



EMBASSY OF THE REPUBLIC OF THE FIJI ISLANDS

11th April 2010

FIJI RESPONSE TO US DEPARTMENT OF LABOUR REQUEST FOR INFORMATION ON CHILD LABOR, FORCED LABOR, AND FORCED OR INDENTURED CHILD LABOR IN THE PRODUCTION OF GOODS IN FOREIGN COUNTRIES AND EFFORTS BY CERTAIN COUNTRIES TO ELIMINATE THE WORST FORMS OF CHILD LABOR

The US Department of Labor (DOL) has requested Fiji to provide information on the use of forced labor, child labor, and/or forced or indentured child labor in the production of goods internationally, as well as information on government, industry, or third-party actions and initiatives to address these problems. DOL will use the information as appropriate to maintain the list of goods that the Bureau of International Labor Affairs (ILAB) has reason to believe are produced by child labor or forced labor in violation of international standards under Trafficking Victims Protection Reauthorization Act (TVPR) of 2005, Section 105(b), and the List of Products Produced by Forced or Indentured Child Labor under Executive Order 13126 of 1999. The second request seeks additional information on exploitive child labor, which DOL will use to produce an annual report on certain trade beneficiary countries' implementation of international commitments to eliminate the worst forms of child labor. This will be the ninth such report by DOL under the Trade and Development Act of 2000 (TDA). The information below is provided in response to this request.

International Commitment

Fiji is a party to the following human rights and related instruments: The Slavery Convention 1926; the Protocol amending the Slavery Convention 1953; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery 1956; the International Convention against the Taking of Hostages 1979; the United Nations Convention against Transnational Organized Crime 2000; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime 2000.

Fiji is also a party to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime 2000; the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; and the 1951 Convention relating to the Status of Refugee and the 1967 Protocol.

Fiji has ratified the International Labor Organisation (ILO) Convention No 182 on the Worst Forms of Child Labor. The ILO Convention commits countries to eliminating all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, and the use, recruitment, or offering of children for prostitution, production of pornography or pornographic acts. Fiji has also adopted the Stockholm Declaration and Agenda for Action, which calls on governments, international agencies, NGOs, and other concerned organizations and individuals to direct technical and material resources towards combating commercial sexual exploitation of children. It specifically calls for countries to develop National Plans of Action to implement the Agenda for Action in the five areas of: coordination and cooperation, prevention, protection, recovery and reintegration, and child participation.

Regional Cooperation

Fiji's effort against the scourge of child labor has extended regionally. In the 1992 Honiara Declaration on Law Enforcement Cooperation, Fiji and other Forum Leaders mandated greater cooperation among member countries and particularly their law enforcement organisations, to better combat transnational crime such as human trafficking in the region. In the Declaration Forum Leaders considered that: The threats to the stability of regional law enforcement were complex and sophisticated, and the potential impact of transnational crime was a matter for increasing concern to regional states and enforcement agencies. The Forum agreed that there was a need for a more comprehensive, integrated and collaborative approach to counter these threats. Law enforcement cooperation should therefore remain an important focus for the region. The Honiara Declaration has been addressed in part through the development of three specialised regional organisations in which Fiji participated actively: Pacific Islands Chiefs of Police (PICP); [formerly the South Pacific Chiefs of Police Conference (SPCPC)]; Oceania Customs Organisation (OCO); and Pacific Immigration Directors' Conference (PIDC).¹

As a member of the Pacific Forum Fiji was a signatory to the Nasonini Declaration on Regional Security of 2002.² In the 2002 Nasonini Declaration on Regional Security, the Pacific Islands Forum Leaders recalled their commitment to act collectively in response to security challenges, including transnational organized crime, and underlined the

¹

[http://www.pilonsec.org/www/pilon/rwpattach.nsf/PublicbySrc/Pacific+Islands+Law+Officers+Meeting+\(PILOM\)+Review.pdf/\\$file/Pacific+Islands+Law+Officers+Meeting+\(PILOM\)+Review.pdf](http://www.pilonsec.org/www/pilon/rwpattach.nsf/PublicbySrc/Pacific+Islands+Law+Officers+Meeting+(PILOM)+Review.pdf/$file/Pacific+Islands+Law+Officers+Meeting+(PILOM)+Review.pdf)

² <http://www.forumsec.org/resources/uploads/attachments/documents/Nasonini%20Declaration.pdf>

importance of introducing legislation and developing national strategies to combat transnational organized crime, including trafficking in persons, in accordance with international standards.

