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Reporting legislation of child sexual abuse in the Pacific – a review

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Abstract

The global concern with Child Sexual Abuse (CSA) is afflicting the countries in the Pacific, with some countries being affected more than others. Pacific countries are trying to deal with the issue through various means, including the reporting legislation amongst the public, mandated professions, or both. This review analyses reporting laws in thirteen Pacific countries – Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. Differences were found for the following – the presence of reporting laws specific for children; whether the reporting system is mandatory, voluntary or both; type of professions who are mandated to report; penalties and protection incurred by reporters; the reporting decision and process; and how CSA is defined. The review also noted that reporting legislature in Pacific countries did not match specific needs and challenges of the island countries, and it failed to consider local social and cultural differences that affect reporting.

Introduction

The Pacific is made up of small island states with vast oceanic areas and resources. Unfortunately, the ocean is also a bringer of challenges like natural disasters, including cyclones, floods and tsunamis, as well as geographical isolation from larger populations and economies. This also means that the Pacific is often at the receiving end of change in the name of development, including governance and legislation. The Pacific has been divided into 3 main groupings of Melanesia, Micronesia and Polynesia, based on European constructs that included body traits political types, and cultural similarities (Thomas et al., 1989), although this demarcation has been questioned (Hanlon, 2009; Tcherkézoff, 2003).

Prior to colonization and the replication of Western legislative concepts and ideas, the Pacific had its own forms of traditional customary laws and practices. Traditional land laws and customs in the Solomon Islands, although unwritten, have often reigned supreme over legislation enacted by the Central Government (Allan, 1988). They brought relief to the wronged and punished the wrong doer, and as in Micronesia, kept the peace and relationships in the community or village among families who live communally and face each other every day (Lingenfelter, 1991). This made it possible through non-violent cultural contexts, to provide an opportunity to make an apology and seek forgiveness – as in the Samoan custom of *Ifoga*, leading to continued peace and maintenance of relationships in families, villages and communities, (La'auli & Lyle, 1983).

While some aspects of traditional laws and procedures are protective and should be maintained, other harmful customary laws and cultural practices that perpetuate sexual violence should be avoided. Some Pacific customs, beliefs, and practices are protective and preventive against sexual violence because of its communal nature (Rankine et al., 2017). Provisions of sexual offences in Pacific countries were found to be outdated as they were adopted from countries that colonized the region, and they did not reflect local culture and tradition (Forster, 2009), and are based on individualistic assumptions and the meaning of violence (Rankine et al., 2017). However, concerns have also been raised as to the ways that some Pacific traditional customs have been used to perpetuate gender stereotypes and violence (Webber & Johnson, 2008), and by perpetrators of sexual violence to avoid justice (Mishra, 2012; Peteru, 2012). A culture of silence pervades as victims and their families avoid ostracism and devaluation in their communities (Ali, 2006). While child maltreatment in Western nations may not be defined as such in other societies (Jill Korbin, 1979; Jill Korbin, 1980), certain acts like Child Sexual Abuse are "universally condemned or they form absolute standards of unacceptable behavior" (Ben Mathews, 2016).

Prevalence of CSA

Child sexual abuse (CSA) is a global problem that is also present in the Pacific, with Nauru, Solomon Islands and Vanuatu having higher proportions than the global average. Results from three meta-analysis studies that pooled results from different research projects provide a reasonable estimate for international prevalence rate, where CSA perpetrated against girls range from fifteen percent to twenty percent, and boys are at five percent to ten percent (Ben Mathews, 2019). In the Pacific, surveys, using the same methodology, carried out among women in a number of countries (Fiji Women's Crisis Centre, 2013; Government of Kiribati, UNFPA, & SPC, 2010; Government of Marshall Islands & UNFPA, 2014; Government of Nauru & UNFPA, 2014; Government of Palau & UNFPA, 2014; Government of Solomon Islands, UNFPA, & SPC, 2009; Jansen, 2012; Ma`a Fafine mo 'e Famili Inc, 2009; Vanuatu Women's Centre, 2011), self-reported a disclosure range from 36.9% in the Solomon Islands, to 8% in Tonga. Nauru and Vanuatu were the only other countries that had CSA rates among girls higher than upper global range of twenty percent.

