INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM

FOR THE

WORST FORMS OF CHILD LABOUR CONVENTION, 1999 (No. 182)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request"

The Government may deem it useful to consult the appended text of the Labour Inspection (Seafarers) Recommendation, 1996 (No. 185), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First reports
If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports
In subsequent reports, information need normally be given only on the following points:
(a) any new legislative or other measures affecting the application of the Convention;

(b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

(c) **replies to comments by the supervisory bodies**.
the report must contain replies to any comments regarding the application of the Convention in your country which have been addressed to your Government by the Committee of Experts on the Application of conventions and Recommendations or by the Conference Committee on the Application of Standards

Article 22 of the Constitution of the ILO

Report for the period 2010 to 31st May, 2011

made by the Government of FIJI,

on the

WORST FORMS OF CHILD LABOUR CONVENTION, 1999 (No. 182)
(ratification registered on 17 April, 2002)

I. Please give-a list of laws, and regulations, etc., which apply the provisions Where this of the Convention. Where this has not already been done, please forward copies of these texts to the International Labour Office with this report.

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, or as a result of, ratification.

II. Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned laws and regulations, etc., or other measures, which give effect to each Article.

If in your country ratification of the Convention gives the force of national law to its provisions, please indicate by virtue of what constitutional texts the ratification has had this effect. Please also specify what action has been taken to implement those provisions of the Convention which require the competent authority or authorities to take action, such as a definition of its exact scope and the institution of indispensable practical measures and apply it.

If the Committee of Experts or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Please provide a general overview of the measures taken to apply this Article.

The Fijian Government Responses are provided below.

Article 2

For the purposes of this Convention, the term “child” shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term “the worst forms of child labour” comprises:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Please indicate, for each of the clauses (a) to (d) the measures taken to secure the prohibition and elimination of the worst forms of child labour with regard to all persons (girls and boys) under the age of 18

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.
2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.
3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Please indicate the types of work determined in accordance with paragraph 1. Please communicate the relevant text.

Please indicate the measures taken to identify where the types of work so determined exist, and communicate the results.

Please indicate how the list of the types of work determined under paragraph 1 of this Article has been periodically examined. Please provide any revised list.

Please indicate the consultations which have been held with the employers’ and workers’ organizations in accordance with the provisions of this Article.

Article 5

Each Member shall, after consultation with employers’ and workers’ organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Please indicate the mechanisms established or designated, and provide information on their functioning, including any extract of reports or documents. Please also indicate the consultations which have been held with the employers’ and workers’ organizations in accordance with the provisions of this Article.

Government is in the process of finalizing the list of hazardous work through tripartite consultations with the National Occupational Health and Safety Advisory Board (NOHSAB) and

the Employment Relations Advisory Board (ERAB). After subsequent vetting from the Office of the Solicitor- General it is targeted for completion by June, 2011 when the Minister will be making the Declaration of the List of Hazardous Work.

Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.

2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

Please indicate the programmes of action and provide information on their implementation.

Please indicate the consultations which have been held with the employers' and workers' organizations in accordance with the provisions of this Article. Please also indicate the extent to which the views of other concerned groups have been taken into consideration.

Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:

(a) prevent the engagement of children in the worst forms of child labour;
(b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
(c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
(d) identify and reach out to children at special risk; and
(e) take account of the special situation of girls.

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

Please indicate the measures taken in accordance with paragraph 1, including the provision of penal or other sanctions and their actual application.

Please indicate the measures taken with regard to each of the clauses (a) to (e) of paragraph 2. If any of the measures are time-bound, please specify the time frame.

Please indicate the authority or authorities designated in accordance with paragraph 3 responsible for the implementation of the provisions giving effect to this Convention, and by what methods such implementation is supervised.

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

Please indicate any steps taken in accordance with the provision of this Article.

III. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

IV. Please give a general appreciation of the manner in which the Convention is applied in your country. Please indicate any practical difficulties encountered in the application of the Convention, or any factors which may have prevented or delayed action against the worst forms of child labour.
If your country has received any assistance or advice under ILO technical cooperation projects, such as the International Programme on the Elimination of Child Labour (IPEC), please indicate the measures taken accordingly.

