



**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 929th meeting

Held at Headquarters, New York, on Wednesday, 14 July 2010, at 3 p.m.

Chairperson: Ms. Gabr

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Combined second, third and fourth periodic reports of Fiji

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined second, third and fourth periodic reports of Fiji (continued) (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.*

Articles 7 to 9 (continued)

2. **Ms. Luveni** (Fiji), in response to questions posed at the previous meeting, said that owing to outside pressure, recent coups had been addressed through short-term solutions. There was now a need to remove their determinants, including the race-based electoral system and institutions. Citizens were now all referred to as Fijians rather than members of a given race. However, in view of the traditional mentality of Fijians, those measures would take time. The development programme belonged to the people and was based on consultations.

3. Women activists were not restricted in their movements, and were free to engage in outreach activities as in the past.

4. **Mr. Daunivalu** (Fiji) said that the People's Charter drew on consultations with a wide cross-section of society, including rural communities. The National Council for Building a Better Fiji, which had drafted the Charter, was fully representative in terms of gender and race.

5. A committee would soon be established to draft the new constitution. Non-governmental organizations (NGOs) and other stakeholders would be consulted, and the interests of all sectors of society would be taken into account.

6. The Government was committed to holding elections and had prepared a road map. A number of milestones first needed to be reached, including the ongoing institutional reforms and infrastructural development.

7. The Public Emergency Regulations did not affect women's outreach programmes; they required only that organizations obtain a permit to hold meetings or public gatherings.

Articles 10 to 14

8. **Ms. Zou Xiaojiao** said that the Government's efforts to guarantee equal rights were commendable. However, it was unclear until what level education was free of charge. Moreover, according to paragraph 212 of the report, 10 per cent of children aged between 5 and 14 had not been in school in 2004-2005; she wished to know what proportion of urban and rural children were attending school.

9. The head of delegation had mentioned that efforts would be made to provide all primary schools with free textbooks by 2012: what reduction in the drop-out rate was expected as a result?

10. According to paragraph 217, girls accounted for only 30 per cent of total enrolment in vocational schools. She asked what tangible measures were envisaged to promote female employment and encourage girls to learn non-traditional subjects.

11. **Ms. Pimentel** said that she welcomed the efforts of the Government and communities to broaden access to quality education. The report stated in paragraph 188 that schools in disadvantaged communities would receive support, including teaching materials and computers. The reporting State should clarify when that action would take place.

12. In paragraph 203, the report stated that disabled children in rural areas were particularly disadvantaged and marginalized. She wondered whether there was a strategy to overcome that difficulty, and whether the children of migrant women attended the same schools as Fijians.

13. **Ms. Patten** said that the reporting State had an obligation to take action against gender segregation in employment, and asked what action was being taken.

14. According to paragraph 235 of the report, the Employment Relations Promulgation provided that every employer should pay male and female workers equal remuneration for work of equal value. She asked what practical measures were in place to apply that principle.

15. The report referred to the establishment of wages councils. Fiji should clarify the mandate and work of those councils, and provide information on any policies for the regular review, analysis and reformulation of wage structures in female-dominated professions.

16. According to paragraph 246, the informal sector employment was characteristically small-scale and unregulated. It would be interesting to know what efforts were being made to support self-employment and strengthen access to credit and capital.

17. **Mr. Bruun** said that it was difficult to understand why there was a compulsory retirement age of 55 for civil servants; the inalienable right to work was enshrined in article 11 (a) of the Convention.

18. The right to freedom of association and collective bargaining were guaranteed under Convention Nos. 87 and 98 of the International Labour Organization, to which Fiji was a party. However, according to the submission of the Fiji Law Society to the recent universal periodic review, the Public Emergency Regulations did indeed restrict freedom of association, movement and speech. He asked whether trade unions were required to obtain a permit under the Public Emergency Regulations, and whether those regulations had been invoked to detain female trade unionists.

