



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

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

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

**Combined second, third and fourth periodic reports of
States parties**

Fiji*

* The present report is being issued without formal editing.



REPUBLIC OF THE FIJI ISLANDS STATE
CEDAW 2ND, 3RD & 4TH PERIODIC REPORT

NOVEMBER 2008

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List of Acronyms

ADB	Asian Development Bank
CCTC	Corpus Christie Teachers College
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisation
DFL	Distance & Flexible Learning (USP)
DSC	Development Sub Committee
DoW	Department of Women
EEZ	Exclusive Economic Zone
ESCAP	Economic and Social Commission for Asia and the Pacific
EU	European Union
FDB	Fiji Development Bank
FIT	Fiji Institute of Technology
FLP	Fiji Labour Party
FNPF	Fiji National Provident Fund
FSM	Fiji School of Medicine
FWCC	Fiji Women's Crisis Centre
FWRM	Fiji Women's Rights Movement
GDP	Gross Domestic Product
IPPF	International Planned Parenthood Federation
MDG	Millennium Development Goal
MHW&SW	Ministry of Health, Women & Social Welfare
MWSW&PA	Ministry for Women, Social Welfare & Poverty Alleviation
NCBBF	National Council for Building a Better Fiji
NCW	National Council of Women, Fiji

NGO	Non Government Organisation
PIFS	Pacific Islands Forum Secretariat
PIANGO	Pacific Islands Association of NGOs
PPSEAWA	Pan Pacific South East Asia Women's Association
RRRT	Regional Rights Resource Team
SDL	Soqosoqo Duavata ni Lewenivanua
SDP	Strategic Development Plan
SEEDS	Sustainable Economic Empowerment Strategy
SPC	Secretariat of the Pacific Community
SSV	Soqosoqo Vakamarama I Taukei
UNDP	United Nations Development Programme
UNDP PC	United Nations Development Programme Pacific Centre
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNFPA	United Nations Population Fund
USP	University of the South Pacific
VSO	Volunteer Service Organisation
WPA	Women's Plan of Action
WHO	World Health Organisation

FIJI STATE CEDAW SECOND, THIRD AND FOURTH PERIODIC REPORT

Executive Summary

Fiji ratified the UN Convention on the Elimination of All forms of Discrimination Against Women in August, 1995. The initial report was submitted in 2000 and the Fiji delegation appeared before the UN CEDAW Committee of Experts for the constructive dialogue in 2002. Fiji has not submitted any report since. Therefore this document is the State combined 2nd, 3rd and 4th Periodic report and covers the period January 2003 to June 2008. While it attempts to outline the major developments and progress of women in Fiji, it also delineates the challenges women face in light of the economic and social changes brought about by financial, political and global influences.

Fiji's Constitution has not changed since the initial report to the CEDAW Committee and it contains an anti-discrimination clause-section 38 (2) that encompass remedies for both direct and indirect discrimination on the grounds of gender, disability and sexual orientation. During the reporting period, the following legislations were reformed:

- Enactment of the Family Law Act 2003;
- The Employment Relations Promulgation 2008;
- Review of the Laws relating to domestic violence by the Fiji Law Reform Commission was initially approved by Cabinet in 2003 and the proposed legislation Domestic Violence is in the Bill stage;
- Review of the Penal Code and Criminal Procedures Code 2006
- Final Report of the Review of the Penal Code and Criminal Procedures Code is now with the Interim Attorney General.
- The Prisons & Corrections Act 2005

In addition, the Convention was also used by the Fiji Human Rights Commission to support and justify a Court's decision. Other achievements included the proposed Draft National Policy on Disability (2006-2016).

- Women in Politics Appeal
- Nomination Service with the Department of Women
- Zero tolerance and Violent free community" – Pilot Project
- The publication "Women and Men of Fiji Islands: Gender Statistics and Trends" (2005) written by Chandra and Lewai.

There are no temporary special measures to accelerate equality between men and women in Fiji. The stereotyped attitude and practices have a profound impact on formal decision making where women are seldom visible. Even though women are still being marginalised, it must be acknowledged that changes in the ingrained attitude and perception against women are taking place, although at a very slow pace. In Fiji, women are at liberty to join civil society organizations and some of the most active civil society organizations which exist in Fiji are those headed by women.

Whilst Fiji has been cited as host nation to human trafficking, a study has found that trafficking and sexual exploitation of women, girls and boys is also taking place in the country.

Representation of women in decision making bodies continues to be a major challenge, in light of the political changes. Although successive Governments had a policy of having at least 30% representation since 2003, this has not been achieved.

The Government is an equal opportunity employer, it provides for the equal participation of men and women in the diplomatic service. There has been no special or affirmative programme designed to assist qualified women to pursue a career in the diplomatic service.

The Constitution Amendment Act 1997 recognised equal rights to citizenship for both men and women and equal status to spouses of Fiji citizens whether female or males. The marriage of a Fijian woman to a foreign national does not change her nationality unless she desires to change. They continue to enjoy the same rights as men on the issue of citizenship and nationality and that of their children under the Constitution (Amendment) Act, 1997. However, dual citizenship is not allowed in Fiji

Government is committed to improving the quality of education and its service delivery. The new National Curriculum Framework (NCF) is aligned to the holistic development of the child. The framework encompasses early childhood education up to Form 7 inclusive of special education and technical and vocational education and training. Education is seen as the most effective way to alleviate poverty and hardship for those who are poor and marginalised.

One of the major developments on employment is the Employment Relations Promulgation (ERP). The ERP is a progressive framework which promotes consensual resolution of disputes and creation of labour standards that are fair to both workers and employers. The promulgation also provides the fundamental principles and rights of persons at work.

Fiji has a well developed and comprehensive health system with services accessible to both men and women throughout the nation. However despite efforts to improve health outcomes, a review of health indicators suggests that Fiji lags behind in achieving MDG.

Women play a very important role in the development and progress of their respective communities and the nation as a whole. There is a socio- economic gap between rural and urban women. Women continue to be marginalised in terms of access to credit and loans although they are eligible to access loan and credit through commercial banks, Fiji Development Bank (FDB) and other lending agencies as long as they meet the institutional criteria for such assistance.

Fiji's Constitution guarantee women equality before the law and equal rights to participate in all aspects of civil life and it does not have legal barriers to women's participation in court and tribunal processes or denied women the right to conclude contracts and administer property.

Fiji has made considerable progress in implementing CEDAW since 2004, mainly in the area of family law. In November 2005, the Family Law Act 2003 came into force with the opening of the new Family Law Division within Fiji's Court system. The new law, puts into practice by the new courts, removes total discrimination against women and children consistent with Articles 1, 2, 3, 5, 14, 15 and 16.

Introduction

The progress and development of women in Fiji has improved since the last reporting period. However, it is acknowledged that the changing political situation has an adverse impact on the lives and progress of development for all citizens including women.

This is Fiji's combined Second, Third and Fourth Periodic Report on its implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This report sets out the progress made after the initial report was submitted and covers the period **January 2003 to June 2008**. The report also attempts to highlight achievements, challenges and the major administrative, judicial and legislative process adopted by the State in its pursuit to implement the various articles of CEDAW.

Legislative changes through law reforms, the enactment of the Family Law Act 2003, the Prisons and Corrections Act 2005 and the promulgation of the Employment Relations Promulgation 2008 are some of the key developments in the implementation of CEDAW.

The UNIFEM report on the Pacific Islands states legislative compliance with CEDAW states that:

...“ Fiji has achieved full compliance with 49 of the 113 indicators, partial compliance with 26 indicators and is non-compliant with the remaining 38 indicators. It should be noted however, that Fiji's in a time of significant legislative change and reform. Therefore, whilst the assessment of Fiji's compliance is based on the law in effect as at 30 December 2006, there are nevertheless several important areas relevant to CEDAW that are either already the subject of draft legislation before the Parliament or the subject of investigation”¹...

In addition, the state continued to provide the policy framework for the development and advancement of women through successive Strategic Development Plans. Currently, the Sustainable Economic Empowerment Development Strategy (SEEDS) 2008 – 2015 articulates the priority areas for Gender and Development. The implementation of CEDAW is one of the priorities for the medium term. Despite such commitments it must be acknowledged that, addressing women's needs and their issues continue to face many obstacles and challenges.

This combined report is in three parts, the first section comprises the general issues (Core document), the second part (Convention specific) discusses the national context in which CEDAW has been executed and section three contains the Annexes.

The Committee's Concluding Comments (A/57/38, paragraphs 44-67) on Fiji's initial report included some suggestions and recommendations. The recommendations and responses are discussed under the pertinent articles within the report and is tabled as Annex 1 to this document. This report should therefore be read in association with the Initial Report for Fiji and the State CERD 16th & 17th Periodic Report.

¹ UNIFEM 2006.

SECTION 1 – THE CORE DOCUMENT

NATIONAL CONTEXT

Fiji : The Land and the People

The Land

1. Fiji lies in the heart of the Pacific Ocean midway between the Equator and the South Pole and between longitudes 174° East and 178° West of Greenwich and latitudes 12° S and 22° South. 'Fiji's Exclusive Economic Zone covers about a 1.3 million sq. km of the South Pacific Ocean and contains approximately 330 islands of which about a - third are inhabited.

2. Fiji's total Land area is 18,333 sq.km. There are two major islands - Viti Levu which is 10,429 sq.km and Vanua Levu 5,556 sq.km. Other main islands are Taveuni 470 sq.km, Kadavu 411 sq.km, Gau 140 sq.km. Koro 140 sq.km. Indigenous Fijians own 87.9% of the land while 3.9% is State Land. Freehold land comprises 7.9% and Rotuman land is 0.3%. However there are four types of land holdings namely State lands, freehold lands, native leases and 'vakavanua' native lands. These can be further classified into two different land tenure systems, the 'Western' Land tenure System and the 'Customary' Land tenure System. Freeholds, state leases and the portion of native land that are leased out as 'Native Leases' operate under the western land tenure system while the communally held native lands operate under the 'Customary' or 'Vakavanua' system.. All lands under the western system are registered under the Land Transfer Act by the Registrar of Titles.

Climate

3. Fiji enjoys a tropical South Seas maritime climate without great extremes of heat or cold. The islands lie in areas which occasionally traversed by tropical cyclones, and mostly confined between the months of November to April every year. Temperatures average 22° Celsius for the cooler months (May to October) while November to April temperatures are higher with heavy downpours.

The People

4. Fiji is a pluralistic society. It is home to Fijians, Indo Fijians², Europeans, Chinese, and other Pacific Islanders, and people of mixed racial descent live here as well. Fijians make up the majority of the population (56%), most of whom live in rural villages. Indo Fijians and Others make up the remaining 44%.

5. English is the lingua franca and one of the three official languages of Fiji. The other official languages, Fijian (Bauan) and Hindi, are also widely spoken and taught in schools as part of the curricula.

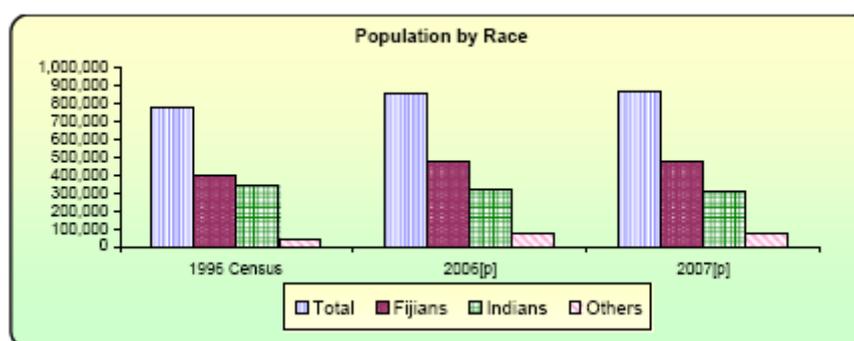
² Refers to people of Indian descent

Population by Race

6. The 2007 Provisional Census figures released by the Fiji Islands Bureau of Statistics have shows a 9% increase from the 1996 census figures. Out of the total population of 860,743, Fijians comprise 475,887, Indians 315,417 and Others 43,926.³

Demography				
Population	Census 1996 [Aug]	2005[p]	2006[p]	2007[p]
All Components	775,077	846,453	853,445	860,743
Fijians	393,575	463,652	471,033	478,496
Indians	338,818	316,460	313,181	310,093
Others	42,884	66,341	69,231	72,154

Figure 1 Population by Race 1999-2007



Source: <http://www.statsfiji.gov.fj> (Accessed on 14/08/08).

7. From the above figures Fijian recorded the highest increase during the 1996 – 2007 intercensal period with 84,929, followed by others with 29,470 while there was a notable decrease in the number of Indo Fijians.

8. The estimated population by sex and age as at 31 December 2003 shows that children between the ages of 0-14 years comprise 29.46% and the elderly aged 60 years and over is 7.18%. The proportion of the productive population (15-59years) for both sexes is 62%. However it must be noted that majority of those in the 15 – 19 years age group are either attending secondary schools or tertiary institutions hence they still depend on their parents for support. The elderly dependents of 60 years and over comprise 7.18% of the total population. Women aged 15 years and over comprise 34% of the total population.

³ <http://www.statsfiji.gov.fj> – provisional figures.

Estimated Population by Sex and Age as at 31 December 2003				
	Male	Female	Total	% of Total
Total	424,187	407,363	831,550	100.0
0	9,025	8,277	17,302	2.1
1	8,451	8,022	16,473	2.0
2	8,301	7,789	16,090	1.9
3	9,118	8,305	17,423	2.1
4	8,312	7,837	16,149	1.9
5-9	43,478	41,012	84,490	10.2
10-14	44,932	42,186	87,118	10.5
15-19	43,408	41,030	84,438	10.2
20-24	39,908	37,481	77,389	9.3
25-29	35,310	33,389	68,699	8.3
30-34	32,303	30,661	62,964	7.6
35-39	30,067	28,384	58,451	7.0
40-44	27,200	25,764	52,964	6.4
45-49	23,247	22,383	45,630	5.5
50-54	18,921	18,326	37,247	4.5
55-59	14,501	14,498	28,999	3.5
60-64	10,560	11,015	21,575	2.6
65-69	7,253	8,090	15,343	1.8
70-74	4,619	5,577	10,196	1.2
75 +	5,273	7,337	12,610	1.5

Source: <http://www.statsfiji.gov.fj> (Accessed on 14/08/08).

9. The provisional census figures for 2007 revealed that more people now reside in urban and peri urban centres. The urban population are concentrated in the major cities of Suva and Lautoka.

Major Towns : Population	Census 1996 [Aug]
Suva City [capital]	77,388
Lautoka City	36,083
Nadi	9,170
Ba	6,314
Labasa	6,491

Source: <http://www.statsfiji.gov.fj> (Accessed on 14/08/08).

10. Religion is an important facet of life in Fiji. It has a very strong influence on the lives of the people and impacts the perception and attitude of members. 58% of the population are Christians. Other main religions are Hinduism (33%) and Islam (7%) and 2% belong to Other religion and also includes those who do not practise any religion.

Religious Affiliation	1996 Census			
	Fijian	%	Indian	%
Christian				
Anglican	2,508	0.6	1,208	0.4
Assembly of God	24,717	6.3	4,620	1.4
Catholic	52,163	13.3	3,520	1.0
Methodist	261,972	66.6	5,432	1.6
Presbyterian	105	0.0	90	0.0
Seventh Day Adventist	19,896	5.1	572	0.2
Other Christian	29,019	7.4	5,277	1.6
Hindu				
Arya Samaj	44	0.0	9,493	2.8
Sanatan	551	0.1	193,061	57.0
Other Hindu	269	0.1	60,297	17.8
Muslim				
Ahmadiya	18	0.0	1,944	0.6
Sunni	175	0.0	32,082	9.5
Other Muslim	131	0.0	19,727	5.8
Other Religion	458	0.1	360	0.1
No Religion	1,549	0.4	1,135	0.3

Source: <http://www.statsfiji.gov.fj> (Accessed on 14/08/08).

Parliament

11. Fiji has a bicameral parliament consisting of a nominated Senate, an elected House of Representatives and a Cabinet presided over by a Prime Minister.

