



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

Distr.: General
30 January 2001

Original: English

**Committee on the Elimination of Discrimination
against Women**

Twenty-sixth session

Summary record of the 538th meeting

Held at Headquarters, New York, on 22 January 2002 at 10 a.m.

Chairman: Ms. Abaka

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02-22604 (E)



The meeting was called to order at 10.20 a.m.

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

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

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

2. **Ms. Salabula** (Fiji), replying to some of the questions put by the members of the Committee, said that a wide variety of non-governmental organizations had participated in the writing of the report and that the Government had circulated a list of their names to the members.

3. In July 2000, the Fijian Cabinet and the Great Council of Chiefs had endorsed a blueprint for the protection and advancement of indigenous Fijians and Rotumans, which sought to provide an enabling environment for legislative action and policy change, to allow Fijians and Rotumans to exercise their rights to self-determination and to enhance their opportunities. Fijians and Rotumans made up over 51 per cent of the population of Fiji, were reproducing considerably faster than the broader population, owned most of the land, and had customary proprietary rights and traditional fishery rights to more than 80 per cent of the land. Ensuring the primacy of their interests and their equitable participation in the life of the nation was therefore a precondition for peace, stability and sustainable development in Fiji.

4. The Ministry of Women and Culture had requested the Government to gender-mainstream the blueprint, with a view to providing Fijian and Rotuman women an equitable share of opportunities and benefits. The Government recognized the importance of that initiative, and had asked all ministries and departments to contribute to the formulation of 10 and 20-year plans. In addition, it was launching grass-roots awareness programmes to sensitize local indigenous communities to the goals of the programme.

5. While there was no legislation incorporating the Convention into the domestic law, the act of ratification triggered legislative reform. That was also guaranteed under articles 42 and 43 of the Constitution. Article 42 established a human rights commission, whose functions included making recommendations to

the Government regarding compliance with human rights law. The Convention was therefore a living reality.

6. Fiji had only one woman judge, and she had in fact invoked the Convention in her decisions. A judgement handed down by the Magistrates Court had also cited the Convention. Since the Constitution guaranteed the principles of equality and non-discrimination, direct or indirect, on the grounds of actual or supposed characteristics or circumstances, including gender, the Government was obliged to develop programmes and policies to implement gender equality.

7. *Bulubulu*, a practice vital to the indigenous Fijian community, was used to resolve conflicts and to strengthen kinship ties. Unfortunately, acquiescence to *bulubulu* had led many women victims of sex offences to refrain from reporting the crime or to agree to releasing the offender or lightening the sentence. The Government was endeavouring to redress such abuses and to increase awareness about the adverse nature of that practice. Some families were choosing to refuse the offer of *bulubulu*; others were accepting it while at the same time allowing the legal process to go forward. A legal reform was under way that would codify sentencing options and guidelines, and eliminate informal sentencing practices that had crept into the legal system.

8. Only one woman was a High Court judge. Four women currently served in the Magistrates Court, and two had resigned following the coup of May 2000. Unfortunately, most of the draft bills that predated the coup would have to be reintroduced in Parliament. The Evidence Reform Reference had produced two bills, the Civil Evidence Bill, which had been ready for a presidential signature prior to the coup, and the Criminal Evidence Bill, which would improve collaboration legislation, an area of interest to women. Non-governmental organizations were consulted at various phases of the law reform.

9. The Human Rights Commission was an independent, autonomous body empowered to investigate allegations of human rights violations and unfair discrimination in employment. Although it did not monitor the implementation of the Convention, it promoted and protected the human rights of all persons in Fiji in accordance with the Fiji Human Rights Act and with the terms of any other written law, and was

funded by Parliament and other sources. Under the law, such funds must be sufficient to meet the Commission's needs and to maintain its independence and impartiality. It was chaired by the Ombudsman, a presidential appointee; one of the first members had been a woman.

10. The Ombudsman's Office had been established in 1970 but had unfortunately been insufficiently utilized as a recourse for complaints of discrimination and unfair treatment. The Human Rights Commission and the Ombudsman's Office were the sole avenues for seeking redress in the event of a human rights violation.

11. The Government had undertaken to mainstream gender concerns in all government policies, programmes and projects; a gender audit would accordingly be incorporated into its strategy. Currently, the gender audit was a pilot project in the Ministries of Health and Agriculture. Development indicators would be identified and outputs measured with a view to detecting gender gaps and to integrating gender concerns into policies.