The adverse sequela of CSA spans physical, emotional, cognitive, behavioural, social, and neurobiological spheres across the life course (Beitchman et al., 1992; Hillberg, Hamilton-Giachritsis, & Dixon, 2011; Kendall-Tackett, Williams, & Finkelhor, 1993; Spataro, Mullen, Burgess, Wells, &

Moss, 2004). The global burden of disease attributed to CSA in 2017 was 0.11% of total DALY (disability-adjusted life-year[1]), and 0.014% of total deaths (Institute for Health Metrics and Evaluation, 2019). This had increased from 0.069% of total DALYs and 0.01% of total deaths in 1990. Over the years, males and those aged 40 to 44 years were more prone to death because of CSA, while females and those aged 20 to 24 years were more susceptible to CSA as a cause of disability. In the Oceania[2] region, deaths attributed to CSA in 2017 were similar to the global level of 0.014%, while DALYs was lower at 0.093%. Care should be taken, however, when interpreting Pacific figures, because of imprecise definitions, improper classification and lack of data (World Health Organisation, 2017a).

CSA Reporting Legislation

Child Sexual Abuse is a hidden crime. It preys on the child's trusting vulnerability and is often silenced and protected by cultural stereotypes and by family members who do not know where to go to for help and fear the associated stigma. Using the help of citizens to report them to law enforcement and children's welfare authorities – especially professionals who care for the needs of children as part of their work - is a way to ensure that these situations are brought to light.

Organized social and legal measures to enable intervention by concerned individuals to report and stop child abuse and maltreatment began in the early 1960s in the USA. Kempe's et al. (1962), identification of the "battered-child syndrome" resulted in laws being enacted which mandated certain people to report severe child physical abuse to authorities (US Department of Health, Education Welfare, & Children's Bureau Welfare Administration, 1963). The legal measures focused on an overall public health response to child protection and were "motivated by goals of crime prevention, and the saving of future economic cost to the individual and society" (B. Mathews & Walsh, 2004).

Reporting legislation is now enacted in the areas of criminal law, civil law and child protection law; this mandates all citizens, managers in organisations and / or professionals working with children to report CSA, with reporting duties "differ(ring) in nature, breadth, content and operation" (B. Mathews, 2019). Most countries carry out both mandatory as well as voluntary reporting, with only a few carrying out voluntary reporting exclusively as the standard practice (Dubowitz, 2017).

Mandatory reporting laws differ by jurisdiction according to different considerations that affect the larger macro system. A review of mandatory reporting laws in Australia, Canada and the USA – countries that have pioneered the practice - shows differences of reporting according to several broad categories related to the person reporting, the perpetrator and the abuse type, occurrence and severity (Ben Mathews & Kenny, 2008). These characteristics may be different in developing countries due to specific economic, social and cultural characteristics to consider, thus there may be a need for different policy and legal responses (Ben Mathews, 2016), including ones that can accommodate the varying abilities of preparation to implement child maltreatment prevention programs (Mikton et al., 2013). Furthermore, the need to identify and improve attitudes may be just as important as other legal and

[1] The DALY is based on years of life lost from premature death and years of life lived in less than full health.
[2] Pacific countries with Australia and New Zealand

systemic reforms, especially in societies where violence is accepted as a form of discipline for children, and the recognition of children's rights is either non-existent, or is minimised (Ben Mathews, 2016). Laws and policies that govern the detection and reporting of CSA and the accompanying responses are complex, and must accommodate the political, economic, social, and cultural influences that shape society.

Methodology

This review compares reporting laws across thirteen Pacific countries – Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. So far, no comparison and analysis of CSA reporting laws in the region has been conducted. This review will identify and analyse differences and common key elements that arise from these diverse types of legislation. This analysis could help governments and policymaking bodies in Pacific countries in the revision and refining of such laws that are already in place, and in countries that currently do not have reporting laws but may wish to decree them in the future.