Senate

12. Under the 1997 Constitution, the Senate comprises 32 members of whom;

- fourteen (14) are appointed by the President of Fiji on the advice of the Bose Levu Vakaturaga (Great Council of Chiefs (GCC));
- Nine (9) are appointed by the President of Fiji on the advice of the Prime Minister;
- Eight (8) are appointed by the President of Fiji on the advice of the Leader of Opposition; and
- One (1) is appointed by the President of Fiji on the advice of the Council of Rotuma.

House of Representatives

13. The 1997 Constitution puts into effect the new composition of the House of Representatives, which now consists of 71 members elected to represent single member constituencies. The 71 members of Parliament are elected on the basis of section 51 (1). Forty six of the seats are reserved for Communal votes. The number of Fijian seats is 23; there are 19 Indian seats; 1 Rotuman seat and 3 seats reserved for those who are not Fijian, Indian or Rotuman. The rest of the 25 seats, are for voters from all communities registered in the Open electoral roll. In both 2001 and 2006 election results in Fiji were determined by the Open seats.

Great Council of Chiefs

14. Indigenous Fijian concerns are taken account of through the Bose Levu Vakaturaga (Great Council of Chiefs). This is the highest assembly of traditional chiefs of Fiji and meets at least once a year to discuss matters of concern to the Fijian people. The Council appoints the President and Vice President of Fiji, a power embodied in the 1997 constitution.

Political Situation

15. In 1987 the newly formed Fiji Labour Party won the general elections, however their rule was shortlived when the then Lt. Col. Sitiveni Rabuka staged a military coup d'etat. Rabuka abrogated the 1970 Constitution and declared Fiji a Republic. Consequently a new Constitution was promulgated on 25 July 1990 and this led to the eventual General elections in 1992. The Rabuka led SVT Government passed the Constitution (Amendment) Act in 1997 and continued to govern until 1999 when the Fiji Labour Party again won the general elections. However the FLP reigned for only one year when George Speight led a civilian take over in 2000 when the then Prime Minister and members of his People's Coalition were taken hostage.

16. The takeover was followed by the purported abrogation of the 1997 Constitution; the departure of then President Mara; and the installation of three successive unelected interim administrations. The purported abrogation was challenged in Court and Rulings by the Fiji High Court and Court of Appeal stated that that the 1997 Constitution remained the supreme law of the land⁴. This led to the general elections of 25 August -1 September 2001 under the 1997 Constitution and Fiji's subsequent return to parliamentary democracy under the Prime Ministership of Laisenia Qarase, who had led the Caretaker and Interim governments.

17. Prime Minister Qarase's SDL Government was returned to office with a narrow majority at the elections held in May 2006. Based on the 1997 Constitution a multi-Party Cabinet, including members of the FLP, was then formed. Prime Minister Qarase and other political leaders were still discussing the rules of operation for the multi-party Cabinet when the latest takeover of government took place on 5 December, 2006.

Current Political Situation

18. On 5 December 2006 the Commander of the Republic of Fiji Military Forces (RFMF) Commodore Frank Bainimarama announced that he had assumed executive power, that he had dismissed the duly elected Government of Fiji and declared a State of Emergency.

19. The ensuing State of Emergency raised a number of critical human rights issues. The detainment of some human rights activists and the imposition of travel bans on certain

⁴ Case Law: Republic of Fiji Islands v Prasad (2001) FJCA 2; Abu0078.2000s (1 March 2001). Source: <http://www.paclii.org/fj/cases/FJCA/2001/2.html> Accessed on 8/09/08.

individuals was a serious concern. Furthermore, there were also cases of deaths of arrested persons whilst in police custody. It must be noted that officers implicated in one of these police brutality cases have been brought before the Courts, convicted and sentenced (refer to *State v Vulaca* [2008] FJHC 84; HAC120J.2007S (22 April 2008)⁵ and other such cases are still before the Courts.

20. On 4 January 2007, Bainimarama returned executive authority to the President, who then appointed Bainimarama ‘interim Prime Minister’. His Excellency the President then appointed sixteen Cabinet Ministers. However the number was reduced to twelve in January 2008.

21. On 5 January 2007, the President issued the Mandate which ‘shall be the objective for the Interim Government.’

- *to continue to uphold the Constitution;*
- *where necessary facilitate all legal protection and immunity, both criminal and civil, to the Commander, Officers and all members of the RFMF;*
- *give effect to the actions of the RFMF including the respective suspension, dismissals and temporary removal from office of civil servants, Chief Executive Officer’s, those appointed by the Judicial Services and Constitutional Services Commissions, the Judiciary and Government appointed Board members;*
- *steady our economy through sustained economic growth and correct the economic mismanagement of the past six years;*
- *lift up the living standards of the growing poor and underprivileged of our country;*
- *restructure the Native Land Trust Board to ensure more benefits flow to the ordinary indigenous Fijians;*
- *eradicate systemic corruption by including the setting up of an Anti-Corruption Unit through the Attorney General’s Office and set new standards of Governmental and institutional transparency;*
- *improve our relations with our neighbours and the international community;*
- *take our country to democratic elections after an advanced electoral office and systems are in place and the political and economic conditions are conducive to the holding of such elections;*
- *immediately as practicable introduce a Code of Conduct and Freedom of Information provisions; and*
- *give paramountcy to national security and territorial integrity of Fiji.*

⁵ Paclii website accessed on 26/9/08

22. Several measures⁶ have been put in place to facilitate the achievement of these objectives. Then in September 2007 the Interim Government launched a national initiative to 'Build a Better Fiji for All' through a People's Charter for Change, Peace and Progress. The Interim Government launched the "People's Charter" process in October 2007. The process involves a 45-member 'National Council for Building a Better Fiji' (NCBBF). The Council is co-chaired by Interim Prime Minister Bainimarama and Archbishop Petero Mataka, head of the Catholic Church in Fiji. However, the deposed Soqosoqo Duavata ni Lewenivanua (SDL) Party, the Methodist Church of Fiji and a number of Provincial Councils have expressed opposition to the initiative. The NCBBF held its first meeting on January 16 2008.

Economic Overview

23. The economy recorded reasonable growth in the period 2001-04, driven by a resurgent tourism industry. Growth in 2005 was however only 0.7 per cent. This decline from the high growth of 5.4 per cent in 2004 was due principally to the termination of preferential trading arrangements for garments, Fiji's major manufactured export.

24. In 2005, the textile industry in Fiji markedly declined following the end of the quota system under the Agreement on Textiles and Clothing (ATC) and the full integration of textiles into WTO General Agreement on Trade and Tariffs. The income from garments plummeted by 43% in 2005 with the end of the ATC quotas. Garments now account for approximately 12% of Fiji's exports and sugar approximately 24%. For many years sugar and textile exports drove Fiji's economy. However, neither industry is competing effectively in globalized markets. Fiji's sugar industry suffers from quality concerns, poor administration, and the phasing out of preferential price agreement with the European Union beginning in 2006/2007. The European Union has promised significant financial aid to assist the ailing sugar industry but this will depend on the restoration of democracy in Fiji.

25. Other important export crops include coconuts and ginger, although production levels of both are declining. Fiji has extensive mahogany timber reserves, which are only now being exploited. Fishing is an important export and local food source. Gold is also an important, albeit troubled, export industry for Fiji. Growth in 2006 was 3.6 per cent. Remittances totalled FJD 311 million for 2005.

26. In November 2006, the Qarase Government announced its 2007 budget, which was to be the first part of a new 5-year Strategic Development Plan. The central objective of the Plan was to reach a target of 5 per cent economic growth per year. Government foreign reserves were estimated to be 3.3 months of imports for 2006, with government debt at 50 per cent of GDP. The 2006 budget deficit was estimated to be 3.2 per cent of GDP, with a deficit of 2 per cent of GDP budgeted for 2007.

⁶ SEEDS 2008 - 2010

Impact of the Political Situation

27. As articulated in SEEDS (2007 – 2011), the economy suffered a significant setback following the political events of December 2006, the removal of the democratically elected Government resulted in a significant shock to the economy characterised by:

- Declining tourist arrivals;
- Decrease in retail and wholesale trade;
- Reductions in working hours or the laying off of workers as companies attempted to ensure that they remain profitable;
- Postponing of private sector investment projects due to political and economic uncertainties;
- Ever static export levels; and
- Declining business confidence.

28. Remittances fell by as much as thirty per cent. Both the sugar and tourism industries performed poorly in 2007, however, the tourism sector showed improvements in 2008.

29. The European Union has suspended about A\$256 million in aid for economic restructuring, and will not release it until Fiji returns to constitutional rule via a democratic election. The Asian Development Bank had identified substantial funds for urgently-needed capital projects in Fiji - but because of the takeover of government, these funds have been put on hold.

30. In response to the macro economic instability that resulted, the Interim Government announced a series of monetary and fiscal policies aimed at stabilising the financial system and securing government finances.⁷ The Government also took a series of fiscal policy measures to prevent further increases in the budget deficit and these included:

- A 5% salary and wage reduction for all civil servants;
- A review of the Partnership Agreement with the Unions;
- The deferment of the Job Evaluation review for the disciplinary forces;
- A freeze on all new recruitments and the creation of new posts;
- The reduction in allocation to non priority sectors while at the same time focusing on improving the efficiency and better management of resources.⁸

31. In addition other measures were put in place to increase the revenue base for the country and some of the strategies were:

- Increasing the duty on luxury and non essential items (white goods) to ease import pressures;
- The introduction of appropriate (performance based) incentives and the creation of tax free zones to assist export industries and promote import substitution;

⁷ SEEDS (2007) – p9

⁸ *ibid*

- The removal of unfair and distortionary tax concessions to ensure a level playing field for all taxpayers; and
- Implementing the appropriate amendments to tax legislation to assist in improving the efficiency and effectiveness of tax policy administration.

The Human Development Index

32. The UNDP Human Development Report (2007/2008) ranked Fiji 92 in its Human development Index. This rating puts Fiji into the medium human development classifications behind two other Pacific Island countries, Tonga and Samoa which are on 55 and 77 respectively. The ranking is based on the value of HDI which is weighted average of life expectancy, adult literacy and GDP per head. Although Fiji's ranking has dropped it remains above the average HDI value of Medium Human Development countries and well above the average for Low Development countries.

Migration

External Migration and Remittances

33. In Fiji, migration has been happening over time and according to Mohanty (2001) females dominate the migratory process. During the period 1990-2002 women constituted 51.2% of all those who migrated overseas. Rokoduru (2002) on her research about Fijian migrant workers in Kiribati and Marshall Islands stated that the average age of migrants was 26 which indicate that the majority of these workers were well within the active working group. These migrants work in various occupational categories namely civil servants, health workers including physicians, hotel workers, lawyers dental officers and others.⁹ In addition Fiji citizens also work in peacekeeping duties both at international and regional levels. Furthermore, a large number of young Fiji citizens have been drafted in to the British Army and a good number of women are also working as care givers in the United States. All these migrant workers send remittances back to their families in Fiji contributing significantly to Fiji's foreign reserves.

34. Personal remittances from abroad increased rapidly from around \$50 million in 1999 to around \$322 million in 2006, accounting for 40% of GDP. Although remittances fell by 27% in 2007, it continued to be an important source of income in Fiji. The question, though, is, "What are these remittances being used for? What are they spent on?" It is hoped that such remittances are being used not only for everyday consumption but also as a means of starting up small businesses, which would provide an income stream in the long term. According to the Governor of the Reserve Bank of Fiji

'We are examining ways in which we can set up financial facilities to support a more productive use of these remittances. Charges are also important in encouraging remittances and I encourage everyone, particularly financial institutions, to work with us to reduce these charges.'¹⁰

⁹ Rokoduru (2006) - p 105

¹⁰ Narube, S (2008)

Internal Migration

35. Since economic activities are concentrated in and around urban towns and cities, the gaps between rural and urban incomes widen prompting urban migration and the associated unplanned urban growth. Urbanisation has become one of the critical problems in the world and the Pacific is not exempted from this major issue. In Fiji the proportion of people living in urban areas increased from 30% in 1960 to 49% in 2000 and this has further increased to about 51%.¹¹ in 2007 The influx of people into cities and towns, has given rise to a whole range of issues putting a lot of pressure on utilities and services in these urban centres. At the same time, the movement has contributed to increasing squatter settlements and urban informal housing.

36. According to the Ministry of Housing and Urban Development report in 2005, the squatter population in Fiji increased by 78% between 1999 - 2003 which comprises 182 squatter settlements with 13,725 squatter families and a population of 82, 350. Of these, more than 60% live within the Suva/Nausori corridor.¹²

¹¹ FIBS, 2007 Census figures (provisional)

¹² Mohanty – p 1

Table 1 Rural & Urban Population by Ethnicity 1996 - 2007

Division	1996				2007			
	<i>Total</i>	<i>Fijian</i>	<i>Indian</i>	<i>Others</i>	<i>Total</i>	<i>Fijian</i>	<i>Indian</i>	<i>Others</i>
Central	296607	175878	98660	23069	340843	213515	102799	5720
Urban	214628	108671	84475	21482	247141	132916	91212	5419
Rural	82979	67207	14185	1587	93702	80599	11587	301
Eastern	40770	36302	695	3773	39074	35409	572	2029
Urban	3746	2673	405	668	4290	3197	382	44
Rural	12468	12046	131	291	12125	11854	64	9
Western	297184	116455	172975	7754	317376	152243	156379	2142
Urban	111070	42045	62583	6050	133823	60934	65539	1853
Rural	30051	7946	20572	1533	183553	91309	90840	289
Northern	139516	64940	66488	8088	130607	72816	51841	246
Urban	30051	7946	20572	1533	35832	13715	20383	154
Rural	109468	56994	45916	6555	94775	59101	31458	92

Extracted from FIBOS Census data 2007 (p)

37. With the exception of the Eastern division all the other divisions experienced increases in rural urban migration. The Western and Central divisions recorded significant increases in both rural and urban population with the latter showing an increase of 32,513.

Poverty Alleviation

38. This is one of the critical issues which successive Governments have attempted to address through its various policies and programmes. Government's policy objectives for the medium term include:

- Ensuring a social safety net to support the livelihoods of those that are genuinely poor and are unable to support them selves, particularly those with permanent disabilities;
- Creation of sustainable employment and income generating opportunities for the poor and disadvantaged; and
- Improving the productive capacity and professional capabilities of the poor and underprivileged to take advantage of employment and commercial opportunities.

39. In improving the effectiveness of its poverty alleviation programmes, Government continued to strengthen the coordination of its partnership with non-Governmental and civil society organizations (NGO's) in the implementation and monitoring of poverty alleviation policy initiatives.¹³

40. Government remains committed to funding ongoing poverty alleviation programmes such as assistance for housing and squatter upgrading, microfinance, education assistance and safety net programmes. This is evident in the increase of the minimum monthly Family Assistance allowance of \$30 to \$60. Rural livelihood development projects, including the Rural and Outer Island Development Project and the Northern Development Programme will supplement existing government initiatives towards poverty alleviation.

41. The coordination and monitoring of all poverty alleviation programmes is essential. Hence the establishment of the Poverty Monitoring Unit (PMU) in 2003 to co-ordinate poverty alleviation programmes and to implement the National Integrated Poverty Eradication Programme Framework.

42. A comprehensive view of income inequalities and the state of poverty as a whole is available only from national Household and Income Expenditure Survey. Results of the 2002/2003 survey indicated that 34.4% of the population lived below the basic needs poverty line (BNPL),¹⁴ indicating a 5 percent increase from the 1990-91 Household Income Expenditure Survey (HIES).¹⁵ The majority of those living in poverty are in the rural areas. Another major consideration which impacts on the analysis of poverty and standards of living is the size of households. The 2002/03 HIES revealed that Fijian households have larger family sizes, indicating the extra burden which on average is borne by every Fijian adult of working age.

43. In 2003 ADB assisted the Government of Fiji to conduct a Participatory Assessment on Poverty and Hardship. The Assessment showed that most of Fiji's communities faced with varying degrees of 'hardships,' based on lack of access to opportunities. In addition, it also identified limited employment and other income generating opportunities, suffering hardship. The lack of adequate basic services, including clean water was also identified as an important cause of hardship in both rural and urban communities.¹⁶ Other evidence of poverty is in the increasing number of households and individuals seeking Family Assistance allowance.

