



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Forty-sixth session

Summary record of the 928th meeting

Held at Headquarters, New York, on Wednesday, 14 July 2010, at 10 a.m.

Chairperson: Ms. Gabr

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention

Combined second, third and fourth periodic reports of Fiji (CEDAW/C/FJI/2-4, CEDAW/C/FJI/Q/4, CEDAW/C/FJI/Q/2-4/Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Fiji took places at the Committee table.*

2. **Ms. Luveni** (Fiji) said that Fiji's periodic report was the result of a collaborative effort of consultations by the Government with non-governmental organizations (NGOs), development partners and other relevant stakeholders. The Government valued its partnership with civil society, and firmly believed that all who were committed to advancing the human rights of women in Fiji should join forces regardless of their political views and take advantage of the present period of reform to mould a better future. To that end, in May 2010 the Department for Women had established the Fiji Women's Federation to coordinate the programmes and activities of registered women's NGOs. Furthermore, the Department for Women was working with development partners to construct women's centres in the country's 14 provinces and semi-urban settlements in order to provide a venue for meetings, capacity-building and women's health clinics and establish the infrastructure for empowerment of women in rural areas.

3. In the political area, one important development since the finalization of the periodic report had been the abrogation of the 1997 Constitution on 10 April 2009, pronounced by the President in order to allow the Government to implement reforms aimed at entrenching a culture of equal opportunity as envisaged under the People's Charter. The State now functioned by Presidential Decree, but continued to respect the independence of the judiciary and the operations of other key arms of the State, except for Parliament.

4. Although the Bill of Rights in the 1997 Constitution was no longer operational, the Human Rights Commission Decree (No. 11) 2009 outlawed unfair discrimination on many grounds and prohibited sexual harassment. The Decree had also created a complaint and investigation process and remedies, including declarations, restraining orders and damages,

could be enforced in the High Court by way of civil proceedings.

5. As indicated in the responses to the list of issues, in April 2009 the Cabinet had deferred ratification of the Optional Protocol, preferring to focus on strengthening laws and institutions to combat unfair discrimination within Fiji. The Cabinet would reconsider ratifying the Optional Protocol after every effort had been made nationally to deal with discrimination cases that arose.

6. The shadow report, written by unnamed persons, appeared to be a purely political document, dealing mostly with issues that had nothing to do with the Convention. Many of the allegations made in it were unsubstantiated by evidence, and appeared to be motivated by political animosity rather than a genuine desire for reform. The shadow report, which itself admitted that the NGO community in Fiji was divided, appeared to be the work of only one fraction of the NGO community and could not be considered to represent the views of all the NGOs relevant to women in Fiji, most of which were prepared to work with the Government, or of Fijian women themselves.

7. Nor could any credence be attached to the reference to the report by the United Nations Special Rapporteur on Violence Against Women: the Human Rights Commission had confirmed on 28 May 2009 that no complaints had been received from women's rights defenders in relation to the findings of the Special Rapporteur. In addition, the shadow report was outdated, failed to refer to a number of important reforms, and was inaccurate on a number of important issues, for example its erroneous assertion that the High Court had ruled that the Fiji Independent Commission Against Corruption (FICAC) was illegal and unconstitutional.

8. Fiji remained a patriarchal society, and culturally driven attitudes continued to disadvantage women in the most fundamental ways. The Strategic Framework for Change attempted to improve the situation by making women's representation mandatory in all village committees, but Fiji accepted that it needed to work harder to achieve greater economic empowerment for women. Since the filing of the periodic report, one important economic reform with direct impact on women had been the Wages Regulations Order 2009, increasing minimum wages by 20 per cent. The Employment Relations Promulgation of 2007 had

much improved employment practices: in addition to maternity leave benefits, there were comprehensive provisions addressing annual leave and bereavement leave for women with disabilities, and in any undertaking employing 50 or more people, 2 per cent of the workforce must be reserved for people with disabilities. Fiji had ratified Convention 159 of the International Labour Organization, which called for decent work for people with disabilities.

