

In 2011, Fiji made a moderate advancement in efforts to eliminate the worst forms of child labor. These efforts include establishing policies and funding programs that encourage educational attainment and improve school accessibility for children. The Government allocated approximately \$30 million for free tuition, textbooks and transportation for school children in need. Furthermore, the Government established a Child Labor Unit within the Ministry of Labor to coordinate its efforts related to child labor. However, there are gaps in the legal framework that may leave workers, including street vendors, vulnerable. Additionally, there is no comprehensive list of hazardous work from which children are prohibited. Children in Fiji continue to engage in the worst forms of child labor, particularly in dangerous forms of agriculture and street work.

Statistics on Working Children and Education

| Children | Age | Percent |
|---------------------------|-----------|-------------|
| Working | 5-14 yrs. | Unavailable |
| Attending School | 5-14 yrs. | Unavailable |
| Combining Work and School | 7-14 yrs. | Unavailable |
| Primary Completion Rate | | 105.0 |

Sources:

Primary completion rate: Data from 2009, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis.(2)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Fiji are engaged in the worst forms of child labor, primarily in dangerous activities in agriculture and street work.(3-7) Fijian boys as young as age 11 harvest sugarcane, which involves using sharp knives, working long hours, handling pesticides and carrying heavy loads.(4, 7-12) In tobacco fields, children spray pesticides and lay fertilizer, potentially exposing them to poisonous chemicals.(4) Although information is limited, there are reports that children in Fiji may aid in dangerous activities in the production of coconuts and coconut oil, rice, roots (including *dalo* and *yaqona*), tubers and other kinds of vegetables.(4, 12-19) There are also reports that children in rural areas are engaged in pig farming and goat and cattle herding.(4) Children working in agriculture may use dangerous tools, carry heavy loads and apply harmful pesticides.(20)



Children in Fiji are engaged in fishing and deep-sea diving, through which they are directly involved in steering outboard motors and are at risk of drowning.(4) There are reports that children often dive without proper training or appropriate equipment.(4)

A surge in the number of urban poor in Fiji in recent years increased the population of children vulnerable to exploitative work. In urban areas, boys hire themselves out, pushing wheelbarrows for shoppers in markets, collecting bus tickets, repairing houses, and repairing and shining shoes.(3-5, 7, 10, 12, 13, 15, 21-24) Increasing numbers of children can be found selling fruit along roadsides and in markets, and collecting bottles and scrap metal.(3-6, 15, 24, 25) There are reports that boys as young as age 11 work as car mechanics.(4, 5, 11, 25, 26) Children working on the streets are vulnerable to severe weather, traffic accidents and crime.(27)

The commercial sexual exploitation of children is a problem, particularly in Fiji's urban centers and on foreign fishing vessels.(4, 12, 28) Prostitution, including sex tourism, appears to be the most common form of commercial sexual exploitation, although child pornography may also be produced.(4, 7, 29-32) Some child prostitutes are as young as age 10 and most are girls between ages 15 and 17.(31-35)

Although the extent of the problem is unknown, children in Fiji are reportedly used in the production and trafficking of drugs, including as drug mules.(4, 31, 36-38)

Parents sometimes send their child to live with families living in cities or near schools to facilitate their continuing education and to perform light household work. There are reports that the

adopted households sometimes force children into involuntary domestic servitude or sexual activity in exchange for food, clothing, shelter or school fees.(12, 39, 40) Children in domestic service may work long hours and are isolated in private homes where they are susceptible to physical and sexual abuse.(41)

Laws and Regulations on the Worst Forms of Child Labor

The Employment Relations Promulgation 2007 sets the minimum age for employment at 15 and prohibits children under age 18 from engaging in hazardous work.(30, 42) However, the law permits children under age 18 to work during night hours, between 6 p.m. and 6 a.m., under conditions defined by the Minister of Labor, Industrial Relations and Employment.(30, 42) Currently, under the Employment Relations Regulations 2008, no child may be employed for more than 8 hours a day, and the Minister has established that no child may work after 10 p.m.(43, 44) The 2007 Promulgation permits children between ages 13 and 15 to be employed in light work or at a workplace in which a member of the child’s family, community or religious group is employed—provided the work is not hazardous and does not interfere with the child’s education.(42)

Committee of Experts has noted, the Minister of Labor has not issued a comprehensive list of hazardous work.(30)

The Employment Relations Promulgation 2007 and a subsequent amendment prohibit firms from employing a child to work excessive hours or in underground mines.(42) It also protects children against debt bondage, indentured servitude, trafficking, child soldiering, commercial sexual exploitation and use in illicit activities such as drug trafficking.(42, 44) In addition, research found no evidence of laws that would protect children working on the street.