Local Government

44. Apart from the national government there are two levels of governance broadly classified into urban and rural. The former comprises cities and town councils which operate within the ambit of the Local Government Act (Cap 125) whilst rural areas are further classified into Provincial and District Advisory Councils. Provincial councils

¹³ Ministry of Finance, National Planning & Sugar Industry (2007) - p

¹⁴ BPNL = Food Poverty Line + Non-Food Poverty Line = \$155 per week per household

¹⁵ Ministry of Finance, National Planning & Sugar Industry (2007) – p 90

¹⁶ SDP (2007-2011) – p 8

encompass the indigenous communities, whereas the District Advisory Councils look after the development interests of non indigenous people within their respective areas.

City and Town Councils

45. There are two city councils and nine town councils located all over the country. These entities operate within the ambit of the Local Government Act and members are elected by registered ratepayers and residents within the municipality. Members are elected for a four year term. These councils are responsible for the budget and all works and development in their respective towns and cities.

Rural Areas

46. In rural areas, there are two distinct systems of governance based on ethnicity and the classification of villages within the context of the Fijian Affairs Act (Cap 120). For non indigenous communities, the District Advisory councils look after their issues and other development interests. Members of the DAC are chosen and appointed by the Minister responsible and are appointed on a three year term. The Advisory councils receive funding assistance on a project by project basis from the annual budget of the Department of Multi Ethnic Affairs.

Provincial Councils

47. On the other hand, the indigenous Fijian population live in villages within their respective provinces. There are 14 provinces in Fiji and these are governed by Provincial Councils. Members of these councils are elected by the Minister for Indigenous Affairs for a term of three years. The role of these councils is to ‘maintain order and good Government and promote development within its own area of ‘authority.’ Government provides an annual budget to the Ministry of Fijian Affairs for the administration of the councils and the development of people within the province.

48. Members of the Provincial Councils are appointed in accordance with Section 3 (1) of the Fijian Affairs (Provincial Councils) Regulations, 1996 under the Fijian Affairs Act (Cap 120)

- s3(1) (a) such a number of members nominated by each Tikina subject to the number of villages, whereby a Tikina which has more than ten (10) villages will nominate two (2) members and those with ten (10) or less villages to nominate one (1) member ...
- (b) the chairperson of each Tikina Council in a Province, who shall hold office for as long as he or she is the Chairperson of that Tikina Council.
- (c) persons, not less than two but not more than five appointed by the Minister to represent the registered members of the landowning units of the province who permanent resided outside such a province ...

- (d) a woman appointed by the Minister to represent all the women's organisations in the province;
- (e) a person not being over the age of thirty years at the date of his or her appointment, appointed by the Minister to represent all the youth organisations in the province

49. The chairperson of the Tikina Council is a member of the Provincial Council by virtue of his or her appointment as chairperson. Members of Tikina Councils are appointed under Section 4 (1) of the Fijian Affairs (Tikina and Village Councils) Regulations 1996

s4(1) The members of the Council shall be –

- (a) the “Tui or Turaga I Taukei” of the Tikina or his or her nominee who shall be a member of his or her own landowning unit;
- (b) the “Turaga Yavusa” of each Yavusa within the Tikina;
- (c) any person holding a traditional or customary position in a vanua;
- (d) the “Turaga ni Koro” of every village in the Tikina;
- (e) one person, not being over the age of 30 years at the time of his or her selection, chosen by the women who normally reside in the Tikina;
- (f) one woman chosen by the women who normally reside in the Tikina;
- (g) persons not less than two but not more than five being registered members of landowning units in the Tikina chosen by the members of the Tikina who permanently reside outside the Tikina;
- (h) two persons being registered members of landowning units in the Tikina appointed by the “Tui” or “Turaga i Taukei”

50. Given the patriarchal nature of the indigenous Fijian communities, men dominate membership of these institutions. Therefore, unless a woman is of chiefly status she could then be the chairperson of the Tikina Council. The Act does not discriminate against women, however, the practice has been that the only woman member is the representative of women's organisations within the Tikina.

District Advisory Councils (DAC)

51. Members of the DAC are nominated by the District Officer or the Provincial Administrator and appointed by the Minister responsible for the Department of Multi Ethnic Affairs. These District Advisory Councils are responsible for development within their respective area of jurisdiction. Both the District Advisory Councils and the Provincial

Councils prepare and implement development plans in conjunction with the community and other relevant parties, co-ordinating and monitoring development projects, mobilising the people for development efforts, and ensuring the sustainable management and use of the natural resources in their respective areas. These Councils work in collaboration with other Government Department and Ministries for infrastructural and overall development of the province.

The Situation and Advancement of Women

Historical Background

52. The women's movement in Fiji dates back to 1924 when the first women's organisation was set up by wives of European missionaries. The main objective was to assist local women with the improvement of the overall well being of families in areas of health, nutrition and basic hygiene. The organisation which was then known as 'Ruve' changed its name to Soqosoqo Vakamarama I Taukei in 1934.¹⁷

53. The Pan Pacific South East Asia Women's Association (PPSEAWA) was formed in 1958, followed by YWCA in 1960. These two associations together with SSV actively worked towards the establishment of the National Council of Women, Fiji in 1968. A number of other women NGOs and issue based organisations like FWCC and FWRM came into being in the 1980s. Lobbying and advocacy by NCW and these other NGOs resulted in the setting up of the Department of Women in 1987.

54. During the reporting period the Department of Women continued to pursue its role as primary advisor to Government on public policies that affect women and the key catalyst for the implementation of the Women's Plan of Action (WPA) 1999-2008. Based on the Beijing Platform for Action, the WPA has five areas of concern which provides the policy framework for the development of women in Fiji. The 5 areas are:

- Mainstreaming of women's and gender concerns in the planning process and all policy areas;
- Women and the Law;
- Micro-Enterprise Development;
- Balancing Gender in Decision Making; and
- Elimination of Violence Against Women and Children

55. Since the last report, the Department maintained the institutional mechanisms for the implementation of the WPA by assisting Government work towards the full and active participation of women in society.

¹⁷ SSV records (unpublished)

Mainstreaming Women and Gender Concerns

56. Government and development continued to take a two pronged approach in addressing the development needs of women. Given the current status of women particularly those in rural and semi urban areas, the ‘women in development’ approach is still necessary in order to improve the situation of women and addressing their practical needs. As a result a number of projects like water supply and sanitation were implemented by Government to meet those needs. Mainstreaming on the other hand aims to integrate women’s concerns into the whole government system through a process of analysis of the different situation of men and women and thereby seeking to transform development processes towards greater gender sensitivity. In Fiji the situation of women is such that special programmes and projects for them are still necessary in order to accelerate the narrowing of the gender gap in many areas.

Women and the Law

57. The law can accord or deny women equal rights. The principle of non-discrimination on the basis of gender is guaranteed in the Constitution of the Fiji Islands as well as in a number of human rights conventions to which Fiji is a party such as the Convention on the Elimination of All Forms of Discrimination Against Women. Guarantees of equality of rights cannot totally eliminate the natural differences between men and women; they can, however, attempt to eradicate unjust culturally- determined inequalities. Treating everyone alike in all situations could also bring about inequalities as certain classes of persons require special treatment such as those with disabilities, children and young persons. Guarantees of equality would need to be balanced against their needs.

58. The law is only one avenue to address the disadvantages and lack of opportunities faced by women. The law in itself could make fundamental changes that could bring about desired results, but the law cannot change the ingrained customary practices that regulate the roles of men and women in society overnight nor can it immediately change society’s assumptions and perceptions of women nor women’s assumptions and perceptions of themselves. It would take the coordinated efforts of law enforcement agencies, politicians, lawyers, physicians, the business community, the media educational institutions and NGOs to have an impact on the broad effects of discrimination against women.

Elimination of Violence against Women and Children

59. All of society has an interest in ending violence against women and children but it will never end unless we provide useful intervention. Direct services would need to be instituted to provide victims of violence with a safe haven, in urban and rural areas. The improvement in the data collection and analytical services would assist in designing strategies that extend far beyond the legal system, encompassing all aspects of society that deal with women and children. The training and up-skilling of service providers would all be significant steps to meet the stated goal of prohibiting violence against women and children.

Children

60. Women's issues cannot be treated in isolation from their families and children. Families in Fiji have undergone dramatic changes in the last 30 years. The increase in single parent families, the rise in the divorce rates and the increasing number of women entering into cash employment have significant implications for the welfare of children and family life. One part of the strategy to deal with the welfare of children has been put in place by Government through the establishment of the National Coordinating Committee on Children after ratifying the Convention on the Rights of the child.

61. Another concern is the welfare of those children whose parents have migrated to work overseas. It is acknowledged that remittances have made a difference in the livelihoods of recipients; however we should also be mindful of other social implications. Perhaps this is one area that needs researching by those concerned.

National Commitment on the Advancement of Women

62. Successive Governments were able to incorporate priority areas of the WPA into their respective national development plans. In the Strategic Development Plan 2003 – 2005, Chapter 5.3 focussed on Gender and Development, with the following Strategic Objectives and Key Performance Indicators (KPI). The Interim Government has also made commitments in its medium development plan, the Sustainable Economic Empowerment Development Strategies (SEEDS) 2008 - 2010 under chapter 9.9 on Gender and Development. This is discussed in more details under Article 3 within the Convention specific section of this report.

Review of WPA

63. The Women's Plan of Action was reviewed in 2005. The review recommended:

- the inclusion of two new areas of concern namely;
 - Formal sector employment and Livelihoods; and
 - Health and Reproductive Health.
- Remove as a separate Area 'Micro enterprise development' but include it under Formal Sector Employment and Livelihoods;
- Remove as a separate area 'Mainstreaming Women and Gender Concerns' as it is a process underlying all implementation.
- Retain :
 - Women and the Law
 - Elimination of Violence against Women.

International Commitment on Women's Issues

64. Government has made commitments to seven major international agreements and programmes of action on gender equality and the advancement of women and has identified key issues to address by being party to the following:

• The Pacific Platform for Action	1993
• Convention on the Rights of the Child	1993
• Jakarta Declaration for the Advancement of Women in Asia and the Pacific	1994
• Beijing Platform for Action	1995
• Ratified CEDAW with two reservations	1995
• Both reservations were addressed in the 1997 Constitution	1997
• Participated in the Beijing +5 processes	2000
• Millennium Development Goals	2000
• Endorsed the Commonwealth Plan of Action for Gender Equality 2005 – 2015 (7 th WAMM, Nadi, Fiji)	2004
• Endorsed the Revised Pacific Platform of Action after the Third Pacific Women’s Ministers’ meeting and the 9 th Triennial Conference of Pacific Women.	2004
• Commitment to Beijing +10	2005
• The Pacific Plan	2005

Millennium Development Goals

65. The target for MDG Goal No. 3 is to eliminate gender disparity in primary and secondary education preferably by 2005 and to all levels of education no later by 2015. School enrolment data published annually by the Ministry of Education and enrolment data provided by tertiary education providers provide figures for the ratio of girls to boys. In Fiji, the sex ratio for primary in 2005 (0.95) is closely balanced and the enrolment figures reflect the overall population ratio (0.96) released by FIBOS in the 2004/05 EUS. At secondary and tertiary education the ratio of girls to boys has reversed; 1.06 and 1.08 respectively. The gaps between girls and boys begin to widen with girls outnumbering boys as education level increases. These differences in ratio do not continue in the employment world.

66. In Government, women hold about 17% of Senior Executive positions, mainly in the social sectors. In the education sector, for example, there is a proportion of 28% of female teachers at the first line of management positions the proportion of female Principals administers to 12% and 8%.

The following table shows the national progress of the implementation of the Millennium Development Goals.

Table 2 MDG by Goal Progress and Challenges - 2004

Goal	Will Development Goal Be Met				State of Supportive Environment			
Goal 1 Eradicate Extreme Poverty & Hunger: Halve between 1990 and 2015, the proportion of people whose income is less than \$1 a day and the proportion of people who suffer from hunger.	Probabl y	Potential ly	Unlike ly	Lack of Data √	Strong	Fair √	Weak but Improving	Weak
Goal 2 Achieve Universal Primary Education Ensure that by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling	Probabl y	Potential ly √	Unlike ly	Lack of Data	Strong √	Fair	Weak but Improving	Weak
Goal 3 Promote Gender Equality and Empower Women Eliminate gender disparity in primary and	Probabl y √	Potential ly	Unlike ly	Lack of Data	Strong √	Fair	Weak but Improving	Weak

secondary education preferably by 2005 and to all levels of education no later than 2015								
Goal 4 Reduce Child mortality Reduce by two thirds, between 1990 and 2015, the under 5 mortality rate	Probably	Potentially √	Unlikely	Lack of Data	Strong √	Fair	Weak but Improving	Weak
Goal 5 Improve maternal health Reduce by three quarters, between 1990 and 2015, the maternal mortality rate	Probably	Potentially √	Unlikely	Lack of Data	Strong √	Fair	Weak but Improving	Weak
Goal 6 Combat HIV/AIDs and other diseases Halve and reverse the spread of HIV/AIDS, malaria and other major diseases	Probably	Potentially	Unlikely √	Lack of Data	Strong	Fair √	Weak but Improving	Weak

<p>Goal 7 Ensure environmental sustainability</p> <p>Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources</p>	<p>Probably</p>	<p>Potentially</p> <p>√</p>	<p>Unlikely</p>	<p>Lack of Data</p>	<p>Strong</p>	<p>Fair</p> <p>√</p>	<p>Weak but Improving</p>	<p>Weak</p>
<p>Goal 8 Develop a Global partnership for Development</p> <p>Develop further an open, rules based, predictable, non discriminatory trading and financial systems including a commitment to good governance, development and poverty reduction – both nationally and internationally</p>	<p>Probably</p>	<p>Potentially</p> <p>√</p>	<p>Unlikely</p>	<p>Lack of Data</p>	<p>Strong</p>	<p>Fair</p> <p>√</p>	<p>Weak but Improving</p>	<p>Weak</p>

SECTION 2 THE CONVENTION SPECIFIC

PART I

Article I The definition of discrimination against women

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Introduction

67. Fiji's Constitution has not changed since the initial report to the UNCEDAW Committee. With reference to the Concluding Comments No. 47(A57/38 Part I, 2002:11) of the Committee, the Constitution of Fiji in fact, covers ALL FORMS of Discrimination in section 38 (2) and guarantees the rights and freedom of citizens in most of the areas required by CEDAW.¹⁸

The Constitution (Amendment) Act 1997

68. ...“The Constitution of Fiji is a human rights-based document. The Preamble, the Interpretation provisions, the Compact, Bill of Rights provisions, Social justice, Parliament, Accountability, and Group Rights sections are all based on a firm human rights foundation sourced from international human rights laws”...¹⁹ The Constitution in compliance with CEDAW contains an anti-discrimination clause-section 38 (2) that encompass remedies for both direct and indirect discrimination on the grounds of gender, disability and sexual orientation.

Equality

s38.- (1) Every person has the right to equality before the law.

(2) A person must not be unfairly discriminated against, directly or indirectly, on the ground of his or her: (a) actual or supposed personal characteristics or circumstances, including race, ethnic origin, colour, place of origin, gender, sexual orientation, birth, primary language, economic status, age or disability; or (b) opinions or beliefs, except to the extent that those opinions or beliefs involve harm to others or the diminution of the rights or freedoms of others; or on any other ground prohibited by this Constitution.

¹⁸ Shameem (2007) – p 1

¹⁹ *ibid*

(3) *Accordingly, neither a law nor an administrative action taken under a law may directly or indirectly impose a disability or restriction on any person on a prohibited ground.*

(4) *Every person has the right of access, without discrimination on a prohibited ground, to shops, hotels, lodging-houses, public restaurants, places of public entertainment, public transport services, taxis and public places.*

The Human Rights Commission Act

69. The definition of *discrimination* is contained in the Human Rights Commission Act (HRC Act thereafter) at section 17(1) and (2). It states:

...“**17.**—(1) *It is unfair discrimination for a person, while involved in any areas set out in subsection (3), directly or indirectly to differentiate adversely against or harass any other person by reason of a prohibited ground of discrimination.*

(2) *Without limiting subsection (1), sexual harassment by reason of prohibited `ground of discrimination’²⁰...*

Employment Relations Promulgation

70. The definition of discrimination is also contained in Part 1 of the Employment Relations Promulgation.

s4 ‘discrimination means any distinction, exclusion or preference based on the grounds set out in sections 6(2) and 75’

s6(2) ‘No person shall discriminate against any worker or prospective worker on the grounds of ethnicity, colour, gender, religion, political opinion, national extractions, sexual orientation, age, social origin, marital status, pregnancy, family responsibilities, state of health including real or perceived HIV status, trade union membership or activity, or disability in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship.’

