



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-seventh session

Summary record of the 1910th meeting

Held at the Palais Wilson, Geneva, on Friday, 5 September 2014, at 10 a.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties *(continued)*

Second to fourth periodic reports of Fiji (continued) (CRC/C/FJI/2-4; CRC/C/FJI/Q/2-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Fiji took places at the Committee table.*
2. **Mr. Kotrane** said that the report painted a very objective, albeit bleak, picture of child labour and the sexual exploitation of children in Fiji but provided little information about the measures proposed to address those issues. He asked what specific action the Government was planning to remedy the situation and whether it would soon ratify the Optional Protocol on the sale of children, child prostitution and child pornography. With regard to juvenile justice, he wished to know whether the Government intended to bring domestic criminal legislation into line with the Convention.
3. **Ms. Shameem Khan** (Fiji), replying to a question raised at the previous meeting, said that under the new Constitution a child was defined as an individual who had not reached the age of 18 years. It was the Government's responsibility to ensure that all subordinate legislation was brought into conformity with the constitutional definition.
4. **Mr. Fatiaki** (Fiji), responding to a question concerning the budget for the implementation of the Convention, said that in 2014 the Government had for the first time allocated a specific budget of over 200,000 Fiji dollars to child protection programmes, including those carried out by the National Coordinating Committee on Children.
5. **Mr. Koroivueta** (Fiji) said that concerns had been raised that the creation of a dedicated budget line for the implementation of the Convention might weaken the efforts of the multiple stakeholders working in that area to deliver concrete outcomes. It was felt that greater progress could be made in that regard by providing specific budgetary allocations for the various government ministries and agencies concerned.
6. With regard to civil registration, he said that in 2013 the Government had ascertained that some 30 per cent of children under the age of 5 years had not been registered, mainly because of financial difficulties faced by parents. The Government had therefore introduced a nationwide programme to tackle the problem, including an amnesty providing for the waiver of the penalty for late registration imposed under the Births, Deaths and Marriages Registration Act. The Government provided funding for the programme, taking account of the particular maritime geography of the country and the timeline established for its completion. It would be glad to provide the Committee with information on the results achieved.
7. **Ms. Khazova** expressed concern about the practice of charging a birth registration fee and imposing a penalty for late registration. She asked whether the Government had any plans to abolish those charges.
8. **Mr. Koroivueta** (Fiji) said that the Government would give due consideration to the concerns of the Committee and that it would continue to move forward on those issues.
9. **Mr. Fatiaki** (Fiji), replying to questions raised at the previous meeting, said that the practice of informal adoption was relatively common, in part because children from island or rural communities often went to live with extended family members in urban areas so as to be able to continue their education after finishing primary school. It was, however, difficult to monitor the practice closely and to obtain precise figures in that regard. When cases of abuse in such situations were reported to it, the Department of Social Welfare carried out the required investigations, prosecuting offenders and providing alternative care

arrangements for the children concerned, as appropriate. In situations where children were abandoned in hospitals at birth, the Department entrusted them to the care of relatives where possible and subsequently carried out monitoring activities. It was also possible to monitor children who had been placed with extended family members by the Department at the request of the parents.

10. Turning to the issue of intercountry adoption, he said that Fiji had acceded to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption in 2012. The first intercountry adoption under the Convention had taken place in 2014, following the filing of an application through the Attorney General's Office. Unfortunately, applications for intercountry adoption that had been filed in accordance with the Adoption of Infants Act had been dismissed, since the applicants failed to meet the residency requirement.

11. **Ms. Herczog** asked what was done to encourage parents not to give up their children for adoption, in particular through financial support.

12. **Mr. Fatiaki** (Fiji) said that parents received counselling and support under social protection programmes, as appropriate. The Government acted to ensure the safety and protection of the children concerned where necessary.

13. **Mr. Mezmur** (Country Rapporteur) enquired about the status of the draft adoption decree.

14. **Mr. Fatiaki** (Fiji) said that he had been assured that the decree would be passed following the forthcoming election. With respect to the issue of street children raised at the previous meeting, he said that a recent survey had found that a very small number of children were used by their parents for begging. The Government adopted a zero-tolerance approach with regard to that practice, issuing a warning to the parents and providing any necessary assistance to the family. In the event of the recurrence of such incidents, the Director of Social Welfare was empowered to take the children concerned into care. The Government was working with community partners and municipalities to address the problem of begging, helping to provide accommodation and training for beggars.