Results

All thirteen Pacific countries reviewed criminalize CSA under different national legislature. However only nine countries have specific laws that govern its reporting, either voluntarily, mandatorily, or both. Four countries have no specific legislation to report sexual abuse against children.

Country	**Mandatory Reporting**	**Voluntary Reporting**	**No specific reporting law for children**
Cook Islands (Family Protection and Support Act 2017 §90-91)	+	+	
Fiji (Child Welfare Act 2010 §4-9)	+		
Kiribati (Children, Young People and Family Welfare Act 2013 §17-23)		+	
Marshall Islands (Child Rights Protection Act 2015 §28)	+	+	
Micronesia (Title 41 Public Health, Safety and Welfare 1999 c5, §501-506)	+		
Nauru (Child Protection Welfare Act 2016 §50)	+		
Palau (Title 21 Domestic Relations c6 §603)	+		
Papua New Guinea (Lukautim Pikinini Act 2009 §45)	+	+	

Samoa (Family Safety Act 2013)			+
Solomon Islands (Child and Family Welfare Act 2017 §18-21)		+	
Tonga (Family Protection Act 2013 §27)			+
Tuvalu (Family Protection and Family Violence Act 2014 §11)			+
Vanuatu (Family Protection Act 2008)			+

Countries reporting legislation for children in Pacific countries

Countries that do not have specific reporting laws for children are Samoa, Tuvalu, Tonga and Vanuatu. In these countries, sexual abuse of children is legislated together with adults in domestic violence and criminal laws. Legislation also relies more on a protection order which is sought from the local court. Members of the complainant's family and certain professionals can file for such an order. In Samoa, the Police are additionally mandated to refer complainants who are under eighteen years of age to a Child Welfare Officer. In comparison, a protection order is more perpetrator-focused, as it involves the limitation of movement of the alleged perpetrator, while a report is more victim-focused, as it pertains to the substantiation of the abuse from the alleged victim, and ensuring that the child receives the right support and safety irrespective of the outcome of the report. A protection order is usually part of the legal response anyway when a report has been substantiated.

Having legislation that specifically helps children to disclose sexual abuse against them is warranted, especially in the Pacific. Children overall rarely disclose the abuse they are going through, while perpetrators – who are mostly known to the child - do not go to authorities or agencies who can help the child because the acts are brutal and criminal (Ben Mathews, 2012). Cultural factors, religious belief, taboos around sex, and stigma attached to victims, which are common in the Pacific, are powerful inhibitors to disclosure of CSA among children (Collin-Vézina, De La Sablonnière-Griffin, Palmer, & Milne, 2015; Fontes & Plummer, 2010; Tishelman & Fontes, 2017). The conservative and communal cultures of Pacific Island countries, many of which are patriarchal, and strong religious attachments, add to the specific needs of children in the region who are facing, or are at risk of, CSA. A study among Pacific communities showed that cultural and religious themes like "protecting family, silence about unpleasant issues, self-blame, belief that things in life are temporary, and the belief that there are worse things in life that could happen"(Xiao & Smith-Prince, 2015), were found to affect CSA disclosure decisions . The intrinsic nature of abuse and cultural stigmas in the Pacific place several barriers on the reporting of child abuse at home or at school. Embarrassment and shame are major reasons why children do not report. These barriers are often found in countries that have not yet developed a culture of child protection (Shalhoub-Kevorkian, 1999).

Nine countries reviewed have distinct reporting legislation for CSA, in which reporting is either mandatory, voluntary, or both. Cook Islands, Marshall Islands and Papua New Guinea have legislation that includes both mandatory and voluntary reporting. Fiji, Micronesia, Nauru and Palau only mandate specific professions to carry out the reporting roles for CSA, while Kiribati and Solomon Islands only have voluntary reporting laws.

While Pacific countries are aligned globally around reporting legislation for children, specific limitations of such a system should also be acknowledged. Most countries worldwide legislate mandatory reporting as part of their response to CSA and their ratification of the UN *Convention on the Rights of the Child* (CRC); with more countries now including it in their legislature (Daro, 2002). Debate has been ongoing about the benefits and shortcomings of having mandatory reporting laws (Ainsworth, 2002; Drake & Jonson-Reid, 2007; Benjamin Mathews & Bross, 2008; Melton, 2005). Apart from the perceived danger of over-reporting and wrongful reporting, the cost to set up an effective reporting system in resource- constrained Pacific countries is also pertinent.