Differential Treatment of men and women

71. Women make a tremendous contribution to economic and domestic life but women’s role is often to support men’s economic activity. Women are often so closely associated in our minds with care of family and home that we can forget that the way women use their time is work, and that women do a lot of it.²¹

²⁰ HRC Act 1999 – p 161

²¹ Narsey, 2007 – p 5

Article 2 *Obligations to Eliminate Discrimination*

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Introduction

72. The review of laws which are disadvantageous to women is one of the progressive areas in the implementation of the Women's Plan of Action (WPA) 1999-2008. The following legislations were reformed during the reporting period:

- Enactment of the Family Law Act 2003;
- The Employment Relations Promulgation 2007;
- Review of the Laws relating to domestic violence by the Fiji Law Reform Commission was initially approved by Cabinet in 2003 and the proposed legislation Domestic Violence is in the Bill stage;
- Review of the Penal Code and Criminal Procedures Code 2006
- Final Report of the Review of the Penal Code and Criminal Procedures Code is now with the Interim Attorney General.
- Use of the Convention (CEDAW) to support and justify a Court's decision - FHRC

- Disabled Women
- Draft National Policy on Disability (2006-2016)

Bill of Rights

73. The Bill of Rights under section 38(2) obliges the State and all the institutions of Government to protect its citizens from acts of discrimination in relation to life and liberty, education, cruel treatment and so forth. These institutions include the legislative, executive, judicial branches of Government at the central, divisional and local levels, as well as all public officials performing the functions of any public office.

74. Chapter 4 of the Constitution ascertains the reason for the existence of the Human Rights Commission in Fiji.

s42.-(1) This section establishes a Human Rights Commission.

(2) Its functions are:

- (a) to educate the public about the nature and content of the Bill of Rights, including its origins in international conventions and other international instruments, and the responsibilities of the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and other organs of the General Assembly of the United Nations for promoting respect for human rights;*
- (b) to make recommendations to the Government about matters affecting compliance with human rights, including the making of a recommendation that a particular question about the legal effect of a provision of the Bill of Rights be referred to the Supreme Court for its opinion; and*
- (c) to perform such other functions as are conferred on it by a law made by the Parliament.*

The Fiji Human Rights Commission (FHRC)

75. Section 7 of the Act outlines the powers and duties of the Commission, whilst Section 2 sets out its responsibilities in protecting and promoting the Bill of Rights in the Constitution as well as “human rights”, that is, the rights embodied in the United Nations Covenants and Conventions on Human Rights. This provision permits the Commission to promote and protect all human rights within the United Nations legal framework. This is an important responsibility provided to the Commission.

76. PART III of the Act outlines provisions on “unfair discrimination” and permits the Commission to consider allegations of human rights violations in the private sector as well. Section 17 of the Act outlines all the areas in which unfair discrimination is prohibited and is worth considering in some detail:

s17- (3) The areas to which subsection (1) applies are –

- (a) the making of an applicant for employment, or procuring employees for an employer, or procuring employees for an employer, or procuring employment for other persons;*
- (b) employment;*
- (c) participation in, or the making of application for the participation in, a partnership;*
- (d) the provision of an approval, authorization or qualification for participation in, a partnership;*
- (e) the provision of an approval, authorization or qualification that is needed for any trade, calling or profession;*
- (f) subject to subsection (4), membership, or the making of an application for membership, of an employers’ organization, an employees’ organization or an organization that exists for members of a particular trade, calling or profession;*
- (g) the provision of goods, services or facilities, including facilities by way of banking or insurance or for grants, loans, credit or finance;*
- (h) access by the public to any place, vehicle, vessel, aircraft or hovercraft which members of the public are entitled to enter or use:*
- (i) the provision of land, housing or other accommodation;*
- (j) access to, and participation in, education.*

Section 22 states that a person who makes use of human rights cannot be victimized.

77. The Fiji Human Rights Commission was established in 1999. The Commission is empowered to institute affirmative action in the areas nominated in the Constitution (education, employment, housing, commerce and advancement in public service).

78. The FHRC has a broad, and not specific, mandate and therefore deals with all discrimination including gender. In response to the Concluding Comments of the UN CEDAW Committee of Experts, the Human Rights Commission stated that there is no need to expand FHRC’s mandate, because CEDAW’s commitment is already in Section 42 (2) (a) of the Constitution – reference to “all international conventions and instruments”. But the FHRC needs more resources to implement this

mandate fully.²² The responsibility for the protection and promotion of human rights lies initially with the State and all public officials. The Human Rights Commission acts as a monitor to ensure that the rights are respected in Fiji. This important provision of the Human Rights Act is stated below:

s7 'Powers and duties of the Commission' at section 7(1) (h): to advise the Government on its reporting obligations under international human rights instruments and, without derogating from the primacy of the Government's responsibility for preparing those reports, to advice on the contents of the reports.

Review of the Domestic Violence Laws

79. Violence against women and children is a multifaceted problem. The law is one avenue which can be used to tackle the problem. Law reform in itself however is inadequate as supportive services and the training of care providers and law enforcement agencies are also necessary to ensure the protection of victims of violence and to expedite the process of justice for such victims. Ingrained bias against women and the stigma attached to victims of sexual violence are some of the obstacles to obtaining justice for women. Emphasis is therefore placed on the promulgation of specific laws to deal with violence against women and the improvement in law and practice to deal with child abuse cases. Hence, the commencement of the review of laws relating to domestic violence. The Law Reform Commission in undertaking the review supports the concern of increased incidences and severity of domestic violence cases, and there are “no appropriate legal mechanisms in place for the purpose of protecting victims of violence within the home and family environment.”²³

80. A study by the Fiji Women's Crisis Centre (FWCC) in 2001, confirmed the widely held perceptions of issues on domestic violence in Fiji. As part of the conclusion, the report states:

...“ Domestic Violence is prevalent in Fiji. It is deeply rooted in gender-based violence in the home as a form of punishment and discipline is commonplace. As a result, there is a general acceptance and tolerance level of violence that has often led to severe acts of violence inflicted on vulnerable groups like women and children for whom interventionist actions are often too late”...

81. The Fiji Law Reform Commission envisages that as a result of this review, “there must be reforms and changes in the substantive and procedural laws in order to render the law appropriately responsive to community needs, values and aspirations and to protect victims of Domestic Violence, whilst at the same time attaining acceptable standards of treatment of offenders, victims and others affected by Domestic Violence” (Qolilawa Darpan, 2005:1). This has resulted in the Domestic Violence Reference now becoming a Bill.

²² Shameem (2008) – p 2

²³ Qolilawa Darpan, (2005) – p 1

82. The Domestic Violence Bill came about as a result of the key findings of the Fiji Law Reform Commission's Family Law Report that highlighted the need for this review and overarching considerations that arise from the Constitution, Fiji's National Strategic Development Plan, and the work of the Taskforce on the Elimination of Violence against Women and Children and human rights obligations.

83. The Fiji Law Reform Commission's Family Law Report 1999, found that the problem of violence in the family is a common and insidious one and noted that:

- anecdotal evidence suggests an alarming increase in deaths resulting from violence in the home;
- the majority of those subjected to family violence are women in a family setting. Children are also victims of violence both directly and indirectly;
- family violence occurs in both intact and separating families and it may lead to family breakdown;
- family violence is cyclical and inter-generational if effective intervention is not undertaken;
- there is a lack of support services, counselling or conciliation facilities to defuse tension leading up to potentially violent encounters and access to counselling is needed for moral and emotional support;
- family members should have ready access to the Courts to get an effective protection order, the current law lacks clear jurisdiction to make specific family protection or non-violence orders and police involvement will be critical to give effect to the order;
- a protection order should be able to be made swiftly whether or not family breakdown is imminent;
- new legislation to address domestic violence should have clear and effective enforcement procedures particularly given the historical reluctance of police to act.

84. The Commission indicated that the recommendations contained in its report about the proposed power for the new Family Court division to make civil orders for the protection of a family, particularly where other matrimonial orders are being made, were of a transitional nature *until specific legislation was enacted*. The Commission noted that it intended to make domestic violence a separate civil and criminal reference.

Review of the Penal Code and Criminal Procedures Code

85. The review of the PC and CPC are long overdue and much needed, in order to bring the criminal law and criminal procedure in Fiji into line with modern standards practice, providing a system which also takes into account Fiji's unique culture and history and make recommendations suitable to Fiji's current and future needs. There have been previous sporadic reviews of the Penal Code and Criminal Procedure Code.

86. This review in December 2004 had the following objectives:

- to review the Penal Code and the Criminal Procedure Code (PC/CPC) to update and recommend changes in relation to offences, penalties/punishment, jurisdiction, defences and criminal procedures, and relating matters, and
- to ensue fair trial and protection of the rights of people accused of an criminal offence and to ensure fair, effective, speedy and efficient procedures for investigation and prosecution of offences.

87. There is some overlap between the PC/CPC review and the current review in relation to domestic violence. However, the current review provides the opportunity to look at issues that *specifically relate* to domestic violence. Certain aspects of the Terms of Reference for the PC/CPC review that are also relevant to domestic violence are:

- the law relating to the competency and compellability of spouses;
- penalties and sentences
- penalty options including community work orders and other types of sentences
- conduct of criminal investigations by police
- the use of technology to take evidence at a distance
- alternative dispute resolution, such as reconciliation and family group and
- victim/offenders conferences

88. From the above it is clear that the parameters for examining current law and procedures that relate to domestic violence arise not only from Fiji's Constitution but also from international treaties that Fiji has ratified.

89. In 2003, the Parliament of Fiji approved increasing sentences to those committing sexual offences under the Criminal Procedure Code. The table below shows the revised penalties.

Revised Sentencing Penalties

OFFENCE	OLD PENALTY (Years)	NEW PENALTY (Years)
Attempted Rape	7	10
Attempted defilement of girl under 13 years	5	12
Defilement or attempted	5	10

defilement of girl between 13 to 16 years		
Committing incest	7	20
Brothel Owners employing girls under 16	2	12
Detaining a girl/woman against her will for immoral purposes	2	12
Person who own or manage a brothel	-	5 years or maximum fine of FJD 100,000.00
Buying a minor for immoral purposes	2	12

(Source: FWCC Newsletter. Vol.7, Issue 1, June 2003).

90. The review of the Penal Code (Cap. 17) and the Criminal Procedure Code (Cap 21) was completed by the Fiji Law Reform Commission in 2006. After receiving submissions from stakeholders and the public, the Commission recognized the need to make Sentencing and Penalties a separate Act of its own. The review recommended that the word “Code” be replaced by Act.

Social Justice Act and the ‘Blue Print’

91. The Social Justice Act 2001 and the Blue Print programme for Fijians and Rotumans have been discontinued by the Interim Government.

Use of CEDAW to support and justify a Court decision

92. **Balelala vs. State.** The Convention (CEDAW) was used to support and justify a Court’s decision (Annex 2)²⁴ to remove the corroboration warning requirement for evidence of victims of sexual violence on the ground of gender discrimination, which was prohibited in the Constitution of Fiji. This case, together with constitutional guarantees of equality, the ratification of CEDAW provides a sound basis for challenging the discriminatory practice of corroboration in sexual assault cases.

²⁴ Balelala v State [2004] FJCA 49; AAU0003.2004S (11 November 2004)

Human Rights

93. The Human Rights Act 1999 is Fiji's EEO laws. The number of complaints to the FHRC, for violation of the right to freedom from cruel degrading treatment and torture declined over the previous four years. The FHRC has also been addressing complaints on discrimination lodged to the Commission by Women in Fiji. Annex 3 shows examples of complaints for the period 01/01/05 – June 2008. Apparently, there were **no reports** of political prisoners or long-term political detainees.

94. Following the December 5th takeover, several human rights activists, unionists, political stalwarts and others were detained briefly for making statements against the takeover or the interim military government, or in support of a return to democracy. Formal complaints to the FHRC following the military takeover of Government did not increase in 2007 despite reports of military abuses. According to human rights observers this could be a reflection of the climate of intimidation and fears of reprisal after the takeover.²⁵

95. Subsequent to allegations by human rights NGOs of FHRC's inaction over the rights abuses, the Director stated that investigation would be conducted for such cases if "formal complaints" were directed to her office. In addition, the FHRC, which has a broad mandate, sent out warnings that people could expect to be detained for speaking out against the takeover during an emergency or political crisis and that freedom of expression could not be guaranteed under the circumstances in which the country found itself.²⁶ The FHRC also produced a brochure on national security and human rights which it distributed to Army checkpoints in Suva.

96. The Commission received 90 complaints of abuse of rights by the military during this period and all were dealt with expeditiously, either through conciliation conferences or reference to courts. The FHRC referred all complaints of human rights abuses by military and police to the Attorney General's Office to deal with the complaints expeditiously.²⁷ These complaints are being investigated accordingly.

Women with Disability

97. The Disabled Persons Act 1994 provides the legal framework for those with special needs. Consequently, Government established the Fiji National Council of Disabled Persons which is responsible for the overall development of persons with disability.

98. Women with disabilities are one of the most marginalized groups in societies, as they are multiply disadvantaged through their status as women, as persons with disabilities, and are over-represented among persons living in poverty. Women and girls with disabilities, to a greater extent than boys and men face discrimination within the family, are denied access to health care (especially reproductive

²⁵ Bureau of Democracy, Human Rights, and Labour, 2007

²⁶ Chairperson, FHRC submission

²⁷ *ibid*

health care and advice), education, vocational training, employment and income generating opportunities, and are often excluded from social and community activities.

99. Services and programmes for persons with disability are in most cases provided by NGOs and Community based organisations, for example Fiji Association of Disabled Persons, Red Cross and others. The services they offer range from care giving to education and skills training for both paid and self employment. To address their educational needs, Government and private run schools for the disabled are located throughout the nation. In terms of highest educational achievement, females have a relatively lower attainment than males. About 49% of handicapped females had no schooling at all while another 39% were educated up to primary level while only 10% had attained Junior Secondary compared to 15% of males handicapped.²⁸

Draft National Policy for Persons with Disabilities 2006-2016

100 Through consultations coordinated by the Fiji National Council for Disabled Persons (FNCDP), a draft national policy has been put together to provide a framework for addressing disability in Fiji. This policy is in line with the “*Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights based Society for All in Asia and the Pacific*”. Although, the FNCDP is guided by the principles in the: Constitution of Fiji 1997, Social Justice Act 2001, FHRC Disability Action Plan, Biwako +10 and other UN Disability-related declarations, mandates and conventions, the adoption of this policy will help break barriers hindering the full participation of people with disabilities in the social and economic life of Fiji.

Human Rights Awareness Training

101. One of the key challenges is the dissemination of human rights to women particularly for those at community level where the majority have limited access to education, exacerbated by the limited communication channels. Therefore women’s rights will continue to be strengthened through increasing human rights awareness training and programmes at all levels including villages and settlements.

102. The Fiji Human Rights Commission drives education and human rights training and awareness through workshops, seminars and the media. However, there is a need to continue to pursue human rights awareness for women at all levels of society for all women, including young women, those who are poor and disabled and other marginalised groups. In addition, more public awareness is necessary so men and women can know their rights under the Constitution and also assist in changing traditional attitudes and mindset towards these marginalised groups.

