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Fiji

Country Reports on Human Rights Practices - [2005](#)

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Fiji is a constitutional republic with a population of approximately 850 thousand. There is an elected president, prime minister, and parliament. Following the attempted civilian coup d'etat in 2000 that eventually resulted in the removal of the lawfully elected government, free and fair multiparty elections were held in 2001, and the political situation improved. Laisenia Qarase of the Sogoso Duavata ni Lewenivanua (SDL) party became prime minister in September 2001. While the civilian authorities generally maintained effective control of the security forces, the military voiced public opposition to amnesty provisions of a government-proposed reconciliation and unity bill and threatened to stop the government from functioning if the bill became law and was implemented.

The government generally respected the human rights of its citizens; however, there were serious problems in some areas. Deep divisions between indigenous Fijians (54 percent of the population) and Indo-Fijians (38 percent) continued to influence all aspects of the nation's politics. Ongoing reform of the police resulted in fewer complaints of police abuse during the year. The following human rights problems were reported:

- poor prison conditions, including serious overcrowding
- increased attacks against religious facilities, particularly Hindu temples
- government corruption
- violence and discrimination against women
- increased commercial sexual exploitation of children
- discrimination against persons with disabilities and ethnic minorities
- employer intimidation of union organizers and workers

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, there were some reports of abuses by police. The number of complaints to the Fiji Human Rights Commission for violation of the right to freedom from cruel and degrading treatment and torture declined significantly over the previous three years. Reported incidents of beatings and other abuse of apprehended persons and prisoners were investigated and, when appropriate, offending officers were prosecuted and jailed. All such cases appeared to be isolated incidents, not condoned by supervisory officers. A case in which police officers failed to obtain prompt medical treatment for a suspect severely injured during apprehension was under investigation at year's end.

The police internal affairs unit is required to investigate complaints of police brutality. The law permits corporal punishment as a penalty for criminal acts; however, in 2002 the Court of Appeal ruled that corporal punishment in the penal system was unconstitutional. In May a magistrate's court sentenced a man to five strokes with a cane, but the punishment was not carried out. The Human Rights Commission conducted periodic training courses for police, prison officers, and military personnel, using a new human rights manual based on international standards.

Prison and Detention Center Conditions

Prison conditions did not meet international standards. The prison system was seriously underfunded, with deteriorating infrastructure and poor delivery of essential services. Courts released prisoners, including some facing serious charges, on bail to minimize their exposure to an unhealthy and overcrowded prison environment. The national prison system had insufficient beds, inadequate sanitation, and a shortage of basic necessities. In some cases pretrial detainees and convicted prisoners were held together.

During the year the International Committee for the Red Cross (ICRC) visited 8 detention facilities and interviewed more than 80 detainees. Family members were routinely permitted to visit prisoners.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The Ministry of Home Affairs oversees the Fiji Police Force, which is responsible for law enforcement and the maintenance of internal security. The police maintain a network of 32 stations and 95 police posts throughout the country. Policing of more remote and smaller islands is done through regularly scheduled visits. The government continued a program initiated in 2003 to improve policing standards and combat corruption. Allegations of corruption, once rampant in the police force, were investigated, and disciplinary and criminal cases initiated. Some officers were removed from the force. However, although there were improvements, corruption remained a problem.

Arrest and Detention

Police officers may arrest persons without a warrant for violations of the penal code. Police also arrest persons in response to warrants issued by magistrates and judges. Arrested persons must be brought before a court without "undue delay," normally interpreted to mean within 24 hours, with 48 hours as the exception. Detainees have the right to a judicial review of the grounds for their arrest. Unlike in 2004, there were no claims of incommunicado or arbitrary detention. There was a well-functioning bail system.

The Legal Aid Commission provided counsel to some indigent defendants in criminal cases, a service supplemented by voluntary services from private attorneys.

There were no reports of political detainees.

The courts had a significant backlog of cases, and processing was slowed by, among other things, a shortage of prosecutors and judges. As a result some defendants faced lengthy pretrial detention.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice. However, there were allegations that some judges held biases stemming from events surrounding the 2000 coup.