V. In so far as the information in question has not already been supplied in connection with other questions in this form – please supply copies or extracts from official documents including inspection reports, studies and inquiries, and, where such statistics exist, information on the nature, extent and trends of the worst forms of child labour, the number of children covered by the measures giving effect to the Convention, the number and nature of infringements reported, penal sanctions applied, etc. To the extent possible, all information provided should be disaggregated by sex.

VI. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.[1] If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

VII. Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention. If so, please communicate a copy of the observations received, together with any comments that you consider useful.

Article 3, clause (d), and Article 4, paragraphs 1 and 2, of the Convention. Determination and identification of hazardous work

The Committee observed that no such list of hazardous employment or work appears to have been declared by the Minister of Labour.

Article 5 Monitoring mechanisms.

Fijian Government Response

Government is in the process of finalizing the list of hazardous work through tripartite consultations with the National Occupational Health and Safety Advisory Board (NOHSAB) and the Employment Relations Advisory Board (ERAB). After subsequent vetting from the Office of the Solicitor- General it is targeted for completion by June, 2011 when the Minister will be making the Declaration of the List of Hazardous Work.

DIRECT REQUEST

The Committee also notes the Government's statement that a technical committee (with representation from workers' and employers' organizations and coordinated by the Ministry of Labour) has been proposed to determine the types of hazardous work, though the terms of reference for this technical committee have yet to be drafted. Clarify whether this technical committee is the ERAB or whether a technical committee will still be established to comment on the list produced by ERAB.

Fijian Government Response

[1] Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

The technical committee is the NOHSAB which will then report to the ERAB for the adoption of the List.

DIRECT REQUEST

The Committee further notes the Government's indication that a Ministerial Order will be developed under section 95(2) of the Promulgation No. 36 of 2007, after consultation with both workers' and employers' organizations and other relevant stakeholders. This Order will outline the list of hazardous activities and occupations prohibited to persons below 18 years of age, and will conform to the requirements in the Health and Safety at Work Act 1996. Provide information on tripartite/ stakeholder consultation towards determining the hazardous list.

Fijian Government Response

Government is in the process of finalizing the list of hazardous work through consultations with the NOHSAB and the ERAB and is targeted for completion by June 2011 when the Minister is expected to have a Declaration of the List of Hazardous Work. As highlighted above, the consultations are tripartite in nature in both the NOHSAB and ERAB in accordance with the provisions of the ILO Convection 144 on Tripartite Consultation

DIRECT REQUEST

The Committee hopes that, in formulating a list of hazardous activities and occupations prohibited to persons below 18 years of age pursuant to section 95(2) of Promulgation No. 36 of 2007, the Government will take into consideration the types of work enumerated in Paragraph 3 of Recommendation No. 190. The Committee requests the Government to continue to provide information on the progress made in this regard, and supply a copy of this list once it is adopted.

Fijian Government Response

In the process of consultation, consideration is being made to the types of work enumerated in Paragraph 3 of Recommendation No. 190. The List will be supplied once it adopted.

DIRECT REQUEST

The Committee requests the Government to continue to provide information on the development of a plan to appoint child labour inspectors as well as information on any other measures taken to strengthen the monitoring mechanisms of the worst forms of child labour.

Fijian Government Response

The Ministry of Labour, through the ILO-IPEC TACKLE project has submitted an Action Programme proposal "Establishing the Child Labour Unit & National Action Plan to Eliminate Child Labour in Fiji" has been endorsed by the tri-partite members of the Child Labour Project Advisory Committee and sent to IPEC Geneva for final approval. The proposed Child labour Unit will be responsible for strengthening the institutional capacity of the government through the Ministry of Labour to formulate and implement child labour strategies. A major activity of the action programme is the training of Labour Inspectors and Officers to identify and respond appropriately to child labour issues. This will involve training on child labour inspection mechanisms, child labour monitoring and strategies to address the worst forms of child labour. The contract agreement for the establishment of the Unit was signed between the ILO and the Ministry of Labour on 16th December, 2010. The Ministry of Labour is in the process of finalizing the recruitment of two (2) project staffs of the Unit.