The Crimes Decree and Penal Code provide male and female children with equal protection against sexual offenses.(45, 46) The Crimes Decree of 2009 outlines the legal framework for prosecuting individuals who seek or purchase paid sexual services, including more rigorous sentencing requirements if the prostituted person was a child.(45-47) The law holds liable anyone who facilitates the defilement of a child, for instance through prostitution, including the child’s parents and relatives.(45, 47)

The Crimes Decree 2009, the Immigration Act 2003 and the Employment Relations Promulgation 2007 all prohibit human trafficking and forced labor.(28, 42, 48) Additionally, the Crimes Decree explicitly defines penalties for trafficking in persons, forced labor and debt bondage when the victim is a child.(45)

While not specifically addressing the issue of child labor, the Child Welfare Decree 2010 provides some additional protections for children. The Decree mandates that professionals, such as police officers, doctors, lawyers, teachers, nurses and social welfare personnel, report any observed abuses of children. The Decree also provides these professionals with the authority to remove children from dangerous situations during an investigation.(49-51)

According to the 1997 Compulsory Education Order and the Compulsory Education Regulations, education is mandatory for 12 years or to approximately age 17.(52)

The Fiji Military Forces Act sets the minimum age for military recruitment at 18.(7)

In December 2006, the Government of Fiji was overthrown in a military coup led by Commodore Voreqe “Frank” Bainimarama; an interim government was established, leading to the installment of Commodore Bainimarama as Prime Minister. After a court declared the coup and its resulting military government illegal in 2009, President Ratu Josefa Iloilo abrogated the Constitution and declared rule by

| | | |
|---|---|-----|
|  | C138, Minimum Age | ✓ |
| | C182, Worst Forms of Child Labor | ✓ |
|  | CRC | ✓ |
| | CRC Optional Protocol on Armed Conflict | No |
| | CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography | No |
|  | Palermo Protocol on Trafficking in Persons | No |
|  | Minimum Age for Work | 15 |
| | Minimum Age for Hazardous Work | 18 |
|  | Compulsory Education Age | 17 |
| | Free Public Education | Yes |

The 2007 Promulgation allows the Minister of Labor to prohibit or restrict children’s work in environments deemed to present health threats or to be hazardous, dangerous or unsuitable.(30, 42) The Promulgation also highlights some potentially hazardous employment. However, as the ILO

decree of the Bainimarama Government.(53) In March 2012, Commodore Bainimarama announced the process by which a new Constitution will be formulated, along with the names of three of the five members of the Constitution Commission.(43)

Institutional Mechanisms for Coordination and Enforcement

In 2011, the Government of Fiji established a Child Labor Unit (CLU) within the Ministry of Labor, Industrial Relations and Employment (MLIRE) to coordinate government efforts to enforce legislation on child labor and centralize child labor data.(7, 54) The CLU's priorities during the reporting period included awareness raising about child labor; training of enforcement inspectors; supporting the incorporation of child labor issues in broader child protection policies and discussions, and supervising and directing the management of child labor cases reported at the district level.(7) The CLU employed two people to carry out its tasks.(7)

The MLIRE is responsible for the enforcement of labor laws, including child labor. During the reporting period, the Government employed 42 labor inspectors.(7) In addition, the MLIRE employed 30 Occupational Health and Safety inspectors. Some of these inspectors have received training on child labor issues and help labor inspectors enforce child labor laws.(7) All of these inspectors are stationed in larger, more populated areas and sometimes find it a challenge to access smaller, rural communities and outer islands.(7, 55) Labor cases are tried in the Employment Relations Tribunal and the Employment Relations Division of the High Court.(53, 55) Research did not uncover the number of child labor inspections or violations that had occurred during the reporting period.