The country's judicial structure is patterned on the British system. The principal courts are the magistrates' courts, the High Court, the Court of Appeal, and the Supreme Court. In addition to its jurisdiction in civil and criminal cases, the High Court has special-interest jurisdiction on behalf of the public and is empowered to review alleged violations of individual rights.

Except for the Family Court, there are no special civilian courts. Military courts try members of the armed forces, and there is an internal police tribunal mechanism.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants have the right to a public trial and to counsel. The Legal Aid Commission, supplemented by voluntary services of private attorneys, provided free counsel to some indigent defendants in criminal cases. Most cases were heard in the magistrates' courts, but a case cannot be tried in a magistrate's court without the defendant's consent. Absent such consent cases are tried in the High Court. Trials in the High Court provide for the presence of assessors, typically three, who are similar to jurors but only advise the presiding judge. Magistrates are not authorized to impose prison sentences longer than 10 years. Magistrates' courts' sentences in most domestic and family law cases were relatively light. Defendants enjoy a presumption of innocence and can question witnesses, present evidence on their own behalf, and access government-held evidence relevant to their case. The right of appeal exists but often was hampered by delays in the process.

Although the majority of the key participants in the 2000 coup have been charged and tried, several investigations continued during the year. At year's end approximately 200 defendants were still awaiting trial on coup-related charges.

The military court system provides for the same basic rights as the civilian court system, although bail is granted less frequently in the military system. In August the Court of Appeal set aside the convictions of 20 former soldiers involved in the November 2000 mutiny at the military forces headquarters and ordered a retrial. The defendants had argued that delays in their arrest and trial was a violation of their constitutional rights, and that their court martial was not properly constituted. In December the High Court granted bail to 9 of the 20 defendants pending trial in January 2006. The court cited delays in their retrial resulting from a delay in the government's appointment of a

new judge advocate.

Political Prisoners

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice.

Unlike in previous years, the Media Council's Complaints Committee, a private watchdog group of media and academic figures, received no complaints regarding government pressure on, or interference with, the media.

Legislation pertaining to the press is contained in the Newspaper Registration Act and Press Correction Act. Under these acts all newspapers must register with the government before they can publish. The acts give the minister of information sole discretionary power to order a newspaper to publish a "correcting statement" if, in the minister's view, a false or distorted article was published. A newspaper refusing to publish the minister's correction can be sued in court and, if found guilty, fined. Individuals in such cases can be fined, imprisoned for six months, or both. These acts authorize the government to arrest any person who publishes "malicious" material. This would include anything the government considered false that could create or foster public alarm or result in "detriment" to the public. However, this authority has never been used.

The independent media were active and expressed a wide variety of views without restriction, printed in English, Fijian, and Hindi. The country's television news production was owned and operated by Fiji One, one of two national noncable television stations. A trust operating on behalf of the provincial governments owned 51 percent of Fiji One; the remainder was privately held. The government owned the Fiji Broadcasting Corporation, which operated four radio stations. The government also had shares in two daily newspapers, the *Daily Post* and the *Fiji Sun*. The government briefly directed government advertising exclusively to the *Daily Post* but dropped this policy under criticism from other newspapers. There were several thriving independent radio stations broadcasting in English, Fijian, and Hindi.

The 1992 Television Decree permits the government to influence programming content. There was no attempt to use the programming authority during the year.

Academic freedom was generally respected; however, government work-permit stipulations and University of the South Pacific contract regulations effectively deterred most university employees from participating in domestic politics. There were no government restrictions on the Internet.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice. Although civic organizations frequently were granted permits to assemble, permits for some political demonstrations and marches were denied.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice. The majority of citizens (52 percent) are Christian and government-sponsored meetings and events often begin with a Christian prayer.

In December the government denied an entry visa to the Reverend Sun Myung Moon, head of the Unification Church, stating that Reverend Moon's teachings were considered "misleading, repugnant, and divisive."

Societal Abuses and Discrimination

Racial polarization was reflected in religious differences, which were largely along ethnic lines; this sometimes contributed to political problems. Most ethnic Fijians were Christians, and most Indo-Fijians were Hindu, with a sizable minority of Muslims. The dominant Methodist Church has closely allied itself with the interests of the pro-indigenous Fijian movement.

