

Mapping the national situation

Day 1, Session 5

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**JOINING FORCES
GLOBALLY** TO END
FORCED LABOUR,
MODERN SLAVERY,
HUMAN TRAFFICKING
AND CHILD LABOUR

Outline

- Summary of the enabling environment
 - International Treaties/ Conventions ratified
 - Legislation & Policies
 - National Action Plans & Priorities
 - Enforcement & Compliance
 - Coordination Mechanisms
- *Findings of a short desk review on relevant laws, policies, programmes*

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Child labour in Fiji

- **WORST FORMS OF CHILD LABOUR**

- Children in the commercial sex trade- prostitution, pornography
- Children in illicit activities- trafficking drugs, begging, gambling, robberies
- Children in hazardous child labour:
 - Deep sea diving, collecting seafood
 - Agriculture, sugarcane harvesting
 - Construction
 - Scavenging/ scrap metal collection

- **CHILD LABOUR BELOW MINIMUM AGE AND CONDITIONS**

- Informal sector work- street vending, garage, carwash, commercial farming
- Out of school
- Working after hours

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Forced labour, slavery and human trafficking

- Migrant labourers working on farms, factories, construction industry, **fishing vessels**, car dealers/ garages (FORCED LABOUR AND TRAFFICKING)
- Migrant women & local women and children in the sex trade (TRAFFICKING)
- Migrant workers from Fiji in construction and agriculture industries in Australia and New Zealand (FORCED LABOUR)
- Bonded labour (SLAVERY)

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Relevant International Conventions ratified by Fiji

- Convention on the **Rights of the Child** (CRC), 1989
- ILO **Minimum Age Convention**, No.138, 1973
- ILO **Worst Forms of Child Labour** Convention, No.182, 1999
- ILO **Forced Labour** Convention, No. 29, 1930
- ILO **Abolition of Forced Labour** Convention, No. 105, 1957
- **UN Convention against Transnational Organised Crime** and Supplementary Protocols- (i) **Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children**; (ii) Protocol against the Smuggling of Migrants by Land, Sea and Air; and (iii) Protocol against the Illicit Manufacturing of Trafficking in Firearms, their Parts and Components and Ammunition
- Agreement on Port State Measures to Prevent, Deter and Eliminate **Illegal, Unreported and Unregulated Fishing**
- International Convention on the **Protection of the Rights of All Migrant Workers** and Members of their Families;

- International Convention for the **Protection of All Persons from Enforced Disappearance**
- Convention for the **Suppression of Trafficking in Women and Children**, 1921
- *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, 1987
- *Convention on the Elimination of All Forms of Discrimination Against Women*, 1981
- *WHO Protocol to Eliminate Illicit Trade in Tobacco Products*
- *International Covenant on Economic, Social and Cultural Rights (ICESCR)* 1966
- *International Covenant on Civil and Political Rights (ICCPR)* 1966
- *Convention on the Civil Aspects of International Child Abduction*, 1980

Legislation & Policies

- **Employment Relations Act 2007**
- **Health and Safety at Work Act 1996**
- **Crimes Act 2009**
- **Juveniles Act Cap.56**
- **Adoption of Infants Act**
- **Child Welfare Decree 2010**
- **Immigration Act 2003**
- **Mutual Legal Assistance in Criminal Matters Act, 1997**
- **Education Act (Bill)**
- **Dangerous Drugs Act**
- **Illicit Drugs Control Act**
- **Online Safety Act 2018**

- **Inter-agency guidelines on Child Abuse and Neglect**
- **Child Protection Policy- Education**
- **Child Protection Guidelines- ODPP**
- **Child Protection Guidelines for Health Workers**
- **National Child Protection Policy (Draft)**
- **National Child Labour Policy (Draft)**
- **Provisions protecting children in light work and entertainment industry (Draft)**
- **Child Protection Policies- CSOs**

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Employment Relations Act 2007

