

Fiji

The interim Government of Fiji strengthened its legal framework to combat the worst forms of child labor by introducing the Crimes Decree 2009. Worst forms of child labor continue to exist, however, including in the agricultural sector. There are significant gaps in enforcement efforts to combat the problem.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Fiji are exploited in the worst forms of child labor,¹⁸³⁴ including agriculture.¹⁸³⁵ Some minors perform agricultural activities that carry a high risk of occupational injury. For example, Fijian boys as young as 10 harvest sugar cane using sharp knives, working long hours, and carrying heavy loads.¹⁸³⁶ In tobacco fields, children spray pesticides and lay fertilizer, potentially exposing them to poisonous chemicals.¹⁸³⁷ Children in Fiji also aid in the production of coconuts and coconut oil,¹⁸³⁸ rice,¹⁸³⁹ roots, tubers,¹⁸⁴⁰ and other kinds of vegetables.¹⁸⁴¹

In recent years, the ranks of Fiji's urban poor have swollen, increasing the population of children vulnerable to exploitative work in these areas. In urban areas, boys hire themselves out to push wheelbarrows for shoppers in markets;¹⁸⁴² children also collect bottles,¹⁸⁴³ and repair and shine shoes.¹⁸⁴⁴ Children can also be found selling fruit along roadsides and in markets,¹⁸⁴⁵ collecting bus tickets,¹⁸⁴⁶ and repairing houses.¹⁸⁴⁷ Children working in these settings may be exposed to severe weather, accidents by proximity to vehicles, and vulnerability to criminal elements. Boys as young as age 11 work as car mechanics, which requires the use of dangerous machinery, equipment, and tools.¹⁸⁴⁸

The commercial sexual exploitation of children is a problem in Fiji's urban centers.¹⁸⁴⁹ Prostitution (including sex tourism) appears to be the most common form of commercial sexual exploitation of children in Fiji, although child pornography may also be produced.¹⁸⁵⁰ Some child prostitutes are as young as age 10, although most are girls between 15 and 17.¹⁸⁵¹

There have been reports to indicate that children in Fiji are used in the production and trafficking of drugs, especially marijuana.¹⁸⁵²

Children from impoverished families, broken homes and squatter settlements and those with limited educational opportunities or disabilities are at the greatest risk for becoming involved in the worst forms of child labor.¹⁸⁵³ Parents sometimes send their son or daughter to do light work for families living in cities or near schools. This leaves children vulnerable to exploitation, as adults in the adopted household sometimes force the child into involuntary domestic servitude or sexual activity in exchange for food, clothing, shelter, or school fees.¹⁸⁵⁴

Laws and Regulations on the Worst Forms of Child Labor

The Employment Relations Promulgation 2007 sets the minimum age for regular employment in Fiji at 15 and prohibits children under 18 from engaging in hazardous work.¹⁸⁵⁵ The Promulgation permits

children between 13 and 15 to be employed in light work or a workplace in which a member of the child's family, community, or religious group is employed, provided the work is non-hazardous and does not interfere with the child's education. However, the law permits children to work during night hours, between 6:00 p.m. and 6:00 a.m., under conditions defined by the Minister of Labor.

The Employment Relations Promulgation and a subsequent amendment protect children against debt bondage, indentured servitude and trafficking; child soldiering; commercial sexual exploitation; and the use of a child for illicit activities, such as drug trafficking. The Promulgation prohibits firms from employing a child for excessive hours or in underground mines.¹⁸⁵⁶






The Promulgation states that the Minister of Labor can prohibit or restrict children's work in environments deemed to present health threats or be hazardous, dangerous, or unsuitable.¹⁸⁵⁷ Although the Promulgation highlights some potentially hazardous employment, the labor minister has not released a comprehensive list of hazardous work.

In December 2006, the Government of Fiji was overthrown in a military coup and an interim government was installed. After a court declared the coup and resulting military government illegal in 2009, President Ratu Josefa Iliolo abrogated the constitution and established rule by decree. As of the writing of this report, Fiji has not reinstated the constitutional Bill of Rights. The military leadership has made significant changes to Fiji's system of laws through decree, including laws related to the worst forms of child labor.

