

QUICK GUIDE TO ADDRESS WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON FIJI

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In some cases we have included suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted. References from the National Report are *in Italics*.

Recommendations - including those from UN treaty-monitoring bodies, are at the end of the document.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified. OP-CEDAW not ratified. Rome Statute ratified. Palermo Protocol not ratified.

Gaps: National Report not published yet.

ISSUE	N Report	Compilation	Summary
Disabled women		National Policy promoting rights (16)	
Early / forced marriage		Equal minimum age for marriage at 18 years old (19)	Poverty and economic reasons (28)
Equality and Non discrimination		Absence of mechanisms to challenge discriminatory practices (12) Not constitutional definition of discrimination against women (19)	
Maternal mortality /maternal health		High incidence in remote islands (48)	
OP-CEDAW		See Recommendations, CEDAW (1)	
Patriarchal attitudes/ stereotypes		Stereotypical attitudes and roles encourages segregation and denial of economic contribution of women (19)	
Prostitution/Sex Industry		Increasing problem (32)	
Reproductive health/rights		Increasing rate of early pregnancies, STDs, lack of access to reproductive health services and HIV/AIDS preventive measures (49)	
Rights of girls		See Recommendations, CRC (21)	
Right to education		Despite primary education is free, high dropout due to related costs (52) High girls' dropout due to	Associated costs are obstacles for schooling (57) Inequalities. Lack of education

		economic reasons, early marriages, pregnancies and sexual exploitation. (56)	for rural women (58)
Right to work		Unequal access and wages. Multiple discrimination. Working conditions against art 11 of CEDAW (44)	Unequal wages (49)
Sexual Violence			Limited typification of rape in Penal Code. Marital rape not included (25)
Violence against Women /Gender Violence		High incidence of ethnic and gender violence, domestic violence and sexual abuse. Now recognized as pervasive social problem (27)	Light sentences for perpetrators based in patriarchal roles. Legislation by decree (26)
Women's rights defenders		Intimidation campaign. Harassment, threats of sexual violence by military forces (26)	Threats or rape, detention, harassment and intimidation (21) Arbitrary arrests and raids by interim administration (24)

Disabled women

UNICEF noted that a National Policy on Persons Living with Disabilities 2008-2018 was developed, including as a **strategic policy area** the promotion of the rights of women () with disabilities (Para 16, Compilation)

See Recommendations, FDPA (14)

Early / forced marriage

UNICEF noted that in 2009 the Marriage Act was amended, with the minimum marriage age for females lifted from 16 to 18 years, **equalizing the marriage age for males and females** (Para 19, Compilation).

Lechuga Foundation Fiji and Sexual Rights Initiative; (LF-SRI) reported that the **main reasons for early marriages** occurring are: the belief that the girl child is an economic burden and the opportunity for a better life, especially if the groom is a foreigner (Para 28, Summary)

Equality and non-discrimination

The Committee on the Elimination of Discrimination against Women (CEDAW) welcomed the creation of several institutional mechanisms to promote gender equality and implement **the Women's Plan of Action**. It noted the **absence of effective mechanisms to challenge discriminatory practices** () (Para 12 , Compilation). While welcoming the specific provision on gender equality in the Constitution of 1997, CEDAW expressed concern that **it does not contain a definition of discrimination against Women** (Para 19, Compilation)

See Recommendations, CEDAW (12)

Maternal mortality/maternal health

CEDAW noted the gains achieved in women's health but expressed concern that **women in remote islands were adversely affected by maternal and infant mortality**, also noted by CRC (Para 48, Compilation)

See Recommendations, CEDAW (48)

OP-CEDAW

See Recommendations, CEDAW (1)

Patriarchal attitudes/stereotypes

() CEDAW was Concerned that entrenched stereotypical attitudes towards women and the idea of an exclusively male head of household encouraged segregation in employment and a denial of the economic contribution of women (Para 19, Compilation)

See Recommendations, CEDAW (19), UNICEF (19)

Prostitution/Sex Industry

CEDAW expressed concern at a growing problem of prostitution due to economic Hardship (Para 32, Compilation)

See Recommendations, CEDAW (32)

Reproductive health/rights

In 1998, the Committee on the Rights of the Child (CRC) was concerned at the increasing rate of early pregnancies, sexually transmitted diseases among the youth, teenage suicide, insufficient access to reproductive health education and counselling services, and insufficient HIV/AIDS preventive measures (Para 49, Compilation)

See Recommendations, CEDAW (48)

Rights of girls

See Recommendations, CRC (21)

Right to education

UNICEF reported that school is free of tuition costs up to senior secondary classes but schools levy other fees and essential expenses include uniforms, books and transport. The principal reason for children dropping out is the inability to afford school costs (Para 52, Compilation). CEDAW noted with concern that an increase in poverty and adverse economic conditions were undermining Fiji's gains in women's education, leading to more girls dropping out, with connected problems of early marriage, teenage pregnancies and sexual exploitation (Para 56, Compilation). Although people do not have to pay tuition fees at primary school, the costs associated with uniforms, shoes, books, and transportation fees are obstacles to education for children (Para 57, Summary).

