Fiji

The interim Government of Fiji strengthened its legal framework to protect children by issuing the Child Welfare Decree 2010 and by issuing the updated Crimes Decree in February of 2010. Worst forms of child labor continue to exist, however, including in the agricultural sector. Significant gaps exist in enforcement efforts and a lack of programs in Fiji that target children engaged in the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Fiji are engaged in the worst forms of child labor, including agriculture.²¹³⁴ Some minors perform agricultural activities that carry a high risk of occupational injury. For example, Fijian boys as young as 11 harvest sugar cane using sharp knives, working long hours, and carrying heavy loads.²¹³⁵ In tobacco fields, children spray pesticides and lay fertilizer, potentially exposing them to poisonous chemicals.²¹³⁶ Although information is limited, there are reports that children in Fiji also aid in the production of coconuts and coconut oil, rice, dalo, yaqona, roots, tubers, and other kinds of vegetables.²¹³⁷ There are also reports that children in rural areas are also engaged in pig farming and goat and cattle herding.²¹³⁸

Children in Fiji are engaged in fishing and deep sea diving, where they are directly involved in steering outboard motors and are at risk of drowning.²¹³⁹ Deep sea diving is usually done without proper training and without appropriate equipment.²¹⁴⁰

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.²¹⁴¹ Increasing numbers of children can be found selling fruit along roadsides and in markets and collecting bottles and scrap metal.²¹⁴² There are reports that boys as young as age 11 work as car mechanics.²¹⁴³ Children working in urban areas may be exposed to severe weather, accidents by proximity to vehicles, and vulnerability to criminal elements.

The commercial sexual exploitation of children is a problem in Fiji's urban centers.²¹⁴⁴ Prostitution, including sex tourism, appears to be the most common form of commercial sexual exploitation, although child pornography may also be produced.²¹⁴⁵ Some child prostitutes are as young as age 10, although most are girls between the ages 15 and 17.²¹⁴⁶

Although the extent of the problem is unknown, children in Fiji are reportedly used in the

production and trafficking of drugs, especially marijuana.²¹⁴⁷

Parents sometimes send their son or daughter to live with families living in cities or near schools to facilitate their continuing education and to do light work in the household. This leaves children vulnerable to exploitation, as there are reports that the adopted households sometimes force the child into involuntary domestic servitude or sexual activity in exchange for food, clothing, shelter, or school fees.²¹⁴⁸

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.²¹⁴⁹ However, the law permits children under 18 to work during night hours, between 6:00 p.m. and 6:00 a.m., under conditions defined by the Minister for Labor, Industrial

WIO!	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	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Relations and Employment. The promulgation also permits children between the ages of 13 and 15 to be employed in light work or in 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.²¹⁵⁰

The promulgation allows the Minister for Labor to prohibit or restrict children's work in environments deemed to present health threats or to be hazardous, dangerous, or unsuitable.²¹⁵¹ The promulgation highlights some potentially hazardous employment, however, the Minster for Labor has not issued a comprehensive list of hazardous work.²¹⁵²

The Employment Relations Promulgation and a subsequent amendment prohibit firms from employing a child for excessive hours or in underground mines.²¹⁵³ It also protects children against debt bondage, indentured servitude, trafficking, child soldiering, commercial sexual exploitation, and use in illicit activities, such as drug trafficking.²¹⁵⁴

The Crimes Decree and Penal Code provide male and female children with equal protection against sexual offenses.²¹⁵⁵ During the reporting period, a new Crimes Decree was issued, outlining 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.²¹⁵⁶ The law holds liable anyone who facilitates the defilement of a child, for instance through prostitution, including the child's parents and relatives.²¹⁵⁷

The Crimes Decree, the Immigration Act 2003, and the Employment Relations Promulgation prohibit human trafficking and forced labor.²¹⁵⁸ The legislation explicitly defines penalties for trafficking in persons, forced labor, and debt bondage when the victim is a child.²¹⁵⁹

During the reporting period, the President issued the Child Welfare Decree 2010.²¹⁶⁰ While not specifically addressing the issue of child labor, the decree makes it mandatory for professionals, such as police officers, doctors, lawyers and social welfare personnel, to report any observed abuses of children. The decree also gives these professionals the authority to remove children from dangerous situations during an investigation.²¹⁶¹

According to the 1997 Compulsory Education Order and the Compulsory Education Regulations, education is mandatory for 12 years, or to approximately age 17.²¹⁶²

In December 2006, the Government of Fiji was overthrown in a military coup by Commodore Voreqe "Frank" Bainimarama and an Interim Government was installed, ultimately establishing Commodore Bainimarama as Prime Minister. After a court declared the coup and resulting military government illegal in 2009, President Ratu Josefa Iloilo abrogated the constitution and declared rule by decree of the Bainimarama Government. As of the writing of this report, Fiji has not reinstituted elections, the constitution or the Bill of Rights. 2163

Institutional Mechanisms for Coordination and **Enforcement**

The National Coordinating Committee on Children comprises members from the highest ranks of government ministries and leaders of Fiji's nonprofit community. The Fiji police force maintains a Human Trafficking Working Group to facilitate information sharing on human trafficking-related issues between the public, private, and nonprofit sectors and to identify gaps in existing efforts. There is no evidence that these committees have established any policies or programs to address the worst forms of child labor.