Break-ins, vandalism, attempted arson, and thefts directed at houses of worship, predominantly Hindu temples, continued to increase. The attacks were broadly viewed as reflections of intercommunal strife.

There was no known Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not practice it.

Protection of Refugees

The law includes provisions for providing refugee and asylum status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. At year's end the government was in the process of establishing a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the forced return of persons to a country where they feared persecution. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The government received no applications for refugee status or asylum during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

The most recent elections, held in 2001, were judged generally free and fair. Party politics was largely race based, although this did not limit participation in the political process. The governing SDL party was primarily ethnic Fijian and the opposition Fiji Labor Party was primarily Indo-Fijian, although both parties had membership across racial lines.

There were 6 women (5 elected and 1 appointed) in the 71-seat House of Representatives and 2 women in the 32-member Senate. There were four ethnic Fijian women in the cabinet (two ministers and two assistant ministers). Women also played important roles in the chiefly system and could be chiefs in their own right.

There were 27 Indo-Fijians in the House of Representatives and 4 in the Senate. There was one Indo-Fijian cabinet minister. Indo-Fijians, who accounted for 38 percent of the population, continued to be significantly underrepresented at senior levels of the civil service and in the military. Indo-Fijians comprised approximately 35 percent of the civil service overall.

The political primacy of indigenous Fijians is to some extent enshrined in the constitution, which mandates that 14 of Parliament's 32 senators be appointed by the indigenous Fijian Great Council of Chiefs, a hereditary body, and 1 by the Rotuma Island Council. Thus the support of only two additional senators is needed to give indigenous Fijians effective control in the Senate. Under 1997 amendments to the constitution, the prime minister and the president may be of any race. The amendments establish a 71-member lower house with 25 seats open to any ethnicity and 46 seats allocated to different ethnic communities. The open seats are apportioned into districts of approximately equal population. Of the 46 communal seats, 23 are allotted to indigenous Fijians, 19 to Indo-Fijians, 3 to "general voters" (for the most part mixed-race, Caucasian, and East Asian voters), and 1 to Rotumans (an ethnically distinct Polynesian group). These allotments were generally proportional to the ethnic composition of the country's population.

Government Corruption and Transparency

Corruption within government, including the civil service, was a problem. The media continued to raise numerous allegations of nonaccountability, bribery, abuse of office, fraud, misuse of public property, financial mismanagement, failure to complete statutory audits, and conflicts of interest regarding officials and ministries. In some ministries transparency was virtually nonexistent. The constitution gives the auditor general the right to audit all national and local government bodies. In its annual report to Parliament, the auditor general's office highlighted numerous instances of corrupt practices in government offices and ministries.

During the year several individuals imprisoned for their participation in the 2000 coup were released from prison, ostensibly on medical grounds or to serve their sentences extramurally. The releases were widely seen as politically motivated. A former cabinet minister granted early release in April returned to the cabinet in September at the conclusion of his extramural sentence. In June the government refused to approve a contract extension for the deputy director of public prosecutions, a foreign national assisting in the prosecution of persons implicated in the 2000 coup, and ordered him to leave the country. Local press reports criticized the government's actions as politically motivated.

There is no law providing for public or media access to government information. The government was sometimes responsive to requests for such information.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

There were several small, foreign-based organizations that concentrated on local human rights causes, including the Coalition for Democracy in Fiji (with offices in New Zealand and Australia) and two United Kingdom-based groups, the International Fiji Movement and the Movement for Democracy in Fiji. There was little interaction between the government and these groups. A number of UN organizations concerned with human rights, including the International Labor Organization, the UN Children's Fund (UNICEF) and the UN Development Fund, had regional offices in the country and worked actively on various human rights issues with the government. The ICRC continued to operate in the country.

During the year government officials, including the prime minister, warned expatriates working in the country that public expression of political opinions was a violation of their work visas and could lead to the revocation of their work permits. This warning, while apparently directed primarily at the business and investment community, may have had an adverse effect on the work of expatriate members of NGOs critical of the government.

The Fiji Human Rights Commission (HRC), a constitutionally mandated statutory body, appeared to be impartial and independent, generally operating without government interference. During the year it received its own budget allocation for the first time. The HRC continued to receive and investigate reports of human rights violations and requests for assistance, some involving alleged abuses by the military, police, and prison officials. The HRC issued widely distributed quarterly and annual reports on its work.