- Guarantees fundamental principles and rights
 - Section 6.—(1) **No person** shall be required to perform **forced labour**.(2) No person shall **discriminate against any worker** or prospective worker on the grounds of ethnicity, gender, religion.... etc.)
 - Sections 90-99 - Prohibits the worst forms of **child labour**, sets **minimum age and conditions**, and allows certain rights and freedoms for children who are legally allowed to be employed.
- **Hazardous Occupations Prohibited To Children Under 18 Years of Age Order 2013**
 - Provides a list of occupations or **workplaces that are prohibited** for children

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Crimes Act 2009

- Addresses crimes against humanity including :
 - **forced labour** and slavery (Division 3),
 - **slavery** and **sexual servitude** (Division 5)
 - domestic and international **trafficking** (Division 6)
- Sections 111-121- offences of **international and domestic trafficking** in persons and children, **debt bondage & penalties**

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Immigration Act

- Part 5 -**prohibits trafficking and smuggling of persons:**
- 21. (1) An employer who...takes an action with the intention of **preventing or hindering the employee from-(a) leaving** the Fiji Islands;(b) seeking that persons **entitlement under the law** of the Fiji Islands; or(c) **disclosing to any person the circumstances of that persons employment** ...commits an offence...
 - *(a) taking or retaining possession **or control of a person's passport**, any other travel or identity document, or travel tickets;*
 - *(b) preventing or **hindering a person** from(i) having access to a telephone or any other means of **telecommunication** available;(ii) using a telephone or any other means of telecommunication available;(iii) using a telephone or any other means of telecommunication privately;(iv) **leaving premises**; or(v) leaving premises unaccompanied; or*
 - *(c) **preventing or hindering a labour officer or inspector from entering or having access to any place or premises to which the person is entitled to have access under any written law.***

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Juvenile Act

- **Offences against juveniles-**
- **58.-(1)** If any person causes or procures any child or, having the custody or care of such a child, allows him to be in any street, premises or place for the purpose of **begging** or receiving alms...
- **60.-(1) sells or supplies any intoxicating liquor to any person under the age of 18 years...**(2) permits a person **under the age of 18 years to enter or remain in the bar...** (3) sends a person under the age of 18 years to licensed premises ...
- **61.** If a pawnbroker takes an article in **pawn** from any person apparently under the age of 14 years, whether offered by that person on his own behalf or on behalf of any other person, ...
- **62.-(1)** If a dealer in old metal **purchases any old metal** from any person under the age of 14 years..

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Inter-Agency Guidelines on Child Abuse and Neglect

- Framework for inter-agency cooperation to tackle child abuse, child neglect and abandonment & roles of agencies:
- **Role of MEPIR under the guidelines:**
- **Train** stakeholders on **child labour laws and regulations** (ERA 2007, HASAW Act, Hazardous CL List)
- Build **awareness** of interagency members in all districts on child labour and the **child labour standard operating procedures**
- **Investigate all cases of child labour** and recommend for prosecution any breaches of labour laws
- Maintain an efficient **child labour database**

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ILO 2016 Legislative Review- Crimes Act

- **Revise age thresholds and penalties** (Sections 214, 215)
- **Increase penalties for sexual offences against children:** - Under 12 years of age; where persons who are in positions of trust over a child (such as parents or guardian) sell children for the purposes of illegal sexual acts
- **Adopt offences:** - **to comprehensively cover sexual exploitation of children;** to **buy the sexual services of a child** under 18 years old; to **recruit, induce or compel** a child under 18 into commercial sexual exploitation; to **participate, facilitate, advertise** or allow the commercial sexual exploitation of a child under 18 years old; to **receive money or other reward**, favour or compensation for the sexual exploitation of a child
- Any new provisions relating to the sexual exploitation of children should not include any defence (as contained in sections 211 and 215) that the **offender believed the child was above a certain age**
- Fiji should **ratify the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography**

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ILO 2016 Legislative Review- Juveniles Act/ Drugs Act