19. It would be useful to know what had been done to reverse the decline in the tourism sector and combat traditional attitudes preventing access to formal employment.

20. He inquired how the Government had evaluated the gender dimension, particularly the consequences for female employment, when taking decisions with regard to trade agreements.

21. Additional information should be provided on the effects of the new legislation on sexual harassment.

22. **Ms. Murillo de la Vega**, noting that the formal sector accounted for less than half of the working population, asked what obstacles prevented women from entering the formal sector, and what practical measures were being taken to ensure that training courses were conducive to social insertion.

23. Failure to guarantee maternity leave constituted direct discrimination against women. The concept of direct and indirect discrimination should be incorporated in the new constitution. She asked whether sanctions were in place to reinforce the principle of equal pay for work of equal value.

24. She wished to know how many women were members of trade unions, and whether the unions had pressed for equal opportunities.

25. Did inspections take place in order to ensure equal treatment of men and women, and how many cases involving discrimination in the workplace had been brought forward by women?

26. **Ms. Rasekh**, referring to article 12, said that she would appreciate clarifications on what was meant by poisoning, which was cited in paragraph 262 of the report as a leading cause of female morbidity.

27. According to paragraph 259, Fiji had a well-developed and comprehensive health system with services accessible to both men and women. The reporting State should provide information on women's access to the health system.

28. According to paragraph 263, 99 per cent of deliveries were assisted by trained health-care providers; yet the maternal mortality rate in 2005 was as high as 50.49 per 100,000 live births. She wondered what explained that apparent contradiction.

29. According to paragraph 276, the rate of teenage pregnancies was increasing. She would welcome information on sex education for schoolgirls or any other measures to address the issue.

30. Paragraph 279 referred to the high incidence of cervical and breast cancer. What specific measures were in place to ensure access to screening and health-care services?

31. Paragraph 285 gave only general information on policies to combat HIV/AIDS. For instance, it stated that 12 health centres had been established, but did not specify how they operated or whether girls had access to them. According to paragraph 288, HIV prevention programmes had not made an impact; she wondered why that was so.

32. **Ms. Pimentel**, welcoming the availability of free contraceptive services in Fiji, asked what measures were taken to make them known to the population and overcome resistance to their use. According to NGO sources, hospitals were sorely lacking in equipment and staff. It was also reported that there was a high incidence of violence against women but that the Ministry of Health had no policy in place to deal with the phenomenon. The Committee would appreciate the delegation's comments in those two regards, and on the general issue of women and health. She drew attention to the Committee's General Recommendation No. 24, particularly its paragraph 29, which called for the removal of all barriers to women's access to health

services, education and information. Lastly, she requested further information about the decision to reduce the charge of infanticide from murder to manslaughter and any support offered to women in the post-natal period.

33. **Ms. Zou** Xiaoqiao wondered whether, notwithstanding paragraph 306 of the State party's report (CEDAW/C/FJI/2-4), there was indirect discrimination between men and women in regard to the purchase of property, since financial resources were in the hands of men. She wished to know what specific measures were taken by the Government to give women access to credit and enable them to participate in economic life.

34. **Ms. Begum** asked for further information about measures to incorporate a gender perspective into disaster management. What proportion of the participants in national disaster relief programmes were women? She inquired what specific measures were being taken in the areas of health care, credit, housing and employment for women and to protect the human rights of older women in particular. The Committee would welcome information about the percentage of land owned by women and women's access to justice. It would also be useful to know how many shelters were available for women victims of domestic violence and trafficking, and what was being done to respond to the medical needs of communities in the more remote islands and give them access to education and culture. Were any transport facilities being put in place?