103. NGOs also carry out similar training exercises. Strongly behind this call is RRRT’s national partner organisation, the Fiji Women’s Rights Movement (FWRM). In the past two months FWRM, in collaboration with Fiji’s NGO Coalition on Human Rights, has been a prominent force in encouraging debate, raising public awareness and mobilising public opposition through lobbying, media advocacy,

²⁸ Narsey (2007) – p 27

public rallies, Community Paralegal support and awareness raising campaigns. This has included distributing a pamphlet “reasons why the Reconciliation, Tolerance & Unity Bill is not good for Fiji” via local newspapers *The Fiji Times* and *Nai Lalakai* to dispel misconceptions surrounding the Bill.²⁹

Article 3 ***Measures to guarantee comprehensive advances by women***

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Introduction

104. Women and gender issues have been part of the strategic development plans of successive governments. Although we have not been able to achieve the desired outcomes for women, there have been progress in certain areas. Some of the notable achievements are discussed in the subsequent sections below.

Women Plan of Action 1998-2008

105. Since the last report, the implementation of the Women’s Plan of Action (WPA) was ongoing with various projects and programmes implemented at all levels. The objectives of the WPA have been partially achieved with the achievements under each area of concern made possible in partnership with key partners and stakeholders. Some of the major achievements were as follows:

106. Mainstreaming of Gender Issues:

- In 2003 under a technical assistance from the Asian Development Bank, gender audits were conducted in two pilot ministries, the Ministry of Agriculture and the Ministry of Health.

107. Amongst others, some of the recommendations from the two audits were:

- Prepare a gender mainstreaming brief with clear messages on the benefits of incorporating gender mainstreaming into policies and programmes;
- Capacity building for management and staff through increased awareness of the importance and potential for increased effectiveness from gender mainstreaming. Gender analysis as part of their daily work can assist in more effective delivery of their respective mandates;

²⁹ Fiji’s women stand up for human rights

Source: http://www.rrrt.org/assets/RRRT%20e-newsletter%20_April-June%2005_.pdf, Accessed on 8/09/08.

- Gender Focal Points to participate fully in inter ministerial gender activities and to assume leadership in their respective organisations to put in place necessary mechanisms to facilitate gender mainstreaming;

108. Although there were recommendations in the respective reports, these were not carried out and addressed due to capacity constraints within the national women's machinery and competing priorities in the Ministry of Agriculture and the Ministry of Health.

109. Based on 'learning by doing' and lessons learnt from the gender audits, the Department of Women with the assistance of ADB and Agriteam Canada was able to produce a publication titled 'The Gender Assessment Pathway.' This publication provides a step by step guideline in conducting a gender analysis of policies and programmes.

110. Another notable achievement was the publication "Women and Men of Fiji Islands: Gender Statistics and Trends" (2005) written by Chandra and Lewai. This book was produced by the Department of Women in partnership with the Institute of Population Studies, University of the South Pacific. Amongst others, the book provides statistics on gender, education and training; the health status of men and women.

111. In 2004 the Public Service Commission in partnership with UNIFEM, produced a Gender training manual to facilitate gender sensitivity and training in the Fiji Public Service. This is a classic example of gender mainstreaming where responsibility for gendering policies and programmes is driven by the Public Service Commission rather than from the periphery. However, funding constraints coupled with inadequate monitoring and high staff turnover negated the progress of this programme.

112. During the reporting period, Gender sensitivity training and CEDAW awareness both in community and public service continued to be pursued by the national women's machinery and partners.

113. Micro-enterprise development programmes included the following:

- Basic skills for business and practical training at community level;
- Establishment of cottage industries;
- Community based income generating projects.

114. Decision-making and increasing the presence of women in formal decision making bodies continued to be pervasive even though successive government had put policies in place. Being mindful of the existing gap, the national women's machinery provided capacity building and empowerment programmes such as:

- Leadership skills training at community level;

- Nomination Service with the Department of Women
- Grants to NGOs – Some of the training programmes were outsourced to issue based NGOs to conduct programmes on behalf of the Department of Women. In addition financial assistance was also provided to community based organisation and women’s groups who applied for funding for their projects.
- Women in Shared Decision Making(WISDM) project was also undertaken by the National Council of Women, Fiji

115. The Elimination of Violence against Women continued to be addressed by stakeholders including Police, NGOs and other partners. Some of the programmes were:

- Partnership with other stakeholders on male-advocacy trainings;
- Inter-agency community awareness training workshops;
- Media Advertisements – supporting and joining women NGOs on campaigns and actions to eliminate violence against women and continued to facilitate awareness programs in partnership with stakeholders. For instance, 16 Days of Activism to stop violence in our homes;
- National Policy on Sexual Harassment at the Workplace came into effect on January 5, 2008 (this is further discussed under Article 11).
- “Zero tolerance and Violent free community” – Pilot Project (partnership with Fiji Police Force, Lautoka Town Council and Fiji Women’s Crisis Centre).

Legislation

116. Legislative changes include:

- Family Law Act 2003 was passed in Parliament in 2003 and became effective in January, 2005; this is discussed in more details under Article 16.
- Domestic Violence Reference now a Bill (discussed further under Article 16);
- Employment Relations Promulgation 2008. The Ministry of Women made submissions to the Ministry of Labour during the consultation stage. ERP has provided a progressive framework that promotes dialogue and consultation, a shift from the traditional confrontation approach between employers and employees representatives and trade unions. The ERP is discussed in more details under Article 11 on Employment.

National Policies on Gender and Development

117. The medium term Sustainable Economic Empowerment Development Strategies (SEEDS) Plan 2008-2010, addresses issues pertaining to the advancement of women which will benefit them as well.

Box 1 Chapter 9.9 Gender & Development

Policy Objective: Achievement of gender equality and empowerment of women through participation in business and decision making process, entrepreneurial support in formal and non formal sector.

118. Chapter 9.9 (*Gender and Development*) of the SEEDS Plan outlines amongst others, the following strategies to implement the policy:\

- Review, implement and monitor Laws in relation to UNCEDAW (articles 1-16); gender mainstreaming institutions strengthened; a National Women’s Plan of Action implemented; Domestic Violence bill enacted; awareness training on Family Law Act and ensure appropriate sentencing penalties including counselling for violent crimes against women and children;
- Mainstream gender perspectives into all sectoral development programmes;
- Gender training at all levels including rural communities;
- Increased partnership with research institutions to provide evidence based research and results to make informed policy decisions.

119. These key performance indicators will measure the achievements of the above objective:

- Share of women in wage employment in the non-agricultural sector increased from 35.9% to 37.9% by 2011 (MDG);
- To combine primary girls: boys ratio of 1:1 (MDG)’
- The proportion of female school principals, vice and assistant principals to be not less than 25% by 2011;
- The proportion of female CEOs in Government to be at least 20 % by 2011;
- At least 1 woman in each Government Board committee, board, tribunal, council and commission;
- Proportion of seats held by women in National Parliament and Municipal Elections to be not less than 20% (MDG);
- Number of women supported by micro-finance increase from 5,100 in 2006 to not less than 19, 500 by 2011; and
- Cases of domestic violence recorded by Police to be monitored and analysed.³⁰

³⁰ SEEDS (2007) – p131

120. The mid term review of the WPA in 2005 recommended the inclusion of two new areas of concern, namely:

- i. Formal sector employment and livelihoods and
- ii. Health and reproductive health.

The report also recommended incorporating micro enterprise development into Livelihoods and Sustainable Development. The following were identified to be the new areas of concern for the revised WPA:

- a) Women and the Law (retained);
- b) Formal Sector Employment & Livelihoods (new);
- c) Health and Reproductive Health (new);
- d) Women and Gender in Decision Making;
- e) Elimination of Violence Against Women and Children (retained).

121. Government has approved the recommendations and is in the process of carrying out a situational analysis of the five areas of concerns which will provide the platform for the new (revised) Women's Plan of Action (2009-2018).

Women NGOs

122. The advancement of women in Fiji can be attributed to the efforts of NGOs and community based organisations. Recognising the significance of these organisations, the partnership is integral to the development processes for women's progress. *In response to the concluding comments of the UNCEDAW Committee, NGOs are represented in the Women's Advisory Committee and also in the five taskforces of the WPA and these are:*

- a) Gender mainstreaming taskforce: NCW Fiji; SSV; Fiji Disabled People's Association and Fiji National Council of Disabled Persons.
- b) Balancing Decision Making Taskforce: NCW; SSV; Fiji Employers Federation; Fiji Trades Union Congress; PPSEAWA and Femlink Pacific.
- c) Review of Laws Taskforce: Fiji Women's Rights Movement; Fiji Women's Crisis Centre; NCW; SSV.
- d) Micro enterprise Development: Micro Finance Unit/NCSMED; NCW;SSV;
- e) Elimination of Violence Against Women: FWRM; FWCC; NCW and SSV

Article 4 *Acceleration of equality between men and women*

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Introduction

123. During the reporting period, no temporary special measure was put in place to accelerate the de facto equality of men and women. The continual change in government is in a way contributes to the slow progress of women in certain areas such as decision making, Parliamentary membership etc. However, in terms of maternity protection, this is articulated in the new Employment Relations Promulgation. (This is discussed further under Article 11).

Gender Issues in Employment and Underemployment

124. In 2005, a survey on *Gender Issues in Employment and Unemployment*³¹ was conducted. Findings indicate a number of areas that could be taken up by stakeholders to further progress Fiji, towards the objectives of gender equality as articulated in CEDAW. The FIBS can also undertake additional surveys such as “time use” surveys which can provide additional information for us to better understand how society works and uses its available time for economic, social, sports, and leisure activities.³²

125. Data from this study shows significant gender gaps throughout the economy. With the existing mechanisms, such as the Wages Council, income policy initiatives could be examined to improve the lot of Female workers who are very vulnerable in the informal sector, not protected by unions.

126. Policy makers might wish to develop more gender- specific National Development Goals (NDGs thereafter) as part of its overall framework in monitoring MDGs. There is room for campaigns to encourage Females to pursue higher education, and to be selective towards labour market industries and occupations where gender disparities are low.³³

³¹ Survey by Professor Wadan Narsey

³² Narsey (2005) – p xii

³³ Narsey (2005) – p xiii

Article 5 *Measures to change sex roles and stereotypes*

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Introduction

127. While the reference to "women's concerns" recognises the need to focus on improving their specifically disadvantaged situation in society; the reference to 'gender concerns issues' reflects the resolve to address unequal relations between women and men resulting from socially and culturally determined gender roles. This gender inequality infiltrates all aspects of life including the tacit acceptance of violence against women in the home, unequal access to resources, skewed distribution in employment, decision-making and political participation.

Culture and Tradition

128. Fiji is a patriarchal society, where generally men are perceived leaders and decision makers whilst women are expected to listen and implement those decisions. This is present amongst all ethnic groups. These perceptions had developed over centuries and are products of a complex mix of culture, history, custom and religion which will take a while to change. Such stereotyped attitudes and perception particularly (in both Fijian and Indo Fijian societies) have a lot of implications for women and men. This is reflected in the composition of decision making bodies where men continue to dominate membership of formal planning and development committees including school committees. Women are expected to be the recipients and implementers of decisions from these institutions.

CEDAW Awareness and Gender training

129. The national women's machinery continues to be challenged by the persistence of traditional stereotypical views, societal attitudes, preferences, biases and prejudices. Nonetheless with renewed national commitments, progress is envisaged to accelerate. In response to the concerns raised by the UNCEDAW Committee, the Department of Women and its partners conducted CEDAW awareness and continue to conduct gender-sensitivity training at all levels throughout the nation. The overall aim is to change attitudes and stereotypes of men and women.

Gender roles

130. The stereotyped attitude and practices have a profound impact on formal decision making where women are seldom visible. Changing attitudes and social perceptions is a long process. However, efforts are underway to bring about positive attitudinal changes through gender sensitivity training both at official level and within communities. Even though women are still being marginalised, it must be acknowledged that changes in the ingrained attitude and perception against women are taking place, although at a very slow pace.

131. In addition, increase in women's educational attainment have also enhanced the type and level of work in which women can participate in, apart from their traditional gender roles. There is also room for public campaigns to encourage Male Economically Active persons (men and boys) to do a little extra in household work that can place burdens if their Female partners in their households.³⁴

Religion

132. This is one of the fundamental underlying components of life within all ethnic groups in Fiji. The majority of Fijians are Christians whilst a large number of Indo Fijians practice the Hindu religion and a smaller number are Muslims. These religious bodies play a prominent role in the lives of the people and decisions they make have a profound impact on them as well. Decision makers in these religious institutions are predominantly males.

Violence Against Women

133. Violence against women is one of the critical issues that retard the progress and development of women and an obstacle to the implementation of CEDAW. Gender based violence is not confined to any particular ethnic group and is common particularly in the two major ethnic groups namely, Fijians and Indo Fijians. In a recent study,³⁵ violence against women was disaggregated into the following: domestic violence, rape within marriage; sexual violence and prostitution and trafficking.

134. Violence comes with many costs and affects not only women but communities, the private sector for loss of productivity and the public sector as well. There are also cost related resulting from domestic and gender based violence. The public sector provides costs on health care services and the amount of time spent by police in investigating crimes of violence against women and children. Once reported cases end up in Court, law enforcement costs include processing restraining order and the court processes itself. The public sector also bears the cost where Legal Aid or Public Legal Advisor is needed by victims and or survivors of gender based violence. This is discussed in more details under Article 16.

³⁴ Narsey (2007) – p xiii

³⁵ UNFPA Pacific Regional Office (2008)-p11

No-drop policy

135. The increasing number of assault cases has prompted the Fiji Police Force to adopt a zero tolerance policy on all assault charges. This policy became effective on 5 June 2008. This policy would strengthen the commitment to address gender-based violence. NGOs and society at large have welcomed the initiative by the Fiji Police Force to adopt a “zero tolerance” policy on all assault charges. The Police Force have noted an increase in four types of assaults and decided on the no-drop policy. Police have found that assault cases, whereby people actually cause bodily harm to other people, have increased and the Force believes that there needs to be an end to it. This zero tolerance policy on assault cases is similar to the “no-drop” policy on domestic violence cases. For example, if a woman goes and reports to Police that her husband assaulted her, he will be charged and investigated and, if proven guilty, will be sentenced. Other measures include Male Advocacy training in the elimination of violence against women at the Republic of Fiji Military Forces and the Fiji Police Academy. The issue is further discussed under Article 16.

Sexual Offences Unit

136. In its commitment to effectively address violence against women and children, the Fiji Police Force set up the Sexual Offences Unit in 1995 to enable a more effective and sensitive response by Police when dealing with victims of sexual assault. There are four such units throughout Fiji but each of this unit is under resourced. In a recent study³⁶ the following concerns were highlighted:

- Lack of resources affects the standard of service provided by the unit;
- Unavailability of police officers from the Unit;
- Insensitive and sometimes hostile attitudes when dealing with victims; and
- Unnecessary delays when attending to particular cases.³⁷

137. According to the Sexual Offences Unit, it takes an average of 2.5 years for a case to go through the system and end up in sentencing. On average cases take about 1.5 years to reach the courts.

138. Women are at liberty to join civil society organizations and some of the most active civil society organizations which exist in Fiji are those headed by women. Social norms and gender roles entrenched in women made them more cautious about the welfare of the family.

³⁶ UNFPA Pacific Subregional Office (2008) – p 30

³⁷ *ibid*

Article 6 *Suppression of the exploitation of women*

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Introduction

139. Under the Penal Code, the act of *loitering or soliciting for the purposes of prostitution* is an offence in Fiji thereby ‘punishing’ those engaged in prostitution rather than affording them the rights and protections enjoyed by other workers. Although illegal, local women continue to engage in prostitution, however, it has been noted that those who are engaged in this (sex) industry are more organized. They work closely with the Ministry of Health and NGOs which provide them access to health education, health care services and facilities.

140. There are provisions for those who profit from the sexual exploitation of women under section 166 of the Penal Code which states:

s166 – (1) Every male person who-

(a) knowingly lives wholly or in part of the earnings of prostitution; or

(b) in any public place persistently solicits or importunes for immoral purposes, is guilty of a misdemeanour. In the case of a second or subsequent conviction under this section the court may, in addition to any term of imprisonment awarded, sentence the offender to corporal punishment.

141. Although there are legal provisions, offenders are seldom taken to task on this issue, Police indicate the difficulty in charging offenders due to weak legislations and insufficient evidence.³⁸ However there has not been any major legislative changes and programmes for the reintegration of those engaged in prostitution except for the Women’s Heart in Action (NGO) which provides training and reskilling for alternative livelihood programmes for prostitutes.