An action programme on the "Elimination of Child Labour through the Education System-Targeting Children and their Communities" proposed to be implemented by the Fiji Trades Union Congress in collaboration with the Fiji Teachers Union, has also been submitted through the ILO-IPEC TACKLE project to ILO HQ Geneva for technical clearance. The Action programme proposes to establish workplace-based and school-based child labour monitoring systems, appoint School-based CL Monitors to identify child labourers and children at risk of dropping out of school and working as child labourers. The action programme also targets children in the worst forms of child labour, particularly in hazardous work.

The ILO-IPEC TACKLE project has also submitted an Action Programme to be implemented by the People's Community Network Fiji, targeting children in squatter communities and informal settlements in Fiji. The programme is targeting the withdrawal of 200 most vulnerable children in these poor communities and is piloting the establishment of a community-based child labour monitoring system.

The ILO Tackle Project Advisory Committee (PAC) has become a government- endorsed subcommittee of the National Coordinating Committee on Children. The PAC includes key government ministries, workers and employers organisations and is chaired by the Ministry of Labour, Industrial Relations and Employment.

Article 6. Programmes of action to eliminate the worst forms of child labour.

DIRECT REQUEST

The Committee requests the Government to provide information on the progress made in the elaboration of a national plan against child labour and, more specifically, on the impact of this national plan on ensuring that the worst forms of child labour do not exist or arise in Fiji.

Fijian Government Response

A main activity in the Ministry of Labour Action Programme for the Child Labour Unit will be to coordinate the development of a Fiji National Action Plan to Eliminate Child Labour (NAP). The Child Labour Unit will conduct consultative forums to develop the NAP after reviewing the draft matrix of national actions developed since the first annual National Child Labour Forum in 2008.

The government through the Department of Immigration has developed the 2011 National Plan of Action to Eradicate Trafficking in Persons and Child Trafficking. A copy is herewith attached.

Article 7, paragraph 2. Effective and time-bound measures. Clause (a). Prevent the engagement of children in the worst forms of child labour.

DIRECT REQUEST

The Committee encourages the Government to redouble its efforts to improve the functioning of the education system and to ensure access to free primary education to all children in Fiji. The Committee requests the Government to provide information on measures taken in this regard, particularly on measures taken to increase enrolment rates and reduce drop-out rates in the school system. The Committee also requests the Government to provide information on the proposed review of the Education Act. In addition, the Committee requests the Government to provide information on the number of children who were effectively prevented from being engaged in the worst forms of child labour as a result of the implementation of the ILO–IPEC Tackle project.

Fijian Government Response

The Ministry of Education has recently released its 'Inclusive Education Policy' and is working on a Child Protection Policy. In this instance, the government has implemented free education, free transportation to all primary school students.

Primary Education:

In 2010, all primary schools in Fiji received Text books through the allocation for schools text books, 54,000 deserving students were assisted through the bus fare initiative, 10 primary schools with established boarding were assisted through the capital development for boarding allocation and 11 primary schools were assisted through allocation for renewal of school land lease.

Secondary Education:

In 2010, government assistance to improve secondary education is provided in Table 1 below. Total number of secondary schools in 2010 is 168 inclusive of the 2 newly established schools. Total enrolment in 2010 was 66, 037, a reduction from 67, 072 in 2009. Entry into secondary schools in 2010 is a pass in FEYE examination. The abolishment of the FEYE in 2010 now allows all class eight students to progress through to secondary in 2012. LANA results and the outcome of the work underway in the new assessment framework will have some implications as well on the standard of student achievement at class eight levels.