Mandated professions

The range of professions being mandated in the Pacific countries to report CSA varies by number and specialty. While Fiji only identifies five specific professions, Papua New Guinea mandates twenty different professions in its legislation. Within the health field, Fiji only mandates a physician, whereas six other countries include other health professions like health assistants, nurses, dentists and psychologists. In Papua New Guinea, because of its larger and more dispersed population, other mandated professionals include the clergy, community development workers and aid post workers[3] . Marshall Islands also mandates recreation / sports activities employees. Nauru has the broadest definition of mandated reporters to include any person "who hold a position of authority in that place or is employed in any position or capacity which involves the provision of care, supervision or protection of children" (Government of Nauru, 2016).

The range of professional cadres should be based on countries' ability to maintain a professional standard of reporting among these officers. Mikton et al. (2013) indicated that countries would have varying abilities of preparedness to implement child maltreatment prevention programs, based on the following factors: - (1) professionals having the required skills, knowledge and expertise; (2) institutions that can train these professionals; and (3) funding, infrastructure and equipment. As such, it is prudent that Pacific countries ensure an efficient number of professional cadres that they can train and maintain, and have enough supporting resources to carry out their work.

Furthermore, the concept of a "differentiation thesis" shows that patterns of reporting can vary between reporter groups and maltreatment types (Ben Mathews, 2014), which can substantially distort data and analysis on reporting over time (Ben Mathews, 2012), and could disproportionately impact child protection systems. Reporting practices among mandated professionals in Pacific countries

[3] Community health workers that have had some health training and serve in rural and isolated villages and communities

should be frequently analysed to inform and guide discussions and decision around choice of professional cadres to be mandated and the training and support they receive.

Legislated penalties and protection of reporters

Most Pacific countries reviewed offer protection from civil or criminal liabilities and legislate strict confidentiality to those reporting. However, most countries also penalize non-reporting. Eight out of nine countries with specific reporting laws offer protection from civil or criminal liabilities to those reporting, with Cook Islands being silent on the matter. Seven countries, except Cook Islands and Kiribati, also legislate strict confidentiality to all those reporting. Similarly, seven countries that carry out mandatory reporting penalize officers who fail to report on alleged CSA. Papua New Guinea legislation is silent on penalties for non-reporting; however, it incurs a penalty on those who maliciously report or make a report that is intended to cause distress or annoyance. Fines for non-reporting range from under US$200 in Cook Islands to over US$14,000 in Nauru, while prison sentences ranging from six to twelve months can also be incurred in Palau, Nauru and FSM.

The many laws and mandatory reporting policies together with the potential personal and financial consequences, could impact reporting and its subsequent action. Walsh et al. (2011) note that not only must teachers clearly understand their legislative duties, but they must also follow various policy-based responsibilities. This could be overwhelming and confusing and present a barrier to reporting. On the other hand, there may be increased reporting, as professionals try to avoid penalties. This could lead to more cases being not investigated and substantiated, and consequently to no actions being taken. This is time consuming and costly, and divert limited resources away from needed services targeting the most at-risk children and families (Ainsworth, 2002).

Training on mandatory reporting among selected professionals is essential, which considers the law, legal responsibilities of reporters, and the accompanying legal consequences (Falkiner, Thomson, Guadagno, & Day, 2017). Ben Mathews, Walsh, Rassafiani, Butler, and Farrell (2009) noted that understanding the complexities of mandatory reporting responsibilities was confusing to teachers. Even after training, many teachers were still unsure about their reporting duties (Ben Mathews et al., 2009; B. P. Mathews, Walsh, Butler, & Farrell, 2010). This may even be more complicated amongst clinicians where they need to maintain their patients' confidentiality and be able to act in their patients' best interests, while simultaneously also protecting others at risk (Burbridge-James, 2018). Furthermore, health professionals have been unwilling to report their suspicions because of the fear and risk of getting the legal system involved without having definite legal evidence (Finlayson & Koocher, 1991). Training on mandatory reporting in Pacific countries is vital to ensure that reporters know their obligatory roles and their protected status when carrying out their work.