Flowing out of the above Declarations Fiji together with other members of the Pacific Forum in 2007 developed a REGIONAL MODEL LAW ON COUNTER TERRORISM AND TRANSNATIONAL ORGANISED CRIME. Part 8 of the Model Law concerns the prohibition of people trafficking. The following model provisions are covered under this Part: Offence of trafficking in persons; Offence of trafficking in children; Exploitation of people not legally entitled to work; Consent of trafficked person; Offence relating to fraudulent travel documents; Protection for trafficked persons; and Obligation on commercial carriers.

This cooperation was taken a step further when Fiji hosted the Regional Stakeholders' Consultation and Planning Workshop on Commercial Sexual Exploitation of Children (CSEC) and Child Sexual Abuse in the Pacific in Suva from 19-21 November 2007.³ The specific objectives of the meeting are: To review actions already taken and plans or strategies developed and consider ways of improving their impact inter alia, through identifying synergies between various approaches and plans; To enable country representatives to review plans and strategies to address the key research findings for each country; To raise awareness of the gender dimensions documented in the situational analyses and the need to incorporate a gender approach for an effective response; and To consider the economic and social aspects of the issue and consider the root causes and consequences of CSEC and CSA. Participants were government and non-governmental organization representatives from Cook Islands, Fiji, Kiribati, Samoa, Solomon Islands and Vanuatu and observers from Papua New Guinea, along with regional, and United Nations organizations and academic institutions will participate. Representatives of the Suva-based diplomatic corps will also be invited to attend.

National Laws

On 12 May 2009 the Fiji government, in order to fully protect individual rights, promulgated the Human Rights Commission Decree 2009 establishing the Fiji Human Rights Commission which is empowered to monitor and investigate human rights abuses including children's rights. Under the Decree the Fiji Human Rights Commission has the following functions:

- to educate the public about the nature and content of human rights;
- to make recommendations to the Government about matters affecting compliance with human rights;
- to promote and protect human rights of all persons in Fiji;
- to perform such other functions as are conferred on it by this Decree or any written law.

³ <http://www.unescap.org/ESID/GAD/Events/RegionalConsultationNov07/index.asp>

The government of Fiji, being a signatory on the Convention on the Rights of the Child has a legislation policy geared towards the enactment of laws providing for the welfare of children. In response therefore to the respective UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and The Protocol against the Smuggling of Migrants by Land, Sea and Air, Fiji has criminalized both the act of Trafficking in Persons and People Smuggling by incorporating it into the Immigration Act 2003 and the Crimes Decree 2009.⁴ The Crime Decree 2009 has brought Fiji into conformity with the Rome Statute, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

The coming into force of Part 5 of the Act 2003 effectively meant that Human Trafficking including child trafficking is a criminal offence in the country carrying a maximum penalty of \$750,000.00 or twenty (20) years imprisonment. Part 5 of the Immigration Act 2003 provides the following:

- Sections 17. Interpretation
- 18. Application of this Part
- 19. Offence of trafficking in persons
- 20. Offence of trafficking in children
- 21. Exploitation of persons not legally entitled to work
- 22. Consent of trafficked persons
- 23. Offence of smuggling of migrants
- 24. Aggravated offence of smuggling of migrants
- 25. Offence to facilitate stay of unauthorised migrants
- 26. Offence related to fraudulent travel or identity documents
- 27. Aiding, abetting, etc
- 28. Incitement to commit an offence
- 29. Conspiring to commit an offence
- 30. Attempting to commit an offence
- 31. Immunity from prosecution
- 32. Predicate offences for money laundering, etc
- 33. Obligation of commercial and private carriers
- 34. Boarding, search and detention of aircraft or ship
- 35. Liability of companies
- 36. Information relating to persons entering or leaving the Fiji Islands
- 37. Power to prevent entry and order the removal of persons