According to LF-SRI, men are usually better educated, which gives them advantages over women. Indo-Fijian rural women are most disadvantaged by lack of education (Para 58, Summary)

See Recommendations, CEDAW (56)

Right to work

CEDAW expressed concern that women did not receive equal wages for work of equal value and were denied equal access to employment and promotion. The subregional 2008-2012 United Nations Development Assistance Framework cited evidence that occupations remained stratified by sex and women continued to suffer stereotyping, direct discrimination in hiring practices, and

unequal access to training programmes. CEDAW noted that the working conditions of women, particularly in the tax-free zones, contravened article 11 of the Convention (Para 44, Compilation). According to LF-SRI, women are generally paid less than men, noticeably in the garment industry. In addition, garment workers receive wages that are considerably lower than in other sectors (Para 49, Summary)

See Recommendations, CEDAW (44)

Sexual Violence

The Fiji Women's Crisis Centre (FWCC) made reference to the definition of rape in Fiji's Penal Code which is limited to forced penile vaginal penetration, not taking into account other forms of rape to which women are vulnerable. FWCC noted that marital rape is not specifically mentioned as a crime in the Penal Code. As there has not yet been a prosecution of a husband for raping his wife, courts in Fiji have not yet ruled on the issue (Para 25, Summary)

See Recommendations, FWCC (25)

Violence against Women/Gender Violence

CEDAW noted with concern the high incidence of ethnic and gender-based violence against women in periods of civil unrest. Despite initiatives to address this, there were high levels of domestic violence and sexual abuse of girls and women. UNICEF indicated that Fiji now recognized domestic violence as a pervasive social problem across all communities and the police have put in place mechanisms such as a "no-drop" policy to improve reporting, and measures to address the issue. The problem itself, however, remains (Para 27, Compilation)

FWCC added that perpetrators of domestic violence are commonly given a suspended sentence, warning or fine. The "main income earner" argument is consistently used in Court to obtain lighter sentences for men who are violent towards their partners. AI and FWCC cited recent reports that a Domestic Violence law has been promulgated by decree. FWCC noted that such reforms must occur within a democratic process (Para 26, Summary)

See Recommendations, CEDAW (27)

Women's rights defenders

On 25 January 2007, the Special Rapporteur on violence against women, its causes and consequences and the Special Representative of the Secretary-General on human rights defenders sent an urgent appeal regarding six female pro-democracy activists who were arrested by the military. Concerns were expressed that the series of acts of intimidation and harassment, and threats of sexual violence, form part of an ongoing campaign against human rights defenders. In April 2008, the Special Rapporteur on freedom of opinion and expression, the Special Representative of the Secretary-General on human rights defenders and the vice-chairperson of the Working Group on Arbitrary Detention sent an urgent appeal on the arrest and detention of 12 women human rights defenders. Concern was expressed that the arrest may be solely linked to their reportedly non-violent activities in defense of human rights (Para 26, Compilation)

Fiji Women's Rights Movement (FWRM) reported that during the period following the removal of the democratically elected government on 5 December 2006 until June 2007, there were human rights abuses committed. During this period, some prominent women human rights defenders were targeted by name in the media by the Prime Minister, threatened with rape in anonymous phone calls, and/or detained overnight, harassed and intimidated (Para 21, Summary)

Human Rights Watch (HRW) similarly reported that the interim administration has arbitrarily arrested and detained dozens of people, including human rights defenders, and subjected them to

inhuman and degrading treatment. () FWRM reported that the offices of prominent women's rights NGO were raided in March 2009, and tape recordings of interviews with victims of human rights abuses were stolen (Para 24, Summary)

Suggested Questions and Recommendations

CEDAW

- § The ratification of the Optional Protocol to the Convention () (Para 1, Compilation)
- § An accelerated and broad-based programme of human rights education, gender training and changes in laws and administrative regulations to recognize women as heads of households and the concept of shared economic contribution and household responsibilities (Para 19, Compilation)
- § A holistic programme of law reform and policies in this regard (problem of prostitution) (Para 32, Compilation)
- § Early adoption of the Industrial Relations Bill and Equal Opportunity legislation and a repeal of outdated labour laws. Legal reforms should make pregnancy leave mandatory and tackle sexual harassment in the workplace. Fiji should promote the adoption of a code of ethics for investors, including in the tax-free zones (Para 44, Compilation)
- § The introduction of proactive measures and incentives to attract local health services professionals to Fiji and recommended that priority be given to allocating resources to improve health care services for women, including in remote islands. (Para 48, Compilation)
- § To strengthen initiatives to combat gender-based violence and adopt the proposed laws on domestic violence and sexual offences very early, prohibiting practices that legalize violence against women (Para 27, Compilation)
- § To include a clear procedure for enforcement of fundamental rights and enact an equal opportunities law to cover actions of non-State actors (to challenge discriminatory practices) (Para 12, Compilation)
- § Targeted policies and programmes (to address women and girls' undermined education) (Para 56, Compilation)

CRC

- § A more active approach to eliminate discrimination against, in particular the girl child (among others) (Para 21, Compilation)

UNICEF

- § That legislative changes had yet to be made for example regarding various sexual offences, or sufficient action yet taken to counter de facto discrimination against women in the education system and workforce (Para 19, Compilation)

Fiji Disabled Peoples Association - FDPA

- § That awareness programmes must be conducted on the Fiji Disability Policy and adequate resources be allocated for its implementation. DFPA urged the Government and the Ministry of Women, the Ministry of Youth and the Ministry of Education to take into serious consideration the issues that affect women () with disabilities (Para 14, Summary)

FWCC

- § Including marital rape as a crime to better protects women who are in violent sexual relationships with their partners (Para 25, Summary)

SRI

- § To develop and implement comprehensive policies on sexual and reproductive health, providing sexuality education, contraceptive and family planning information besides the access to qualified health services and facilities -including obstetric urgencies- to address early pregnancies, HIV/AIDS and STDs prevention and to decrease maternal mortality.
- § To take urgent measures to protect and fully respect rights and freedoms of women's rights defenders, ensure the end of threats, intimidation and attacks and provide appropriate redress for victims.