Reporting decision

All Pacific countries that have specific mandatory or voluntary reporting legislation for children are obliged to make a report either to the Ministry housing children's protection and welfare, or to the head of Police Department – and in Palau, to the Attorney General. Fiji, Micronesia and Palau legislation also include particulars to be reported, like the alleged victim's name and address, parents'

names, and details of the abuse or likely abuse. Most countries indicate that verbal or written reports by mandated professionals need to be provided immediately for any CSA. Palau indicates a deadline of forty-eight hours to report, while Fiji requires a written report within seven days after a verbal report has been made.

The decision and associated urgency to make a report rests on several factors. Among teachers, this includes a lack of proper and frequent training on reporting, and the need for certainty (Falkiner, Thomson, & Day, 2017). Even when a belief has been formed, but the signs are less than obvious, fear of repercussions could delay reporting as teachers continue to question children, and their parents to prove their suspicions of abuse (Falkiner, Thomson, Guadagno, et al., 2017). The anxiety of losing contact with their patients and the view that the legal process will limit their access to them and prolong treatment have been reasons to delay reporting amongst clinicians (Asnes & Leventhal, 2010; Flaherty et al., 2006). Apart from the need to have clear processing instructions and knowledge of these processes among mandated professionals, Pacific countries also need to ensure that they do not doubt their skills to be able to detect and report cases of CSA, and to have the confidence and self-assurance to do so.

Type of abuse reported

In the current review, all Pacific countries with mandatory or voluntary reporting had very broad definitions of abuse that triggered reporting. Fiji, Papua New Guinea and Kiribati also accounted for future risks of abuse as triggers for reporting, while the other countries only indicated current and past abuse. All countries indicate that a CSA report can be triggered on the grounds of suspicion, and not on evidence alone. Six countries in the Pacific (Cook Islands, Fiji, Kiribati, Palau, Marshall Islands and Solomon Islands) have defined CSA in their civil legislature according to the four prerequisite concepts identified below by Mathews and Collins-Vezina (2019). All these countries have specific definitions of Child Sexual Exploitation in their legislation, mainly focusing on child prostitution and pornography. Countries that do not have a specific child abuse reporting system, which include Samoa, Tonga and Tuvalu, only have the three prerequisites (except the victim being a child) in similar national legislation.

Some Pacific countries also defined sexual acts in their CSA definitions, with varying levels of detail. Only Cook Islands has the preferred WHO definition of penetrative, non-penetrative contact like touching of sexual and intimate parts and non-contact sexual encounters like exposure to sexual material and pornography. Marshall Islands has a vague definition of sexual acts performed on, by, with, and in front of a child. Similarly, Palau defines sexual activity as including, but not limited to sexual intercourse, sodomy, masturbation, cunnilingus, fellatio, and fondling. Micronesia only has sexual molestation as a component in their definition of child abuse in the legislation. All countries in the current review also relied on definitions in their criminal laws to explain specific sexual acts that are felonious, including those against children.

Although CSA naturally needs reporting and intervention immediately, there are many different types of sexual acts, contexts, and consequences within which sexual abuse can occur, and which delays reporting. The concept of "abuse" has been legislated in different ways between countries (Ben

Mathews & Kenny, 2008), and even between states or within the jurisdiction of the same country (Glosser, Gardiner, & Fishman, 2004; Wiseman, 2017). B. Mathews and Collin-Vezina (2019) also noted definition differences between departments of the same governmental prefecture, and between criminal, civil and child protection laws of the same legal system. The World Health Organization (2006) uses the following definition:

> "Sexual abuse is defined as the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility, trust or power over the victim".

The World Health Organisation (2017b) further defined specific sexual acts in three categories – non-contact, contact not involving sexual intercourse and contact involving sexual intercourse.