Fiji has also repealed the outdated Penal Code and established a more robust Crimes Decree 2009. Amongst its provisions, the Decree covers the following offences which carry penalties of either 25 years in jail or life imprisonment:

- Division 3 — Crimes Against Humanity
 - Sections 82. Crime against humanity – murder

⁴ http://www.pacii.org/fj/legis/num_act/ia2003138/ and [http://www.pacii.org/cgi-bin/disp.pl/fj/promu/promu_dec/cd200995/cd200995.html?query=fiji crimes decree 2009](http://www.pacii.org/cgi-bin/disp.pl/fj/promu/promu_dec/cd200995/cd200995.html?query=fiji%20crimes%20decree%202009)

- 83. Crime against humanity – extermination
- 84. Crime against humanity – enslavement
- 85. Crime against humanity – deportation or forcible transfer of population
- 86. Crime against humanity – imprisonment or other severe deprivation of physical liberty
- 87. Crime against humanity – torture
- 88. Crime against humanity – rape
- 89. Crime against humanity – sexual slavery
- 90. Crime against humanity – enforced prostitution
- 91. Crime against humanity – forced pregnancy
- 92. Crime against humanity – enforced sterilisation
- 93. Crime against humanity – sexual violence
- 94. Crime against humanity – persecution
- 95. Crime against humanity – enforced disappearance of persons
- 96. Crime against humanity – apartheid
- 97. Crime against humanity – other inhumane act
- Division 4 — Miscellaneous Provisions Applying to Genocide and Crimes Against Humanity
 - 98. Defence of superior orders
 - 99. Geographical jurisdiction
 - 100. Double jeopardy
 - 101. Bringing proceedings under this Part and Part 10
- Division 5 — Slavery, Sexual Servitude and Deceptive Recruiting
 - 102. Definition of slavery
 - 103. Slavery offences
 - 104. Definition of sexual servitude
 - 105. Extended jurisdiction for offences against this Division
 - 106. Sexual servitude offences
 - 107. Deceptive recruiting for sexual services
 - 108. Aggravated offences
 - 109. Alternative verdict if aggravated offence not proven
 - 110. Double jeopardy
- Division 6 — Trafficking in Persons and Children
 - 111. Definitions
 - 112. Offences of trafficking in persons
 - 113. Aggravated offence of trafficking in persons
 - 114. Offence of trafficking in children
 - 115. Offence of domestic trafficking in persons
 - 116. Aggravated offence of domestic trafficking in persons
 - 117. Offence of domestic trafficking in children
 - 118. offence of debt bondage
 - 119. offence of aggravated debt bondage
 - 120. Extended jurisdiction for some offences against this Division
 - 121. Double jeopardy
- Division 7 — People Smuggling and Related Offences

- 122. offence of people smuggling
- 123. Aggravated offence of people smuggling (exploitation etc.)
- 124. Consent of the Director of Public Prosecutions required
- Division 8 — Document Offences Related to People Smuggling and Unlawful Entry into Foreign Countries
 - 125. Meaning of travel or identity document
 - 126. Meaning of false travel or identity document
 - 127. Making, providing or possessing a false travel or identity document
 - 128. Providing or possessing a travel or identity document issued or altered dishonestly or as a result of threats
 - 129. Providing or possessing a travel or identity document to be used by a person who is not the rightful user
 - 130. Taking possession of or destroying another person's travel or identity document
 - 131. foreign enlistment
 - 132. Piracy

The Crimes Decree 2009 also imposes the penalty of life imprisonment for the crime of rape. Offences related to prostitution, such as the selling and buying of minors for immoral purposes, carried a 12-year term of imprisonment. All these are provided for in the following provisions of the Crime Decree 2009:

