



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

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

Summary record of the 530th meeting

Held at Headquarters, New York, on Wednesday, 16 January 2002, at 10.30 a.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 11 a.m.

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

Initial report of Fiji (CEDAW/C/FJI/1)

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

2. **Mr. Naidu** (Fiji) introduced the delegation of Fiji.

3. **Ms. Salabula** (Fiji) said that Fiji took seriously its obligations under the Convention on the Elimination of All Forms of Discrimination against Women, and had withdrawn its reservation under article 5 (a) shortly before submitting its report in early 2000. The report had been a collaborative effort between the Government and non-governmental organizations and associations, which had engaged in a series of meetings at the national, district and community levels.

4. Since the submission of the report, Fiji had shared its reporting experience with the members of a workshop conducted by the Division for the Advancement of Women (DAW) in New Zealand in 2001. It was proud to be the first Pacific Island State to report to the Committee, signalling Fiji's unwavering commitment to the advancement of women. Fiji was also party to the Pacific Platform for Action, the Port Vila Declaration on Population and Sustainable Development and the Yanuca Island Declaration, among other regional agreements.

5. In recent years, there had been an exodus of skilled and qualified professionals, half of them women, including architects, engineers, accountants, teachers, doctors, nurses, dentists, and veterinary workers. It would take years to recover from that brain drain.

6. On 19 May 2000, a civilian coup d'état had disrupted parliamentary rule and the President had appointed a caretaker Government. A Fiji citizen, Chandrika Prajad, had contested the legality of those proceedings, the high court had ruled in his favour, upholding the Constitution, and that ruling had been reaffirmed by the final appellate body, the Fiji Court of Appeal. In compliance with its ruling, the President had appointed an interim government and the elections which followed had restored constitutional democracy and political stability. In 2001, there had been 26

women candidates standing for seats in the House of Representatives. Five had been elected; two had become Cabinet Ministers, two were Assistant Ministers, and one held an Opposition seat. Three women were members of the Senate.

7. Among the challenges facing the Fiji Islands were geographical isolation, vulnerability to cyclones and droughts, a small domestic market and reliance on a small export base dealing in an open international market. Political crises had deflated investor confidence, creating a lethargic national economy, and leading to job losses, emigration, the brain drain, lower living standards, and a rise in poverty and crime.

8. In 2000, the gross domestic product (GDP) had declined to 2.8 per cent, with similar declines in nearly all sectors. The growth forecast for 2001 was 1.5 per cent; for 2002, it was 3.5 per cent. The improved figure was based on favourable predictions for tourism, gold and fisheries. In May 2000, several factories had closed, with adverse effects on the labour market, especially for women working in manufacturing and in the garment industry.

9. A 1996 poverty study showed that over 25 per cent of Fijian households lived below the poverty line, that households headed by women accounted for 20 per cent of the poor, and that one in seven poor households were headed by women. Consequently, the Government had reconstituted the Ministry for Women, locating it beside the Department of Social Welfare and the Department of Poverty Alleviation, and had moved the Department for Culture and Heritage elsewhere. That structural reorganization recognized the thread linking women and poverty, and acknowledged that poverty alleviation improved the situation of women while advancing the cause of social equity. The Government budget for 2002 would allocate 157 million dollars to poverty alleviation and rural development, an increase of 56 million dollars over the previous year.

10. The Ministry for Women functioned as a policy and service delivery arm for the Government's woman-related development targets. The Ministry's web site was in operation and was providing benefits for women in the areas of information technology. The Government's Women's Plan of Action 1999-2009 was pursuing efforts to achieve gender mainstreaming, in coordination with ministerial task forces. In addition, the Government was subsidizing non-governmental

efforts to promote women's strategic and practical needs, covering such areas as violence against women, women in politics, women in the media, peace-building and legal reforms. Women and women's organizations, led by the National Women's Advisory Council, had held peace vigils and engaged in other peace initiatives calling for a return to democracy during the recent political upheavals.

11. The Strategic Development Plan 2002-2004 emphasized the need to provide programmes for the disadvantaged and marginalized. An affirmative action programme had accordingly been created, with a total budget of 28 million dollars, and the Social Justice Act had been enacted. Under that plan, the Government was committed to supporting equitable economic development for indigenous Fijians and Rotumans, which included reviews of the Fijian Affairs Act, the Native Land Trust Board and the Native Land Fisheries Commission, and other educational, business and economic activities, to be conducted in pursuance of the Women's Plan of Action.