15. **Mr. Gastaud** said that the Government appeared to have no overall strategy for tackling the issue of street children, dealing instead with situations on a case-by-case basis. He requested further information on the aims and intended target groups of the training provided by the Department of Social Welfare and on action taken to prevent children from working in the street.

16. **The Chairperson** said that she would welcome information on the Government's poverty reduction strategy and support programmes for families.

17. **Mr. Koroivueta** (Fiji) said that, although the Government currently had no formal programme for street children, it was fully committed to adopting a more comprehensive, coordinated and targeted approach. It had already revised its social welfare programmes, shifting their focus from individuals to households.

18. **Mr. Fatiaki** (Fiji) said that a specially trained Ministry of Labour team worked with various partners, including the Ministry of Education, to remove children from the streets and return them to school. In addition, assistance was provided to families under the social protection programmes, as necessary. In cases where children were unwilling to return to school, they were registered with the National Employment Centre and provided with relevant skills training under the auspices of the Ministry of Labour.

19. As part of a multimillion dollar package aimed at addressing poverty, in 2014, the Government had introduced a range of programmes including a care and protection

allowance targeting children in single-parent households. Under the scheme, families received up to F\$ 150 per month, including a F\$ 30-dollar voucher.

20. **Mr. Singh** (Fiji), responding to questions relating to education raised at the previous meeting, said that, under the Constitution, every person had the right to early childhood education, primary and secondary education and further education. The State was responsible for ensuring the achievement of the progressive realization of that right. There were 1,030 Early Childhood Education centres, 725 primary schools and 176 secondary schools in Fiji, with a total enrolment of some 250,000 students. In 2014, the budget of the Ministry of Education stood at F\$ 541.5 million.

21. In reply to a question regarding the extent to which education was free, he said that, in 2014, the Government was for the first time providing free education, thanks to a tuition fee grant for all students in both primary and secondary education. It was currently considering the possibility of introducing such a grant for pupils in early education from 2015 onward. In addition, transport assistance was given to students whose parents had a combined income of less than F\$ 15,000 and a free boat service was provided for children living on remote islands. Textbooks were provided free of charge by the Ministry of Education. Parents were responsible for providing their children with lunch and items such as stationery and uniforms. Consideration would be given in due course to providing entirely free education.

22. **Mr. Gurán** (Country Rapporteur) asked about measures taken to support children in preschool education.

23. **Mr. Singh** (Fiji) said that four divisional officers and nine district officers from the Ministry of Education were working in remote, rural and peri-urban areas, gathering information on school-age children who should be in early education centres, reviewing centres established by community members themselves and proposing the registration of those centres in accordance with a number of criteria. Where possible, stand-alone centres were attached to the local primary school to facilitate oversight by the Ministry. The Government provided financial support to those centres, including the provision of salary grants for teachers and building grants. The performance of pupils was monitored, assessed and recorded in the Ministry's database. The number of registered centres was increasing rapidly.

24. **The Chairperson** asked whether the early childhood centres were regulated. She also wished to know whether the tuition fee grant was allocated to students throughout the secondary cycle.

25. **Mr. Mezmur** said he welcomed the fact that the Government was now providing free education at the primary level. With regard to the provision of textbooks by the Government, he enquired about the number of books provided per pupil and the anticipated impact of that measure. He asked for clarification regarding the eligibility criteria for the bus fare allowance.

26. **Mr. Singh** (Fiji) said that the early childhood centres were regulated by the Ministry of Education. The Ministry's curriculum resource unit developed textbooks, which were issued free of charge to all primary school pupils and to secondary students up to year 10. Various financial resources, including a library and textbook fund, were available to individual schools for the purchase of any supplementary materials they recommended.

27. As to bus fares, he said that under a three-stage zoning policy operated by the Government, children received an allowance of up to F\$ 1.60 per day, which could be supplemented, if necessary, to cover pupils' travel costs to the nearest school.

28. **Ms. Khazova** enquired about living arrangements for pupils in remote areas who were obliged to leave home in order to attend school.

