

In 2012, Fiji made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government both continued and implemented new policies to remove barriers to education and increase the educational attainment of students. The Ministry of Labor, Industrial Relations and Employment (MLIRE) is working to complete a National Child Labor Database, and actions to finalize a National Action Plan on child labor are to be implemented in 2013. 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, 2013.(1)

All other data: Understanding Children's Work Project's analysis, 2013.(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) Although information is limited, children as young as age 11 harvest sugarcane, which involves using sharp knives, working long hours, handling pesticides, and carrying heavy loads.(3, 7-13) In tobacco fields, children spray pesticides and lay fertilizer, potentially exposing them to poisonous chemicals.(3) Although information is limited, there are reports that children in Fiji may engage in dangerous activities in the production of coconuts and coconut oil, rice, roots (including *dalo* and *yaqona*), tubers, and other kinds of vegetables.(3, 11, 14-21) Children working in agriculture may operate machinery and heavy equipment, carry heavy loads, handle agrochemicals, experience verbal and physical abuse, and may be exposed to dust and fumes.(3) Though evidence



is limited, there are also reports that children in rural areas are engaged in pig farming and goat and cattle herding.(3, 20) Children herding livestock may suffer injuries such as being bitten, butted, gored, or trampled by animals.(22, 23)

Limited evidence suggests that children in Fiji are engaged in fishing and deep-sea diving, activities in which they are directly involved in steering outboard motors and are at risk of drowning.(3) Children often dive without proper training or appropriate equipment.(3)

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, repairing houses, washing cars, and repairing and shining shoes.(3-5, 7, 11, 12, 15, 20, 21, 24-27) Children can be found selling fruit along roadsides and in markets, and collecting bottles and scrap metal.(3, 5, 6, 21, 24, 28, 29) There are reports that boys as young as age 11 work as car mechanics.(3, 5, 8, 28, 30) Country-specific evidence shows that these activities may be dangerous to children, as they are subject to working long hours (sometimes over 12 hours a day), carrying heavy loads, suffering exposure to hazardous materials, and spending hours in the rain without shelter while being verbally abused by customers.(3)

The commercial sexual exploitation of children is a problem, particularly in Fiji's urban centers and near ports where fishing and other vessels dock.(3, 11, 29, 31) Children are exploited in sex tourism and pornography, but sex tourism appears to be more common than the production of child pornography.(3, 7, 32-35)

Although the extent of the problem is unknown, children in Fiji are reportedly used in the production and trafficking of drugs, which includes being used as drug mules.(3, 32, 36-38)

Parents sometimes send their child to live with families 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.(31, 39, 40) Children in domestic service may be required to work long hours, performing strenuous tasks, without sufficient food or shelter. These children may be isolated in private homes and are susceptible to physical and sexual abuse.(41, 42)

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.(34, 43) Currently, under the Employment Relations (Administration) 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.(44, 45) 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. The Minister must consult with the National Occupational Health and Safety Advisory Board before prescribing these exceptions for children’s night work.(34, 43) 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.(43)

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.(34, 43) The 2007 Promulgation also highlights some potentially hazardous employment. However, the Minister of Labor has not issued a comprehensive list of hazardous work.(34) According to the Fijian Government, a list of hazardous jobs from which children are prohibited was submitted to the Solicitor General’s office in November 2012 for final clearance, but had not been cleared by the conclusion of the reporting period.(20, 29)

International Conventions and Selected Laws on Child Labor and Education

	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 and a subsequent amendment prohibit employing a child to work excessive hours or in underground mines.(43) It also protects children against debt bondage, indentured servitude, trafficking, child soldiering, commercial sexual exploitation, and use in illicit activities such as drug trafficking.(43, 45) However, research uncovered no evidence of laws that would protect children working on the street.

The Crimes Decree and Penal Code provide children protection against sexual offenses.(46, 47) The Crimes Decree 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.(46-48) The law holds liable anyone who facilitates the defilement of a child, for instance through prostitution, including the child’s parents and relatives.(47, 48)

The Crimes Decree 2010, the Immigration Act 2003, and the Employment Relations Promulgation 2007 all prohibit human trafficking and forced labor.(29, 43, 47, 49) Additionally, the Crimes Decree 2010 explicitly defines penalties for trafficking in persons, forced labor, and debt bondage when the victim is a child.(47)

While not specifically addressing the issue of child labor, the Child Welfare Decree 2010 provides some additional protection 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.(50-52)

According to the 1997 Compulsory Education Order and the Compulsory Education Regulations, education is mandatory for 12 years or to approximately age 17.(53)

The Fiji Military Forces Act sets the minimum military recruitment age at 18.(54)

In December 2006, the Government of Fiji was overthrown in a military coup led by Commodore Josaia 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 decree of the Bainimarama Government.(55) In March 2012, Commodore Bainimarama announced plans to develop a new constitution and to hold elections by September 2014.(44) However, by the end of 2012, Fiji had no constitution or parliament and the Government continued to rule by decree.(11)