During the reporting period, the President introduced the Crimes Decree 2009, repealing the country's archaic Penal Code.¹⁸⁵⁸ The new law provides male and female children equal protection against sexual offenses.¹⁸⁵⁹ Although prostitution has long been prohibited in Fiji, the Crimes Decree creates the country's first legal framework for prosecuting individuals who seek or purchase paid sexual services, including more rigorous sentencing requirements if the prostituted person was a child.¹⁸⁶⁰ The new law holds anyone who facilitates the defilement of a child, including the child's parents and relatives, liable.¹⁸⁶¹

The Crimes Decree strengthens existing prohibitions on human trafficking and forced labor, namely

those found in the Immigration Act 2003 and the Employment Relations Promulgation.¹⁸⁶² The new legislation explicitly defines penalties for trafficking in persons, forced labor, debt bondage, and bonded labor when the victim is a child.¹⁸⁶³

	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

Institutional Mechanisms for Coordination and Enforcement

The Interim Government has established the National Coordinating Committee on Children (NCCC), which draws its membership from the highest ranks of government ministries and Fiji's non-profit leadership, but there is no evidence that this committee has established any policies or programs to address child labor. However, the Fiji Police Force recently formed the Human Trafficking Working Group to facilitate information sharing on human trafficking-related issues between the public, private, and non-profit sectors and to identify gaps in existing efforts.¹⁸⁶⁴

The Ministry of Labor and Industrial Relations is the primary agency responsible for enforcing child labor laws, and related cases are tried in the Employment Relations Court.

The Ministry employs about 20 labor inspectors nationwide. 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.¹⁸⁶⁵ The Employment Relations Court did not convict any violators of child labor laws.¹⁸⁶⁶ The Interim Government did state its intentions to appoint seven dedicated child labor inspectors posted throughout the country and to establish a Child Labor Monitoring Unit within the Ministry.¹⁸⁶⁷ The Government collaborated with ILO-IPEC in offering a short training on child labor to its inspectors in September 2009, the first of its kind.¹⁸⁶⁸

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.¹⁸⁶⁹ The Fiji Police Force's Child Abuse and Sexual Offenses (CASO) Unit is responsible for investigating the commercial sexual exploitation of children.¹⁸⁷⁰

In addition to the Police Force, the Ministries of Labor and Immigration and the Department of Public Prosecution are all responsible for enforcing laws on child trafficking.¹⁸⁷¹ The former police force commissioner publicly conceded that his department lacks the resources and expertise to combat human trafficking.¹⁸⁷² There is no evidence that trafficking offenders have been investigated or convicted.¹⁸⁷³

The Interim Government provides limited services to child victims of sexual abuse and trafficking. The court 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.

Government Policies on the Worst Forms of Child Labor

There were reports that the NCCC intended to release a National Child Protection Policy during 2010, but research found no evidence that this policy was adopted. The Government of Fiji and UNICEF Pacific have agreed upon a Country Program Action Plan. This plan offers strategic direction for child protection in Fiji, including the elimination of commercial sexual exploitation.¹⁸⁷⁴ Research found no evidence regarding this Action Plan's impact on the worst forms of child labor generally.

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

The Interim Government has programs that may alleviate some of the factors that put children at risk of prematurely entering the workforce or being trafficked. Beginning in 2003, the Government of Fiji partnered with Save the Children to implement programs to increase access to basic education, attain educational materials for public schools, and improve the quality of school structures.

The Interim Government maintains several social programs to increase school retention rates among the country's most economically disadvantaged children. It is taking part in a joint EC-ILO project, Tackling Child Labor through Education (TACKLE). TACKLE, which began in 2008 and will run through February 2012, works to improve access to education for vulnerable children and strengthen domestic authorities' capacity to confront issues related to child labor.¹⁸⁷⁵ The Governments of Australia, New Zealand, Japan, and other Asia-Pacific countries donated a combined \$45.4 million in 2009 to the Interim Government to fund projects to improve Fiji's educational system.¹⁸⁷⁶

In 2009 the Interim Government allocated \$200,000 to establish the Poverty Relief Fund for Education that helps cover needy students' schooling costs¹⁸⁷⁷ and began subsidizing transportation costs for primary school children. Another program run by the Interim Government is the National Youth Services Scheme, which provides Fiji's children and young adults with education and livelihoods opportunities. Among other goals, the program intends to prevent child sexual abuse and exploitation. In 2009, approximately 1,000 youths were enrolled in the Scheme.¹⁸⁷⁸

The Interim Government also funds poverty alleviation projects for the most disadvantaged, such as the Family Assistance Allowance Scheme, which provides financial support to single mothers and projects to upgrade services in squatter settlements.¹⁸⁷⁹

Although the majority of Fiji's child laborers are believed to be operating in the informal economy, there is no evidence that there are government programs or protections that specifically target this group.