In 2010, 5 secondary schools with established boarding were assisted through the boarding allocation, one secondary school received financial assistance for the renewal of schools land lease, 21 secondary schools received financial assistance with the purchase of text books and 160 schools received 2 new Fijian Texts published in 2010. Twelve (12) government schools were assisted through the $1.2mil allocated for the maintenance and upgrading of Schools and Institutional Quarters. Number of schools, enrolment and teacher

Table 1: Grants to secondary schools

Grant	2011grant	No of schools
Tuition	$12,047,000	168
Per Capita Boarding	$447,600	53
Per capita- Day Schools	$400,000	78
Boarding	$200,000	5
Lease renewal	$150,000	12
Text book	$100,000	21
New Fijian Text	$72,000	160
Bus fare		42,000

The ILO-IPEC TACKLE project has submitted an Action Programme to be implemented by Save the Children Fiji, targeting the commercial sexual exploitation of children in Fiji. The project aims to withdraw 50 children from commercial sexual exploitation, directly prevent 100 children from engaging in commercial sexual exploitation, and work with 12 schools to target 6000 children for prevention through a school-based approach. The action programme has been endorsed by the tri-partite Project Advisory Committee and is targeted to be operational in 2011.
Clause (d). Identifying and reaching out to children at special risk.

DIRECT REQUEST

The Committee urges the Government to take effective and time-bound measures to assist in the removal of children from this worst form of child labour, within the framework of a national plan of action on the commercial sexual exploitation of children. The Committee requests the Government to provide information on the measures taken in this regard. It also requests the Government to take the necessary measures to ensure that child victims of prostitution are treated as victims rather than offenders, and to ensure that mechanisms for their rehabilitation and reintegration are available.- suggest information sought from Social Welfare and Juvenile Bureau/ Fiji Police Force on measures they have put in place to address this. The Crimes Decree should also provide some information that may be used.

Fijian Government Response

The CSEC Action Programme (Save the Children Fiji) and the National Action Plan on the Prevention of Trafficking of Persons also support this clause.
Part V of the report form. Application of the Convention in practice.
DIRECT REQUEST

The Committee requests the Government to provide information from this research when it is completed, to give a general assessment of the manner in which the Convention is applied in Fiji. The Committee also asks the Government to supply copies or extracts from official documents including inspection reports, studies and inquiries and where such statistics exist, information on the number of children covered by the measures giving effect to the Convention, the number and nature of infringements reported, investigations, prosecutions, convictions and penalties applied.

Fijian Government Response

Five research studies were commissioned by the International Labour Organization in 2009, through the IPEC-TACKLE Project. The research studies were focused on the Commercial Sexual Exploitation of Children; Street Children in Child Labour; Child Labour in Rural and Agriculture Areas; Child Labour in Informal and Squatter Settlements; and a School Survey. Over 1500 children participated in the research studies. Adults were also interviewed as stakeholders, Parents, Teachers, and Community Leaders. The survey's showed that child labour, and the worst forms of child labour exist in Fiji. Of the total number of children interviewed, over 100 children were engaged in commercial sexual exploitation, over 200 children in hazardous work and a small number of children were engaged in illicit activities (either begging or drug trafficking).

Both qualitative and quantitative data were collected by all the five research teams:

- **1,611 children were interviewed using children's questionnaires for the five different surveys**
- **1,136 adults including Parents, Teachers, Adult Sex Workers and Street Workers were interviewed using household or adult questionnaires**
- **226 key Informant interviews were conducted with representatives from Government, NGOs, community leaders and sector relevant stakeholders**
- **58 Focus Group discussions were conducted**
- **160 people participated in 7 Conferences (3 community sessions and 4 school sessions)**
- **Over 60 case studies and 48 Research Diaries were collected.**

The Child Labour Research Surveys established that there are an increasing number of children involved in child labour and in the worst forms of child labour in Fiji.

- **Over 500 children involved in the worst forms of child labour in Fiji were interviewed**
- **109 children in the worst forms of child labour were engaged in commercial sexual exploitation, in particular in child prostitution (the use of girls and boys in sexual activities remunerated in cash or in kind otherwise referred to in the research report as "sex work".**

An electronic copy of the Research Report is attached- http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=16815

FIBOS is currently carrying out the Labour Force Surveys which include child labour indicators that can be analysed at a national level.