- **Juveniles Act**
 - **Review Section 62A relating to pornography.**
 - **Illicit and drug related offences should be included : - prohibiting the selling and dealing in drugs with persons under the age of 18; and using or procuring children to manufacture, produce, sell, deal in and traffic drugs and harmful or prohibited substances.**
 - **Establish child friendly court proceedings;**
 - **Ensuring children are detained appropriately;**
 - **Reviewing the minimum ages of criminal responsibility to an internationally accepted level;**
 - **Establishing additional specialized juvenile courts facilities and designating specialised judges for children and ensure that such specialised judges receive appropriate education and training;**
- **Dangerous Drugs Act and the Illicit Drugs Control Act**
 - **Amended to ensure that the provisions of both Acts do not apply to children under the age of 18.**
 - **Currently, the provisions and penalties, including mandatory custodial sentences apply to children.**

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National Action Plans & Priorities

Fiji National Plan of Action to Eradicate Trafficking in Persons and Child Trafficking

- **Training** to identify and manage trafficking activity;
- Trafficking **awareness** campaigns
- **Enhancing border security** to prevent TIP
- **Visa vetting**
- **Research** on TIP
- **Intelligence gathering and sharing**
- **Reporting** trafficking progress to UN and US Department of State
- International collaboration

- Recognition of trafficking **victims status**
- Providing **services** to victims (health, housing, social services, financial, safety)
- Repatriation assistance

- **Investigation** of suspected TIP
- **Support for victims** during the **criminal justice process**

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National Action Plans & Priorities

National Action Plan to Eliminate Child Labour in Fiji

- **Legislation and enforcement**

- Mainstream child protection into each government ministry
- Develop national child labour policy
- Strengthen CL Sub-committee of NCCC

- **Education**

- Establish NFE Certification training programme for out-of-school children
- Mainstream TVET into all schools
- Establish CPP in schools
- Amend Education Act

- **Social protection**

- Upscale Family Assistance programmes/ conditional cash transfers
- Establish policy on job creation
- Scholarships to up skill health workers and Social workers
- Increase qualified and registered social workers
- Implement Poverty Alleviation Programme targeting WFCL

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National Action Plans & Priorities

National Action Plan to Eliminate Child Labour in Fiji

- **Labour market**

- Conduct labour market surveys and school to work transition survey
- Regulate national minimum wage in informal economy
- Regulating scrap metal collection

- **Agriculture**

- Promote fair trade certification
- Regulate hazardous child labour list
- Establish joint inspection task force between MOL, MoA, FSC and MOE
- Develop dea sea diving regulations to protect children

- **CSEC**

- Develop guiding protocols for agencies addressing CSEC
- Strengthen PPP for victims
- Increase penalties for perpetrators
- Parenting education programmes
- Training of enforcement agencies and transport sector

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Review of the CL NAP, 2016

- **Enforcement of child labour laws**

- Joint WFCL inspections/ investigations; Protocols for withdrawal of victims from CSEC and drug trafficking; Gaps in legislation- *Crimes Act, Shop Hours regulations (2016), Quarries Regs, Marine Act, Mining Act, Juvenile Act*

- **Victim assistance**

- Withdrawal of victims, safe houses and services for victims

- **Prevention of CL/ WFCL**

- Access to quality education for all, entrepreneurship, skills, careers ed., NFE

- **Institutional strengthening, coordination and monitoring**

- CLMS in schools, communities; zero tolerance to CSEC in tourism sector

- **Knowledge management**

- Link CL database (MEPIR) to national child database (MoWCPA); CL module for FBOS surveys; National survey on the WFCL

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Enforcement & compliance

- MEPIR- Labour Standards Services – labour inspection, child labour inspection, child labour systems and process (referral procedures)
- Police- Criminal Investigations Division- Juvenile Bureau, Sexual Offences Unit, Drug Intelligence, Human Trafficking Unit, Organised Crime Unit
- Immigration- Compliance and Investigation Division (investigation, intelligence gathering); Research and Development Division (database, legislative and policy review, training and information)
- MOWCPA- Department of Social Welfare- child database/ registry (mandatory reporting under Child Welfare Decree), Child Services and Protection
- MOE- Child Protection Policy, NSAAC ...