- PART 12 — SEXUAL OFFENCES
 - Section 206. Definitions
 - 207. The offence of rape
 - 208. Attempt to commit rape
 - 209. Assault with intent to commit rape
 - 210. Sexual assaults
 - 211. Abduction of person under 18 years of age with intent to have carnal knowledge
 - 212. Indecent assault
 - 213. Indecently insulting or annoying any person
 - 214. Defilement of children under 13 years of age
 - 215. Defilement of young persons between 13 years and 16 years of age
 - 216. Defilement of intellectually impaired persons
 - 217. Procuration for unlawful purposes
 - 218. Procuring defilement by threats or fraud or administering drugs
 - 219. Householder permitting defilement of a child on premises
 - 220. Householder permitting defilement of person under 16 years of age on premises
 - 221. Conspiracy to defile
 - 223. Incest by any relative
 - 224. Knowledge of age is immaterial
- PART 13 — PROSTITUTION OFFENCES
 - 225. Detention with intent or in brothel
 - 226. Selling minors under the age of 18 years for immoral purposes

- 227. Buying minors under the age of 18 years for immoral purposes
- 228. Power of search
- 229. Authority of court as to custody of young persons
- 230. Person living on earnings of prostitution or persistently soliciting
- 231. Loitering or soliciting for the purposes of prostitution
- 232. Suspicious premises
- 233. Brothels
- PART 15 — OFFENCES AGAINST THE PERSON Division 6 — Offences Against Liberty
 - 278. Definition of kidnapping and abduction
 - 279. Kidnapping
 - 280. Kidnapping or abducting in order to murder
 - 281. Kidnapping or abducting with intent to confine person
 - 282. Kidnapping or abducting in order to subject person to grievous harm, slavery, etc.
 - 283. Wrongfully concealing a kidnapped or abducted person
 - 284. Child stealing
 - 285. Abduction of young persons
 - 286. Punishment for wrongful confinement
 - 287. Unlawful compulsory labor

In addition to the above the Juveniles (Amendment) Act, 1997 Section 62A prohibits pornographic activity involving juveniles.⁵ Here the penalty is a maximum fine of \$50,000 or life imprisonment. Other provisions in this legislation which should be noted are as follows:

- Section 57. Cruelty to and neglect of juveniles
- 58. Causing or allowing children to be used for begging
- 59. Giving intoxicating or spirituous liquor to children
- 60. Sales of intoxicating liquor to persons under eighteen
- 61. Taking pawns from juveniles
- 62. Purchasing scrap metal from juveniles

In addressing the worst forms of child labor, Fiji has promulgated the Employment Relations Promulgation 2007 (ERP) on 1st October 2007 which came into force on 02 April 2008.⁶ Part 10 of the ERP provides for the protection of children as follows:

- Section 90. Objects of this Part
- 91. Prohibition of worst forms of child labor
- 92. Minimum age for employment
- 93. Employment of children under 15 years
- 94. Trade union rights
- 95. Certain restrictions on employment of children
- 96. Children not to be employed against the wishes of parent or guardian
- 97. Hours of work for children

⁵ http://www.pacii.org/fj/legis/num_act/ja1997209/

⁶ http://www.pacii.org/cgi-bin/disp.pl/fj/promu/promu_dec/erp2007381/erp2007381.html?query=Fiji
Employment Relations Promulgation

- 98. Conditions on night employment
- 99. Employers of children to keep register

The minimum age for employment of children under ERP is 15 years and for employment under 15 years, a provision is made for children between 13 – 15 years to be engaged in light work or workplaces where the same members of the family/communal group/religious group are employed provided that the employment is not harmful to the health or development of the child and the employment does not prejudice the child's attendance and participation in educational institutions. Part 10 of the ERP also addresses the prohibition on employment of children in the worst forms of child labor classified as follows:

- Labor slavery or practices similar to slavery such as sale and trafficking of children, debt bondage and any form of forced or compulsory labor including forced or compulsory recruitment of children in armed conflict
- Use, procuring or offering of children for illicit activities for the production and trafficking of drugs as defined in relevant international treaties
- Use, procuring or offering of child for prostitution, production of pornography or for pornographic performances.