12. The Constitution of Fiji had remained intact during the attempted coup, and continued to guarantee equality to all persons. In addition to guaranteeing the principle of non-discrimination, it specified that in interpreting the provisions of the Bill of Rights, the courts must promote democratic values and take into account applicable international law. The Government was undertaking a constitutional review, had allocated 300,000 dollars for that task, and would hold broad consultations with all communities on that matter. The Prime Minister of Fiji had assured Parliament that no existing rights would be removed, restricted or diminished.

13. With regard to law and policy, the Government had focused its attention in the preceding two years on maintaining national security. In other areas, such as legal reform, the Penal Code had been revised in order to bring its provisions regarding sex offences into conformity with the Constitution and with both the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, and efforts were being made to improve the Code of Criminal Procedure in particular with regard to pre-trial and committal proceedings.

14. Complaints had proliferated about the insensitive manner in which victims of domestic violence, rape, and sexual assault, were being handled. Following an

increase in cases of paedophilia, the Juveniles Act had been amended to address loopholes in that legislation. A Family Bill had been at second reading stage before Parliament in May 2000, at the time of the coup. In addition, laws relating to wills and succession had been studied with a view to creating a comprehensive succession statute, and company and commercial law had been reformed, in particular provisions dealing with intellectual property and copyright, consumer credit, hire purchase, bills of Sale, sales of goods, bankruptcy of individuals and insolvency of companies. Fijian women had followed with interest the reform of legislation governing intellectual property rights: it dealt with the protection of indigenous and cultural traditions. Women with knowledge of traditional medicines and cures, for example, wished to retain the rights to such information and turn it to a profit.

15. The Social Justice Act required Parliament to provide a framework for affirmative action in policy and legislative decisions. An equal opportunity policy had been adopted for all Government sectors; an industrial relations bill was under consideration; and there were plans to improve the already progressive maternity leave provisions.

16. The Government had made a commitment at the Fourth World Conference on Women, to work towards eliminating the growing problem of violence against women. It was consequently supporting programmes and training workshops designed to educate the community, and was providing financial support to organizations offering support and shelter to victims. Civil society associations had taken the lead, and were conducting workshops on women's rights and dispensing counselling and support to victims. In addition, the Task Force on Violence against women and children of the Ministry for Women was working closely with women's organizations and civil associations to design appropriate legislation and remedies. The records of the Fiji Women's Crisis Centre showed that there had been 544 new cases of domestic violence in 1999, 361 in 2000 and 401 in 2001.

17. Significant progress had also been made in education. In November 2000, the Fiji Islands Education Commission had noted an increase of 19.8 per cent in girls' primary school enrolment and a colossal increase of 405 per cent at secondary level between 1970 and 1999. The retention rate for girls in

secondary school was actually higher than that of boys. However, women lagged behind in the areas of science and technology; most were steered into humanities at the university level. Curriculum materials at all levels continued to perpetuate gender stereotypes. Role models for science and technology for girls at primary and secondary levels clearly did not exist in textbooks, and very few outside the classroom. At the Fiji Institute of Technology, however, women's participation in engineering and other non-traditional courses was growing as a result of scholarship initiatives targeted at women. Women's participation in the teaching profession had always been significant, yet they did not share leadership in that sector equally with men. Although over half the teachers at primary and secondary levels were women, only 22.5 and 14 per cent respectively, held posts as school principals.

18. The Education Commission had concluded that despite high levels of access to education, gender was clearly an issue and females were a disadvantaged group. In response, the Deputy Secretary for Education had been named to the institutional mechanisms of the Ministry for Women, including the inter-ministerial committee for the implementation of the Women's Plan of Action. The Ministry had also conducted gender sensitization training for faculty at the teacher training college and the Curriculum Development Unit of the Ministry of Education.

19. Fiji had a well-developed primary health-care system compared to other developing countries. The Ministry of Health, as part of its reform process, was working to improve the quality of community and rural health facilities and of referral systems in order to increase access to health care and improve its economic efficiency. In response to the Yanuca Declaration on Healthy Islands, endorsed by Pacific Island countries in 1995, the National Health Promotion Council had been established to keep the public informed on health issues through information and media campaigns.

20. Women's reproductive health coverage was comprehensive with over 40 per cent of women of child-bearing age using modern contraceptive methods and 99 per cent of births attended by trained personnel. Cancer was becoming one of the major causes of women's mortality, however.