29. **Mr. Singh** (Fiji) said that primary schools were being upgraded to accommodate children up to year 8 and secondary schools up to year 13, thereby reducing the need for pupils to move away from home to continue their studies. As part of further efforts in that regard, in 2013, the Ministry of Education had launched an initiative to establish schools for primary pupils in their first three years of schooling in four designated educationally disadvantaged areas, where previously parents had been obliged to send their children away to school. Boarding schools were available within all education districts if, for some reason, a child had to leave home. Accommodation arrangements also included placement with extended family members.

30. **Mr. Mezmur** asked the delegation to clarify whether the State provided all children with textbooks. He enquired about the large discrepancy between the number of primary and secondary schools. What measures were in place to cater for the needs of pregnant adolescent girls who dropped out of school?

31. **Mr. Singh** (Fiji) said that all pupils received textbooks up to year 10; students in years 11 to 13 had to share books. The gap between the number of schools at primary and secondary levels was due to the greater capacity of secondary schools.

32. The minimum school-leaving age was currently 15 years, in accordance with the Education Act of 1978. However, as part of Government policy to raise the school-leaving age to 17 years, it was planned to amend the Act accordingly.

33. Tuition fee grants rose progressively from F\$ 250 per child per year at the primary level, to F\$ 610 in the final year of schooling in order to take account of the increasing costs involved in terms of equipment and materials. The Ministry of Education monitored expenditure in order to ensure that resources provided value for money.

34. Turning to the question of the education of pupils with disabilities, he said that many parents preferred to send their children to special schools in the belief that they would be safer in such settings. The Ministry of Education was therefore running campaigns to raise awareness of the benefits of including children in mainstream education. The Government was working to adapt the physical infrastructure of educational establishments, develop appropriate learning materials and provide teachers with necessary training. It was hoped that most children with disabilities would be incorporated into regular schools in the coming years.

35. **The Chairperson** welcomed the clear change of policy on children with disabilities that had taken place in recent years but asked whether it had led to greater awareness among parents and society in general.

36. **Mr. Singh** (Fiji) said that work was being done with NGOs to promote awareness, particularly among parents, of the possibility and advantages of putting children with disabilities into mainstream schooling.

37. **Mr. Fatiaki** (Fiji) said that the general policy was to encourage the acceptance of children with disabilities in society, including in mainstream schools. The Government thus provided assistance under various social protection programmes to help families of children with disabilities to care for them at home; however, that was sometimes not possible for financial reasons or because of the stigma which unfortunately still existed in society, as shown by recent surveys. In such cases, the children would be placed in one of the country's nine children's institutions, which cared for a maximum of 30 children each. Some cases of abuse had come to light and had been dealt with by the relevant government department.

The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.

38. **Mr. Singh** (Fiji), describing the measures taken to address drug and substance abuse, said that the advisory council on the subject had run awareness workshops in educational institutions and had trained school child protection officers to identify and help children who might be involved. Where cases were found, the school director and the child protection officer would meet with the parents to find a solution to help the child remain in school under monitoring. The Ministry had divisional and district counsellors who could provide support and there were also psychiatrists to whom children in need could be referred in all the divisions.

39. A major breakthrough had been achieved in reducing school dropout numbers by abolishing the external examinations taken in years 6, 8 and 10, which in the past had resulted in almost half of all students dropping out after year 10. The current national curriculum included assessments of children in years 1 to 12 on the basis of competencies and compulsory vocational subjects for both boys and girls in the final years, which meant that children who were not able to continue in the academic stream in year 13 still had certified vocational skills. They could then continue in a vocational institution, find employment or, through the National Employment Centre, enter paid internships to improve their skills. The few young people who remained without any qualifications, generally in more remote settlements, could be helped back into education through formal bridging programmes.

40. The Ministry of Education had introduced the One Laptop per Child programme into primary schools in 2013 to familiarize children with digital technology from an early age. The University of the South Pacific had helped provide training, and schools had been able to purchase equipment and provide Internet access. It was hoped that all primary schools would have an electricity supply and a computer laboratory within a few years.

41. Preschools had existed in Fiji for some decades but a common curriculum had now been formalized and those early childhood centres that used it and adhered to given standards were registered with the Ministry of Education.

42. **Mr. Kado** (Fiji) said that child health came under the family health unit in the Ministry of Health's public health division, which also provided training in children's issues for public health staff. There had recently been a slight decline in under-5 mortality to 17.9 per 1,000 live births, but perinatal mortality still contributed significantly to that figure. Although the maternal mortality ratio had been as high as 60 in recent years, it was 19.1 per 100,000 live births in 2013, which represented 4 deaths in 2013, compared to 12 in 2012.