9. In the area of economic rights as they related to women, a great deal remained to be done. The Department for Women had been allocated a special budget to promote the advancement of women, by providing funds to the Fiji Women's Federation, NGOs and various cottage industries. Moreover, 90 per cent of the beneficiaries of the microfinance scheme at the National Centre for Small and Micro Enterprises Development were women.

10. There had also been significant legal developments. Under the Crimes Decree, rape would no longer be prosecuted in the magistrates' courts by lay police prosecutors but must be tried only in the High Court. Questioning on the previous sexual history of a victim of sexual assault would only be allowed with the leave of the Court. Prostitution continued to be an offence, but there were now also criminal sanctions against the clients of sex workers and the owners of premises where prostitution was carried out. While the maximum sentence for a first offence of prostitution was only a \$500 fine, the offence of human trafficking carried a maximum penalty of 12 years' imprisonment, or 20 years for aggravated trafficking. The focus of the Crimes Decree was thus to punish those who sexually exploited women, and the Department for Women was working on a programme to provide opportunities for alternative livelihoods for sex workers.

11. With the entry into force of the Crimes Decree on 1 February 2010, Fiji now had extensive laws on human trafficking. The Transnational Crimes Unit had been set up to investigate trafficking in adults and children and to examine links between trafficking, money-laundering and other international offences such as drug trafficking. The Crimes Decree also largely implemented Fiji's international obligations under the Rome Statute of the International Criminal Court. It created offences of crimes against humanity, war crimes and genocide committed by means of torture, rape, sexual slavery, forced prostitution, forced

pregnancy, forced sterilization or sexual violence. Although the changes in the law accorded good protection against torture, Fiji accepted that the best protection would be constitutional protection, and with the drafting of the new Constitution would be ready to consider ratifying the Convention against Torture.

12. Other important provisions included the Child Welfare Decree, which required doctors and other professionals to report suspected child abuse to the Permanent Secretary for Social Welfare, and Section 295 of the Criminal Procedure Decree which provided for the protection of vulnerable witnesses in Court. The Sentencing and Penalties Decree 2009 required judges and magistrates to follow a careful sentencing process, and in particular, in sentencing domestic violence offenders, to take into account special considerations in relation to the victim, as well as any evidence that the offender had accepted responsibility for the violence or made amends to the victim.

13. In addition, workshops had been held to train the judiciary, prosecutors, the police, and legal aid lawyers on the scope of the new laws and the need to implement them in a gender-sensitive manner. Women's organizations had attended training arranged by the Department for Women on how to apply for a restraining order under the Domestic Violence Decree. Time would tell whether women were prepared to use those legal measures to their advantage.

14. Although the Bill of Rights, with its constitutional protection against torture, had been abrogated, the new Criminal Procedure Decree for the first time protected arrested persons, such as the right to be protected from greater force than was reasonable to prevent escape. The Decree also provided that all body searches of arrested persons could only be conducted by officers of the same gender.

15. The Judges' Rules, which covered the questioning of persons in custody, remained a part of the laws of Fiji. If the police breached the laws on arrest, search, seizure and questioning, any evidence obtained thereby was excluded from the trial. Civil proceedings were also available for human rights breaches of those laws. The common law on the admissibility of evidence, false imprisonment and malicious prosecution continued to be preserved by the courts.

16. There had been significant changes in the law on infanticide, allowing the court to consider social factors which had led to the death of the baby. That in

turn, if it led to convictions for infanticide rather than murder, would allow the courts to impose more humane sentences such as probation orders and community work orders.

17. Under the Penal Code, the law on abortion had given very little protection to women requesting abortions. Doctors had not been required to counsel their patients, nor had there been any restrictions concerning the age of the foetus. While the new Crimes Decree did not legalize abortion, it did provide much stricter guidelines for doctors, and also required counselling of the patient by a doctor other than the one who would conduct the abortion. Once the foetus was more than 20 weeks old, an abortion could only be performed in a Ministry of Health facility and only when two medical practitioners had agreed that the mother or child had a severe medical condition that justified the procedure. That balance between the right to life and the discretion to terminate on medical grounds was one which reflected the religious and ethical convictions of Fijian society.