21. Sexually-transmitted infections, including syphilis, gonorrhoea and HIV/AIDS, were escalating at

an alarming rate, seriously threatening the life of the nation in the next decade. A multidisciplinary committee made up of representatives of the Government, civil society, non-governmental organizations and international agencies had been established to address that threat. Its work would be guided by the principles of the right of the individual to information, free voluntary screening, appropriate care and full community unjudgemental support. The First Lady of Fiji, along with other First Ladies from Asia and the Pacific, was actively engaged in the preparatory work on the issue through the Ministry for Women. Unfortunately, the health sector had suffered from the exodus of health professionals, and it had been necessary to recruit doctors and other health professionals from abroad.

22. The work done by rural women was rarely acknowledged in national production statistics, and their access to education and health care left much to be desired. To commemorate World Rural Women's Day, a workshop conducted by the Fiji Council of Social Services had called on the Government to acknowledge the contribution of rural women to development. It defined the following priorities: establishment of a rural women's bank; establishment of a national marketing agency for rural producers; programmes on business development, leadership and decision-making; and resource management.

23. Traditional gender roles for men and women were deeply rooted in all communities of Fiji, although change was beginning to occur in urban families where both women and men were employed. Shared responsibility for childcare and domestic work had become more acceptable in urban homes, but decision-making remained in the hands of men. Although it had only recently become a public issue, most homes in Fiji, regardless of social or economic status, had experienced domestic violence. The breakdown of the family unit was a major concern, as reflected in the increase in applications to the Legal Aid Commission for legal assistance in matters relating to family law. Women's participation in decision-making and politics remained a challenge, but the situation was improving, as shown by the National Council of Women's sponsorship of a project to encourage women with political aspirations to get involved.

24. Women in Fiji had become more aware of their rights, and the Government was using the Convention as a vehicle for creating a society based on the

universality of human rights. Referring to the vision statement of the Ministry for Women, she expressed the hope that Fiji would be a nation where women were valued and treated with respect and dignity.

General observations

25. **The Chairperson** commended the Government of Fiji for the commitment it had shown by presenting its report to the Committee. It was her hope that other States in the Asia and Pacific region would follow its example and ratify the Convention. She also commended the withdrawal of the two reservations to the Convention.

26. **Ms. Shin** said that she had been pleased to hear of the participation of non-governmental organizations in the preparation of the report and hoped that such cooperation between the Government and civil society would continue. In future reports, the names of participating organizations should be included.

27. **Ms. Goonesekere** was pleased to see that the Constitution contained a definition of discrimination which referred to gender. She wondered if that definition covered the private sector as well as the Government, and whether, for example, private companies operating in export promotion zones must conform to fair employment standards. She would also like to know if the blueprint for affirmative action included a gender perspective or was based only on ethnicity.

28. **Ms. Corti** asked about the standing of CEDAW in the Constitution and legislation. Since the lack of equal opportunity legislation generated *de facto* discrimination against women, particularly in employment and in domestic violence against women, she would like to know whether a draft of an equal opportunity act had been prepared.

29. The custom of *bulubulu*, as described in paragraph 1.8 of the report, seemed highly patriarchal, and she would like to hear about any efforts by the Ministry for Women to eliminate that practice.

30. **Ms. Schöpp-Schilling** said that she would like to know whether the Convention upon ratification had automatically become part of Fiji's law or whether separate legal acts had been needed to give it effect. Noting that article 43, paragraph 2, of the Constitution stipulated that judges should promote the principle of equality with reference to relevant international law,

she asked whether judges were trained to adhere to that provision and to what extent they did so in practice. She also asked whether there was an effective mechanism for complaints in cases where provisions of the Convention were violated.

31. She welcomed the review of laws and policies that had been taking place since the ratification of the Convention. However, she would like to know which of the planned reforms had actually been adopted by Parliament and specifically whether the Family Law, the Evidence Law and the Industrial Relations Law had been reformed.

32. She would welcome confirmation that a new Constitution was to be drafted and whether it would encompass the existing provisions on equality and the prohibition of discrimination.

33. **Ms. Livingstone Raday** said that she was glad that the Court of Appeal had upheld the 1997 Constitution in the political crisis of 2000 and that women judges had been instrumental in defending the Constitution at that time. She asked how many women judges there were and whether those who had resigned during the crisis had been reinstated. She would also like to know whether there were plans to amend the Constitution, in particular article 38, which prohibited discrimination.

34. Noting the report that the Citizens' Constitutional Forum had recently been deregistered for challenging the legality of the Government, she asked whether that decision had since been reviewed and whether the Constitution provided any protection for non-governmental organizations, including women's organizations, against restrictions on their freedom of expression.

