

FIJI

CEDAW A/57/38 (Part I) (2002)

24. The Committee considered the initial report of the Republic of the Fiji Islands (CEDAW/C/FJI/1) at its 530th and 531st meetings, on 17 January 2002, and its 538th meeting on 22 January 2002 (see CEDAW/C/SR.530, 531 and 538).

(a) Introduction by the State party

25. In introducing the report, the representative of Fiji stated that her country believed in the spirit and the goals of the Convention on the Elimination of All Forms of Discrimination against Women, was committed to human rights and took its obligation to implement the Convention seriously. Fiji was proud to be the first Pacific island State to report to the Committee, and before submitting the initial report in early 2000, had withdrawn its reservation to article 5 (a) of the Convention.

26. The representative said that the report had been a collaborative effort of all governmental sectors, in partnership with civil society and non-governmental organizations, and that Fiji had shared its experiences in the preparation of its initial report at the workshop conducted by the Division for the Advancement of Women in New Zealand in 2001.

27. The representative informed the Committee that the isolation of Fiji and her Pacific island neighbours from the rest of the world made the country susceptible to global economic forces and, consequently, sporadic political upheavals, and the country's goals and priorities were affected by social, economic and environmental vulnerabilities. Fiji relied on a small export base dealing in an open market in international trade and a sluggish economy had led to major job losses, outward migration, a lowering of the living standard, increased poverty and crime. She pointed out that over half of the predominantly highly skilled and qualified professionals who had migrated from Fiji in recent years had been women.

28. An attempted civilian coup d'état on 19 May 2000 had disrupted parliamentary rule by the democratically elected Government. General elections had since been conducted, restoring constitutional democracy and political stability. A total of 26 of the 353 candidates were women and 5 had been successful. Currently, two women are cabinet ministers, two are assistant ministers and one is a member of the Opposition. There are three women in the 32-member Senate.

29. Poverty continued to be a growing concern, with a 1996 study revealing that 25.5 per cent of households lived below the poverty line. Single-headed households accounted for 20 per cent of the poor, with one in seven being female-headed. Means to address that included the reconstituting of the Ministry for Women to achieve parity with the Department of Social Welfare and the Department of Poverty Alleviation, thereby recognizing the linkage between gender and poverty, which had been flagged in the 2000 Millennium Declaration. Fiji had recognized that the alleviation of poverty would advance women's rights and bring the country closer to its goal of social equity. Thus, the 2002 government budget allocation for poverty alleviation and rural development had increased by \$56

million.

30. Gender mainstreaming approaches were being pursued especially in the implementation of the Women's Plan of Action of the Government of Fiji. Some efforts by civil society and non-governmental organizations to provide programmes, advocate and lobby for women's strategic and practical needs were government-subsidized and complemented the Government's efforts in the areas of violence against women, women in politics, women in the media, peace-building and legal reforms. Part of the commitment of her Government to provide programmes for disadvantaged groups or categories of persons to achieve equality included economic support to promote a more equitable development for indigenous Fijians and Rotumans. The Social Justice Act was passed in December 2001, implementing chapter 5 of the 1997 Constitution, which required Parliament to make provision for a framework for decisions on policy and legislation for affirmative action.

31. The preceding two years of political crisis had made national security the Government's top priority. However, progress had been made on a number of issues, including a review of the penal code on sexual offences. Legislation on offences against children had been amended to address an increase in paedophilia. Women in Fiji had followed the commercial law reform with interest, especially with regard to intellectual property rights, as the protection of indigenous and cultural knowledge and property rights was of concern.

32. The representative informed the Committee of the implementation of her Government's commitment at the Fourth World Conference on Women in Beijing to campaign against violence against women. Programmes and training workshops had been supported by the Government, and financial support had been provided for civil society organizations offering support and shelter to victims. The Ministry of Women, Social Welfare and Poverty Alleviation had formed a task force on violence against women which was working closely with women's organizations and civil society on a domestic violence agenda for appropriate legislation or remedies. It was hoped that results would be achieved in 2002.

33. On the issue of access and participation of girls in education, the Fiji Islands Education Commission/Panel (November 2000) had pointed to an increase of 19.8 per cent in primary schools, and a 405 per cent increase in secondary schools between 1970 and 1999. Women lagged behind in science and technology, however. Therefore, career choices in those fields for most girls and young women were limited. The reason for that was, inter alia, that schools predominantly offered home economics and typing to girls and technical drawing, woodwork and metal work to boys, in addition to gender stereotyping in curriculum materials. Women's enrolment in non-traditional fields had increased as a result of scholarships funded by donor Governments and similar initiatives adopted by local institutions.