18. After an extensive consultation process with stakeholders to ensure that it would be non-discriminatory and enlightened, Fiji had drafted a Prevention, Care and Support Decree covering victims of HIV and other sexually transmitted infections.

19. The Department for Women continued to pursue its role as the primary adviser to Government on women's development and gender issues in Fiji, and was determined to implement the areas of concern of the new Women's Plan of Action 2010-2019, namely: formal sector employment and livelihood, equal participation in decision-making, elimination of violence against women and children, access to basic services and women and the law.

20. In the area of women in decision-making, Fiji was progressing slowly towards its target of 30 per cent representation of women on all boards and committees. At community level, since 2008 more than 300 women, mostly in rural areas, had become members of hospital boards. Women were also represented in all spheres of the civil service. To help address gender-related issues more effectively, the Cabinet had endorsed the incorporation of sex-disaggregated data in all Government policy documents, and planned to address women's representation in Parliament under Fiji's new

Constitution to be developed in preparation for the general elections in 2014.

21. The Government realized that formal education was fundamental to the advancement of women, and therefore placed great emphasis on children's education. To sustain a high level of enrolment, the Government had put in place measures including free tuition up to the twelfth year of education and free transportation to school for children whose family income was below a certain level. It intended that by 2012 free textbooks would be provided to all primary schoolchildren. To ensure quality education, teachers were required to register every three years and to meet stipulations that encouraged continuing education and good health. Fiji now had three universities, and more than half the students were female.

22. Fiji accepted that it would continue to need assistance in the full implementation of the spirit of the Convention, and was sincerely committed to fulfilling, in partnership with civil society, its obligations under the Convention; it was precisely in the present period of legal, social, political and cultural change that reforms could be forged in the spirit of the Convention.

Articles 1 to 6

23. **Mr. Flinterman** asked why the word "unfairly" had been included in the provision against discrimination, including gender discrimination, in the 1997 Constitution; in the new constitution to be written, its use should be avoided.

24. During the universal periodic review process in March 2010, it had been recommended that as soon as possible in 2010 a full constitutional assembly should be convened to shape the future of the country. What specific steps had been taken towards a new constitution, and was there a target date for its completion?

25. He would welcome confirmation that all branches of the Government, including the judiciary, were duty-bound to apply the provisions of the Bill of Rights as provided for in the Constitution of 1997, including those concerning discrimination. He would also like to know what efforts had been made to familiarize the courts and all law enforcement officials with the substance of the Convention.

26. The Committee had been informed that the recognition of the Fiji Human Rights Commission as a

national human rights institute had been withdrawn by the United Nations, as it no longer complied with the Paris Principles. Given the Commission's potential high importance of the Human Rights Commission in the protection of women's rights, he asked what specific steps and what timeframe the Government was considering to restore its true independence.

27. **Ms. Patten** recalled that the International Coordinating Committee of National Institutions for Human Rights had been very critical of the Commission and had expressed strong concerns about the population's confidence in it and about its legitimacy. She would like to know what measures were being taken to ensure that the Commission played an independent role in addressing the current human rights challenges in Fiji.

28. She commended the Government on the promulgation of a number of important decrees, and asked whether it was carrying out an impact assessment of them, and of programmes and policies, to ensure that the measures taken led to the desired goals. She also asked whether there had been a special budget allocation for the implementation of the decrees, and whether there were any awareness-raising campaigns about them, targeting not only women but also the judiciary: the Committee had been informed that the new decrees were not being applied, and that the judiciary was relying on the old laws.

29. It appeared that after the abrogation of the 1997 Constitution a number of experienced judges and magistrates had had their appointments terminated; she wished to know whether their replacements were being trained with regard to the Convention.

30. She asked whether the impact of the Media Decree of 2010 on the work of women's human rights organizations had been examined.