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 LAWS AND REGULATION:

- 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:

- Ensure that a coordinating mechanism to lead government efforts on the worst forms of child labor is fully funded and operational.
- Increase the number of labor inspectors, including enacting the Government's proposal to hire dedicated child labor inspectors.
- Allocate more resources to the Police Force for the enforcement of child trafficking laws.
- Enable the judiciary to manage cases in a timely and fair manner.

IN THE AREA OF POLICIES:

- Adopt the National Child Protection Policy and assure that it addresses the worst forms of child labor in Fiji.

IN THE AREA OF PROGRAMS:

- Construct shelters exclusively dedicated to assisting child human trafficking victims.
- Develop social programs to serve and protect child laborers working in the informal economy.

¹⁸³⁴ 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.

¹⁸³⁵ Interim Government of Fiji- Fiji Islands Bureau of Statistics, "2007 Census of Population and Housing," *Statistical News* 9 (February 27 2009), 8; available from http://www.statsfiji.gov.fj/Census2007/census07_index.htm. See also Ministry of Finance and National Planning, *Millennium Development Goals, Fiji National Report*, prepared by National Planning Office, 2004, 22; available from <http://planipolis.iiep.unesco.org/upload/Fiji/Fiji%20MDG%202004.pdf>. See also Vereniasi Raicola, "Suffer the Children," *Fiji Times* (Suva, Fiji), May 12, 2007; available from <http://www.fjtimes.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>.

¹⁸³⁶ Serafina Silaitoga, "A Day Cutting Cane," *Fiji Times*, October 11, 2009; available from <http://www.fjtimes.com/story.aspx?ref=archive&id=131340>. See also Serafina Silaitoga, "Deaf, Mute, and a Breadwinner," *Fiji Times*, September 28, 2009; available from <http://www.fjtimes.com.fj/story.aspx?id=130357>. See also U.S. Department of State, "Fiji," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7D; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/135991.htm>. See also U.S. Embassy- Suva, *reporting*, February 1, 2010.

¹⁸³⁷ Farm Consultancy, *Child Labor in the Fiji Tobacco Industry*, 2004, 2, 10, 24, 34; available from <http://www.eclt.org/filestore/BAT-%20Fiji.pdf>. See also "Child Labor, Prostitution Increasing Problem in Fiji," *BBC Monitoring International Reports*, July 4, 2006.

¹⁸³⁸ Margaret Wise, "Survey Puts Dropout Blame on Parents," *Fiji Times*, March 11, 2010; available from <http://www.fjtimes.com/story.aspx?id=141847>. See also Maneesha Karan, "Orphans repay adopted parents," *Fiji Times*, July 6, 2010; available from <http://www.fjtimes.com/story.aspx?id=151228>. See also "Boy Wants to Go to School," *Fiji Times*, February 13, 2008; available from <http://www.fjtimes.com/story.aspx?ref=archive&id=81137>.

¹⁸³⁹ Serafina Qalo, “Mere is Rice Queen of District,” *Fiji Times*, November 21, 2007; available from <http://www.fijitimes.com/story.aspx?ref=archive&id=74730>.

¹⁸⁴⁰ “Students Cook Up Own Food,” *Fiji Times*, July 31, 2008; available from <http://www.fijitimes.com/story.aspx?ref=archive&id=96584>. See also “Taveuni North Dalo,” *Fiji Times*, January 6, 2010; available from <http://www.fijitimes.com/story.aspx?id=136755>. See also Karan, “Orphans repay adopted parents.”

¹⁸⁴¹ Wise, “Survey Puts Dropout Blame on Parents.” See also “Deo Shoulders Responsibility,” *Fiji Times*, April 28, 2007; available from <http://www.fijitimes.com/story.aspx?id=61547>. See also “Students Cook Up Own Food.”