The government's proposed Reconciliation, Tolerance, and Unity Bill, which, among other provisions, provides for the possibility of amnesty for participants in the 2000 coup, was presented to Parliament in June. The bill's amnesty clauses were widely denounced by victims of the coup and numerous human rights organizations and activists, who alleged the bill would undermine the rule of law by freeing from prison individuals duly convicted of crimes related to the coup and would hinder prosecutors and the courts from fulfilling their responsibilities in criminal cases. At year's end a parliamentary committee report had recommended substantial changes to the bill, including certain changes to the amnesty provisions, but the government had not yet addressed the proposed changes.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, sex, place of origin, ethnicity, sexual orientation, color, primary language, economic status, age, disability, or opinions or beliefs. The government generally enforced these provisions effectively, although there were problems in some areas. The constitution also cites the "paramountcy" of Fijian interests as a guiding principle for the protection of the rights of indigenous citizens. A compact included in the constitution specifically provides for affirmative action and "social justice" programs to "secure effective equality" for ethnic Fijians and Rotumans, "as well as for other communities." The compact chiefly benefited the indigenous Fijian majority.

Women

Domestic abuse, rape, incest, and indecent assault were significant problems. Police practiced a "no-drop" policy, under which they pursued investigations of domestic violence cases even if a victim later withdrew her accusation. The police generally were more responsive to domestic violence cases than in the past. Nonetheless, cases of domestic abuse and incest often were dismissed by courts or the perpetrators received minimal sentences. Incest was widely believed to be underreported. Traditional practices of reconciliation between aggrieved parties were sometimes taken into account to mitigate sentences in domestic violence cases, particularly in cases of incest. An active women's rights movement sought to raise public awareness about domestic violence.

Four women's crisis centers funded by foreign governments operated in the country. The centers offered counseling and assistance to women in cases of domestic violence, rape, and other problems, such as child support.

The women's rights movement pressed for more severe punishments for rape. Sentences varied considerably. Rape cases heard in the lower magistrates' courts typically resulted in shorter sentences. Women's groups continued to urge that all rape cases be heard in the High Court, where lengthier sentences are available. The Court of Appeal has ruled that 10 years is the minimum appropriate sentence in child rape cases. Women's activists continued to press for criminalization of spousal rape. At year's end a new domestic violence bill, including a provision criminalizing spousal rape, was under discussion in draft form but had not been formally considered by Parliament.

Prostitution is illegal, but it occurred, particularly in cities. There were some reports of sex tourism, which was prohibited by law. Sex tourism reportedly occurred particularly in tourist centers such as Nadi and Savusavu and in many cases involved children. Reportedly taxi drivers often acted as middlemen, facilitating the commercial sexual exploitation of children.

The law does not specifically prohibit sexual harassment. However, laws against "indecent assaults on females" prohibit offending the modesty of women and could be used to prosecute sexual harassment cases. According to a recent survey, one in three women has been sexually harassed in the workplace.

The Women's Crisis Center provided a gender awareness program to educate soldiers and police officers about women's concerns.

Women have full rights of property ownership and inheritance but often were excluded from the decision-making process on disposition of communal land. Many women were successful entrepreneurs. Other than a prohibition on working in mines, there were no legal limitations on the employment of women. Women generally were paid less than men for similar work.

Children

The government devoted 28 percent of the national budget to education and also worked to improve children's health and welfare. School is mandatory until age 15. However, the inability of some families to pay school fees and bus fares limited attendance for some children. There

was no significant difference between the school enrollment rates for boys and girls.

The government provided free medical care for children at public health centers and hospitals, including immunizations in primary schools.

Child abuse was an increasing problem. Some attributed this to societal changes that have undermined traditional village and extended family-based structures. Multiple reports suggested that child prostitution increased during the year. Child prostitution was particularly evident in poverty-stricken urban areas and among homeless urban youth (see section 5, Trafficking).

Increasing urbanization led to more children working as casual laborers, often with no safeguards against abuse or injury.