31. **Ms. Jaising** noted that if the shadow report raised political concerns, that was owing to the interdependence of civil and political rights and social and economic rights. Guaranteeing social and economic rights, including women's rights, required an equal and matching guarantee of political and civil liberty. The delegation's comments on NGOs were therefore surprising. The Committee had a declared policy of inviting NGOs to give shadow reports, some of which were submitted anonymously, perhaps because human rights defenders feared being victimized. She asked the delegation to give the

Committee assurances that the authors of the shadow report would not be victimized in any way.

32. Fiji's report acknowledged that human rights had been violated during periods of emergency, that human rights defenders had been detained and that deaths in police custody had occurred. Fiji had stated both that constitutional guarantees were being dealt with by the National Human Rights Commission, and that the objectives of the current mandate included, where necessary, granting criminal and civil immunity to commanding officers and members of the military. It did not seem possible simultaneously to provide such guarantees and to grant immunity. Clarification of that matter, in the context of safeguarding the rights of women, would be appreciated.

33. **Ms. Šimonović** noted that the combined second, third and fourth reports had been compiled by the previous regime, while the responses to the list of issues and questions had been compiled by the current regime, and asked how continuity was being achieved. She asked what the status of the Convention was, and if it was directly applicable or was embodied in laws promulgated by emergency orders.

34. As Fiji had promulgated a strict media decree and freedom of expression was not fully supported, it was difficult to understand how a constructive dialogue with NGOs could take place. She asked how the delegation envisaged future cooperation with NGOs in order to achieve the goals contained in the Convention.

35. **Ms. Coker-Appiah** said that cases alleging persecution had perhaps not been submitted to the national Human Rights Commission because of fears of further victimization. She asked how it was possible to prosecute alleged perpetrators of torture and other crimes under the Crimes Decree when emergency regulations granted immunity from prosecution for military and police officers.

36. She noted Fiji's belief that its national institutions needed to be able to respond adequately to issues before it ratified the Optional Protocol. Nonetheless, she urged it to do so, and underlined that, following ratification, cases would still be addressed by national mechanisms until all domestic remedies had been exhausted.

37. **Ms. Neubauer** asked whether the women's centres mentioned in the delegation's statement were already functioning or in the process of being

established, and whether there was an interdepartmental or inter-ministerial structure to ensure the effective integration of gender perspectives into policies and programmes. Although the managers of the women's centres would constitute an advisory body, that would expand structures vertically; she asked what was being done to coordinate gender policy horizontally at the departmental and ministerial level. She also asked if there had been any follow-up to the recommendations made pursuant to the two audits on gender mainstreaming in the Ministries of Agriculture and Health, in connection with, inter alia, gender focal points. She also asked if the 2005 midterm review of the women's plan of action 1998/99-2008 had resulted in any situational analyses of the five areas of concern, with a view to ensuring that the new women's plan of action was adequately informed.

38. **Ms. Luveni** (Fiji) said that, despite the abrogation of the 1997 Constitution, which had included a clause on discrimination without specifically defining discrimination against women, the rights of the individual enshrined in that Constitution had not been abrogated. When Fiji had submitted its report other legislation in force, including the Human Rights Act/Decree, the Family Law Act and the Employment Relations Promulgation, had addressed the issue of discrimination against women. Since the submission of its report, Fiji had promulgated laws which, inter alia, addressed women's discrimination issues not explicitly addressed under the Constitution. Those laws provided a robust legal system which met Fiji's international obligations under the Convention.

39. With regard to electoral reform, if Fiji wanted to be a genuine democracy it could not employ electoral arrangements that violated democratic principles. Race-based politics had become inevitable in Fiji as a direct result of communal voting and representation in parliament, and Fiji's electoral system had directly contributed to political instability. The communal representation system enshrined in the 1997 Constitution had not conformed to the United Nations Declaration on Human Rights and the Convention on the Elimination of All Forms of Racial Discrimination and had neither united the country nor protected the interests of identified ethnic groups. It had, moreover, contributed to Fiji's coups.