35. She was pleased that the Government was supporting training and education to combat the increasing problem of violence against women; Fiji's existing laws remained unsatisfactory in that regard. In addition to the problem of the "bulubulu" custom mentioned by Ms. Corti, she was concerned that, in rape cases, evidence relating to a complainant's sexual history was still allowed in court and, particularly in cases where the victim was a prostitute, was used to reduce the sentences imposed on their attackers. Moreover, corroboration of the victim's evidence was still required. She was aware that, prior to the constitutional crisis, the Fiji Law Reform Commission

had been reviewing the Evidence Law and she would like an update on recent progress in that regard.

36. **Ms. Kwaku** requested up-to-date information on the Human Rights Commission, how it functioned and whether it included female members. She would also like to know whether and in what way it helped to monitor the implementation of the Convention and whether it received adequate funding.

37. **Ms. Ferrer Gomez** said Fiji's report highlighted many cases of discrimination against women, in defiance of the country's laws prohibiting such discrimination. She wondered what steps could be taken to ensure that the law was enforced in practice. With regard to the custom of "bulubulu", she welcomed the timely adoption of a law designed to eliminate it and to protect all women in society.

38. She was concerned that there was direct discrimination against women in hiring and promotion and that women were generally confined to work in the informal sector and in jobs at lower pay. Moreover, there was no law stipulating equal pay for equal work. In the light of article 11 of the Convention, she would like to know whether the Government planned to enact legislation guaranteeing equal opportunities for women in employment. She also asked whether the Government had considered providing legal protection for women who worked in domestic service.

39. She emphasized the need to reform the Family Law so as to improve the situation of women, including making it easier for them to obtain a divorce. She also welcomed the planned adoption in 2002 of a law against domestic violence.

40. **Ms. Shin** said that, given the seriousness of the problem of domestic violence in Fiji, it was important to enact separate legislation designed to prevent the practice and provide protection for victims.

41. **Ms. Acar**, having commended Fiji's progress in implementing the Convention, said she hoped that non-governmental organizations would continue to be involved in that work, since their contribution, and that of civil society in general, was essential for effective implementation of the Convention. It was important to create an environment conducive to the activities of non-governmental organizations. Moreover, only in a democratic society, where domestic laws were consistent with international law and were enforced by an independent judiciary, could human rights be

properly protected. She would like to know whether the timetable for reform of the Family Law and the Evidence Law — which had understandably been delayed because of the recent political upheavals — had been communicated to civil society in Fiji, and whether issues relating to the reforms were being publicly discussed.

42. **Ms. Gaspard** requested information about efforts to raise awareness of the Convention in Fiji, particularly among judges. She also asked whether any complaints of discrimination against women had been brought before the Ombudsman's Office and, if so, what the outcome had been.

43. **Ms. Saiga** asked who appointed the members of the Human Rights Commission and whether any complaints of discrimination had yet been brought before it.

44. **Ms. Goonesekere** asked whether the Government had considered recognizing socio-economic rights, such as the right to health and education, in the Constitution, particularly in view of the impact of globalization on women in Fiji. She would also like to know whether the Constitution guaranteed civil and political rights, such as the right to life, protection against torture and the right to organize. She also requested information about the mechanism for claiming violation of constitutional rights before the courts. She asked whether negative practices enshrined in customary law could be challenged before the courts, given that article 38, paragraph 1, of the Constitution prohibited discrimination. She also would like to know the status of the National Women's Advisory Council.

45. **Ms. Tavares da Silva** welcomed the many initiatives taken by the Government of Fiji in order to promote equality, and the fact that the country had a full-fledged Ministry of Women, Social Welfare and Poverty Alleviation that focused no longer on welfare issues but on the empowerment of women, policy formulation and mainstreaming the gender perspective. However, discrimination persisted in many areas, such as the labour market and training. She would like to know the reason for women's low rate of enrolment in training, given their high standard of achievement in school.

46. The report showed that there was a contrast in Fiji: despite the progress made towards achieving equality for women, the country remained a patriarchal

society with entrenched attitudes; she wondered to what extent women in Fiji were aware of that contradiction. She commended the Women's Plan of Action with its ambitious aim to achieve 50 per cent representation by women in all areas of government and asked whether that aim was supported by civil society in general.

47. While she welcomed the creation of five task forces to work on specific priority areas, she wondered why a task force had not been created to deal with inequalities in women's participation in the labour market and to improve their working conditions and maternity rights particularly for pregnant women. Surely, employment issues deserved just as high a priority as health and education. Furthermore, while she applauded the innovative nature of the Government's gender budget initiative, which would establish a pilot project to ensure a gender-sensitive approach when preparing the national budget, she requested more information on any successes or difficulties encountered and asked whether any mechanisms existed for developing criteria for a gender audit of the pilot programme.