¹⁸⁴² Interim Government of Fiji- Fiji Islands Bureau of Statistics, “2007 Census of Population and Housing,” 8. See also Tim Howick-Smith Margaret Chung, *Fiji Islands: A Situational Analysis of Children, Youth, and Women*, UNICEF Pacific and the Government of Fiji, 2007, 46; available from http://www.unicef.org/pacificislands/Fiji_SitAn.pdf. See also “Boy Wants to Go to School.” See also Serafina Silaitoga, “Faith in a Plan,” *Fiji Times*, May 13, 2010; available from <http://www.fijitimes.com/story.aspx?id=146445>. See also Ruby Taylor-Newton, “Life on Wheels,” *Fiji Times*, March 5, 2010; available from <http://www.fijitimes.com/story.aspx?id=141409>.

¹⁸⁴³ Interim Government of Fiji- Fiji Islands Bureau of Statistics, “2007 Census of Population and Housing,” 8. See also Raicola, “Suffer the Children.” See also “See to the Children First, Says Priest,” *Fiji Times*, December 11, 2008; available from <http://www.fijitimes.com/story.aspx?id=108597>.

¹⁸⁴⁴ Interim Government of Fiji- Fiji Islands Bureau of Statistics, “2007 Census of Population and Housing,” 8. See also Raicola, “Suffer the Children.” See also “See to the Children First, Says Priest.” See also U.S. Embassy- Suva, *reporting, February 1, 2010*.

¹⁸⁴⁵ Margaret Wise, “Journey for a Job,” *Fiji Times*, June 11, 2009; available from <http://www.fijitimes.com/story.aspx?id=123288>. See also Singh, “Amid Economic Slump, Children Face Bleak Future.” See also Frederica Elbourne, “Society’s ‘Girl Child’ Problem,” *Fiji Times* (Suva, Fiji), March 4, 2007; available from <http://www.fijitimes.com/story.aspx?id=58148>. See also “Boy Wants to Go to School.”

¹⁸⁴⁶ Raicola, “Suffer the Children.”

¹⁸⁴⁷ Margaret Wise, “Sacrifice: A Teen Quits School to Support His Family,” *Fiji Times*, June 11, 2009; available from <http://www.fijitimes.com/story.aspx?ref=archive&id=123285>.

¹⁸⁴⁸ Monika Singh, “Father Allows Son to Work,” *Fiji Times* (Suva, Fiji), March 7, 2007; available from <http://www.fijitimes.com/story.aspx?id=58303>.

See also Raicola, “Suffer the Children.” See also Wise, “Survey Puts Dropout Blame on Parents.” See also Wise, “Journey for a Job.”

¹⁸⁴⁹ Save the Children Fiji, *The Commercial Sexual Exploitation and Sexual Abuse of Children in Fiji: A Situational Analysis*, 2006, 16, 18-20 and 29; available from http://www.unescap.org/esid/GAD/Issues/CSEC/CSEC%20Fiji%20Report%20_Edited_%201205.pdf.

¹⁸⁵⁰ Ibid., 16-21, 29. See also UNICEF, UNESCAP, and ECPAT International, *The Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report*, UNICEF Pacific, 2008; available from http://www.unicef.org/eapro/Pacific_CSEC_report.pdf. See also ILO Committee of Experts, *Individual Direct Request Concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Fiji (ratification: 2002)*, [online] 2010 [cited June 28, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25284&chapter=9&query=Fiji%40ref&highlight=&querytype=bool&context=0>.

¹⁸⁵¹ Shalveen Chand, “Child Trafficking,” *Fiji Times* (Suva, Fiji), May 15, 2010; available from <http://www.fijitimes.com/story.aspx?id=146546>. See also Theresa Ralogaivau, “Child Prostitution: Girls Sell their Bodies for \$2,” *Fiji Times* (Suva, Fiji), June 29, 2009; available from <http://www.fijitimes.com/story.aspx?id=124456>. See also “Help A Must to Combat Prostitution: Morgam,” *Fiji Times* (Suva, Fiji), October 17, 2008; available from <http://www.fijitimes.com/story.aspx?ref=archive&id=103673>.