40. The adoption of a new constitution was a high priority and a political dialogue on a new constitution had been initiated. Under the People's Charter all

households in Fiji had been informed on how the Government would operate, and the contents of the Charter had been endorsed by the majority of people in Fiji. The new constitution would be based on input from the People's Charter process as well as from experts.

41. **Mr. Daunivalu** (Fiji) said that Fiji acknowledged that the Human Rights Commission Decree did not fully protect the rights of individuals, however, the aim was to make progress in addressing shortcomings and enshrine Fiji's obligations under the Convention in a new constitution. The Decree also sought to streamline the Office of the Human Rights Commission, which was not yet fully functioning primarily because truly independent commissioners still needed to be appointed and would, in turn, appoint an independent director. The Government of Fiji was committed to signing and ratifying all outstanding human rights treaties within 10 years. They would be incorporated into the new constitution.

42. **Ms. Luveni** (Fiji) said that the authors of the shadow report would not face victimization. With regard to the continuity concerns expressed by the Committee, the Department's corporate and business plan and the Women's Plan of Action incorporated the recommendations of the second, third and fourth reports and of the dialogue on the first report, thus ensuring continuity in implementing all recommendations of the reports.

43. Impact assessments of the decrees would need to be carried out at a later stage, since they had only been passed within the previous 12 months. Those assessments would be included in the business plan, probably within the following year. Members of the judiciary and the police received training on the decrees.

44. The Department of Women had made great progress in addressing women's issues. Fiji had benefited from a visit from the All China Women's Federation which had shared lessons it had learned with regard to women's issues. Such activities had been very well covered by the media.

45. The newly established Fiji Women's Federation, to which the Government had allocated \$160,000, bridged the gap between the Government and the Department of Women on the one hand and NGOs on the other. As the coordinating body for NGOs, it sought to avoid duplication of resources and streamline

women's development initiatives. Of the 20 women's centres planned across the country, two had already been opened.

46. The network of centres would ensure that representation was horizontal and not vertical in nature, and that women from rural areas were able to make their voices heard by the Government's recently established advisory committee, which had been working to ensure sex desegregation within ministries and to make it mandatory that a woman was included on all Government policy committees.

47. The Department of Women conducted gender awareness sessions in all ministries. Within each ministry, focal points for monitoring poverty had been established; they were also the contact points with the Department of Women, and thus served as gender focal points. All ministries were required to provide data on sex desegregation which would be used to address gender issues in those ministries' programmes. The first Women's Plan of Action of Fiji had resulted in 2008 in a situation analysis whose recommendations had been incorporated into the new Women's Plan of Action, which was in turn incorporated into ministries' annual corporate and business plans.

48. **Mr. Daunivalu** (Fiji) said that the Administration of Justice Decree promulgated after the abrogation of the 1997 Constitution re-established the judiciary and set out provisions for the discharge of its functions.

49. Awareness training for judges on implementing international human rights conventions was ongoing, and two such training sessions had already been conducted. While in the past, certain judges had expressed some reticence about training, particularly on gender issues, that trend was changing, as the current chief justice accepted education in gender training and in implementing the provisions of the Domestic Violence Decree.

50. The immunity enjoyed by police and military officials following the unrest in 2006 had not been granted since April 2008. The Government of Fiji accepted its obligations under international human rights instruments, and was committed to addressing any future human rights violations.

51. **Ms. Luveni** (Fiji) said that the close partnership between the Government and NGOs was demonstrated by the establishment of the Fiji Women's Federation, which provided NGOs with free access to offices and

computers for meeting and training purposes, and by the gathering of more than 600 women from NGOs and women's groups to march in celebration of International Women's Day 2010.

52. **The Chairperson** asked whether the Government of Fiji had any plans for temporary special measures to accelerate equality between men and women, as the Committee had already recommended. It had set a target of 30 per cent for women's political participation and she hoped that those efforts would be extended in the form of quotas. She wished to know whether and to what extent gender perspective measures had been included in the Social Justice Act.