In case of breaches to this provision, an individual is liable to a fine of \$10,000 or to a term of 2 years imprisonment or both. In the case of a company or corporation, it is liable to a fine of \$50,000.

Policy Framework

Fiji is making every effort to strengthen the three Pillars required to effectively combat Trafficking in Persons which is Prevention, Protection and Prosecution. As a result the Fiji Ministry of Social Welfare, Women & Poverty Alleviation has developed, along with six other Fiji Government ministries/departments the Resources and Results-based Framework (RRF) 2008-2012 which has identified three major outcomes in child protection which focus on prevention of violence, abuse and neglect of children by using a strengths-based approach, tapping into communities' resilience and inherent capacity to protect children by adopting a participatory approach that recognises traditional systems and methods of learning and engagement, empowerment and motivating communities and children.⁷ Out of the RRF, the Fiji 2009 Annual Work Plan (AWP) for Child Protection based on the 2008 AWP was signed by the National Coordinating Committee on Children (NCCC) in April 2009. The 2009 AWP outlines activities that will be undertaken by the Government of Fiji, with support from UNICEF, in progressing towards the achievements of the expected outputs/outcomes (results) as stated in the Resource and Results-based Framework (RRF).⁸

The NCCC was established following Fiji's ratification of the United Nations Convention of the Rights of the Child (CRC) in August 1993. The NCCC, a Cabinet sub-Committee

⁷ http://www.unicef.org/pacificislands/regional_program_strategy_report_FIRST_HALE.pdf

⁸ http://www.sidsnet.org/msi_5/docs/nars/Pacific/Fiji-MSI-NAR2009.pdf

that provide services that target children has members which includes the Permanent Secretaries for: Ministry of Social Welfare, Women & Poverty Alleviation; Ministry of Justice, Electoral Reform & Anti Corruption; Ministry for Education, National Heritage, Culture & Arts, Youth & Sports; Ministry of Indigenous Affairs; Ministry for Defense, National Security, Disaster Management & Immigration; and Ministry for Provincial Development & Multi Ethnic Affairs, and NGOs.

To facilitate cooperation at the agency level Fiji has put in place a Memorandum of Understanding (MOU) between the Fiji Police, Department of Social Welfare, Ministry of Education and Ministry of Health on the various agency roles and responsibilities regarding the reporting of child abuse cases. To facilitate specialisation amongst police officers who frequently or exclusively deal with juveniles Fiji's police has set up a Sexual Offences Unit with child specific training to provide specialist services to victims of sexual assault.

The Ministry of Labor and Industrial Relations is the government's agency entrusted to monitor the status of child labor employment, compliance with the requirement of minimum age for employment, setting the minimum wage for certain sectors, enforcement of safety standards and, in general, the enforcement of Fiji's ERP. Since Fiji has recently reformed its labor legislation, child labor issues is one of Fiji's priorities this year and in collaboration with the ILO Office for the Pacific Islands, Fiji is moving ahead in the appointment of dedicated labor inspectors for child labor issues. Even without the dedicated Child Labor (CL) inspectors, all reported labor complaints including CL complaints are investigated by the present Labor Inspectorate under the Ministry of Labor, Industrial Relations and Employment and will be addressed accordingly under the provisions of the ERP. The ER Tribunal is the specialist institution where criminal offences such as CL offences are addressed.

There are about 20 labor inspectors presently in the Ministry of Labor's establishment who are involved with the compliance functions of the Ministry and as highlighted above, Fiji is looking at appointing dedicated labor inspectors to deal with CL issues and ideally the Ministry of Labor should have 7 inspectors as there are 7 district labor offices in Fiji. The other enforcement agencies like Police are not directly involved at the moment but they are involved in the investigation and institution of legal proceedings on offences, in general, relating to prostitution and trafficking which may also involve children but not specific to child labor. Over the past year, no investigations have been made on child labor or worst forms of child labor violations.