¹⁸⁵² Shalveen Chand, “Children Used as Drug Mules,” *Fiji Times* (Suva, Fiji), June 14, 2010; available from <http://www.fijitimes.com/story.aspx?id=150121>. See also “Drug Related Crimes Decrease: Police,” *Fiji Times*, October 5, 2007; available from <http://www.fijitimes.com/story.aspx?id=71776>. See also “Labor Rights and Wrongs,” *Fiji Times*, March 13, 2007; available from <http://www.fijitimes.com/story.aspx?id=58705>. See also Interim Government of Fiji- Ministry of Information, “1,000 Families to Have Proper Homes,” *Fiji Focus* 1, no. 2 (26 June 2010); available from http://www.fiji.gov.fj/index.php?option=com_docman&task=cat_view&gid=63&limit=5&limitstart=0&order=date&dir=DESC&Itemid=158.

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¹⁸⁵⁶ *Ibid.*, articles 90-7. See also Interim Government of Fiji, *Employment Relations (Administration) Regulations*, (April 2, 2008), articles 40-41; available from http://www.labour.gov.fj/erp2008/ERPREGS/ERP_Admin_Regs_2008.pdf.

¹⁸⁵⁷ Interim Government of Fiji, *Employment Relations Promulgation*, article 95. See also ILO Committee of Experts, *Individual Direct Request C182: Fiji (2010)*.

¹⁸⁵⁸ Interim Government of Fiji, *Crimes Decree 2009*, (February 1, 2010), article 391; available from http://www.fiji.gov.fj/index.php?option=com_docman&task=doc_download&gid=100&Itemid=158. See also Government of Fiji, *Penal Code*, (1978); available from http://www.itc.gov.fj/lawnet/fiji_act/penal_code.html. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Fiji,” 147.

¹⁸⁵⁹ Interim Government of Fiji, *Crimes Decree*, articles 214-5, 219-20, 226-7, 229. See also Government of Fiji, *Penal Code*, articles 153-6, 159-61, 165.

¹⁸⁶⁰ Interim Government of Fiji, *Crimes Decree*, articles 89-90, 104-107, 211, 214-5, 219-22, 225-33. See also Government of Fiji, *Penal Code*, 162-3, 166-70.

¹⁸⁶¹ Interim Government of Fiji, *Crimes Decree*, articles 89-90, 103-7, 219-221, 224-6, 233.

¹⁸⁶² Government of Fiji, *Immigration Act 2003*, (November 6, 2003), article 20; available from www.pacii.org/fj/legis/num_act/ia2003138/. See also Interim Government of Fiji, *Employment Relations Promulgation*, articles 3, 6, and 91.

See also U.S. Department of State, “Trafficking in Persons Report- 2010: Fiji,” 147.

¹⁸⁶³ Interim Government of Fiji, *Crimes Decree*, articles 84, 86, 102-7, 111-20.

¹⁸⁶⁴ Fiji Police Force, *Consultative Forum to Combat Human Trafficking*, May 5, 2010; available from http://www.police.gov.fj/index.php?option=com_content&view=article&id=713:consultative-forum-to-combat-human-trafficking&catid=34:latest-articles&Itemid=1. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Fiji,” 146-147.

¹⁸⁶⁵ U.S. Embassy- Suva, *reporting*, February 18, 2010, 9. See also U.S. Embassy- Suva, *reporting*, February 1, 2010.

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¹⁸⁷⁰ U.S. Department of State, “Country Reports- 2009: Fiji,” section 6. See also U.S. Embassy- Suva, *reporting*, February 1, 2010.

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¹⁸⁷² U.S. Embassy- Suva *reporting*, 18 February 2010, 3.

¹⁸⁷³ U.S. Department of State, “Trafficking in Persons Report- 2010: Fiji.” See also U.S. Embassy- Suva, *reporting*, February 1, 2010, para 5.

¹⁸⁷⁴ Anafia Norton, *Protect Me with Love and Care*, 11.

¹⁸⁷⁵ International Labor Organization, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, June 2008; available from <http://www.ilo.org/ipeinfo/product/searchProduct.do?userType=3&type=normal&selectedSortById=4&selectedPublicOrIntranet=1&selectedCountries=320&createdMonthFrom=-1>.

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¹⁸⁷⁹ Interim Government of Fiji- Ministry of Finance and National Planning, *Economic and Fiscal Update: Supplement to the 2009 Budget Address*, 84-88. See also Interim Government of Fiji- Ministry of Information, “1,000 Families to Have Proper Homes.”