35. **Ms. Luveni** (Fiji) said that where bus services existed, fares were covered by the Government to enable poor children to benefit from education, which was free at both primary and secondary levels; where no such services were in operation, free textbooks were supplied. The Government was working with a partner association, the Foundation for Education of Needy Children (FENC), to ensure that all children had shoes, school bags and stationery, and could pursue a course of study of their choice: the ultimate aim was to transform Fiji into a knowledge-based society. The Government had accordingly given high priority to the provision of equipment to schools, which was one of the 11 pillars of the Framework for Change; a phased approach had been adopted to that end. Girls were encouraged to study technical subjects, such as engineering and carpentry; when they graduated in such subjects, they received special media attention.

36. They also worked in the garment industry, where their salaries had been increased by 20 per cent, as well as in vanilla and honey farming and poultry breeding. The Government's small and microenterprise scheme targeted women in particular, providing them with credit and skills training. In rural areas, where women lived mostly in villages, Government-supported NGOs were particularly active in assisting women, integrating them into the economy and into education. Moreover, girls who dropped out of school because of pregnancy could now be readmitted after confinement, contrary to what had happened in the past. Working mothers were granted mandatory three-month maternity leave.

37. The reason for the mandatory retirement age of 55 in Fiji was that, as a non-industrial, agriculture-based country, there were few opportunities for formal employment outside the public sector. New job openings were thus created for the young, while retirees were encouraged to take up another career, in agriculture for example. After some initial complaints, the first persons to retire under that rule had found that the advantages outweighed the disadvantages and the complaints had ceased altogether. Increased job opportunities were also being created through tourism, which was developing apace, attracting visitors from Australia and New Zealand in particular. It took time to give effect to reforms and put new infrastructure in place, but progress was being made and increasing support was being shown for the Government because of the better services provided.

38. Taking up the question of poisoning, she said that the case referred to was an isolated one and had been caused by uncooked seafood; the Food and Nutrition Committee trained women in the preparation of such food. Moreover, many health centres and nursing stations had been set up in strategic areas. As for the promotion of condom use, that was an ongoing effort, in particular through the HIV/AIDS prevention campaign. Sex education was included in school curricula as part of family life education. Adolescent health centres trained peer educators and mentors who were also involved in condom social marketing; the centres were young-people-friendly and remained open outside normal working hours. The State party had thus achieved significant success in combating AIDS, as part of a nationwide effort, and in eliminating discrimination against HIV-infected persons; that was reflected in the high number of persons in Fiji who publicly admitted to their condition.

39. Like many developing countries, Fiji was losing qualified doctors because of better conditions abroad, but efforts were being made to train more and to improve the equipment available to them. She hoped that the State party's next periodic report would provide information on that ongoing effort. Doctors were required by law to report cases of abuse and violence. Post-natal care was provided by special clinics, while increasing numbers of hospitals offered counselling services. As for cases of infanticide, the cause was generally poverty and patriarchal influence rather than post-natal depression.

40. On the question of credit availability, microcredit arrangements were encouraged by the Government, both through NGOs and through the Fiji Development Bank, in urban and rural areas alike; the majority of beneficiaries were women. In rural and coastal areas, poverty was not a major issue, since food could always be obtained there; however, education and health care were affected by lack of resources and every effort was being made to provide increased support.

41. Very few women applied to join the security forces, but the Government would review that situation. The social welfare provisions for the elderly entitled anyone over the age of 65 to apply for monthly grants, which had recently been augmented by a monthly food subsidy. The Ministry for Women, Social Welfare and Poverty Alleviation set the policy for senior citizens. With regard to land ownership, women had equal access to land, and if migrant indigenous women returned to their home provinces they were guaranteed land. Government housing benefits also included single and disabled women. The Government had not yet set up any shelters for rural women who were victims of domestic abuse, but an NGO, the Fiji Women's Crisis Centre was expert in that area, had some facilities, and provided assistance. Also, the village framework and the Fijian tradition of strong extended family assistance offered support. Once the Fiji Women's Federation centres were set up, however, they would act as shelters and work with the Ministry of Health to attend to abused women. Transport was available for the sick to be taken to each island clinic or health centre; and there was a budget for transporting them by helicopter from rural areas to a main hospital elsewhere, if necessary. Pregnant women were usually advised to move closer to the hospitals before the time of delivery, staying in special centres set up for that purpose. No data were available on rural

women in sports, as they engaged informally in sports in each small village in the maritime islands.