34. Women's reproductive health was well catered for, but women's mental health was a neglected area. Sexually transmitted infections had continued to escalate, and the Ministry of Health had set a number of priority areas, including HIV prevention, care of and support for persons living with HIV/AIDS and testing. The health sector had suffered, however, from the out-migration of health professionals.

35. The representative indicated that the work of rural women was rarely acknowledged in national statistics and there were no figures available for women farmers, fisherfolk or forestry workers or rural businesswomen. Rural women's access to education and health required improvement. The Government was emphasizing development for rural areas, and the Ministry of Women, Social Welfare and Poverty Alleviation was making all efforts to ensure equitable development for both rural and urban women and men.

36. Gender roles were deeply rooted in all communities in Fiji and, despite education and changes that had occurred in traditional gender roles, women's status was unequal to that of men. Changes were beginning to occur among urban families, where both women and men worked, but decision-making continued to be the realm of men. Domestic violence affected most homes in Fiji, irrespective of social or economic status, but that had only recently become a public issue. The breakdown of the family unit was of major concern, with applications for legal aid assistance in family law matters, including divorce, maintenance and custody, having sharply increased.

37. The representative concluded by stating that Fiji's specific vulnerabilities underscored the need to strengthen technical support and assistance at the international and regional levels, as well as building effective networks and partnerships with non-governmental organizations, civil society and the private sector.

(b) Concluding comments of the Committee

Introduction

38. The Committee expresses its appreciation to the State party for its initial report which, although delayed, was informative, contained data disaggregated by sex and complied with the Committee's guidelines for the preparation of initial reports.

39. The Committee commends the State party on its delegation, headed by the Assistant Minister of the Ministry of Women, Social Welfare and Poverty Alleviation.

Positive aspects

40. The Committee commends the efforts made to ensure the implementation of the Convention through a wide range of laws, policies and programmes, with the support and active participation of women's civil society organizations. The Committee commends the State party for preparing its initial report in consultation with these organizations. It commends the launching of the Women's Plan of Action 1999-2008, which incorporates commitments of the Beijing Platform for Action.

41. The Committee welcomes the introduction of a specific provision on gender equality in the Constitution of 1997, and the establishment in Fiji of the first human rights commission in the South Pacific region. The Committee appreciates the recognition given to public international law in interpreting the Constitution and notes that this has helped courts to use the Convention in judicial interpretation. The Committee commends the State party for withdrawing its reservations to articles 5 (a) and 9 of the Convention. It also welcomes the extensive programme of law reforms in critical

areas in conformity with the Constitution and the Convention and commends in particular the enactment of a citizenship law based on article 9 of the Convention.

42. The Committee commends the State party for establishing the Ministry of Women, Social Welfare and Poverty Alleviation and facilitating the integration of the central dimension of gender into social welfare and poverty reduction. The Committee also welcomes the creation of several institutional mechanisms, including the National Women's Advisory Counsel, to promote gender equality and implement the Women's Plan of Action.

43. The Committee commends the efforts of the State party to strengthen gender mainstreaming and monitoring through the gender budget initiative, and a gender audit project and welcomes the initiatives taken on human rights education and gender training.

Factors and difficulties affecting the implementation of the Convention

44. The Committee notes that stereotypical attitudes towards women's work and family responsibilities impede full implementation of the Convention.

45. The Committee recognizes that periods of political instability, ethnic tensions, low economic growth and increasing poverty in a period of economic transition have impacted negatively on the State party's efforts to implement the Convention.

Principal areas of concern and recommendations

46. The Committee expresses concern that the Constitution of 1997 does not contain a definition of discrimination against women. The Committee notes the absence of effective mechanisms to challenge discriminatory practices and enforce the right to gender equality guaranteed by the Constitution in respect of the actions of public officials and non-State actors. The Committee is concerned that the Convention is not specified in the mandate of the Human Rights Commission, and that it is not assured funds to continue its work.

47. The Committee recommends that proposed constitutional reform should address the need to incorporate a definition of discrimination. The Committee urges the State party to include a clear procedure for enforcement of fundamental rights and enact an equal opportunities law to cover the actions of non-State actors. The Committee also recommends that the mandate of the Human Rights Commission be expanded to include the Convention, and that the Commission be provided with adequate resources from State funds.

48. The Committee is concerned that the Social Justice Act and the "Blue Print", which propose affirmative action for the indigenous Fijian population, do not integrate a gender perspective.

49. The Committee recommends that the Social Justice Act and the "Blue Print" be evaluated for their impact on both ethnicity and gender, to ensure respect for gender equality, and human rights in Fiji's multicultural plural society. The Committee urges the State party to introduce an effective monitoring mechanism to ensure that these programmes conform with fundamental rights guaranteed

by the Constitution and the Convention's concept of temporary special measures, and contributes to the elimination of discrimination against all Fijian women.