B. Mathews and Collin-Vezina (2019) reviewed definitions of epidemiological studies, global policy documents and national legal frameworks, and produced a conceptual model that could be used by jurisdictions to define CSA in legislation. They identified the following four prerequisite concepts for an act or experience to be termed as CSA:(i) victim being a child (ii) absence of consent; (iii) act is sexual in nature; and (iv) presence of abuse. Most Pacific countries in this review have specific definitions of what constitutes CSA based on these four conditions, and also align with the definition suggested by the World Health Organisation above. However more work is needed by Pacific countries to distinctly define specific sexual acts that clearly includes contact with sexual intercourse, contact without sexual intercourse and non-contact sexual encounters in any legislation that deals with CSA.

Conclusion

The review has found a number of variations in the Pacific when legislating CSA reporting, although in general, all countries followed the standard text of reporting laws from Western countries, with provisions in place to comply with reporting requirements under United Nations Obligations. Differences were found on the following: presence of reporting laws specific for children; whether the reporting system was mandatory, voluntary or both; professionals who are mandated to report; penalties and protection incurred by reporters; reporting decision and processes; and the definition of CSA that is reported.

All Pacific countries need to have specific CSA reporting laws. While most countries reviewed had specific reporting laws for children, Samoa, Tonga, Tuvalu and Vanuatu had CSA reporting legislated together with adults under domestic violence in family and criminal law. A robust reporting legislation is needed in Pacific countries, because of the region's strong conservative and communal culture and religious stereotypes, which are a barrier to effective reporting and disclosure. Specifically for the countries mentioned, Vanuatu has 26% prevalence of CSA based on anonymous self-reporting (Vanuatu Women's Centre, 2011), which is higher than the global average. Although the Samoa survey showed a low CSA prevalence (Government of Samoa, SPC, & UNFPA, 2006), it was limited by a

lack of information (UNICEF, 2017). More recent Samoa studies show an increasing concern, with a 2016 study showing sexual debut below fourteen years of age being high when compared to Fiji, Kiribati and Vanuatu, with males and female rates of 54.2% and 34.1% respectively (Peltzer & Pengpid, 2016). Another 2013 study showed that 9.5 per cent of children surveyed reported being touched inappropriately at school in the past 12 months (Government of Samoa & UNICEF, 2013). Tonga's CSA prevalence rate of 8% has been challenged by a lack of comprehensive data and information on the issue (UNICEF, 2018).

CSA reporting legislation in the region needs to be contextual to the needs and challenges of the Pacific. As reporting laws in the Pacific were largely drawn from Western standards, there has been very limited context to how they match up to the specific needs and challenges of the island countries. This includes resource limitations to set up an effective system that could train professional cadres with the required skills, knowledge and expertise and provide them with the necessary tools and infrastructure. Furthermore, Pacific reporting legislations have overlooked differences between Pacific and Western society and culture, which invariably affects disclosure amongst abused children and the attitude of reporters. Communal cultures and a heavy religious influence in the Pacific affect CSA disclosure decisions (Xiao & Smith-Prince, 2015). Additionally, Pacific cultures have maintained their own forms of traditional customary laws and practices, which have kept the peace and relationships in the community. In the same way, it is important to take into account village life among families, who live communally and face each other every day (Lingenfelter, 1991), using non-violent cultural contexts to provide an opportunity to make an apology and seek forgiveness (La'auli & Lyle, 1983).

Pacific countries could focus on a smaller selection of priorities that are reported, and aim for a more practical approach to how mandated profession are chosen, because of the resource challenges in the islands. Ben Mathews (2016) suggests that a "small-target approach" could be taken up if countries have limited economic resources. In the Pacific, these reporting priorities could begin with sexual abuse, trafficking for commercial or sexual exploitation and severe physical abuse or severe negligence (UNICEF, 2015). Selection of mandated cadres have been based on how their work is closely associated with children, and their dispersion to remote and hard to reach locations. Decisions on the number of mandated professional cadres have generally disregarded the accompanying needs of training and resources. The range of professional cadres should be based on countries' ability to maintain a professional standard of reporting among these officers, and the countries' abilities to implement child maltreatment prevention programs.