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Coordination mechanisms

- **National Human Trafficking Task Force / Inter-Agency Working Group on People Trafficking**

- **Chair:** Department of Immigration
- **Partners:** *Police, Fiji Intelligence Unit, FIRCA, Transnational Crime Unit, DPP, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Health, Ministry of Justice, Ministry of Information, MEPIR, DISMAC, Department of Social Welfare, Housing Authority, Public Rental Board, Save the Children Fiji, Red Cross, PIDC, ILO, UNICEF, IOM*

- **National Coordinating Committee on Children**

- **Chair:** Ministry of Women, Children and Poverty Alleviation
- **Members:** Gov't, CSOs, UNICEF ...
- **Child Labour Sub-Committee:** Chair: MEPIR
- **Members:** MEPIR, MOE, DoSW, FBOS, Police, FCEF, FTUC, FTU, ILO
- **CSEC Sub-Committee:** Chair: HoH
- **Members:** MOE, Police, DoSW, ILO

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Programmes, projects

- National Substance Abuse Advisory Council- education and awareness in schools
- ODPP Anti- Human Trafficking Programme- training (Police, DOI) and awareness (IEC materials)
- Prevention of Child Abuse and Neglect Campaign (PCAN)- NCCC partners
- Annual World Day Against Child Labour Campaign- MEPIR, FCEF, FTUC, MOE and Partners
- Tackling Child Labour through Education (TACKLE)- legislation, monitoring and enforcement, institutional strengthening, direct actions, research and knowledge sharing- MEPIR, FBOS, DoSW, Police, MOE, FCEF, FTUC, FTU, Agriculture, Save the Children, Homes of Hope, USP, Media Agencies, CSOs etc.