12. Her delegation had circulated a chart on the structure of the Ministry of Women. The budget for individual ministries were first approved by Parliament and then reviewed by the Cabinet and various other bodies. Members of governmental task forces were selected to ensure the participation of the Government and of civil society organizations in their work. The Department of Social Welfare held the chairmanship of the Task Force on Violence against Women and Children.

13. The greatest barrier to the attainment of women's social and cultural rights was a lack of understanding of gender and development. In both sexes, social and cultural beliefs were deeply entrenched. The Ministry was providing social and cultural empowerment programmes, covering such topics as legal literacy, voter education, leadership training, skills training, conflict management and economic empowerment. It was promoting the strategic concerns of women at the national and community levels, and planned to provide gender training within the Government in partnership with civil society organizations. That was a daunting task, given the limited resources available.

14. Although women's participation on boards, councils and commissions had been 18.9 per cent in August 2001, the target set in the Women's Plan of

Action was to raise it to between 30 and 50 per cent by 2008. The Ministry of Women maintained a database of qualified women and would provide names, if requested for appointments to boards and committees. Most women serving on such boards were active members of civil society organizations.

15. The Government's poverty alleviation programme provided family assistance to persons unable to work because of age, disability or illness; funded the construction of homes for the homeless; and offered seed money for income generation projects to poor families. The Ministry of Women operated a micro-credit programme that provided skills training to women, administered business loans, and offered legal literacy, reproductive health and social empowerment programmes. The Ministry of Commerce also had a micro-financing scheme that assisted poor women.

16. The National Women's Advisory Council included experts in law and social sciences as well as women activists and academics who were appointed for a two-year term. Their terms had lapsed in 2001, and the Ministry was currently reviewing institutional mechanisms for the implementation of the Women's Plan of Action.

17. There was no specific legislation providing for equal pay for work of equal value. Women had begun entering the labour force in the early 1950s, as stenographers, nurses and teachers. They were now beginning to apply for positions traditionally held by men. The Public Service Commission had established an equal opportunities policy in 1999, which provided a guideline and a standard for other governmental bodies; the Police Department had established an equal opportunities policy in 1994. The Employment Act, however, was outdated and must be brought into conformity with international minimum human rights standards, in particular the instruments that Fiji had ratified. The Government was endeavouring to introduce new industrial relations legislation compatible with the Convention on the Elimination of All Forms of Discrimination Against Women. Recent measures taken included an amendment protecting women engaged in night work.

18. Domestic workers were known as "house girls". Under the Employment Act, domestic workers were persons working in a dwelling not associated with any trade, business or profession, and could be cooks, house servants, children's nurses, gardeners,

laundresses, watchmen or drivers. The Act provided for legally binding verbal contracts, the right to timely payment, the right to notice of dismissal or payment in lieu of dismissal, protection against summary dismissal and the right to receive wages on dismissal, and prohibited wage deductions for bad or negligent work.

19. Domestic violence had only recently begun to be considered a public matter and a crime. Media campaigns and community workshops were being conducted to raise awareness, and stereotypes were beginning to change. In addition, the Ministries of Women, Health and Education were conducting community training programmes to promote shared responsibilities in the home; similar programmes were conducted by non-governmental organizations and civil society organizations.

20. The Ministry of Women, assisted by the United Nations Development Programme, was providing gender training programmes to public servants; it planned to expand that programme to all sectors of the Government, including in rural areas, with the goal of creating a gender-friendly governmental environment. It also intended, in conjunction with the Ministry of Agriculture, to introduce the gender audit in 2002, and to offer training in gender impact analysis skills. The Police Academy had also integrated gender concerns into all aspects of its training programmes. Two officers had undergone gender sensitization training, and one had been trained to be a trainer. The Police Department, an equal opportunity employer, encouraged women to apply for jobs as officers.

21. Women's organizations had worked with the media to educate journalists on gender stereotyping, especially in reporting such crimes as rape. The sensational and sometimes inaccurate coverage of such cases tended to perpetuate popular misconceptions and portray the victims as ultimately to blame for the assault. Concerted efforts were needed to improve the image of women in the media and to make the media more responsive to women's issues and development needs.