48. **Ms. Hazelle** (Rapporteur), referring to the Inter-Ministerial Committee on Women (IMCW), wondered whether there was some overlapping of functions between the 17 ministries involved and, noting that the Committee members were at the Deputy Secretary level, stressed that the members of the Committee should be from the highest possible level of the civil service in order to ensure that its decisions were actually translated into policy and action by all governmental departments. The Committee should not simply be a forum for discussion or a rubber stamp and she wondered if there was any interface between the Committee and the Ministry of Finance with regard to the gender budget initiative and between the Committee and other bodies such as the Women's Advisory Council, the gender focal points, the task forces and others in order to ensure effectiveness of the Committee in implementing the Women's Plan of Action.

49. **Ms. Schöpp-Schilling** wondered whether there was any oversight mechanism to monitor progress towards the objectives in the area of women's rights, whether the National Women's Advisory Council still existed and whether it coordinated its work with that of other bodies.

50. **Ms. Corti** thought it strange that the Convention had been omitted in the list of functions of the Human Rights Commission (paragraph 2.1) and enquired about the composition of the Women's Advisory Council and the involvement of non-governmental organizations on the Council. In connection with the gender budget initiative, she was also surprised that the Ministry for Women, Social Welfare and Poverty Alleviation, so important in the fight for gender equality, was likewise not specifically mentioned in conjunction with the first phase of the initiative (paragraph 3.9 of the report).

51. **Ms. Gabr** expressed regret that despite the measures taken and progress made, a gap continued to exist between the objective of full equality and current reality, due in great part to traditional attitudes which had a negative effect on the advancement of women, and to policies which distinguished between ethnic groups. She asked what measures had been taken to correct features inherent in the social structure which tended to marginalize women.

52. **Ms. Ferrer Gomez** asked whether progress had been made in creating some system to monitor and evaluate the implementation of the Women's Plan of Action. She was particularly concerned about reducing poverty among women and providing them with employment opportunities. That was especially urgent at a time when 25 per cent of women were living in such conditions that many were turning to prostitution in order to survive.

53. **Ms. Shin** stressed that the Women's Plan of Action was excellent, but felt that the ten-year time frame was too long. She wanted to know whether specific targets had been set for each year and whether there was some mechanism for adjusting the plan as required. She also wondered whether the National Women's Advisory Council was still functioning and whether non-governmental organizations still participated in its work. She noted that affirmative action programmes existed for ethnic groups, for example indigenous Fijians but wondered whether affirmative action programmes included support not only for ethnic groups but also specifically for women members of those groups.

54. **Ms. Goonesekere** enquired whether the affirmative action programmes included some assessment of their effectiveness in promoting equality rather than providing advantages to specific groups. She also asked about their relationship with the Social

Justice Bill. She stressed the need to ensure that gender issues were fully taken into account in implementing affirmative action policies. Statistics should include not only gender disaggregated data but also ethnically disaggregated data to ensure that women were not doubly disadvantaged on grounds both of sex and ethnicity.

55. **Ms. Schöpp-Schilling** asked how the Government reconciled the need for temporary special measures with the need to avoid reverse discrimination when implementing affirmative action programmes. She was concerned about whether gender issues were truly being mainstreamed by all ministries because while mention was often made of youth, the disabled, minorities, and families, women were rarely mentioned. She asked who was responsible for monitoring progress towards the advancement of women into decision-making positions and said she would welcome more detailed information on efforts to eliminate gender discrimination.

56. **Ms. Ferrer Gomez** stressed the need for increased awareness of women's rights among women themselves and in society in general as well as greater empowerment of women in order to overcome attitudes prevalent in Fiji's largely patriarchal ethnic groups, which relegated women to stereotyped roles. Only then could it ensure full implementation of constitutional guarantees of women's rights. In connection with improving the status of women, she stressed the important role which non-governmental organizations could play. She asked whether training programmes for development included gender specific issues and, if so, how aware women were of the opportunities such programmes provided and whether specialized training was provided to important professionals such as teachers and doctors. She wondered if education values in secondary schools included women's rights, what role the media played with regard to gender issues and whether journalists received gender-sensitivity training. She also asked whether steps were being taken to increase awareness not only of domestic legislation, but also of the Convention, among the general population and women in particular.

The meeting rose at 1 p.m.