53. **Ms. Arocha Dominguez** asked whether the progress achieved in increasing the participation of women in economic life, education and health was accompanied by true economic and political empowerment, especially in the light of the patriarchal structure of society described in the report under consideration, which reflected the disadvantage women were under regarding access to property and inheritance rights. She requested more information on the size, scope and initial results of the gender sensitivity course on family life being offered in primary education, and noted that broader measures were needed to truly address stereotypes. She also wished to know what measures had been taken with respect to the media, which played a key role in enforcing stereotypes.

54. **Ms. Murillo de la Vega** said that while she recognized the difficulties the Government of Fiji had faced following the military coup, it nevertheless needed to ensure greater dialogue with NGOs, whose absence from the current discussions was striking. The suspension of freedom of the press in Fiji, noted by the United Nations Educational, Scientific and Cultural Organization in 2009, under the terms of which editors were not allowed to disseminate any material showing the military in an unfavourable light, meant that the media could not report on situations of violence. She asked whether Fiji would be enacting a law, rather than a decree, against violence and a law to restore the freedom of expression.

55. **Ms. Neubauer** requested information on the status of implementation of the new immigration regulations which had come into force in January 2010 and how they addressed the prostitution problem related to women entering the country on student visas,

and female students' engagement in sexual offences. She also wished to know what measures the State party had taken to ensure that the Government and NGOs seriously and collectively addressed the situation of juvenile victims of sexual exploitation by Fiji citizens and foreign visitors and of local hotels procuring underage girls at the request of foreign guests, whether the extent and forms of prostitution had been assessed, and whether street prostitution existed in Fiji. She was pleased to note that the new Crimes Decree criminalized clients of prostitutes and wondered whether additional efforts were being made in that respect. She would welcome more information on exit programmes for women involved in prostitution and on programmes for alternative livelihoods for sex workers.

56. **Ms. Chutikul** asked whether the Government of Fiji had any plans to modify its legislation in relation to those who profited from sexual exploitation or to train police for more effective investigation of related cases, since the State party itself admitted in its report that despite the provisions of its Penal Code, offenders were "seldom taken to task". She also wondered whether the State party might envisage decriminalizing prostitution, at least for adults. She would welcome more information on the multisectoral approach being adopted to address the situation of sexual exploitation of girls and boys in Fiji, in the context of sexual tourism in particular, and on actions taken to address that issue.

57. More information would also be appreciated on the State party's definition of trafficking and whether it was in line with that used in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) on how the Government prepared police and law enforcement officials in the context of its new Transnational Crimes Unit, and on the protective measures in place for victims of trafficking and Fiji's relations with the countries of origin in that context.

58. **Ms. Luveni** (Fiji) said that the Government of Fiji had been working with the United Nations Development Fund for Women (UNIFEM) to build women's political capacity, and the Fiji Women's Federation and women's centres would give women the opportunity to prove that they could manage programmes and participate in the nation's development, and could become effective politicians. The Government would look into securing quotas for

women in Parliament. Systems already in place, such as the semi-annual provincial meetings, helped bring together women from the 14 provinces and minimize the isolation of women living on outlying islands.

59. Regarding the country's patriarchal culture, attitudes differed throughout Fiji, and in some places it was not uncommon for men to take on the same responsibilities as women. All indigenous women had land rights related to their place of origin, to which they could always return in the case of a divorce, for example, or had the option of acquiring freehold land. Efforts were being made to ensure that land owned by a couple could be registered under the names of both spouses.

60. Regarding the presence of NGOs at the current meeting, financial constraints had enabled only two persons to travel from Fiji to New York.

61. On the freedom of the press, the media decree in place restricted the level of foreign ownership of the media to ensure that local values were reflected.

62. **Mr. Daunivalu** (Fiji) said that the Immigration Act did not address prostitution, and that the relevant authorities had been consulted regarding prostitutes entering the country on student visas. Programmes were being designed to provide alternate livelihoods for sex workers. The Crimes Decree penalized soliciting; the police now had the authority to arrest clients and those who exploited prostitution as well as the prostitutes themselves.