42. **Ms. Radrodro** (Fiji) said that the main obstacle to the treatment of breast and cervical cancers was the reluctance of the women themselves to seek treatment. Regarding the retirement policy, it was a fact that in the developing countries the bulk of the public funds went to civil service pensions, which the current Government was trying to reduce so that more funding would be available for development and infrastructural development. The number of women in high civil service posts was significant, but the proportion fluctuated because of staff mobility.

43. A Poverty Eradication Unit had been set up and was in the process of defining poverty in Fiji in its context — in terms of either access to food or cash available for food. Fiji had signed the Convention on the Rights of Persons with Disabilities and was in the process of ratifying it. In the meantime, the National Council for the Disabled was developing a policy — for men and women alike — aimed at developing a more inclusive society and dismantling the barriers against the disabled in social and economic life. The main strategies were to empower women and children with disabilities to understand and exercise their rights, and to ensure that human rights and development issues were included in existing governmental, non-governmental and community programmes for women; the priority for 2010 was to construct one more centre for the disabled on one of the larger outlying islands, with a commitment to construct others in the future.

44. **Mr. Nayasi** (Fiji) said that the Employment Relations Promulgation, updated by a 2009 regulation, had standardized a non-discriminatory minimum wage, so that there was no disparity between the earnings of men and women. The Promulgation had also set up Wages Councils to deal with any matter affecting the conditions of work, and had instituted the Employment Code and the relevant statutory tribunal. He provided detailed information on the penalties under section 256 of the Employment Relations Promulgation, ranging from fines to imprisonment in the case of individuals, companies or trade unions.

45. On the issue of the public emergency regulation curtailing freedom of association, the Government considered that it was acceptable to curtail certain rights in order to protect the wider national interest,

peace or security. Those proposing to hold a public meeting were thus obliged, as a safeguard, to apply for a permit, and any gathering deemed likely to cause public unrest would be denied authorization.

Articles 15 and 16

46. **Ms. Awori** said that, in view of the patriarchal nature of Fijian society described in the report (para. 128), it would be interesting to know the impact of the Family Law Act of 2003 governing marital relations, covering all areas, if there had been any obstacle to its implementation, if it extended protection to all women, and if any data were available. Also, had the raising of the marital age for girls from 16 to 18 in the 2009 amendment to the Act had an impact and was the Government monitoring any possible discrimination?

47. **Ms. Halperin-Kaddari** asked for comment on the requirement of a 12-month separation prior to the granting of a no-fault divorce under the Family Law Act (report, para. 349); in many cases that would impose a severe hardship on women. She wondered whether the Family Court established in the capital city of Suva was still the only permanent one. With regard to property rights, the welcome recognition under the Family Law Act of non-financial contributions in the division of marital property seemed to apply only to formally married couples, as did maintenance decrees. It was not clear how women living in de facto relationships were protected and if any data were available or if the woman in a divorce would be granted half of the property in the form of land if the property had not been registered under both names as required.

48. Clarification was needed on how the public had been informed of its new rights under the 2009 Domestic Violence Decree since apparently, according to Amnesty International, the full text had not been published, but the Government had issued only media statements. It was also not clear whether restraining orders, previously issued only for officially married persons (report, para. 352), were now available also to those in de facto relationships. She would also like information about any prosecutions for domestic violence under the new Decree rather than under the old Criminal Code. Apparently, the “*bulubulu*” method of forced reconciliation of women with their abusive spouses, sanctioned under the old criminal procedure legislation, had not been repealed under the new

Family Law Act, even though there could be no justification for such a practice.