The Ministry of Labor and Industrial Relations is the primary agency responsible for enforcing

child labor laws. Labor cases are tried in the Employment Relations Tribunal and the Employment Relations Division of the High Court.²¹⁶⁶

The Ministry employs about 40 labor inspectors nationwide. The inspectors are stationed in the larger towns and have difficulty accessing smaller rural communities and outer islands. During the reporting period, labor inspectors did not cite any violations, begin or resolve any cases, or have any open cases relating to child labor. The sectors of th

The Fiji police force coordinates investigations into cases involving underage victims of commercial sexual exploitation and trafficking, which are then tried in the criminal court system.²¹⁷⁰

In addition to the police force, the Ministries of Labor, Department of Immigration, Department of Social Welfare and the Director of Public Prosecution are responsible for enforcing laws on child trafficking.²¹⁷¹

The Fijian Courts may grant the Department of Social Welfare, which operates four shelters throughout Fiji, custody over child victims. However, research does not suggest that the government runs facilities aimed at addressing the particular needs of child trafficking victims. The Fiji Police Sexual Offences Unit has named one of their biggest challenges as the lack of support services for child victims, including effective counseling and victim friendly court procedures. 2173

Government Policies on the Worst Forms of Child Labor

In an effort to encourage educational attainment, in 2010 the Government of Fiji capped school fees at FJD \$10.00 per year (US\$6.50) and removed external exams that had prevented children from completing secondary education. ²¹⁷⁴ Schools are also now prohibited from sending children home because of unpaid term fees. Even if there is an outstanding balance, children are now allowed

to finish the school year. However, the child may not be able to re-enroll the following year until the debt is paid.²¹⁷⁵ The question of whether these policies have had an impact on child labor during the reporting period does not appear to have been addressed.

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

The Interim Government maintains several social programs to increase school retention rates among the country's most economically disadvantaged children. In 2010, the Interim Government allocated \$250,000 to the Poverty Relief Fund for education that helps cover needy students' schooling costs.²¹⁷⁶ In 2010, a school bus fare scheme was also introduced to offset transportation costs and to help keep students in school.²¹⁷⁷

The Government is taking part in an EU-funded regional project, Tackling Child Labor through Education (TACKLE). TACKLE, which began in 2008 and continued through the reporting

period, works to improve access to education for vulnerable children and to strengthen domestic authorities' capacity to confront issues related to child labor.²¹⁷⁸ In 2010, the project allocated \$2 million for projects in Fiji, which includes the creation of a national action plan to eliminate child labor, the establishment of a child labor unit, the provision of services to remove children from commercial sexual exploitation and the strengthening of government capacity to tackle child labor and poverty specifically in squatter settlements.²¹⁷⁹

In addition, the Governments of Australia, New Zealand, Japan, and other Asia-Pacific countries granted a combined \$28.8 million in 2010 to the Interim Government to fund projects to improve Fiji's educational system.²¹⁸⁰

Although the majority of Fiji's child laborers are believed to be operating in farming, street vending, and commercial sexual exploitation, there is no evidence that government programs or protections specifically target these groups.

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

IN THE AREA OF LEGISLATION:

- Eliminate provisions in existing law that permits children to work during night hours.
- Draft and adopt a list of hazardous occupations prohibited for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor.
- Provide support services for child victims, including effective counseling and victim friendly court procedures.

IN THE AREA OF POLICY:

Assess the impact the existing policies may have on addressing child labor.

IN THE AREA OF SOCIAL PROGRAMS:

• Institute programs to address the worst forms of child labor specifically in agriculture, street vending, and commercial sexual exploitation. ²¹³⁴ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section. See Interim Government of Fiji- Fiji Islands Bureau of Statistics, "2007 Census of Population and Housing," Statistical News 9 (February 27, 2009); available from http://www.statsfiji. gov.fj/Census2007/census07_index.htm. See also ILO, Child Labour in Fiji: A survey of working children in commercial sexual exploitation, on the streets, in rural agricultural communities, in informal and squatter settlements and in schools, ILO-IPEC, Suva, 2010, 13, 77, 80, 82-85. See also Vereniasi Raicola, "Suffer the Children," Fiji Times (Suva, Fiji), May 12, 2007; available from http://www.fijitimes. com/story.aspx?id=62432. See also Shailendra Singh, "Amid Economic Slump, Children Face Bleak Future," *Inter Press* Service (Suva), January 6, 2010; available from http:// ipsnews.net/news.asp?idnews=49895.

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