her usual place of abode in Fiji (such place not being a brothel), with intent that she may for the purposes of prostitution

become an inmate of or frequent a brothel either in Fiji or elsewhere,

is guilty of a misdemeanour, and is liable to imprisonment for two years, with or without corporal punishment, provided that no person shall be convicted of any offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

(2) It is no defence to any charge under this section to show that the girl or woman procured was procured with her consent.'

### **Section 162 'Selling minors under the age of sixteen years for immoral purposes'**

'(1) Any parent or any other person having the custody, charge or care of a minor under the age of sixteen years who sells, lets for hire or otherwise disposes of such minor with intent that such minor shall at any age be employed or used for the purpose of prostitution or illicit sexual intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such minor at any age will be employed or used for any such purpose, is guilty of a misdemeanour, and is liable to imprisonment for two years, with or without corporal punishment.

(2) When a minor under the age of sixteen years is sold, let for hire or otherwise disposed of to a common prostitute or other person of known immoral character, the parent or person so disposing of such minor shall, until the contrary is proved, be deemed to have disposed of such minor with the intent mentioned in this section.'

### **Section 163 'Buying minors under the age of sixteen years for immoral purposes'**

'(1) Any person who buys, hires or otherwise obtains possession of any minor under the age of sixteen years with intent that such minor shall at any age be employed or used for the purpose of prostitution or illicit sexual intercourse with any person or for any unlawful and immoral purpose or knowing it to be likely that such minor at any age will be employed or used for any such purpose, is guilty of a misdemeanour, and is liable to imprisonment for two years, with or without corporal punishment.

(2) Any common prostitute or other person of known immoral character who buys, hires or otherwise obtains possession of a minor under the age of sixteen years shall, until the contrary is proved, be deemed to have obtained possession of such minor with the intent mentioned in this section.'

### **Section 170 'Brothels' (Amended by 12 of 1969, s. 24.)**

'Any person who

(a) keeps or manages or acts or assists in the management of a brothel; or

(b) being the tenant, lessee or occupier of any premises knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution; or

(c) being the lessor or landlord of any premises or the agent of such lessor or landlord lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel or is wilfully a party to the continued use of such premises or any part thereof as a brothel, is guilty of a misdemeanour.'

## V. Child pornography

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### Section 188 'Traffic in obscene publications'

'(1) Any person who

(a) for the purpose of or by way of trade or for the purpose of distribution or public exhibition, makes, produces or has in his possession any one or more obscene writing, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, morals; or

(b) for any of the purposes above-mentioned imports, conveys or exports, or causes to be imported, conveyed or exported, any such matters or things, or in any manner whatsoever puts any of them in circulation; or

(c) carries on or takes in any business, whether public or private, concerned with any such matters or things, or deals in any such matters or things in any manner whatsoever, or distributes any of them or exhibits any of them publicly, or makes a business of lending any of them; or

(d) advertises or makes known by any means whatsoever with a view to assisting the circulation of, or traffic in any such matters or things, that a person is engaged in any of the acts referred to in this section, or advertises or makes known how, or from whom, any such matters or things can be procured either directly or indirectly; or

(e) publicly exhibits any indecent show or performance or any show or performance ending to corrupt morals,

is guilty of a misdemeanour, and is liable to imprisonment for two years or to a fine of two hundred dollars.

(2) If, in respect of any of the offences specified in paragraphs (a), (b), (c), or (d) of subsection (1), any constituent element thereof is committed in Fiji, such commission shall be sufficient to render the person accused of such offence triable therefore in Fiji.

(3) A court, on convicting any person of an offence against this section, may order to be destroyed any matter or thing made, possessed or used for the purpose of such offence.

(4) A court may, on the application of the \*Director of Public Prosecutions or a Crown Counsel or a Superintendent of Police, order the destruction of any obscene matter or thing to which this section relates, whether any person may or may not have been convicted under the provisions of this section in respect of such obscene matter or thing.'