Trafficking in Persons

There are no laws that specifically address trafficking in persons, although laws against procuring a woman to become a prostitute, kidnapping, and bonded and forced labor could be used to prosecute traffickers. There were no substantiated reports of trafficking to or from the country during the year.

There were reports of children trafficked within the country during the year. Many observers cited poverty as the underlying reason for multiple reports of sexual exploitation of children. Urban migration and the subsequent breakdown of community structures, children from outer islands living with relatives while attending high school, and homelessness all appeared to be risk factors that increased a child's chance of being exploited for commercial sex.

The government did not sponsor or provide assistance to any programs to combat or prevent trafficking in persons.

Persons with Disabilities

All persons are considered equal under the law, including persons with disabilities, and discrimination against persons with physical disabilities in employment, education, and the provision of state services is illegal. In addition the law provides for the right of access to places and modes of transport open generally to the public and obliges proprietors of such places and services to "facilitate reasonable access for disabled persons to the extent provided by law." The 2004 public health regulations provide penalties for noncompliance. However, there was very little enabling legislation on accessibility for persons with disabilities, and there was little or no enforcement of laws protecting persons with disabilities. Building regulations issued in 2004 require new public buildings to be accessible to persons with disabilities. However, according to an HRC survey of 70 percent of public facilities in the capital, only a single fast food restaurant was fully accessible to persons with disabilities.

Persons with mental disabilities largely were separated from society and normally were supported at home by their families. Institutionalization of persons with severe mental disabilities was in a single overcrowded, underfunded public facility in the capital. There were a few special schools for persons with mental disabilities; however, costs limited access.

The government-funded Fiji National Council for Disabled Persons worked to protect the rights of persons with disabilities. Several NGOs also promoted attention to the needs of persons with various disabilities.

National/Racial/Ethnic Minorities

Tension between ethnic Fijians and Indo-Fijians has been a longstanding problem. The constitution notes that "the composition of state services at all levels must be based on the principle of reflecting as closely as possible the ethnic composition of the population," but it also specifies the "paramountcy of Fijian interests" as a protective principle (see section 3).

There were instances of racial antagonism in Parliament resulting in racial and religious slurs directed in particular against Indo-Fijians. During the year the government pursued a policy of political predominance for ethnic Fijians. Land tenure remained a highly sensitive and politicized issue. Ethnic Fijians communally held more than 80 percent of all land, the government held another 8 percent, and the remainder was freehold land, which private individuals or companies may hold.

Ethnic Fijians' traditional beliefs, cultural values, and self-identity are intimately linked to the land. Most cash-crop farmers were Indo-Fijians, the majority of whom were descendants of indentured laborers who came to the country during the British colonial era. Virtually all Indo-Fijian farmers were obliged to lease land from ethnic Fijian landowners. Many Indo-Fijians believed that their very limited ability to own land and their subsequent dependency on leased land from indigenous Fijians constituted de facto discrimination against them. Refusals by ethnic Fijian landowners to renew expiring leases have resulted in evictions of Indo-Fijians from their farms and their displacement to squatter settlements. This situation contributed significantly to communal tensions. Many indigenous Fijian landowners in turn believed that the rental formulas included in the Agricultural Land Tenure Agreement (ALTA) discriminated against them. Although a bill providing for changes in the existing ALTA was introduced in Parliament, it was defeated during the year.

During the year the Chinese Association of Fiji expressed concern about an increasing number of violent attacks directed against members of the minority Chinese community.

Other Societal Abuses and Discrimination

The constitution prohibits discrimination on the basis of sexual orientation, but pre-existing statutes criminalize homosexual acts. In April a local citizen and an Australian tourist who engaged in consensual homosexual sexual activity were each sentenced to two years in prison on charges of an "unnatural offense" and "indecent practice between males." In August the convictions were overturned on appeal, but the case set off a widespread public debate, sparked in part by an aggressive campaign by the Methodist Church opposing homosexual rights.

Section 6 Worker Rights

a. The Right of Association

The law protects the right of workers to form and join unions, elect their own representatives, publicize their views on labor matters, and determine their own policies, and the authorities respected these rights in practice. An estimated 36 percent of the work force was unionized.