Trafficking of women and girls

142. Since the Initial Report, one of the emerging issues in Fiji is “*prostitution and trafficking of women and girls*”. The Immigration Department has exposed an organised prostitution racket in which Chinese Nationals enter the country on students visas. In June 2008, 20 women were deported to China after they failed to attend 80% of their classes, a requirement under the student visa. According to the Director for Immigration³⁹ these foreign nationals abuse the system in the pretence of wanting to study English in our local institutes. For the period 2005 -2008, the number of student visas that

³⁸ Response to UNCEDAW Concluding Comments – para 65

³⁹ Director Immigration. 2008. *pers.comm.*

have been cancelled totalled 88. The major clientele for this trade are coming from the foreign fishing vessels that come to Fiji.

Human trafficking report 2007

143. The US State Department Report on Human Trafficking in 2007 stated that Fiji is host to trafficking of women and girls from India and China who come to work in the garment factories in Fiji. The Report further cited Fiji on the category of “Tier 2” Watch list because the Government does not have sound laws to address this issue, even though it is a party to the Convention of the Suppression of Trafficking Women and Children.

144. However, Government is committed to addressing this issue in its development plan, the Sustainable Economic Empowerment Development Strategies (SEEDS) 2008-2010

Box 2 Chapter 4.2

Policy Objectives:

Fiji is protected from political, social, terrorist, criminal, economic and environmental threats, and its sovereignty and territorial integrity are ensured

Amongst others, two of the strategies for implementation are:

- Review Fiji’s airport and seaport security arrangements;
- Strengthen Fiji’s capacity and capability to enforce and prosecute people trafficking (Immigration Act) and establish an Anti-People Trafficking Framework 2007.

The new Immigration Regulations 2007 came into force on 3 January 2008. The new regulations attempt to address the issue of trafficking and prostitution by foreign nationals through the strengthening of partnership between the Department of Immigration and education service providers. This has become necessary in light of the increasing number of women who are here on students’ permit but are also engaged in illicit activities such as prostitution. Section 34 outlines the conditions of grant of student visa:

s34 – (1) The following conditions apply to the grant of a student permit, that is to say, that the holder of the permit agrees-

- a. To attend at least 80% of the contact hours scheduled for each term and each semester of the course that the holder is enrolled in;*
- b. To achieve an academic result in the course that the holder is enrolled in which is certified by the education institution to be at least satisfactory;*
- c. To continue to be enrolled at an education institution in the Fiji Islands;*

- d. *To notify the Director of Immigration of any change of educational institution that the holder of the permit intends to make;*
- e. *Not to behave in a manner that is prejudicial to the peace, good order, good government or morale of the people of the Fiji Islands;*
- f. *Not to engage in any religious vocation except with the written approval of the Permanent Secretary; and*
- g. *Not to breach any other conditions that the Permanent Secretary may, in writing, impose.*

145. According to the US State Department report, new data provided over the last year suggests that Fiji is seeing a rise in the trafficking of children in sexual exploitation. Some boys and girls are victims of sexual exploitation by Fiji citizens and foreign visitors. Local hotels procure underage girls in prostitution at the request of foreign guests.⁴⁰ This is an area which needs to be looked at seriously and collectively by Government and NGOs.

146. A research⁴¹ conducted in 2006, confirmed the presence of Commercial sexual exploitation of children and prostitution for women, girls and boys in Fiji. The underlying factors contributing to the risk of CSEC and sexual abuse of children are:

- Lack of job opportunities which create financial hardship and lack of funding for children's education;
- Inability to afford basic daily needs;
- Cycle of abuse and neglect already present in some families.

147. Fiji is a major tourist destination and there is anecdotal evidence collected by the study that some tourists visit Fiji with the main objective of procuring sexual relations with underage girls and boys.⁴² Apparently, prostitution and sexual exploitation are economic issues with serious social implications for all concerned which can be negated if addressed holistically through a multi sectoral approach.

⁴⁰ US State Department Report (2007) – p99

⁴¹ funded by UN ESCAP

⁴² FWCC e tal – p 19

PART II

Article 7 Political and Public Life

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Introduction

148. Representation of women in decision making bodies continues to be a major challenge, in light of the political changes. Although successive Governments had a policy of having at least 30% representation since 2003, this has not been achieved. Achieving the goal of shared decision-making between men and women will reflect the composition of society and strengthen the democratic processes of governance. It is also a necessary condition for women's interests to be taken into account. Without the active participation of women and the incorporation of women's perspectives at all levels of decision-making, the goals of equality, development and peace articulated in global women's conferences will be difficult to achieve.

149. The Electoral Act 1999 provides equal rights to men and women to enter politics either as a candidate in the elections or as a voter. Voting is compulsory under the Act and women are always encouraged to exercise this, their right.

150. There is no special provision or quota. Political parties have provisions for gender balance in their respective constitutions to promote the active participation of women in elections and the allocation of 'safe' seats to women during elections.

Women in Parliament

151. This is still one of the areas where women continued to be marginalised. In 1999-2000 there was a record number of 15 women in Parliament out of a total of 109 seats in the upper and lower houses. However, this declined after the General Elections in 2001 when only 5 women were elected and 4 women senators were appointed. There were 2 women ministers out of the total of 20 Cabinet Ministers. Government has endorsed MDG 3 for women's empowerment, for which a key indicator is

the proportion of seats held by women in National Parliament. In 2006, there were eight women parliamentarians amongst the 71 members of the House of Representatives and five women Senators in the 42 member Upper House (Senate). In 2007 there were two women in the Interim Cabinet; however this was reduced to one due to streamlining of ministerial portfolios in 2008.

152. The UNIFEM review of the Women in Politics programme in 2005 identified voter attitudes as an important factor. Women still vote according to the advice of menfolk who still favour male candidates. Another contributing factor is the complexity of the preferential voting system in Fiji. Many voters in Fiji find the dual system too difficult to understand. The study also suggested that a review of the electoral system is needed where proportional representation should be considered. It is envisaged that the change would accelerate increased political participation of women and other minority groups as well.⁴³

Fiji League of Women Voters

153. In creating an environment that is conducive for women to participate in politics; the Department of Women together with other women NGOs formed the 'Fiji League of Women Voter's in April, 2006. It also aims to educate women voters on their rights and making their vote count in electing women politicians to advocate for women issues. This affirmative action is put in place to advance women's representation in Parliament and at other levels of decision making including Local Government, Provincial Councils and Tikina Councils and District Advisory Councils.

Statutory Boards

154. Improvements in this area continue to be pervasive, with women comprising 19% of representation in statutory boards and committees.

Table 3 Membership - Decision Making Bodies, 2002

	2002			
	Women	Men	Total	% women
Advisory Committee	9	17	26	34.6
Boards	280	1,022	1,302	21.5
Commissions	16	70	86	18.6
Other Committees	50	331	381	13.1

⁴³ Cited in ADB (2006) – p45

Councils	118	585	703	16.8
Local Authority	68	247	315	21.6
Tribunal	4	41	45	8.9
Total	545	2,313	2,858	19.1

Source: PSC Unpublished data, 2008

155. As evident from the above table, women comprise only 19.1% of members of state boards, committees, commissions, and others. The Interim Government has recently approved a 30% membership for women in all Government Boards, committees, tribunals and commissions. To accelerate the implementation of this policy, the Department of Women has revived the Nomination Service which has a list of names and curriculum vitae of qualified women to be nominated for membership of such boards and committees and so forth. The ultimate aim is to increase the number of women in public sector boards, committees etc.

156. The Department is mindful that the lack of interest shown by some of these qualified women to take up such positions could be attributed to their dual and multiple roles and responsibilities as professional women, wife and mother.

Hospital Board of Visitors

157. Women membership of hospital boards and committees has improved significantly. Latest statistics show that women now comprise 49% of members of these hospital boards.⁴⁴ It is envisaged that the increased participation of women will certainly progress the gender component of service delivery and other improvements. In addition these women members, with their exposure to formal decision making can also effectively participate in other development forums thus contributing effectively to the overall development of their rural communities.

158. In the public service, women occupy only 18% of the upper echelon of Government whilst the majority of them are at the lower rung which includes nursing, teaching and clerical work. This is discussed in more detail under Article 11.

UN Security Council Resolution 1325 on Women, Peace and Security

159. The Minister responsible for Women was recently appointed into the National Security Council. By virtue of this appointment; the Director for Women becomes a member of the Intelligence Advisory Committee and other security committees. This is a milestone for the women of Fiji and the move will enhance and accelerate the efforts of women in pursuing the implementation of UN Security Council Resolution No. 1325, *Women, Peace and Security*.

⁴⁴ MOH Stats Unpublished report (2008)

Constitutional Offices

160. Since the promulgation and adoption of the Constitution Amendment Act, 1997, no woman has ever been appointed into a Constitutional Office. However, as at June 2008, two women have been appointed into two of these seven Constitutional Offices namely, the Ombudsman and the Supervisor of Elections.

Judiciary

161. The first woman Puisne Judge was appointed to the High Court in 2002. Since then, there are 4 women who now sit at the bench including the Family High Court. In addition, the first woman Chief Magistrate was appointed in 2007. There is also an increase in the number of women magistrates. As at June, 2008, there are altogether 2 women Judges in the High Court; 2 in the Family Court and 7 women Magistrates. This is a significant increase since the initial report was presented in 2002.

Local Government

162. There are three distinct administration structures at the local government level. Cities and towns are governed by Municipal Councils whereas in rural areas there are the Provincial Councils which administer ethnic Fijian population whilst all other ethnic groups within the province are governed by District Advisory Councils. The City and Town councillors are elected on a four yearly basis based on political parties or ratepayers associations.

Table 4 Municipal Councils membership by Gender 2008

City/Town Council	M	F	Total	% Women
Ba	15	0	15	0
Labasa	11	1	12	8
Lami	10	2	12	16.66
Lautoka	14	2	16	12.5
Levuka	4	4	8	50
Nadi	11	3	14	21.42
Nasinu	18	3	21	14.28
Nausori	12	0	12	0
Savusavu	8	1	9	11
Sigatoka	11	0	11	0
Suva City	17	3	20	15
Tavua	9	0	9	0

Source: Ministry of Local Government (unpublished report)

District Advisory Councils

163. The Department of Multi Ethnic Affairs is responsible for development of all non indigenous communities in rural areas. The Department operates with the support of seventeen District Advisory Councils. The councillors play a vital role within their respective community in providing the link between the Department and the community. The role of these councils includes management support in facilitating services to the community in identifying self-help projects. Secondly, they assist in verifying income levels of parents and guardians of scholarship applicants under the Multi-Ethnic Affairs Scholarship Scheme.

164. Fiji being a patriarchal society, membership of all these councils reflects the traditional and stereotype attitude where women are almost invisible in these institutions. Except for Municipal councillors, the Provincial and Advisory Councillors are nominated by the Minister for Indigenous Affairs, Provincial Development and Multi Ethnic Affairs.

Provincial Councils

165. Provincial Councils are based on the traditional hierarchy of the ‘vanua’ hence it is quite difficult for non chiefly indigenous women to become members of the latter. All chairpersons of Tikina Councils within the province automatically become members of their Provincial Council by virtue of their appointment. Therefore a female chief who is the chairperson of her Tikina Council is a member of the Provincial Council. The only other female member is the leader or president of the Soqosoqo Vakamarama⁴⁵ in the province. However, changes are happening as there are some provinces which now have more than one woman in the council.

Women in NGOs

166. Although women NGOs are registered under the Charitable Trust Act, 1945, their functions are not limited to charity work. Some of these prominent issue based NGOs like the Fiji Women’s Rights Movement (FWRM) and Fiji Women’s Crisis Centre (FWCC) are actively involved in advocacy for women’s rights and addressing gender based violence and elimination of violence against women.

167. FWRM also has a programme “Emerging Leaders Forum’ (ELF) which targets young women between the age of 18 and 25 years. The main objectives of the year long programme are:

- To introduce emerging leaders to issues facing young women in Fiji and worldwide;
- To allow in depth discussion so that various important topics and current affairs may be better understood.

168. Participants of the EFL are introduced to issues surrounding leadership, business, the environment, the media, reproductive health, human rights, tourism, poverty, the law, HIV and AIDS, culture and religion, their impact on women and the role of women in each area.⁴⁶

169. During the 2006 General Elections, FWRM raised funds to assist women candidates in their election campaigns.

170. The National Council of Women has also been instrumental in pursuing the ‘Women in Politics and Shared Decision Making’ programme at all levels from the community to national.

171. Women occupy management positions in most Non Government Organisations. They have also been very active in lobbying for changes in areas that require improvements.

⁴⁵ Women’s organisation for all indigenous women of 16 years and over.

⁴⁶ <http://www.fwrn.org.fj> – accessed on 19/7/08

Article 8 Representation

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Diplomatic Service

172. The Government is an equal opportunity employer, it provides for the equal participation of men and women in the diplomatic service. During the reporting period only one woman was appointed as Head of Mission, while other women have acted in these positions. However, women have been appointed at the Deputy High Commissioner and Counsellor levels.

173. There has been no special or affirmative programme designed to assist qualified women to pursue a career in the diplomatic service.

International Conferences

174. Women also represent Fiji either as head of or members of Government delegations to international conferences and meetings. Women Ministers usually lead the state delegation to international conferences and seminars relative to their respective portfolios. In essence, women are chosen to represent the country based on merit and their professional expertise.

International & Regional Organisations

175. Fijian women are making progress as professionals in international and regional organisations in the past five years. At the UNDP Multi Country Office in Suva, the three thematic team Leaders are all women. Fijian women also hold some key positions in certain regional organisations, institutions and the academia. For example the Vice Chancellor and Pro-Vice Chancellor of the University of the South Pacific are both Fijian women.

Peacekeeping

176. Compared to the past five years, more women have now been recruited into the Republic of Fiji Military Forces (RFMF). They now participate in peace keeping missions with the United Nations specifically in Iraq, Sudan, Afghanistan and the Multinational Forces Observers (MFO) in Sinai.

177. A more significant increase has also occurred in women's recruitment into the Republic of Fiji Police Force. Female members of the RFPF also join their male counterparts in peacekeeping duties internationally and also with the Australian led Regional Assistance Mission to the Solomon Islands (RAMSI).

Article 9 Nationality

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

178. The Constitution Amendment Act 1997 recognised equal rights to citizenship for both men and women and equal status to spouses of Fiji citizens whether female or males. The marriage of a Fijian woman to a foreign national does not change her nationality unless she desires to change. They continue to enjoy the same rights as men on the issue of citizenship and nationality and that of their children under the Constitution (Amendment) Act, 1997. Dual citizenship is not allowed in Fiji

179. Citizenship of Fiji is acquired by birth, naturalization, or registration. The Government grants permits to people who wish to enter and reside in Fiji, either as visitors for less than six months, or on work permits.

180. *Citizenship by registration* is articulated under s12 of the Constitution Amendment Act 1997

s12 (6) An application for citizenship by registration made by an adult who is a citizen of another country must be granted if:

(a) the person was formerly a citizen of the State; and

(b) he or she renounces the other citizenship.

(7) An application for citizenship by registration made by an adult who is or has been married to a citizen must be granted if the applicant:

(a) has been lawfully present in Fiji for a total of 3 of the 5 years immediately before the application; and

(b) complies with such other conditions as the Parliament prescribes.

181. Citizenship by naturalisation is outlined in s13 of the Constitution which states that

s13 - (1) A person may become a citizen by naturalisation.

(2) A condition of naturalisation is that the person has been lawfully present in Fiji for a total of 5 of the 10 years immediately before the application for naturalisation is made.

PART III

Article 10 Education

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Introduction

182. The Education Act Cap 262 provides the legal framework for Education in Fiji. The Ministry of Education is responsible for the delivery of education and education services to schools, pre-schools and training centres. Amongst others, it provides policy guidelines, curriculum framework, qualified teaching personnel and support to controlling authorities and education and training institutions.

183. In 1995, Fiji along with other 155 member states adopted the United Nations World Declaration for Education for All. The EFA goals are:

- 1) Expand early childhood care and education;
- 2) Universal access to free primary education;
- 3) Equitable access to life skills programmes;
- 4) Expand adult literacy by 50% by 2015;
- 5) Gender equality and
- 6) Quality of Education.