The Government through the ILO has embarked on awareness and training activities for officials charged with enforcement. The Ministry official responsible for CL enforcement together with counterparts from Ministries of Education, Social Welfare and Police attended courses at different times on CL related subjects at the ILO International Training Centre, Turin, Italy during the second half of 2008. There was also a 3 day CL Forum organized locally by ILO in December 2008.

The CL Forum in December 2008 which was attended by representatives of Government (Ministries of Labor, Education, Social Welfare, Regional Development, Bureau of Statistics and Police Department), employers, trade unions, media, non-governmental organizations had actually started off in a high note with positive commitments to map up programmes to prevent engagement of children in the worst forms of child labor. The stakeholders will be looking at initiatives to prevent or withdraw children from exploitative work situations.

The CL issue is very much in focus with Fiji's Ministry of labor as evidenced by Ministry of Labor's commitment in the 2009 Annual Corporate Plan by establishing a Child Labor Monitoring Unit and to work very closely with the other government agencies, media, employer's organizations, workers' organizations and non-government organizations for the continual progress towards eliminating worst forms of child labor.

Economic and Social Support

In order to provide children and young people in Fiji with education and livelihood opportunities as a strategy partially to prevent child sexual abuse and exploitation but also as means to help them get employment Fiji established the National Youth Service Scheme (NYSS) in 2008 with a budget allocation of \$1 million. The NYSS targets 2000 young people per annum and in 2008, a total of 5955 youths were registered, an indication of the high demand for youth employment opportunities. A total of 563 employment opportunities were created from 120 employer's nationwide providing work attachment, volunteer work and full time paid employment. For 2009, a total of 1000 youths were enrolled.

As a member of the ILO Fiji is taking part in the ILO TACKLE project. The overall objective of TACKLE is to contribute towards poverty reduction by providing equitable access to basic education and skills development to children involved in child labor or at risk of being involved in child labor. On 10 June 2008, two days before the World Day Against Child Labor, the European Commission (EC) and the International Labor Organization (ILO) jointly launched the TACKLE project to fight child labor in a number of countries including Fiji by providing access to basic education and training. The European Union, International Labor Organization, Fiji Ministry of Education and Ministry of Labor have signed a Partnership Protocol Agreement (PPA) in Fiji to 'TACKLE' child labor. The TACKLE project – Tackling Child Labor Through Education– will support the capacity of national and local authorities to formulate, implement and enforce policies and programmes to fight child labor, an obstacle to poverty alleviation and access to basic education, in coordination with social partners and civil society. Key result areas for TACKLE include: Improved country level child labor and education legal framework through support to its preparation or strengthening it where it already exists; Strengthened institutional capacity leading to improved ability to formulate and implement child labor strategies; Targeted actions to combat child labor designed and implemented to develop effective demonstration models; and Enhanced knowledge

base and networks on child labor and education through improved advocacy and dissemination of good practices.

Consistent with the purpose of providing for the welfare of children in general as expressed in the Convention of the Rights of the Child, several laws are also in place which can be invoked as additional legal protection in promoting the interest of child workers. Child protection (abuse and neglect) is governed by the Juveniles Act, which was passed originally in 1977.⁹ The Juveniles Act defines the offenses of cruelty to and neglect of juveniles and gives the Juvenile Court the authority to make orders relating to the care, protection, and control of juveniles. The Act directs Juvenile Courts to have regard to the welfare of the child and provides specific provisions for the protection of children in conflict with the law. It also empowers some government institutions to remove, search or place in safety any child abused, neglected or ill treated. The law also makes the act of ill treatment, neglect or abandonment of a child a criminal offence.