63. Sections 111 to 121 of the Crimes Decree imposed harsh penalties on those convicted of trafficking in persons, while protecting victims of trafficking from prosecution. Third parties or brokers were also penalized. Applications for overseas study or work were carefully scrutinized in order to prevent exploitation through trafficking. The immigration regulations of 2007 had also strengthened security at airports and seaports as a preventive measure. As to whether any trafficking cases were currently before the courts, 88 student visas had been cancelled because of irregularities detected, but no trafficking cases had been tried since the implementation of the Crimes Decree. A separate human trafficking unit within the law enforcement agency was planned.

64. **Ms. Radrodro** (Fiji) said that a first step towards an exit strategy for prostitutes was to develop a database and a profile of those individuals and their

needs. Small income-generating projects provided training, equipment and materials for such alternate activities as catering, sewing and handicrafts.

65. **Ms. Chutikul** reiterated her questions on the definition of trafficking in the law, the training provided to police in dealing with victims of trafficking, and the protections provided for victims.

66. **Mr. Flinterman** said that he was disappointed to hear that the new Constitution would not be adopted until 2014. He requested information on how the principle of gender equality would be incorporated in it.

67. **Ms. Coker-Appiah** requested clarification regarding the effects of non-cooperation with the Fiji Women's Federation and how it ensured coordination.

68. **Ms. Neubauer** requested clarification regarding the composition of the Advisory Committee of the Fiji Women's Federation and its specific mandate. She also asked for concrete information on convictions and sanctions imposed on persons involved with prostitution.

69. **Ms. Hayashi** asked whether the Constituent Assembly for the new Constitution would include both women and men. She would also like to know how the Media Decree was related to the Public Emergency Declaration.

70. **Ms. Šimonović** asked what plans there were to include direct implementation of the Convention in the future constitution.

71. **Mr. Daunivalu** (Fiji) said that the Crimes Decree contained no specific definition of trafficking, but gave a listing of the offences constituting it. With regard to police enforcement of laws against trafficking, the Immigration Department and other stakeholders conducted capacity-building and training exercises with the police, which included sending officers overseas for specialized training.

72. Concrete statistics on prostitution were not currently available, but would be provided to the Committee in writing.

73. **Ms. Luveni** (Fiji) said that membership in the Fiji Women's Federation was by invitation but was voluntary; the independence of NGOs was fully respected, and there were no effects on an organization that chose not to join. The Advisory Committee was composed of the heads of umbrella organizations, most

based in Suva, including such organizations as the National Council for Women, the Catholic Women's League and the Indigenous Women's Organization. The Ministries of Planning, Health and Education, which had direct linkages to women's issues, were also represented.

74. **Ms. Radrodro** (Fiji) said that the Government implemented the Convention through the national development plans, the Roadmap and the Women's Plan of Action, as well as mainstreaming it into activities of the Ministry of Planning. The Women's Federation provided links between the Convention and NGOs at the community level by coordinating their activities with Government programmes and ensuring that available resources were used well.

75. **Mr. Daunivalu** (Fiji) said that the Government enacted laws in areas requiring urgent attention; no specific national law for the implementation of the Convention had yet been enacted.

Articles 7 to 9

76. **Ms. Hayashi** said that it was unclear how women could participate in the drafting of the new constitution. It was also unclear why elections, which the universal periodic review had recommended should take place in 2010, would not be held until 2014. She also requested assurances that women could exercise the right of freedom of expression without interference, especially in conducting outreach activities.

77. Alternative sources had reported that five women human rights defenders had been placed under a travel ban; she would like to hear the views of the delegation on that information. She also requested assurances that no discrimination would be shown against those involved in producing the "shadow report".

78. **Ms. Belmihoub-Zerdani**, noting that the members of the Chamber of Deputies in Fiji were elected while the members of the Senate were appointed, said that the Government had an opportunity to improve the gender balance in Parliament by appointing equal numbers of men and women as senators. When elections were held, it could also require political parties to meet gender quotas for their lists of candidates or forfeit government subsidies. At the international level, nothing prevented the appointment of women to diplomatic posts.

The meeting rose at 1.05 p.m.