Pacific legislations should have clear definitions of key terms and concepts. These include Child Sexual Abuse, reporting timelines and the specific sexual acts that are punishable. It is quite clear that CSA should be reported based on grounds of suspicion; however, more effort should be put into defining what this means. Mandatory reporting laws must be carefully drafted to avoid ambiguity and vagueness, as they tend to use constructs and terms which are not specific. The four prerequisite concepts identified by Mathews and Collins-Vezina (2019) of (i) victim being a child (ii); absence of consent; (iii) act is sexual in nature; and (iv) presence of abuse, provide a useful definitional foundation. Legislation should also define reporting timelines, as only Fiji and Palau have them in their legislation. This will aid the decision to report, and avoid the problem of the victim not being reported on time

and accessing needed help and support due to indecision and a lack of self-confidence. Definition of sexual acts in CSA should include penetrative, non-penetrative and non-contact abuse. Current Pacific definitions are fraught with problems, including broad ambiguity, and gaps that fail to include non-contact abuse. While most Pacific legislations were clear about reporter protection, confidentiality and non-reporting penalties, some countries had severe punishment for non-reporting. Penalties should encourage reporting rather than punish offenders and should not instigate a defensive stance that could lead to over-reporting.

Furthermore, Pacific countries could review and strengthen existing legislation, and ensure complementarity and coordination. This could be applied to legal duties existing in criminal law, civil law, labour law and child protection law, with respective applications to all citizens; managers in organisations; and professionals dealing with children in the course of their work (B. Mathews, 2019). These duties should focus on early detection and prevention of cases and avoidance of organisational exploitation. Further review of sub-national reporting legislation at provincial and state levels could also be carried out, especially in Pacific countries that attribute greater autonomy to these levels.

Frequent training and capacity building of reporters and those receiving the report should be an essential feature of CSA reporting in the Pacific. Training on reporting legislations could include the processes involved, and the legal protection and obligation they provide. Training on reporting processes could include job aids such as guidelines and checklists to assist decisions on when to file a report. While Pacific countries are clear on which departments reports should be submitted to, and the urgency in providing such reports, reporters should be trained with the skills and confidence to report without fear of repercussion or doubt. Reporters should be aware of the extent of, or lack of protection and confidentiality of their respective legislature, as well as the penalties associated with non-reporting. Training should also be provided for those who receive these reports, including the police and justice department, the health department, and the child protection department, as handling of these reports should be strictly confidential to maintain trust in the system.

An effective reporting system for CSA is only part of the solution. It should be coupled with educational campaigns among reporters and the public, to create awareness and change cultural attitudes toward disclosure and reporting. Commonly held attitudes and perceptions in the Pacific about what is appropriate in the care and upbringing of children are important aspects that shape the success of national child protection programmes. Other necessary conditions must be created to enable the success of such a programme (Ben Mathews, 2016). These include maintenance of an enabling and positive working relationship between child welfare agencies and reporters and the Police departments; adequately resourced agencies to respond to reporting, and the inherent needs and safety of children that may be required including secure safe-houses; and a well-maintained data systems.

Finally, more research is needed to enhance CSA reporting, and to find solutions to challenges that are inherent in the Pacific. A better understanding is needed on how cultural and religious stereotypes and attitudes in the Pacific shape reporting of CSA. Furthermore, traditional laws and customs could be analysed to draw out any protective components that could be used to augment and support current reporting legislation, while eliminating aspects that are a barrier to the practice. Also, each Pacific

country needs to identify what works best for its people and communities. This includes an in-depth review of current reporting practices as well as economic, social and political limitations and aspirations of each country around CSA and its reporting. Finally, while the review has made comparisons specifically on the written legislation, other comparisons could be made in other areas. This includes a comparison of outcomes under different mandatory reporting legislation (Ben Mathews, 2014), or reporting professionals (Victorian Law Reform Commission, 2004). A comparison could also be made of outcomes before, and after a jurisdiction has introduced a mandatory reporting law for the first time.

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