43. The Child Health Policy and Strategy 2012–2015 had been introduced and a new child health card was used to record developmental milestones and the results of hearing and sight tests. More vaccines were now included in the immunization programme, which had a very high level of coverage; timeliness had not always been reliable but could be monitored using the new cards. Figures for vaccine-preventable diseases were reported each month. The Australian aid agency had provided assistance for the vaccine evaluation project, but Fiji was to take over the funding in four years' time. In collaboration with other agencies and NGOs, the family health unit had developed and launched child protection guidelines for health workers, with training provided for the designated medical officers in subdivisional hospitals. Medical and nursing staff at all levels and community health workers also received training on the basis of national and World Health Organization guidelines.

44. During preliminary work with stakeholders, including persons with disabilities, on a decree to address their concerns, the Minister of Health had decided to formulate a specific decree on children with special needs to ensure that they were not overlooked. Such children were identified at birth, in clinics or in school, and could be referred by doctors,

nurses, parents or teachers. Basic diagnostic services were available, although some tests had to be sent abroad. A request had now been made for specialist training in occupational and speech therapy, as well as other pertinent areas identified in conjunction with the special schools for children with disabilities, as the current system of twice-yearly or occasional visits by foreign specialists was not enough to meet needs.

45. The current Ministry of Health strategy on HIV/AIDS was governed by a 2011 decree and recently launched guidelines on antiretroviral care and treatment and the prevention of parent-to-child transmission. Voluntary and provider-initiated counselling and testing were available in secondary health care throughout the country, and there was also a rapid test that could be administered to women in labour who had not attended antenatal consultations. Only the patient was informed of the results, and the de-identified information was then reported to the Ministry. Unfortunately the number of cases was increasing, with 64 new cases in 2013, including 5 in children under the age of 5. All 14 women diagnosed during pregnancy had been offered counselling and medication, and only one child, who had temporarily been lost to follow-up, had later tested positive. The other four infants with HIV had been born to mothers who had tested negative prior to the birth; they were started on antiretrovirals immediately. There had been no new infections in the 5-to-19 age group.

46. Teenage pregnancies were a worrying matter. Over the previous decade, up to 16 girls under the age of 15 had fallen pregnant each year, but the figure had risen to 72 in 2013. The reasons given for teenage pregnancy ranged from coercion and peer pressure to lack of parental supervision. Furthermore, most of the girls (cases of rape or incest excluded) had managed to hide their pregnancy until that was no longer possible, at which point abortion was no longer an option.

47. **Mr. Mezmur** asked whether arranged, forced and child marriages were particularly prevalent in certain communities and what impact the law had in such cases.

48. **Ms. Shameem Khan** (Fiji) explained that the legal age for marriage had long been 16, which had exposed children aged between 16 and 18 to pressure to get married from their community. The legal age had now been raised to 18. However, arranged marriages were still very common, among Fijians of Indian origin, and that was now leading to a large number of applications to the family court for nullity of marriage. Nullity could be granted only if one of the parties had not properly consented to the marriage. Moreover, since a legal reform three years previously, the judiciary was able to take into account the way that gender and culture combined to pressure girls, even those over the age of 18, into marriage against their will and thus, in effect, without their consent, even though they had signed the marriage papers.

49. **Mr. Kado** (Fiji) described the health services available to young people. The adolescent health programme had been introduced in 2001 to provide access and information, including on sexual and reproductive issues. Outreach to schools and communities had covered over 38,000 young people; peer educators had been trained for the drug and substance abuse and reproductive health and sex education programmes. The peer educators spoke in the media on a variety of issues affecting young people, worked with mental health champions, and ran a reproductive health clinic that could distribute condoms, although young people requesting post-exposure prophylaxis had to be referred. Sports personalities had been recruited to speak for the programme, and “Stepping Stones”, a participatory programme on cross-gender communication, relationship skills and creating awareness of the consequences of risk-taking behaviour, had been introduced in all four divisions. Guidelines had been drafted on running youth-friendly health services.