In 2011 the Government of Fiji both drafted and released a National Action Plan to combat trafficking in persons.(28) The Department of Immigration and the Fiji Police Force coordinates the investigation of cases involving underage victims of commercial sexual exploitation and trafficking, which are then tried in the criminal court system.(7, 42, 56) The Government conducted several trainings and workshops throughout the year to train officers on issues of trafficking in persons.(7) The Fiji Police Force maintains a Human Trafficking Unit to facilitate the sharing of information on human trafficking related issues between the public, private and nonprofit sectors. The Trafficking Task Force, headed by the Department of Immigration, is also responsible for identifying gaps in existing efforts.(7, 28, 57)

In addition to the Fiji Police Force and the Department of Immigration, the MLIRE, the Department of Social Welfare, and the Director of Public Prosecutions are responsible for enforcing laws on child trafficking.(10, 53) The Fijian Courts may grant the Department of Social Welfare, which operates four shelters throughout Fiji, custody over child victims.(10, 53) Research did not uncover the number of investigations conducted or the number of victims assisted during the reporting period.

Government Policies on the Worst Forms of Child Labor

In 2011, the Government both continued and implemented new policies that remove the barriers to education and increase the educational attainment of students. Children regularly attending school may be less likely to engage in the worst forms of child labor. To address the high cost of education that prevented some students from attending school, the Government of Fiji continued to cap school fees at \$6.50. In 2011, the Government allocated approximately \$9.9 million to provide free tuition and free textbooks for children in need.(52, 55, 58) The Government also allocated approximately \$6.5 million to continue funding a school bus fare scheme that aims to offset transportation costs.(58)

In 2011, the Government removed a requirement that schoolchildren pass end-of-year examinations in order to proceed to the next grade level. The requirement was replaced with a new system modeled after a "continual assessment" scheme in an effort to reduce the number of children dropping out of school.(7) The new system assesses children throughout the year in an effort to better identify and then target the removal of specific barriers preventing a child from transitioning to the next grade.(7) The question of whether these education policies have had an impact on child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Fiji continued to participate in a regional project funded by the European Commission and supported by the European Union, the International Labor Organization, the Ministry of Education and the MLIRE called Tackling Child Labor through Education (TACKLE).(54, 59) With a 4-year, nearly \$13.5 million budget, TACKLE aims to combat child labor in the Pacific region.(54, 59) It is unclear the exact amount of funds Fiji received through the Program, because the funds are not allocated at the country level; however, the

Program funded the operation of the CLU at the MILRE and salaries for the CLU's two staff members.(51, 54) During the year, the Government met several of its stated project goals, including establishing the CLU, completing a draft national action plan to eliminate child labor and training government officials on the worst forms of child labor.(54, 60) The CLU specifically worked with employers in rural areas to educate them on child labor issues specific to agriculture and worked with city councils to ensure that street vendors have a work permit and are of legal working age.(43) Further, through the TACKLE project, the Government is supporting efforts to remove children from commercial sexual exploitation and to increase capacity to address child labor and poverty in squatter

settlements, where a large number of vulnerable children live.(54, 60) Despite these efforts, Fiji's social programs do not provide direct assistance to specifically target children working in the agricultural and informal sectors including street vending.

It appears there were no government-run facilities in operation to specifically address the particular needs of child trafficking victims.(28) The Fiji Police Juvenile Bureau and Sexual Offences Unit identified the lack of support services for child victims, including counseling and victim-friendly court procedures, as some of their greatest challenges in effectively addressing the needs of child trafficking victims.(61)

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Fiji:

| Area | Suggested Actions | Year(s) Action Recommended |
|------------------------------|---|----------------------------|
| Laws and Regulations | Eliminate provisions in existing laws that permit children to work during night hours. | 2011 |
| | Adopt a list of specific hazardous occupations prohibited to children, including provisions for children working on the street. | 2009, 2010, 2011 |
| Coordination and Enforcement | Collect, analyze and publish data on enforcement efforts, including labor inspections and criminal investigations regarding the worst forms of child labor. | 2011 |
| Policies | Assess the potential impact of existing policies on addressing child labor. | 2010, 2011 |
| Social Programs | Institute programs to address the worst forms of child labor, specifically in agriculture and street vending. | 2009, 2010, 2011 |
| | Provide support services for child victims, including effective counseling and victim-friendly court procedures. | 2010, 2011 |

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