

OCTOPUS CONFERENCE ON COOPERATION AGAINST CYBERCRIME

STATEMENT OF THE GOVERNMENT OF THE REPUBLIC OF FIJI AT THE PLENARY SESSION ON 20TH NOVEMBER 2019

1. Bula vinaka and good afternoon, the Fijian Government wishes to express our special thanks to the Council of Europe for the invitation extended to our Government to participate again at the 2019 Octopus Conference on Cooperation against Cybercrime. I would also like to recognise the 70th anniversary of Council of Europe's foundation.
2. The Fijian Government undertaken a programme of unprecedented investment with consistent policies and a commitment to working with the right partners, the right expertise, to develop and roll-out new technologies to breach the digital divide. As part of this broad program the Fijian Government identified targeted areas where we can further strengthen our own domestic criminal justice measures and take effective steps towards accession of the Budapest Crime Convention.
3. Today, 95 per cent of all Fijians have access to cellular data. We've have deregulated the telecommunications sector, and brought in competition that has driven down prices and improved the quality of services. Giving consumers more choice in the marketplace. Today, call charges, text and broadband rates are the lowest they have ever been, at the highest speeds we've ever seen. It is through initiatives such as these that Fiji is transforming itself into a digital economy. The Fijian Government has amended our Electronic Transactions Legislation which is aligned to the United Nations Electronic Communications Convention which Fiji had acceded to in 2017.
4. With these significant investments in ICT it is now crucial to protect our information infrastructure from the threat of cybercrime. Fiji has a Cybersecurity Strategy and the Ministry of Communications is currently working on establishing the national CERT (Computer Emergency Response Team).
5. In relation to laws that currently deal with cybercrimes; the relevant legislation are the Crimes Decree 2009, the Financial Transactions Act 2004, the Mutual Assistance in Criminal Matters Act 1997, the Proceeds of Crime Act 1997 and the Evidence Act 1944. The Fijian criminal justice authorities have used these legislation along with international best practices adopted by courts to obtain telephone records and other forms of electronic evidence to successfully prosecute cybercrimes and electronic evidence cases.

6. In the first sitting of Parliament in 2020, the Fijian Government will table the Cybercrime Bill to be considered by the legislature. This is following the work that has been undertaken by the Fijian Government and a 3 day intensive and productive workshop with the Council of Europe team and our expert consultant together with the Fijian stakeholders. It is in this context that the Fijian Government wishes to again express keen interest to accede to the Budapest Convention, which is the only international treaty on cybercrime.
7. The engagement with the Council of Europe has been a great opportunity for us to learn how we can continue to improve our domestic procedures and measures to ensure cooperation with criminal justice authorities and service providers in foreign jurisdictions.
8. The Fijian Government is also in the process of drafting a Cybercrime Strategy and we are committed to ensure that our Cybercrime strategy and Capacity Building measures are in line with the Budapest Convention. We wish to work with the Council of Europe closely to ensure we adopt International best practices and that we could also be considered for and benefit from the GLACY project initiative.
9. With regard to the institutions that have been established within Fiji, the Director of Public Prosecutions has a prosecutorial role. The Fiji Police Force is the law enforcement arm and the Fiji Financial Intelligence Unit (FIU), functioning under the Reserve Bank of Fiji is the leading agency in Fiji that is primarily responsible for preventing and detecting money laundering and terrorist funding activities. The FIU is established under the Financial Transactions Reporting Act 2004 and is also mandated to provide education to all stakeholders including the public on money laundering and the financing of terrorism. Networking and prompt and efficient cooperation between the different stakeholders within Fiji and Mutual Legal Assistance from foreign counterparts are also a crucial component to the investigation and prosecution of cybercrimes. As we had communicated earlier in 2016, we intend to also work with the Council of Europe to further improve these measures.
10. The Fijian Constitution adopted in 2013 has a very progressive and all inclusive Bill of Rights which affords all Fijians, for the first time, not only civil and political rights but socio-economic rights, where the State is legally obligated to advance, protect and progressively realise these rights. Furthermore, these rights do not only have a vertical application - from the State to citizens but also horizontal application in that it also binds the private actors within the State. The Bill of Rights provides for

comprehensive rights that range from the freedom of speech, expression and publication, right to privacy, rights of persons with disabilities and rights of children to environmental rights, to name a few.

11. Proactive measures have also been taken by the Fijian Judiciary in interpreting and applying the Bill of Rights provisions based on section 7 of the Constitution, which stipulates that the judiciary must promote the values that underlie a democratic society based on human dignity, equality and freedom and may if relevant, consider international law, applicable to the protection of the rights and freedoms in the Bill of Rights.
12. The Fijian Judiciary has also taken steps to meet the challenges associated with Cybercrime by introducing this subject in its judicial training courses. The Fijian judiciary is keen to further build on this initiative with the support from the Council of Europe.
13. We look forward to the sessions in this Conference whereby we will learn the various tools to uncover the layers of complexities that exist in dealing with multifaceted issues of Cybercrime and electronic evidence, find solutions and to appreciate and truly realise the benefits of cooperation at all levels. The Fijian Government looks forward to deeper relations with both the Council of Europe and the various States represented here today as we continue in this concerted effort against this global threat. Vinaka vakalevu and thank you.