22. Turning to the questions on article 6, she said that the Fiji Law Reform Commission was recommending that prostitution should be decriminalized and regulated instead. The police considered prostitution an economic problem and had suggested that the Government should deal with it by increasing the family assistance allowance and the maintenance

allowance for single mothers. Anecdotal reports suggested that, because of their vulnerability, prostitutes were abused and exploited, and that many police officers made use of their services. The Government was also looking into recent reports of Chinese migrant women workers being recruited for legitimate employment but finding themselves forced into prostitution.

23. Violence against women and children was the most pervasive violation of human rights and was a major impediment to women's participation in development. Some entrenched forms were not recognized as crimes by society, being explained as "family disciplines" and therefore ignored, condoned or tolerated. Legislative remedy was critical to address violence against women and children, side by side with policy and procedural changes for child abuse cases.

24. Regarding article 7 and the participation of women in public life, article 38 of the Constitution promoted gender equality and non-discrimination. The current Government was committed to gender parity in decision-making posts. To that end, the Ministry for Women was working with a task force on gender balance to implement the Women's Plan of Action. The strategic objective of balancing gender in decision-making was to promote balanced representation and women's full participation in power structures, and to create an enabling environment for equal opportunity in the public sector, the private sector and education.

25. Turning to education, she said that the Government provided the school curriculum. Schools run by religious organizations had special programmes for religion which all students participated in, but each student had the right to religious freedom. All teaching posts, including those at higher levels, were advertised openly and equal opportunity was given to women. Scholarships were advertised publicly, and affirmative action was in place to ensure equity. The Government was planning to offer training in gender issues to the judiciary and law enforcement.

26. With regard to health, smoking had been identified as a major health risk in Fiji. Gender-disaggregated data on smoking was not available, but circumstantial evidence showed that a large proportion of women smoked. In an attempt to curb the trend, taxes had been imposed on tobacco and cigarettes. The Ministry of Health had conducted a media campaign promoting vasectomy as an alternative for birth

control, but men had not responded due to the social stigma attached to that form of contraception.

27. Turning to the questions on rural women, she said that in the past, social security had not been an issue for rural women because of the safety net provided by the extended family in the villages. With changes to the family structure and migration to cities, older persons were having to look to the Government and organizations outside their families for support. The Government was trying to address the issue of access for rural women to credit. In Fiji, land and sea resources were communally owned, and women had access to such resources, although few owned property individually.

28. Concerns had been expressed regarding several aspects of family law, and a Family Law Bill had been introduced in Parliament which would cover many of those areas of concern. Unfortunately, its consideration had been delayed by political events, but the bill would soon be reintroduced and funding for the first phase of structural reform had already been secured. Traditionally, sons were favoured over daughters in matters of inheritance. That area of the law was also under review.

29. Finally, she said that replies to the remaining questions would be provided in the next periodic report.

30. **Ms. Schöpp-Schilling** urged the Government to continue with the legal reforms begun before the coup d'état. While she recognized the importance of the blueprint regarding the Fijian community and gender mainstreaming, it was important not to disadvantage the women of other ethnic groups. The Government should apply any special temporary measures to all the women of Fiji. She hoped that Fiji would continue to utilize its vibrant civil society in the implementation of the Convention.

31. **Ms. Goonesekere** said that the justiciability of rights in the private sector had not been clarified. Policies might be adequate to regulate the public sector, but laws had proven to be needed to cover discrimination in the private sector.

32. **The Chairperson** said that she was pleased to hear that the ratification of an international instrument triggered its application in domestic law in Fiji, especially since the Optional Protocol to the Convention had been ratified. It would also be nice to

know that male judges as well as female ones were invoking the Convention in their decisions.

33. While the Committee acknowledged the importance of cultural practices, any such practice which had a negative or discriminatory impact on women must be amended, especially when sexual violence was involved. It was necessary to increase awareness of the impact of the custom of *bulubulu* on the victim of a crime such as rape. She was concerned that domestic violence was qualified in the courts as "family discipline". The Committee's general recommendation No. 19 on domestic violence could be useful in raising awareness of that problem as a development issue. Prostitution was also a serious issue, and the attitude of the police and media were of great concern. Women were often forced into prostitution by poverty, and all possibilities to provide other ways to earn a living must be explored.

34. Fiji had set the pace among Pacific Island countries in complying with the Convention, and she hoped that its experience would be widely disseminated in the subregion.

The meeting rose at 11.45 a.m.