49. **Ms. Jaising**, referring to weight given to customary law in the legal system, asked whether civil law prevailed and upon whose decision; whether customary law could ever be enforceable even if it violated equality; and whether the Government might consider adopting a single civil code across communities, ethnicities and religions.

50. **Mr. Nayasi** (Fiji) said that no law governed property distribution in the dissolution of de facto relationships, but it was always envisaged that the law of contract would prevail, and the spouses were encouraged to share equally.

51. The Domestic Violence Decree was still new, but it was a public document and was therefore available to anyone interested. Training was being given to the police, the judiciary and other enforcement officials who would be implementing the new Decree, which made restraining orders available not only to wives but to any abused woman.

52. It was the long-standing rule that civil law prevailed over custom, and courts no longer accepted practices like *bulubulu* reconciliation, which in any case was on the decline. There had been no difficulty in implementing the no-fault divorce provisions of the new Family Law Act, although there might be some who struggled to comply with it. Statistics would be submitted to the Committee later.

53. **Ms. Šimonović** asked, with reference to *bulubulu*, whether article 106 of the Criminal Procedure Code would be revised to stipulate only reconciliation via judicial proceedings. Regarding the implementation of the Covenant in Fiji, she wondered whether the Government had any plans to incorporate it more quickly into its legal system rather than adopting its provisions separately in legislative amendments, so as to do away rapidly with discriminatory laws.

54. **Ms. Coker-Appiah** said that she would like information on the budgetary resources of the Department of Women and on whether it was a full ministry or a part of the Ministry for Women, Social Welfare and Poverty Alleviation.

55. **Ms. Hayashi** asked whether the Government was ready to open a dialogue with the ethnic communities in order to restore stability so that elections could be

held. She asked for elaboration on why, where freedom of expression was concerned, women were free to engage in outreach campaigns and other activities but the Government felt it had to limit freedom of association.

56. **Ms. Luveni** (Fiji) said that the section responsible for women in the Ministry for Women, Social Welfare and Poverty Alleviation was known as the Department of Women. The Government was conducting a series of regular visits by the Prime Minister and other ministers to communities where there was unrest, in order to give the people of those communities an opportunity to discuss their problems and to update them on the progress the Government was making.

57. **Mr. Nayasi** (Fiji) said that the Domestic Violence Decree was now in force, and its provisions were being applied by the police and the judiciary. Training courses were taking place in order to raise awareness of its salient features, and in particular gender sensitivities.

58. The Decree had superseded the Criminal Procedure Code, whose provisions were therefore no longer applicable. Domestic violence could not be addressed through the traditional practice of *bulubulu*. Police officers had an obligation to follow up any complaint from victims of domestic violence. Procedures existed in order to hold to account any officers who failed to do so.

59. His Government did not concede that there was any discrepancy in the Public Emergency Regulations; like all former constitutions, they balanced rights with the national interest.

60. Legislation was in place to implement the Convention. The People's Charter provided that a definition of discrimination against women would be a core element of the new constitution. A body of case law was in place and was upheld by the courts.

61. **The Chairperson** said that like all developing countries, Fiji had clearly faced political, economic and social difficulties. The Committee attached particular importance to the rule of law; a constitution was the basis for stability and progress in any country. It was also vital to combat discrimination, promote political dialogue with all stakeholders, and train police officers and judges. All forms of violence, particularly domestic violence, trafficking and sexual

harassment required attention. Patriarchal stereotypes needed to be addressed; the question of temporary measures and quotas therefore had special significance.

62. She hoped that Fiji would soon ratify the Convention on the Rights of Persons with Disabilities, consider favourably the Optional Protocol, and sign the Amendment to article 20, paragraph of the Convention on the Elimination of All Forms of Discrimination against Women. She also hoped that the current meeting would lead to further interaction between the Committee and Fiji.

The meeting rose at 5.10 p.m.