184. The Ministry of Education is totally committed to development of the Action Plan for Education for All (EFA) which covers the period of 2000-2015. And based units report, the Fiji's (EFA) Mid-Decade Assessment Report for the period 2000-2007, it highlights that gender parity equality is a non-issues because of its free and compulsory basic education for all children.

185. Within Fiji's education system boys and girls have equal opportunities to all levels of education and government policies require that all scholarships be shared equally between boys and girls, so according to EFA's MDA "gender parity and equality is of a low priority".

186. Government continued its commitment to education and training through its annual budgetary provision. The annual allocation for the education sector was 5.1% of GDP in 1991 and this increased to 6.4% for the period 2002 – 2005. For 2005, the education sector accounted for 20% of the total Government expenditure.⁴⁷ This indicates Government's commitment to improve the quality of education and its service delivery. Education is seen as the most effective way to alleviate poverty and hardship for those who are poor and marginalised.

187. In addition the European Union funded Fiji Education Sector Programme (FESP) which began in 2004 is one of the most significant interventions in the education sector. The overall objectives of the programme are: to achieve equitable access; achievement in lifelong education for disadvantaged communities and to improve the quality, relevance and outcomes of learning.

188. The five result areas are:

- To assist schools with their building needs by providing classrooms, dormitories, teachers' quarters, kitchens and dining rooms, water supply and sanitation etc.
- To support the two Government teachers training institutions, Lautoka Teachers college and Fiji College of Advanced Education in organising and conducting teacher training practice in remote and rural areas. Curriculum reform and technical & vocational education also benefited from this programme.
- Schools in disadvantaged communities will receive support for teaching resources including equipment, teaching materials, books and computers.

⁴⁷ UNDP Human Development Report 2007/2008 – p266

- Promote better co-ordination amongst stakeholders so that developments in education are harmonised and duplication avoided. Strengthen structures of education at all levels to better implement the Ministry of Education policies and plans. Needless to say, education is a cross cutting issue to housing, health and poverty and is strongly associated with improved living standards.⁴⁸

Access and Participation

189. Over the past decade, Government in partnership with communities have focussed on increasing access to quality education for all. The measures undertaken to make education accessible include the provision of qualified teachers, the provision of grants to subsidise the cost of education to the community and the upgrading of facilities.

190. In recognition of the critical role of a good education as a poverty alleviation strategy, Government continued to subsidise the cost of education. In 2006 tuition free education is available from primary up to Form 7 in secondary schools. Despite this Government commitment, other assistance for disadvantaged children and now compulsory school attendance, a number girls and boys of primary school age continue to drop out of school. In most cases families cannot afford other fees levied by schools and costs such as uniforms, books and transport.⁴⁹

191. In Fiji there is very little gender disparity in primary and secondary education. The 1996 census showed that almost equal proportion of boys and girls stayed at school until the age of 18 years.

Table 5 The MDG Goal 3: Promote Gender Equality and Empower women

Goal 3: Promote Gender Equality and Empower women					
Target	Indicator	Status of Progress			
		1995	2000	2003	2006
Eliminate gender disparity in primary and secondary education	9. ratio of girls to boys in primary, secondary & tertiary	Primary:0.94	Primary:0.98	Primary:0.93	
		Secondary: 1.04	Secondary: 1.07	Secondary: 1.0	
		Tertiary	Tertiary	Tertiary: 0.99	

⁴⁸ MoE Annual Report (2006) – p 29

⁴⁹ Fiji MDG Report (2004) – p 21

preferably by	education				
2005 and to all	10. ratio of	1.003	n.a	n.a	
levels of	literate females				
education no	to males of 15				
later than 2015	– 24 year olds				
	11. share of	44.6	38.1%	31%	
	women in				
	wage				
	employment in				
	the non				
	agricultural				
	sector				
	12. Proportion	House of	House of	House of	House of
	seats held by	Representatives	Representatives	Representatives	Representatives
	women in	4.2%	11.3%	7%	Senate
	national	Senate 9.4%	Senate 25%	Senate 12.5%	
	parliaments	Total 5.8%	Total 15.5%	Total 8.7%	

Source: Fiji MDG report (2004)

Early Childhood

192. Pre-school is now becoming more accessible to a greater number of children and there is almost universal access to primary education. In 2006 fourteen Early Childhood Education centres were also registered during the year.

School Enrolment 2004 – 2005	2004	2005
Pre- Primary Schools* [no.]	481	531
Enrolment		
Male	4,308	N/A
Female	4,320	N/A

Primary and Secondary

193 In 2006, three new primary and two secondary schools were registered bringing it to a total of 719 and 164.

Primary school net primary enrolment for girls in 2005 was 96 percent and gross primary enrolment of 105 per cent. Female gross secondary enrolment in 2005 was 91 per cent.⁵⁰

194. All secondary school students have access to careers counselling and vocational guidance to enable them to make informed decision and choices for their careers. For the past five years the Ministry of Education in conjunction with the Public Service Commission and tertiary institutions organised Careers Expo throughout the nation to assist students in their choice of career.

Table 6 Students Enrolled and Number of Teachers 2005-2007

Type of Information	2005			2006			2007		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
Primary Education									
Number of Primary Schools			719			719			720
Number in primary education	72,407	68,682	141,089	72,505	67,624	140,129	69,579	64,256	133,835
Number of Teachers	2,161	2,845	5,006	2,214	2,797	5,011	n/a	n/a	5,131
Student Teacher Ratio			28.18			27.96			26.08
Secondary Education									
Number of Secondary Schools			162			162			169
Number in secondary education	32,390	34,000	66,390	33,731	35,804	69,535	32,934	35,970	68,904

⁵⁰ UNDP Human Development Report 2007/2008 – p 335

Number of Teachers	2,014	2,127	4,141	2,014	2,127	4,141	n/a	n/a	4,327
Student Teacher Ratio			16.03			16.79			15.92
Technical Vocational Schools									
Number of Technical Vocational Schools			63			66			54
Number in technical & vocational schools	1,477	638	2,115	1,685	841	2,526	n/a	n/a	n/a

Extracted from FIBS – Education Statistics

195. The above table shows improvement in the Teacher – pupil ratio for both primary and secondary schools in 2005 – 2007. In fact there has been progress over the last decade, declining from 1:30 in 1995 to 1:28 in 2005 for primary education and for secondary it declined from 1:20 in 1995 to 1:16 in 2005⁵¹ However, in both primary and secondary education, teacher pupil ratio is higher for urban schools than rural schools. This partly reflects the dispersed population and the emphasis placed on access to education especially for students in rural areas.

Special Schools	2004	2005
Special Schools (no.)	17	17
Enrolment by Race		
Fijian	547	600
Indian	444	356
Others	77	51
Teaching Staff	127	103

Tertiary education

196. The University of the South Pacific caters for students from twelve Pacific Island Countries The number of Fiji students increasing significantly from 55% in 1996 to 74% in 2002 when women make up 50% of the total number of students from Fiji. Gender statistics at USP show that women tend to enrol in courses that lead to ‘feminine career paths’ for instance the degree and diploma programme on teaching have a high proportion of women students.⁵²

⁵¹ MoE Annual Report (2005) – p4

⁵² Chandra & Lewai (2005) – p31

Table 7 Completion Awards by Gender 2006

Programme	2006			
	F	M	Total	% Women
Certificate	42	33	75	56%
Diploma	90	48.5	138	65.2%
Bachelor Degree	581	576	1,157	50.2%
Graduate Certificate	65	81	146	44.5%
Graduate Diploma	104	97	201	51.7%
Masters Degree	38	63	101	37.6%
PhD		1	1	0.0%
All	920	899	1,819	50.6%

Source: USP Gender Mainstreaming Feasibility Study, 2008

197. Apart from USP the other tertiary institutions include the University of Fiji, Fiji Institute of Technology, Fiji College of Agriculture, Fiji College of Advanced Education, Lautoka Teachers College, Fiji School of Medicine, Fiji School of Nursing and the TISI Nursing School.

Table 8⁵³ Enrolment at Tertiary Institutions 2003-2005

Institution	2003		2004		2005		Total		%Women
	M	F	M	F	M	F	M	F	
Fiji College of Agriculture	52	56	25	24	27	21	104	101	49.2%
Fiji College of Advanced Education	116	152	106	91	65	84	287	327	53.2%
Fiji Institute of Technology									

⁵³ FIT & FSM Sex Disaggregated Data not available.

Fiji School of Medicine									

Source: CHRIS website

Teacher Qualification and Training

198. Government in its commitment to improve the standard of education in Fiji reviewed its policy on teachers' qualification. In addition teachers have access to degree and postgraduate programmes. They can either take study leave or through Distance and Flexible Learning mode tenable at USP.

199. In addition to the State owned Lautoka Teachers' College primary teacher training is provided at Corpus Christi Teachers College, Fulton College where students graduate with a Diploma in Primary Teaching. On the other hand the Bachelor of Education (Primary teaching) is tenable at the University of the South Pacific which also provides Bed programme for secondary school teaching. Teacher training statistics for the 2005 – 2006 is outlined in the following table:

Table 9 Teacher Training 2005 - 2007

Type of Information	2005			2006			2007		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
Teacher Training									
Number of Schools			4			4			4
Number in Teacher Training	347	366	713	399	478	877	n/a	n/a	n/a

Source: FIBS Education Statistics (2008)

School Curriculum

200. The new National Curriculum Framework (NCF) is aligned to the holistic development of the child. The framework encompasses early childhood education up to Form 7 inclusive of special

education and technical and vocational education and training. The framework includes the four pillars of education as stated by UNESCO:

- Learning to Know;
- Learning to Do;
- Learning to Live Together; and
- Learning to Be.

201. This curriculum framework provided key learning outcomes for teaching, learning and assessment that will provide evidence based information on students' achievements in their level of understanding and the type of skills acquired.

Early Childhood Education

202. The Early Childhood Care, Development and Education (ECCDE) is an overarching form of any kind of service that promotes, health, care, growth and development and learning for children from 0-8 years. The new policy which is effective from January, 2007 articulates the guidelines for the administration and programmes under the ECCDE policy.

Special Education

203. The new curriculum for special education was developed in 2006 in line with the National Curriculum Framework. An important feature of the new curriculum is the provision of relevant resources to support communications for students with severe degrees of impairment. Although the framework is inclusive, one of the key factors is access to education especially for those living in rural areas. These disabled children are further disadvantaged and marginalised due to the non availability of special education facilities in those areas.

Girl Child

204. Educating the girl child will help in building their confidence and will also enable them to make informed decisions about their lives, their family, community and the nation as a whole. A good education will help reduce their vulnerabilities, particularly in light of new challenges and other emerging issues which can adversely affect them because of who they are. The theme for International Women's Day in 2007 was 'Empowering the Girl-child through Education.'

Scholarship and Other Grants

205. There is no discrimination between qualified males and females in having access to scholarships for tertiary studies. The Public Service Commission provides scholarships for pre-service studies for school leavers and in-service training for civil servants.

206. The Ministry of Indigenous Affairs provides scholarships to qualified indigenous students for both local and overseas studies. In 2007, 56% of recipients were females and 44% were males. For non indigenous students, they are able to access scholarships offered by the Department of Multi Ethnic Affairs.

Student Loan Scheme

207. Tertiary students from families whose annual income is less than \$10,000, are able to benefit from the Government administered Student Loan Scheme. The SLS provides financial assistance in tuition fees, accommodation and book allowance for qualified students. In 2005 the total number of females and males assisted were 137 and 144 respectively as outlined in the table below.

Table 10 Student Loan Scheme – 2005 by Gender and Ethnicity

Institution	Fijians		Rotumans		Indians		Others		Total	% F
	M	F	M	F	M	F	M	F		
FCA	5	3	-	1	6	2	-	-	17	35
CCTC	1	6	-	-	-	1	-	-	8	87
USP	23	22	-	2	18	19	1	1	86	51
FSM	2	2	-	1	6	11	-	-	22	64
FIT	48	43	2	3	30	13	2	7	148	45
Total	79	76	2	7	60	46	3	8	281	49%

Source: PSC Annual Report 2005

208. However the choice of field of study by recipients showed that females continue to pursue service and care giving areas whilst males opted for scientific and technical subjects.

Adult Education

209. In 2004 Government introduced the 'Matua' programme at Nabua Secondary School in Suva. This programme allowed interested school leavers and adults who dropped out of school to continue their education within the main secondary school curriculum. Amongst others, the programme was originally intended to:

- cater for dropouts from nearby low to middle housing areas
- level the playing field between disadvantaged and advantaged groups;

- provide an education opportunity for those who had teenage hazards;
- uplift education standards for quality community courses and services;
- for anyone seriously positive about a new outlook in life.

210. Although the enrolment rate is usually high, however only a small number go on to complete the programme.⁵⁴ The success rate is quite high, 20 graduates are now studying at the University of the South Pacific. Of these 75% are women. For those studying at the Fiji Institute of Technology out of the 23 Matua graduates, 14 of them are females.⁵⁵ This programme has provided a second chance for these school dropouts. Girls who may have dropped out of school due to pregnancy also have access to this programme. This programme is one of those which can be considered as a three pronged strategy to address poverty reduction, giving a second chance to school teenage mothers and those dropping out of school as recommended by the UNCEDAW Committee of Experts in its concluding comments.⁵⁶Based on the success rate the programme could be replicated in other secondary schools.

211. Women expressed the desire to have such inclusive training programmes available in all major centres and selected rural schools. They are of the view that a second chance provides them the opportunity to have higher qualifications, better employment opportunities which in turn will improve their livelihoods. According to Narsey (2005) the incidence of poverty for Economically Active Females drops sharply with rising educational attainment: 78% for those with Primary education; 53% for Junior Secondary; 29% for Senior Secondary; 14% for those with Certificates and Diploma and 6% for those with Degrees.⁵⁷

School Dropouts

212. The 2004/2005 Employment and Unemployment Survey (EUS) found that 10% of children aged between 5 – 14 years were not attending school. This could be attributed to the inability of parents to send them to school due to heavy financial burden and lack of income.⁵⁸

213. In terms of access to basic education the Fiji's (EFA) Mid-Decade Assessment Report for the period 2000-2007 report shows that there is a problem of retention and drop outs which needs to be addressed within the Plan of Actions. The figures shows that in both primary and secondary schools there is high rates of boys' dropouts and retention problem or a 6.6% boys & 3.4% for girls.

214. Government legislations which have been introduced to address the issues of dropouts and retention problems of poor children for example is to regulate levies charged by schools to parents so that education is affordable. For example: Schools' Management Boards and Committees' annual fund raising activities have been regulated to minimize extra burdens of financial commitment of poor and unemployed parents.

⁵⁴ Pers Ms Naomi Karisitina & Mr Marika Niumata on 4/7/08

⁵⁵ Nabua Secondary School, Unpublished report (2008)

⁵⁶ UN CEDAW Committee Concluding comments – para 61

⁵⁷ Narsey (2007) – p xi

⁵⁸ FIBOS 2004/2005 – p 4

215. The other policies are:

- The remission of Fees for below averaged income earners which they must apply for their children's education.
- The Form 7 scholarships for students who passed FSLC examinations with 250 marks and above.

Technical and Vocational Education Training (TVET)

216. Vocational education has been an on going programme in Fiji. This programme is located within some secondary schools to cater for those who are not able to make it through academically. There are nineteen Vocational centres throughout the nation and these are fully sponsored by Government.

217. Programmes offered range from home economics, automotive engineering, office technology and carpentry/woodwork. This programme is a partnership between the Ministry of Education and the Training and Productivity Authority of Fiji. Those students doing franchised courses with the Fiji Institute of Technology are geared for the industry whilst those in the Ministry's programme are prepared for self employment. Students enrolled in this programme are sponsored in terms of tuition fees and training materials. In 2003, females comprised 30% of total enrolment in these vocational schools with the majority of girls enrolled in home economics and boys in trade skills.