50. The Committee is concerned that, despite significant gains in education, some equal employment opportunities policies and an accessible database on qualified women professionals, women's political participation and access to decision-making positions remain limited.

51. The Committee recommends the introduction of temporary special measures in accordance with article 4.1 of the Convention to increase the representation of women in national and local assemblies, and in decision-making positions at all levels.

52. The Committee notes the active participation of women's civil society organizations, and recommends that this rich resource continue to be used for sustainable development and the promotion of gender equality in Fiji.

53. The Committee recommends that the participation of women's civil society organizations in the Women's Advisory Council be strengthened, and that the various governmental machineries work in a coordinated manner with them in implementing the Women's Plan of Action 1999-2008.

54. The Committee notes that women shoulder a heavy burden of dual responsibility at work and in the family, and that there has been an increase in the number of female heads of households. It is concerned that entrenched stereotypical attitudes to women in society and the idea of an exclusively male head of household encourage segregation in employment and a denial of the economic contribution of women.

55. The Committee recommends an accelerated and broad-based programme of human rights education and gender training which includes dissemination of information on the Convention, with a view to changing existing stereotypical attitudes. It also recommends changes in laws and administrative regulations to recognize women as heads of households and the concept of shared economic contribution and household responsibilities.

56. The Committee notes with concern that women do not receive equal wages for work of equal value and are denied equal access to employment and promotion. Furthermore, the working conditions of women, particularly in the tax-free zones, contravene article 11 of the Convention. The Committee also notes with concern that pregnancy leave is not mandatory.

57. The Committee recommends the very early adoption of the Industrial Relations Bill and Equal Opportunity legislation and a repeal of outdated labour laws. Legal reforms should make pregnancy leave mandatory and deal with sexual harassment in the workplace. The Committee calls upon the State party to promote the adoption of a code of ethics for investors, including in the tax-free zones.

58. The Committee notes with concern the high incidence of ethnic and gender-based violence against women in periods of civil unrest. It is concerned that, despite the State party's positive initiatives to address gender-based violence, there are high levels of domestic violence and sexual abuse of girls and women. The Committee is also concerned that the social customs on the husband's

right of chastisement, and “bulu bulu”, give social legitimacy to violence. The Committee also notes that the Evidence Bill, which introduces reforms in procedures with respect to sexual offences, has not been adopted.

59. The Committee requests the State party to strengthen its initiatives to combat gender-based violence and adopt the proposed laws on domestic violence and sexual offences very early, prohibiting practices that legalize violence against women. In particular, it calls on the State party to reinforce its “no drop” policy by prohibiting the reconciliation of cases of rape and sexual assault on the basis of the “bulu bulu” custom. The Committee recommends the early passage and entry into force of the Evidence Bill.

60. The Committee notes with concern that an increase in levels of poverty and adverse economic conditions are undermining Fiji’s gains in women’s education. These conditions have led to a higher incidence of girls dropping out of school, with connected problems of early marriage, teenage pregnancies and sexual exploitation.

61. The Committee recommends the introduction of targeted policies and programmes to reduce poverty, prevent early marriage, teenage pregnancies and girls dropping out of school.

62. The Committee notes the gains achieved with regard to women’s health but is concerned that women in remote islands are adversely affected by maternal and infant mortality. It notes that out-migration of health professionals has led to a decline in health services, and that cervical cancer and circulatory diseases are a major cause of female death. The Committee also notes with concern the growing incidence of sexually transmitted diseases, including HIV/AIDS.

63. The Committee recommends that priority be given to allocating resources for improving health care services for women, including in the remote islands, and combating sexually transmitted diseases, including HIV/AIDS. It encourages the State party to introduce proactive measures and incentives to attract local health professionals to the health services in Fiji.

64. The Committee is concerned that there is a growing problem of prostitution due to economic hardship, and that a colonial law from 1944 which penalizes the conduct of only women who engage in prostitution continues to be enforced.

65. The Committee recommends an holistic and integrated programme of law reform, and policies and programmes to facilitate reintegration, and the criminalization of the actions of only those who profit from the sexual exploitation of women.

66. The Committee notes with concern that family laws in Fiji contain many discriminatory provisions, and that restrictive divorce laws encourage violence, including suicide. It also notes with concern that the proposed Family Law Bill has not been adopted.

67. The Committee urges the early adoption of the Family Law Bill and calls for the law on family relations of all communities to be brought into conformity with the Constitution and the Convention.

68. The Committee urges the State party to sign and ratify the Optional Protocol to the Convention and to deposit, as soon as possible, its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

69. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. It particularly requests information on the impact of legislation, policies and programmes.

70. The Committee requests the wide dissemination in the Republic of the Fiji Islands of the present concluding comments in order to make the people of Fiji, in particular governmental administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and of the further steps that are required in this regard. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".