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Closing comments

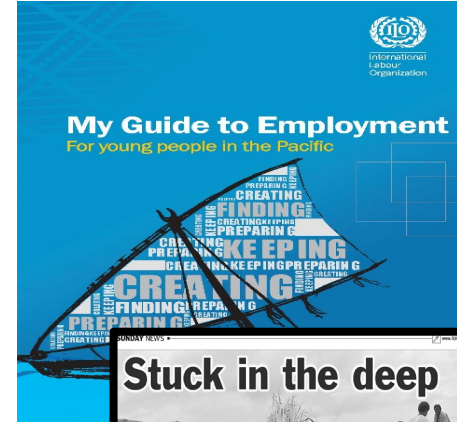
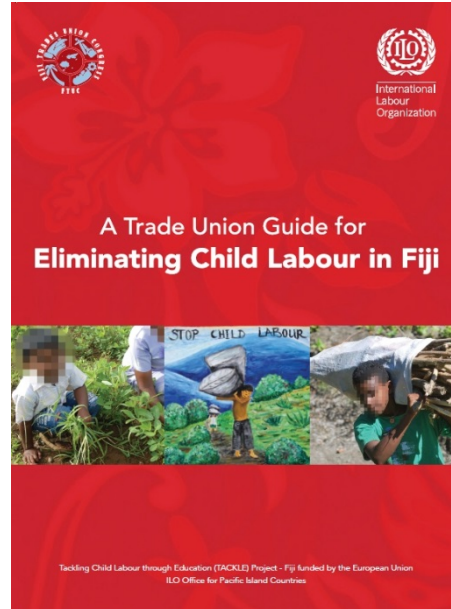
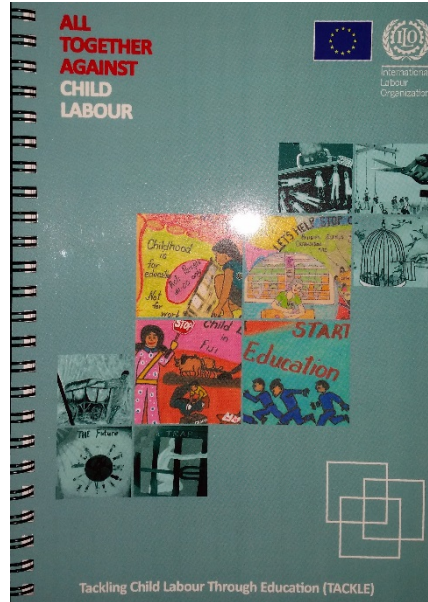
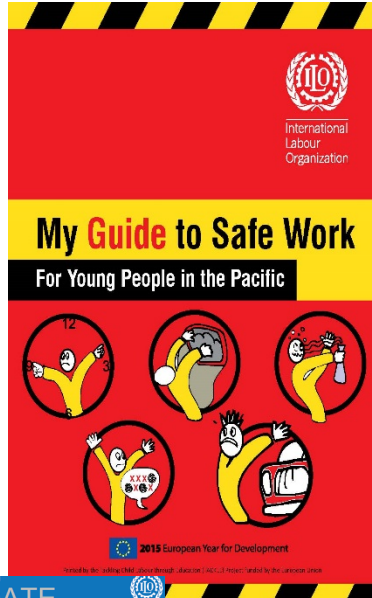
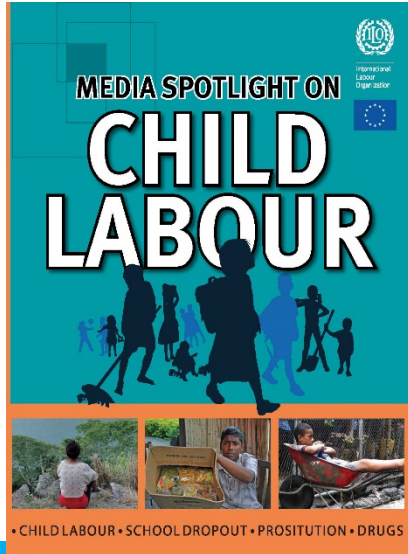
- Political will exists
- Tried and tested approaches- experience exists
- No need to re- invent the wheel- Better? Faster? More Effective?
- Priorities are still valid
- Check priorities of national development plans, sector plans, agency strategies
- Check recommendations from previous reviews, reports, supervisory bodies
 - Reports on CRC, UPR, US TIP, US DOL WFCL,
 - ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR)- observations and requests related to child labour and forced labour Conventions, migration, trafficking
 - Child labour legislative reviews, research reports, NAP drafts and workshop reports, technical reports from implementing partners

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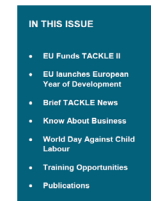


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Thank you



Child Labour Manual
A Resource for Labour Inspectors
and Officers in Pacific Island Countries



NEW PHASE ON TACKLING CHILD LABOUR THROUGH EDUCATION IN FIJI

The European Union (EU) and the International Labour Organization (ILO) have signed an agreement to support a new phase of Tackling Child Labour through Education in Fiji (TACKLE II).



TACKLE II will strengthen the systems and structures put in place by stakeholders engaged in the TACKLE project from 2008 to 2013, and sustain national efforts to progressively eliminate child labour. TACKLE II will further:

- Enhance national child labour response through effective partnership, coordination, enforcement and monitoring mechanisms
 - Build capacity to implement policies and programmes for formal and non-formal education and promote school retention and access to education for out-of-school children
 - Improve knowledge base on combating child labour, especially its worst forms, through research, direct action, awareness and knowledge-sharing
- TACKLE II will be implemented in Fiji over the next 24 months by the ILO in collaboration with the Ministries of Employment, Productivity and Industrial Relations, Education, Social Welfare; ILO social partners – the Fiji Trades Union Congress and Fiji Commerce and Employers Federation; and other government departments and civil society organizations.



**Commercial Sexual Exploitation and
Trafficking of Children “in a nutshell”**
A Resource for Pacific Island Countries



Addressing child labour