50. Teenage suicide was an area of concern. The number of suicides or attempted suicides in young people under 17 had declined slightly in 2013, but there were large

differences between the communities. For example, the rate for the community of Indian origin was much higher than that for the iTaukei ethnic group, which reflected the stress that was put on young people of Indian origin to achieve academically. Schools had both teacher and peer counsellors working with the peer educators, and each division had a psychiatrist, although there was only one child psychiatrist in the country. There were also several psychologists in tertiary institutions.

51. In respect of the figures on obesity and breastfeeding, the 2004 nutrition survey had used weight-for-age figures rather than body mass index, but the results were still worrying, given the growing burden of non-communicable diseases (NCD). The national NCD plan and the Ministry of Health strategic plan both attempted to tackle the risk factors from the viewpoint of nutrition, including by promoting breastfeeding and good practices in infant and young child feeding. Unfortunately the baby-friendly hospital initiative of the first decade of the twenty-first century was no longer followed, but that fact had been recognized and the Ministry had endorsed marketing controls on infant formula. A standing committee was to meet to discuss the matter in the coming days. Information on breastfeeding was available in iTaukei but no other vernacular languages.

52. **Ms. Wijemanne**, highlighting the importance of enforcement and noting the persistence of the companies marketing infant formula, asked whether health professionals were trained and mechanisms existed to monitor implementation of the infant feeding code.

53. **Mr. Kado** (Fiji) explained that the standing committee, which was chaired by the deputy secretary for public health, carried out monitoring. An assessment of the baby-friendly status of hospitals had taken place in June 2014 and had been funded by the United Nations Children's Fund. Although there were mother support groups in all 19 subdivisions, the overall results from the main hospital were not very positive; training was to be given to health professionals to improve the situation.

54. **Ms. Shameem Khan** (Fiji) said that the very high figures for children involved in prostitution or sexual exploitation were related to just one of the five surveys used to compile the International Labour Organization (ILO) report on child labour in Fiji, which had specifically targeted street children. Even so, the results were not good and the Government was determined to take serious steps to rectify the situation. ILO had assisted the Ministry of Labour in setting up a child labour unit that worked through legislative enforcement, training of inspectors, prosecution of employers and general awareness-raising. The minimum age for employment was currently 15, but that was to be raised gradually to 18. Fiji had ratified the ILO Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182). It had also enacted legislation banning any employment of children under the age of 15 and of those under 18, if it interfered with their schooling or was detrimental to their health. The child labour unit had launched prosecutions, held training sessions for inspectors and public prosecutors and had also managed to get children off the streets. Further information was being made available to the Committee members.

55. Young people in conflict with the law were treated with compassion under the Juveniles Act, which was read in conjunction with the Convention. Police officers and public prosecutors, aware that prosecution should be used as a last resort, considered not only whether there was enough evidence to prosecute, but also whether prosecution would be in the public interest; children were thus kept out of the formal court system whenever possible. However, there were no statutory guidelines for the informal system, leading to some lack of transparency and the possibility of bias and victim dissatisfaction, particularly given the country's small population.

56. There had in the past been juvenile courts in Suva and Lautoka, but that had resulted in children having to be brought from outlying areas. The Chief Justice had thus decided

that all magistrates and judges should be trained in juvenile justice so that courts throughout the country could hear such cases, including the High Court, which had to consider cases of rape and murder involving minors.

57. The age of criminal responsibility was set at 10 but, for children aged between 10 and 14, the prosecution had to prove that the child knew that his or her conduct had been wrong. The courts were using the provisions of the Convention to provide protection for children in court proceedings and in sentencing juvenile offenders.

58. **Mr. Mezmur**, welcoming the progress achieved by the State party since its previous report to the Committee in 1998, noted that it still faced challenges in the areas of legislation, implementation, cultural issues and work on climate change. The State party should consider ratifying the Third Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Convention on the Rights of Persons with Disabilities and the ILO Domestic Workers Convention, 2011 (No. 189).

59. He hoped that the outcome of the forthcoming parliamentary elections would not reverse the momentum achieved in promoting the rights of the child and that the Committee's recommendations would be taken seriously so that further progress could be made. Particular attention should be paid to both implementation and monitoring. Finally, he encouraged the State party to organize events involving children to mark the twenty-fifth anniversary of the Convention.

60. **Mr. Koroivueta** (Fiji) thanked the Committee for having given his delegation the opportunity to present the State's achievements and gave his assurances that the Committee's concluding observations would be fully implemented in order to build a more robust system for addressing children's issues in Fiji.

The meeting rose at 1 p.m.