Institutional Mechanisms for Coordination and Enforcement

The Child Labor Unit (CLU) within the MLIRE coordinates government efforts to enforce legislation on child labor and centralize child labor data.(20, 56) The CLU coordinates activities at the national, divisional, and district levels through Interagency Committees on Child Abuse. These committees include the police; Ministries of Social Welfare, Labor, Health, and Education; the Public Prosecutor’s Office; the Solicitor General’s Office; and NGOs working on child labor issues.(20)

The MLIRE is responsible for the enforcement of labor laws, including child labor. During the reporting period, the Government employed 45 labor inspectors, none of whom are dedicated solely to child labor.(7, 20) 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.(20)

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.(20) Labor cases are tried in the Employment Relations Tribunal and the Employment Relations Division of the High Court.(55, 57) Information was unavailable on the amount of funding designated in 2012 to inspections. According to the MLIRE, they are conducting a rigorous review of current labor laws to address gaps in the child labor legal framework and are developing a National Child Labor Database, which will include child labor statistics.(58) Research was unable to uncover whether the database has been completed.(29)

In 2012, the Government carried out 20 inspections specific to child labor and cited four cases. Two were referred to the Employment Relations Tribunal to be heard in 2013, and two remained under investigation.(20) According to the MLIRE, four spot fines were issued as a result of the inspections. Fifteen children were removed from situations involving child labor: nine from agriculture, two from begging, two from domestic work, one from car washing, and one from a construction site.(20)

The Department of Immigration and the Fiji Police Force coordinate the investigation of cases involving underage victims of commercial sexual exploitation and trafficking, which are then tried in the criminal court system.(7, 43, 59) The Fiji Police Force maintains a Human Trafficking Unit to investigate allegations of human trafficking and to provide training focused on combating human trafficking to other police units.(29) The Trafficking Task Force, headed by the Department of Immigration, is also responsible for identifying gaps in existing efforts.(7, 31, 60)

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.(12, 55) The Fijian Courts may grant the Department of Social Welfare, which operates four shelters throughout Fiji, custody over child victims.(12, 55) 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

Through the MLIRE, the Fijian Government is developing a National Action Plan for Child Labor and a 5-year strategic plan for combatting child labor, including the worst forms, in Fiji.(58) To inform the plan, the MLIRE, along with the Ministry of Education, conducted a national survey on child labor in Fiji to determine the number of children from selected schools who were working in child labor, including the worst forms. The Government anticipates the plan will be implemented by September 2013 and operational through 2018.(58)

In 2012, the Government both continued and implemented new policies to remove barriers to education and increase the educational attainment of students.(58) To keep children in school, the Government instructed that schools may not prohibit students from attending classes due to unpaid school-specific fees.(29) In 2011, the Government allocated approximately \$9.9 million to provide free tuition and free textbooks for children in need.(57, 61) The Government also continued to support a school bus fare scheme that aims to offset transportation costs.(58, 61)

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 system assesses children throughout the year in an effort to 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.

In 2011, the Government of Fiji both drafted and released a National Action Plan to combat trafficking in persons.(31) The Government has not provided updates on the comprehensive implementation of the plan.(29)

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 EU, the ILO, the Ministry of Education, and the MLIRE called Tackling Child Labor through Education (TACKLE).(20, 56, 62, 63) With a 4-year, nearly \$13.5 million budget, TACKLE aims to combat child labor in the Pacific region.(62, 63) 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 MLIRE and salaries for the CLU's two staff members.(52, 56) Through the program, the Government has met several of its stated project goals, including establishing the CLU, completing a draft national action plan to eliminate child labor, training government officials on the worst forms of child labor, and supporting legislative reviews on labor and education.(56, 63, 64) Further, through the TACKLE project, the Government is supporting efforts to remove children from commercial sexual exploitation and work in the sugarcane fields, and to increase capacity to address child labor and poverty in squatter settlements, where a large number of vulnerable children live.(63-65) ILO funding for the project will conclude in February 2013 and the Government of Fiji has pledged to continue the work.(20) It is unclear whether this project provides adequate assistance to 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.(29) The Fiji Police's Sexual Offenses Unit has 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.(66)

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	Adopt a list of specific hazardous occupations prohibited to children.	2009, 2010, 2011, 2012
Coordination and Enforcement	Complete the National Child Labor Database.	2012
	Collect, analyze, and publish data on enforcement efforts, including labor inspections and criminal investigations regarding the worst forms of child labor.	2011, 2012
Policies	Provide public updates on the implementation of the National Action Plan to combat trafficking in persons.	2012
	Assess the potential impact of existing policies on addressing child labor.	2010, 2011, 2012
Social Programs	Ensure programs adequately address the worst forms of child labor, specifically in agriculture and street vending.	2009, 2010, 2011, 2012
	Provide support services for child victims, including effective counseling and victim-friendly court procedures.	2010, 2011, 2012

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