All unions must register with, but are not controlled by, the government. While certain unions were ethnically based, both Indo-Fijians and ethnic Fijians held leadership roles in the trade union movement.

The Employment Act makes it an offense for an employer to victimize any worker or make it a condition of employment for a worker not to belong to a union. Numerous cases of victimization of workers who expressed an inclination to join a union were reported to the Ministry of Labor. However, the ministry did not protect workers effectively from antiunion discrimination, and no employer was prosecuted.

b. The Right to Organize and Bargain Collectively

Workers have the right to organize and bargain collectively. However, wage negotiations generally were conducted at the level of individual companies rather than on an industry-wide basis. Employers are required to recognize a union if more than half of the employees in a workplace have signed membership cards; no ballots are held to determine representation. The government has the power to order recalcitrant employers to recognize unions, and it has done so in the past. Traditional key sectors of the economy, including sugar and tourism, were heavily unionized. Although the law encouraged unionization, union organizers' jobs were not protected, resulting in low unionization in some sectors.

Strikes are legal, except in connection with union recognition disputes. Trade unions can conduct secret strike ballots without government supervision. To carry out a legal strike, organizers must give an employer 28 days' notification. The Ministry of Labor also must be notified of the dispute and receive a list of all striking employees, and the starting date and location of the strike. This requirement is intended to give organizers, unions, employers, and the ministry time to resolve the dispute prior to a strike. There were some strikes during the year. Most disputes, including those in which strike action was deemed illegal, were settled by referral to a permanent arbitrator.

Union organizers were occasionally vulnerable to dismissal or to other interference by employers, particularly when operating on company premises, although in theory they have legal protection. Intimidation of workers continued to be a problem, particularly in the export processing zones (EPZs) and the retail sector. EPZs are subject to the same laws as the rest of the country. However, the Fiji Trade Union Congress (FTUC) has been unsuccessful in obtaining collective bargaining agreements in EPZs and claimed that intimidation of workers by employers was widespread. The FTUC argued that because of illegal and intimidating practices, including threats of loss of work for those active in organizing workers, unions were effectively prevented from representing workers in the EPZs.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no confirmed reports that such practices occurred. In previous years there were allegations that work conditions in some garment factories might include forced or bonded labor and excessive work hours; however, by year's end most garment factories had closed or downsized due to increased international competition.

d. Prohibition of Child Labor and Minimum Age for Employment

Inadequate enforcement of existing child labor regulations failed to fully protect children from exploitation in the workplace. Under the law children under age 12 may not be employed except in a family-owned business or agricultural enterprise. Children between ages 12 and 15 may be employed on a daily wage basis in nonindustrial work not involving machinery provided they return to parents or guardian every night. Persons between the ages of 15 and 17 may be employed in certain occupations not involving heavy machinery; however, they must be given specified hours and rest breaks. In practice the Ministry of Labor had few or no resources to investigate reports of child labor. There were only two inspectors at the ministry who conducted annual workplace inspections, and there were no inspectors to investigate reports of child labor violations. There was no comprehensive policy to eliminate the worst forms of child labor. During the year migration of rural youth to urban areas continued, and youths continued to find employment in the informal sector, including work as shoeshine boys, casual laborers, and prostitutes. There were reports of trafficking in children during the year (see section 5).

e. Acceptable Work Conditions

There was no single, national minimum wage, although the Ministry of Labor set minimum wages for certain sectors. Entry-level wages in unregulated sectors, especially service industries, provided a sparse and often only marginally adequate standard of living for a worker and family. There were no regulations on maximum hours of work for adult males. Other than a prohibition from working in mines, there were no limitations on female employment. Workers in some industries, notably transportation and shipping, worked excessive hours.

There are workplace safety regulations, a worker's compensation act, and an accident compensation plan. Safety standards applied equally

to citizens and foreign workers. However, government enforcement of safety standards suffered from a lack of trained personnel and lags in compensation hearings and rulings. Unions generally monitored safety standards in organized workplaces; however, many work areas did not meet standards and were not monitored by the Ministry of Labor for compliance. In response to public complaints, the Ministry of Labor condemned some facilities as unfit for occupation. The law accords employees the right to remove themselves from a hazardous work site without jeopardizing their employment, but most feared the loss of their jobs if they did so.



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