

Fiji

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Fiji has not ratified ILO Conventions No. 138 or 182, but has ratified the U.N. Convention on the Rights of the Child. Before the May 19, 2000, armed civilian takeover of Parliament, the government was considering ratifying Convention No. 182, but final action has been placed on hold. The Fiji Law Reform Commission has authored an Employment Act containing provisions for child labor, minimum ages for employment, and proscriptions against hazardous work, but the draft legislation has not been tabled for action due to a government coup in May 2000.⁹⁶⁹ As part of Australia's plan of action against Sexual Exploitation of Children, the Government of Fiji signed an MOU with the Australian Government for joint action to combat child sexual abuse, including cooperative law enforcement mechanisms.⁹⁷⁰ The Ministry of Education is working with Save the Children Fund to compile data on school enrollment, attendance, completion and dropout rates.⁹⁷¹

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Fiji are unavailable. Reports indicate that child labor exists, particularly in the informal sector.⁹⁷² Children work on family farms or businesses, as domestic servants, as shoe shiners, or in car repair shops.⁹⁷³ Homeless children also work in the informal sector,⁹⁷⁴ and the number of street children in Suva is reported to be growing.⁹⁷⁵ Children are also lured into the commercial sex industry.⁹⁷⁶

⁹⁶⁹ ILOLEX database: Fiji [hereinafter ILOLEX database] at <http://ilolex.ilo.ch:1567/english/> on 10/10/01.

⁹⁷⁰ Australia Department of Family and Community Services, "Australia's National Plan of Action Against the Commercial Sexual Exploitation of Children," 2000, at <http://www.focalpointngo.org/DOCS/English/AustraliaPlanAction.htm> on 10/10/01.

⁹⁷¹ With funding from the Australian Government, the Save the Children Fund is also working in Fiji to improve school facilities and increase school accessibility for disadvantaged children. See U.S. Embassy-Suva, unclassified telegram no. 756, September 2001 [hereinafter unclassified telegram 756].

⁹⁷² *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

⁹⁷³ Unclassified telegram 756.

⁹⁷⁴ International Confederation of Free Trade Unions, *Internationally-Recognized Core Labour Standards in Fiji: Report for the World Trade Organization General Council Review of the Trade Policies of Fiji, April 9-10, 1997*, at <http://www.icftu.org/displaydocument.asp?Index'990916254&Language'EN&Printout'Yes> on 10/13/00.

⁹⁷⁵ Approximately 200 street children live in Suva. See UN Commission on Human Rights, *Rights of the Child: Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Ms. Ofelia Calcetas-Santos, Addendum, Report on the Mission of the Special Rapporteur to the Republic of Fiji on the Issue of Commercial Sexual Exploitation of Children (October 11-16, 1999)*, E/CN.4/2000/73/Add.3 (December 27, 1999) [hereinafter *Commercial Sexual Exploitation of Children*].

Primary school education is compulsory for eight years.⁹⁷⁷ In 1998, the gross primary enrollment rate was 110.5 percent, and the net primary enrollment rate was 99.4 percent.⁹⁷⁸ Attendance is decreasing due to security concerns and the burden of school fees, often due to the cost of transport. Following the government coup in May 2000, more than 5,000 students were reported to have left school.⁹⁷⁹

Child Labor Laws and Enforcement

The Employment Act sets the minimum age for employment at 12 years, and establishes that working children between the ages of 12 and 15 years of age are prohibited from harsh conditions, long hours, and night work.⁹⁸⁰ The Constitution prohibits forced labor.⁹⁸¹ The Penal Code prohibits the sale or hiring of minors under 16 years of age for prostitution.⁹⁸² There is no enforcement mechanism written into legislation relating to child labor.⁹⁸³ Fiji ratified ILO Convention 182 on April 17, 2002, but has not ratified ILO Convention 138.⁹⁸⁴

⁹⁷⁶ Exploitation of children through both prostitution and pornography occurs both by local and foreign abusers. See *Commercial Sexual Exploitation of Children*. See also “CSEC Overview, Fiji,” ECPAT International Database, at http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/ on 10/9/01.

⁹⁷⁷ Fiji Government, Ministry of Education, “Conclusion—Directions for Change,” at http://www.fiji.gov.fj/speeches_features/S2000_12/S2000_12_01-02.shtml on 10/10/01.

⁹⁷⁸ Statistics were taken from UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Fiji* [hereinafter *EFA Assessment*] [CD-ROM]. The most recent statistics available from the World Bank’s *World Development Indicators* are from 1992. At that time, the gross primary enrollment rate was 128 percent and the net primary attendance rate was 99 percent. See also *World Development Indicators 2001*.

⁹⁷⁹ *Country Reports on Human Rights Practices for 2000—Fiji* (Washington, D.C.: U.S. Department of State, 2001), Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=699>.

⁹⁸⁰ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Initial Reports of States Parties Due in 1995, Addendum, Fiji*, CRC/C/28/Add.7 (September 24, 1996) [hereinafter *Initial Reports of States Parties*].

⁹⁸¹ Fiji Constitution (1988), Section 24, at http://uni-wuerzburg.de/law/fj00000_.html on 10/10/01.

⁹⁸² The Penal Code also prohibits detaining a woman or girl against her will, living on the earnings of prostitution, and maintaining brothels. See Fiji Islands Penal Code (1978), Articles 157-170, at <http://www.buffalo.edu/law/bclrc/resource.htm> on 10/17/01. See also *Initial Reports of States Parties*.

⁹⁸³ There are only two inspectors at the Ministry of Labor and no investigators to follow up on claims or reports. Inspections are scheduled once a year, although these inspections are not always carried out. The police department has no mandate to stop child labor practices. See unclassified telegram 756.

⁹⁸⁴ ILOLEX database.

NOTE: Hard copies of all Web citations are on file.