Under the Juvenile Act, children under the age of 17 years deemed to be at risk are placed into the care of the Director of Social Welfare. The Department of Social Welfare administers the Care and Protection Allowance which is a cash grant of \$30 – \$60.00 per child given to families and guardians supporting juvenile children other than their own. An allowance of \$60.00 per child is paid if they are placed in an approved place of safety such as St Christopher’s Home operated by the Anglican Church, Dilkusha Home and Veilomani Boys Home both under the Methodist Church of Fiji and the Treasure Home in Ba, an approved Assemblies of God Home of Compassions. As a means of keeping children close to their communities, there have been a few children placed in community based centers such as Salvations Army Care Center and the Nadroga, Navosa Counseling Center. Amount of payment varies from the different categories of children that need financial assistance for their care. The recent C&P places an average rate of payment in the following categories: \$40.00 per child (Secondary School); \$30.00 per child (Primary School); \$25.00 per child (Non – School); \$60.00 per child with disabilities; \$60.00 per child at a Residential facility. Fiji has also launched a new initiative in 2010 which is to provide food vouchers to families eligible under the Family Assistance Allowance and who fall under the category of chronically ill, permanently disabled or elderly.

A further signal of Fiji’s determination to eliminate abuse against children is its introduction of the zero-tolerance policy concerning child abusers in school. Corporal Punishment is prohibited in schools under a High Court ruling by Justice Jayant Prakash which stated that corporal punishment was unconstitutional (Lautoka High Court, March 2002, Appeal Case Naushad Ali v State).¹⁰ Teachers implicated in such incidents had been disciplined or prosecuted.

Fiji's population is well educated, with virtually universal access to primary and lower secondary education. About a quarter of the entire population is of school-going age and

⁹ http://www.pacii.org/fj/legis/consol_act/ja129/

¹⁰ <http://www.pacii.org/fj/cases/FJHC/2001/123.html>

over 98 per cent of children between 6 and 14 years of age are attending primary schools. Government encourages school attendance by rural and poor children through measures like the free tuition scheme for primary schools and per capital grants and remission of fees for secondary students. Fiji had also introduced free bus fares for children of underprivileged families setting aside 10 million Fiji dollars (5.2 million U.S. dollars) in the 2010 national budget for this purpose. Government is also providing free textbooks to schools throughout Fiji. The provision of free textbooks is expected to be carried out in phases and began this year 2010, starting with primary schools.¹¹ In this regard, the Education Ministry will first work with certain districts in 2010 and the project is expected to cover all primary schools by 2011. Secondary schools are expected to begin receiving free textbooks by 2012. The distribution of free textbooks for primary schools was well ahead of schedule. By end of January 2010 text books for all primary schools in Kadavu, Rotuma and Lau have been distributed with schools in Lomaiviti next in the list.¹² The Fiji Government provides free medical care for children at public health centers and hospitals. Government nurses provides free immunizations for children in primary schools.

Fiji passed a comprehensive Family Law Act in 2003, establishing Family Divisions of the High Court and Magistrates Court. The Family Divisions have jurisdiction over dissolution of marriage, child custody, spousal and child support, and related matters, as well as jurisdiction to make orders relating to the welfare of children. The Family Law Act mandates that a court deciding a case relating to a child's welfare must consider the child's expressed wishes, taking into account the child's maturity and level of understanding. The Court has authority to appoint a separate representative for a child if appropriate. A separate representative may be appointed on the Court's initiative, or at the request of a child, an organization concerned with the welfare of children, or any other person. However, the Family Law Act only applies to child welfare issues that arise in the context of marriage and custody disputes, and explicitly acknowledges that it does not affect the application of child welfare laws.

Conclusion

Fiji is a party to various international instruments on combatting child labor. Fiji has cooperated regionally to combat child labor. Fiji has put in place laws, policy frameworks, economic and social supports all aimed at combatting child labor. Fiji is satisfied that it is carrying out its international obligations to combat child labor and that the US Department of Labor will also reach the same conclusion.

END

¹¹ http://www.fiji.gov.fj/index.php?option=com_content&view=article&id=799:education-ministry-to-provide-free-textbooks&catid=71:press-releases&Itemid=155

¹² <http://www.fijitimes.com/story.aspx?id=138121>