Introduction

Who is not a Child Labourer

A child participating in work does not necessarily mean that he or she is a child labourer.

A girl or boy involved in activities such as helping his or her parent(s) care for the home and family, assisting in the family business, and earning pocket money outside of school hours and (or) during school holidays can not be equated with child labour.

Definition

It is difficult to give a precise definition of child labour since the situation varies from country to country and even between sectors within a country. Broadly speaking, Child Labour refers to work done by girls and boys which is:

a. Mentally, physically, socially or morally dangerous and harmful to them; and
b. interferes with their schooling by;

- **depriving** them of the opportunity to attend school;
- **obliging** them to leave school prematurely; or
- **requiring** them to attempt to combine school attendance with excessively long and heavy work.

In its most extreme forms, it involves children being enslaved, separated from their families, exposed to serious hazards and illness and / or left to fend for themselves on the streets of large cities - all of this often at a very early age.

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**Child domestic labour**

**Child domestic Labour refers to situations** where children (boys and girls) are:

a. engaged in domestic tasks in the home of a third party or employer;

b. denied education and chances of a better future;

c. faced with physical and mental abuse; and

d. used for trafficking, slavery, slavery like activities, sexual abuse, etc. (worst forms of child labour)
### Minimum Age:
**ILO Convention No. 138**

<table>
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<tr>
<th>GENERAL MINIMUM AGE</th>
<th>LIGHT WORK</th>
<th>HAZARDOUS WORK</th>
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<td>In general, not less than age of completion of compulsory schooling, and in any case not less than 15 years.</td>
<td>13 years</td>
<td>18 years (16 years under certain strict conditions)</td>
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<td>Where the economy and educational facilities are insufficiently developed:</td>
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<td>Not less than 14 years for an initial period</td>
<td>12 years</td>
<td>18 years (16 under certain strict conditions)</td>
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Worst form of Child Labour: ILO Convention No. 182

This Convention applies to all girls and boys under the age of 18 (NO FLEXIBILITY)

- All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, as well as forced or compulsory labour, including forced and compulsory recruitment of children for use in armed conflict;

- The use, procuring or offering of a child for prostitution, for the production of pornography or for the pornographic performances;

- The use, procurement or offering of a child for illicit activities, in particular for production and trafficking of drugs;

- The work or circumstance which is likely to harm the health, safety or moral of children.
Legal provisions on child labour, Fiji

EMPLOYMENT ACT, CAP 92

- A Child is a person who has not attained the age of 15 years.

- A child under the age of 12 years cannot be employed in any capacity except in family owned business, agricultural undertaking.

- A child can be employed on daily wage and on day-to-day basis and must return to parents or guardian every night.

- A child cannot be employed in industrial undertaking or in attendance to machinery.

- A child can be employed for 6 hours a day with a break of 30 minutes every 2 hours. If he/she is schooling, total time at school and work should not exceed 7 hours a day.

- A young person, above the age of 15 years and under the age of 18 years can be employed for 8 hours with a break of 30 minutes every 5 hours. The total time spent at work and school should not exceed 9 hours a day.

- A young person cannot work underground in mines unless medically certified fit.
NEW PROVISIONS IN THE DRAFT IR BILL
(Likely to be tabled in Parliament in September 2004)

The employable age of a child has been increased from 12 to 15 years.

A child between the age of 13 to 15 years can be employed on light work in businesses owned by family, tokatoka, mataqali or yavusa but his/her employment should not be interfered with schooling hours.

A child over the age of 15 years can be a member of trade union but cannot be candidate until he is 18 years.

Basic rights

of children: UNICEF

The Convention on the Rights of the Child states that every child has the right to:

a) Basic health and welfare

- Survival and development;
- An adequate standard of living and access to effective health services; and
- Social security and child care services and facilities.

b) Live with his or her parents or receive alternative care when a family environment cannot be maintained
• A safe adoption system;
• Protection from kidnapping;
• Protection from abuse and neglect by parents or care givers.

c) Education, Leisure and Cultural Activities

• Free primary education, access to secondary education and vocational training;
• An education that develops her or his personality, talents, and mental and physical abilities to their fullest;
• Leisure, play and the opportunity to participate in cultural and artistic activities

d) Special protection in situations of exploitation such as child labour, drug abuse, sexual exploitation or sexual abuse, sale, trafficking and abduction

e) Civil Rights and Freedom

• Protection from torture or other cruel, inhumane or degrading treatment, punishment or unjustified deprivation of liberty;
• Freedom of expression, thought, conscience and religion.
Though not as prevalent as in other countries, Fiji has recorded evidences of child labour, including its worst forms (child pornography).

The Police Force has done the following in its efforts towards protection of children:

- **Establishment of Child Protection Units** within the Force:
  - Child Abuse Unit; and
  - Juvenile Bureau.
  (These units provide services that promote ‘best interest’ of children).
- Investigate any allegation of any form of child abuse
- Raise community awareness on child protection issues.

**Workers’ View:**

**Fiji Trades Union Congress (FTUC)**

- No employment of children for profit purposes;
- All children should be in schools and not in factories;
- FTUC urges that there should be a coordinated effort amongst Government, Workers’ and Employers’ to eliminate child labour; and
Government should meet with real commitment and resources to free each child labour and provide them with education and better social services.

**Employers’ view:**

**Fiji Employers’ Federation (FEF)**

- Responsible employers do not engage nor condone the employment of children under the legal age as specified by the Geneva Conventions and the Constitution of Fiji. To do so would be tantamount to the denial of the child’s right to a normal education at a critical period of the intellectual, social and physical development of a human being; and

- Employers believe that human resource development and nursing the potential of children are important for growth and development.

**Perspective of media organizations**

The media is instrumental in drawing attention to issues of public concern.

Through its very nature, the media has the power to inform, educate and influence people at all levels from all backgrounds;
• We, media operators (Fiji and the Pacific), commit to the national and regional effort in eradicating child labour – in particular its worst forms – by reporting on the issue in a sensitive, fair and informative manner;

• By raising public awareness of child labour in our community, we, the media, can help lift the issue onto the national agenda, where it is subject to scrutiny and debate by key decision makers; and thereby launch child labour towards a process of total elimination.

‘Our Dreams’ - views of young persons

Miss Lydith Clair Powell, Head Girl, Suva Grammar School -
“My wish is that parents realize and encourage their children to pursue their education and not to allow them to be a child labourer. I also hope that different organizations put together their efforts to help disadvantaged and displaced children to find a safe shelter and to pursue their education.”

Mr. Marika Vavataga, Head Boy of Holy Trinity Anglican School, Suva -
“My dream is that there is widespread campaign to stop child labour and that money be raised to help children go to school.”
Children are the future of any nation. Abuse and depravation of their childhood may lead to intellectual bankruptcy, the widening of the gaps between the “have” and the “have not” that can hinder the economic and social progress of the nation.

“The child is to be respected as a subject of rights and a human being in need of special attention and assistance from the State and society.”

“Child labour is work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.”

Committee on the Elimination of Child Labour, Fiji

C/- ILO Office for the South Pacific
PO Box 14500, SUVA, FIJI
PH: (679) 3313866
Fax: 3300248
Email: suva@ilo.org