Sports

218. Women are at liberty to participate in any sport of their choice and also to be elected as coaches and team officials for national and international sporting meet. A number of sports women have been able to secure sponsorship to pursue sports development and academic careers as well. The Women in Sports section of the FASANOC⁵⁹ has been instrumental in securing sponsorship for elite sports women and also promoting the participation of women in non traditional sports such as rugby and soccer.

Access to health & family planning information

219. Young men and women attending secondary schools and tertiary institutions have access to health information through the health clinic and also family planning information is available where women could obtain such services from Health centres and Nursing stations. However such services may not be easily accessible in rural, remote areas and outer islands.

⁵⁹ Fiji Association of Sports

Article 11 *Employment*

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Introduction

220. One of the key issues and milestones is the introduction of the Employment Relations Promulgation. The Employment Relations Bill was passed by the Lower House of Parliament in 2006 and the Employment Relations Promulgation came into effect on 2nd April, 2008. The ERP is a progressive framework which promotes consensual resolution of disputes and creation of labour standards that are fair to both workers and employers. It presents a more inclusive and balanced dispute resolution system between aggrieved parties compared to the adversarial relationship under the old industrial relations framework. The promulgation also provides the fundamental principles and rights of persons at work.

221. The ERP provides a statutory framework which promotes the welfare and prosperity of all Fiji's people by –

- (A) Creating minimum labour standards that are fair to workers and employers alike, and to build productive employment relationships;
- (B) Helping to prevent and eliminate direct and indirect discrimination in employment on the basis of race, colour, gender, sexual orientation, age, physical or mental disability, HIV/AIDS Status, marital status,, religion, political opinion, national extraction or social origin;
- (C) Providing a structure of rights and responsibilities for parties engaged in employment relations to regulate the relationship and encourage bargaining in good faith and close observance of agreements as well as effective prevention and efficient settlement of employment related disputes;
- (D) Establishing the mediation services, the employment relations tribunal and the employment relations court to carry out their powers, functions and duties;
- (E) Encouraging consultation between labour and management in the workplace for better employment relations and productivity improvement;
- (F) Complying with international obligations and giving effect to the Constitution; and
- (G) For related matters.⁶⁰

222. Part 9 s74 (b) of the ER Promulgation states that:

'ensuring equal rates of remuneration for work of equal value for all workers'

- s76 (3) states that:

-

"The Minister may direct the Board to develop a policy to prevent sexual harassment in workplaces."

⁶⁰ Employment Relations Promulgation (2007) – (Promulgation No. 36 of 2007)

- s78 further states that:

*“An employer must **not** refuse or omit to offer or afford a person the same rates of remuneration as are made available for persons of the or substantially similar qualifications employed in the same or substantially similar circumstances on work of that description for any reason including the gender of that person.”*

223. It prohibits discrimination on grounds of ethnicity, colour, gender, religion, political opinion, national extraction, sexual orientation, age, social origin, marital status, pregnancy, family responsibilities, state of health, including real or perceived HIV status, trade union membership or activity or disability in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relations.

224. **Part 20 of the Employment Relations Promulgation 2007** outlines the various institutions which include:

- a) Division 1 – the Mediation Services
- b) Division 2 – Employment Relations Tribunal;
- c) Division 3 – Employment Relations Court. Even though the Promulgation is effective now, these institutions will be operational from 1st September 2008.

225. On 28 March 2008 Cabinet approved the National Policy on Sexual Harassment in the Workplace and it came into effect on 2 April 2008. It is envisaged that this policy will provide the platform for employers to develop their respective SH policy.

Women in Paid Employment

226. Women’s composition in the labour force has dropped from 40% in the 1996 Census to 31% in the 2004/05 Labour Force Survey (LFS). This significant reduction could be attributed to the closure of some the bigger garment factories after the events of May 2000. However, the 2004/05 LFS revealed that there were an increasing number of females in self employment from 13.5% in 1996 to 24% in 2005. ⁶¹

Formal Sector

227. Men and women contribute to the overall economic development of the nation; however their contribution is usually seen through their labour force participation in the formal sector. 194,000 people or 43% of the labour force are estimated to be in paid or formal sector employment. Females comprised 27% of those who are wage earners and 37% are in the salary earner category. ⁶²

⁶¹ Narsey (2007)

⁶² Narsey (2007) – p 11

228. Apparently, cultural and traditional attitudes towards women's role in social and economic development limit their participation in formal employment. The labour force participation rate for males and females had a marginal increase from 55 per cent in 1986 to 59 per cent in 1996. Whilst the participation rate for men decreased, the participation rate for women increased by a massive 90 per cent.⁶³

Table 11 Labour Force participation rates, 1986 & 1996

	1996	1986	Change 1986-1996
Total Fijians	63.99	56.87	7.1
Fijian males	78.92	85.55	-6.6
Fijian Females	48.90	27.79	21.1
Total Fiji Indians	54.84	52.10	2.7
Fiji Indian males	80.48	86.20	-5.7
Fiji Indian females	28.69	17.93	10.7
Total population			
Total males	79.15	85.43	-6.2
Total females	39.37	23.33	16.0
Total all	59.44	54.57	4.8

Source: Chandra & Lewai, (2005)

229. According to a survey in 2006, only 109 thousand females are in the formal labour force and 121 thousand are doing household work. The latter is not shown in the national statistics as their work is considered as 'economically inactive' because it is in the household and is unpaid. The findings indicate that if those on full time household work were included, then fully 56% of females would be considered to be economically active.⁶⁴

Distribution by Main Industry Group

230. While women make up 31% of those categorised as economically active, they are quite under represented in some industrial groups as outlined in the table below.

⁶³ Fiji Island Bureau of Statistics, 1989 & 19996

⁶⁴ Narsey, (2007) – p 154

Table 12 Distribution of Economically Active 2006-2007 by Industry Grouping & Gender

Industrial group	F	M	Total	%Female
Agriculture, Fisheries & Forests	20,491	69,810	90,301	23
Mining & Quarrying	176	3,291	3,467	5
Manufacturing	16,056	30,782	46,839	34
Electricity & Water	167	2552	2,719	6
Construction	617	17,016	17,634	4
Hotel, Retail & Restaurants	31,817	41,240	73,057	44
Transport, Store & Communication	2,888	20,218	23,106	12
Finance, Real Estate, Business	3,726	7118	10,844	34
Comm. Social & Personal Services	26,695	36,038	62,733	43
	102,632	228,067	330,699	31

Source: Gender Issues in Employment & Underemployment and Incomes in Fiji

231. As evident in the above table, more women are employed in the hotel, retail and restaurants industry followed by the Commercial, social and personal services; Manufacturing and Finance, real estate and business.

Civil Service employment

232. Government is the biggest employer in Fiji. The size of the public service increased from 10,000 in 1971 to 25,888 in 2005 accounting for a large proportion of total paid employment.⁶⁵ The higher number of women is a reflection of those employed in teaching, nursing, dental, clerical and related occupational groups.

⁶⁵ Government of Fiji: SEEDS (2007) – p79

233. Despite the increase in the number of educated and professional women in the civil service, women continue to be associated with social welfare, care giving and service oriented activities.

Table 13 Occupational Group Analysis by Gender 2003 – 2004

Occupational group	2003		2004	
	M	F	M	F
Accounting & Audit	134	111	142	119
Chief Executive Officers			18	3
Dental Officers	84	91	80	92
Education	3895	4520	3892	4429
Engineering & Associate Professional	70		66	1
Engineering & Support	360	19	371	23
President	2		2	
Ministers/Parliamentarians	93	8	90	8
Health	201	200	203	194
Archives & Library	13	36	14	35
Information Technology	37	22	40	23
Judges & Magistrates	24	5	25	7
Environment, Surveyors, Planners & Valuers	38	13	39	15
Legal	32	26	31	26
Medical Officers	213	123	192	110
Aid de Camp	1	-	2	0

Nursing	97	1525	115	1659
Pharmacy	27	32	23	30
Police	1663	180	1787	288
Prison	422	25	422	28
Agriculture, Fisheries & Forests	396	46	388	52
Chairman	2	0	2	0
Science & Research	46	17	40	17
Supplies & Stores	134	6	136	7
Services & Support	1047	1477	1046	1513
Scientific Support	240	53	230	48
General Technical & Hydrography	154	61	154	59
Senior Executive	150	30	123	25
Veterinary	1	3		2
Total	9577	8629	9673	8813

Source: Civil Lists 2003 – 2004

234. As outlined in the above table, men still dominate in areas of engineering and technical profession whereas women continue to outnumber men in education, nursing and support services. Although there is an Equal Employment Opportunity policy in the Public Service Commission, it has made little impact on the representation of women within the top four levels of the Civil Service.

Equal Pay for Equal Value of Work

235. **Part 2** of the Employment Relations Promulgation 2007 articulates the fundamental principles and rights at work. This part provides for fair labour practices for all persons and prohibits forced labour. Subsection (4) of section 6 states:

“Every employer shall pay male and female workers equal remuneration for work of equal value.”

236. Government is expected to examine the incomes gender gap findings with a view to encouraging the restructuring of public sector income policies so that females' pay scales across industries and occupations commensurate with male pay scales for work of equal value.⁶⁶

Wages Councils

237. As part of the Employment Relations Promulgation, 2007 the Government has put in place ten Wages Councils to oversee the implementation of the ERP and its regulations.

Women and Trade Unions

238. Those women who are employed in the formal sector are at liberty to join trade unions relative to the employment sector they are working in. However, it must be noted that men dominate leadership positions in these trade unions whilst women are always actively involved with the Women's wing.

Disabled Women

239. The rights of a disabled person who is working are guaranteed in the Employment Relations Promulgation 2007 and subsection (2) of section 6 provides:

“No person shall discriminate against any worker or prospective worker on the grounds of ethnicity, colour, gender, religion, political opinion, national extraction sexual orientation, age, social origin, marital status, pregnancy, family responsibilities, state of health including real or perceived HIV status, trade union membership or activity, or disability in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship.”

National Policy on Sexual Harassment in the Workplace 2008 (L/N No. 56 of 2008)

240. Sexual harassment • is a form of discrimination and a gross violation of a person's human rights and human dignity; and• can occur at two levels-

- (i) in relationships of unequal power or authority, as in staff/student and supervisor/subordinate relationships; and
- (ii) between peers or co workers (e.g. worker/worker), i.e. colleagues.

241. Sexual harassment is a significant issue for all workplaces in Fiji including schools because of its negative impact on work culture and workforce which impedes progress and development. To address this issue, Government introduced the new National Policy on Sexual Harassment in the Workplace in April, 2008. The policy was developed in consultations with the tripartite social partners and other stakeholders through the former Labour Advisory Board and the new Employment Relations Advisory Board.⁶⁷

⁶⁶ Narsey (2005)

⁶⁷ Ministry of Labour (2008) – submission to State CEDAW report.

242. **By definition**⁶⁸, Sexual harassment is any form of offensive sexual attention that is uninvited and unwelcomed. It does not need to be a series of incidents or even an ongoing pattern of behaviour. *One single act can constitute harassment.*

243. It is important to note that while the majority of complainants are females, males are also victims of sexual harassment in the workplace. A victim of sexual harassment in the workplace can seek redress through any one of the following legislative regimes:

- (i) The Human Rights Commission Act 1999;
- (ii) Section 154 of the Penal Code; and
- (iii) The personal grievance procedure or as an employment dispute under the Employment Relations Promulgation 2007.

It is important to note that the worker must choose whether to bring the complaint under the Human Rights Commission Act or the Employment Relations Promulgation, as he / she cannot proceed under both.

National Code of Practice for HIV and AIDS in the Workplace 2008 (L/N No. 57/08)

244. The Code of Practice is designed to advise employers and workers of acceptable preventative action for averting occupational deaths, injuries and diseases from HIV and AIDS in the workplace, whilst respecting the fundamental principles and rights at work. The Code of Practice was developed in consultations with the tripartite social partners and other stakeholders through the former Labour Advisory Board and the new Employment Relations Advisory Board.

245. The objective of this code is to provide set of guidelines to both employers and workers to address and prevent HIV and AIDS in the workplace in accordance with the Healthy and Safety at Work Act, 1996 and the Employment Relations Promulgations 2007. the guidelines cover the following areas :

- a) Prevention of HIV and AIDS;
- b) Minimisation of the risk of infection resulting from work related exposure to HIV;
- c) Management and mitigation of the impact of HIV and AIDS in workplaces;
- d) Care and support of workers infected and affected by HIV and AIDS;
- e) Elimination of stigma and discrimination on the basis of real or perceived HIV status;
- f) To assist workplaces to respond appropriately and effectively to HIV and AIDS related workplace incidents.

⁶⁸ ERP 2008; *Sexual Harassment is defined in the HRC Act in Section 17 (2).*

Informal Sector

246. Informal sector activities are characteristically small scale operations, labour intensive, dependent on local resources, use a low level of technology, household based, family owned and family labour, providing self employment with or without wages, unregistered, unregulated with little capital investment and often lack institutional support. Women's work in the subsistence sectors is not given formal recognition and therefore strategies for the protection and development of women through skills training and poverty alleviation and programmes to enhance women's chances for participation in development would bring about a future that is less marred by gender biases and more respectful of human rights.

247. A recent survey of 150 informal activities in urban Fiji undertaken in 2005 showed that 28% of women and 72% of men were engaged in informal activities in urban areas.⁶⁹ In addition the HIES data in 2003 showed that many women in urban areas were engaged in activities without cash.

Household Work

248. In 2005 a study on Gender Issues in Employment, Underemployment and Incomes in Fiji based on the 2004 – 2005 Employment and Unemployment Survey (EUS) which for the first time in a Bureau survey on employment had included data on 'household chores' in the questionnaire. EUS asked questions on the number of hours worked on household chores over the previous 7 days: cooking, washing clothes, cleaning the compound, minding children and other general chores. Data shows a gross imbalance with Females performing far more hours of household chores than Males.

Table 14 Average Total Hours Spent on All Household Chores

All chores	Average Weighted Hours			Differences (Female-Male)	
	F	M	All	F	M
Usual Activity				Hours	%
A Wage Earner	24	8	12	16	191
B Salary Earner	22	10	14	13	134
C Employer	21	7	10	14	196
D Self Employed	35	11	17	24	219
E Family Worker	35	14	25	21	156

⁶⁹ Reddy, Naidu and Mohanty cited in Chandra & Lewai (2005) – p 95

F Community Worker	35	13	30	22	162
H Retired Pensioner	17	9	12	8	98
I Handicapped	2	4	3	-2	-58
K Not looking for work	31	5	14	26	489
L Full Time Household Duties	40	30	40	10	32
N Full Time Student	5	2	4	2	89
T NAS/School Age	0	1	1	0	-40
U Unemployed/Looking	24	9	15	16	180
V Unemployed/Stopped looking	22	5	15	17	305
All	22	7	14	15	230

Source: FIBS (2007) EUS Report 2004/2005

249. According to the above table Female Salary earners and employers worked 24 and 21 hours respectively as opposed to their Male counterparts with 8 and 10 hours. For those in self employed, family employed and community workers Females worked 35 hours as opposed to their male counterparts who work 11, 14 and 13 hours respectively. It is obvious that Females continue to dominate household work irrespective of their economic and professional status. For those on Full time household duties, females work an average of 40 hours compared to males who work 30 hours. In addition, Narsey (2005) found that in one of the traditional labour market analysis that the category 'Economically Active' typically does not include household work: full time household workers are included as part of 'Economically Inactive.'

Maternity Provisions

250. Women who are in paid employment either in the public or private sectors are now able to take maternity leave with pay. **Part 11 - Maternity Leave** s101 (2) of the Employment Relations Promulgation 2007 states that:

“A woman is entitled to paid maternity leave as follows –

- (a) *for the first 3 births, to the normal remuneration she would have received as if she had been at work; and*
- (b) *for the 4th and subsequent births, to half the normal remuneration she would have received as if she had been at work.”*

251. For the first time, women and men who are employed as domestic workers are now entitled to paid annual leave, public holiday pay, sick leave and bereavement leave. Those women who are expected to give birth will go on maternity leave and will receive their pay within the provisions of the Employment Relations Promulgation 2007 during their maternity leave.

Social Security

252. There is no provision for unemployment benefits or allowances for the retired and the elderly; however, those who are in paid employment are required to contribute to the Fiji National Provident Fund (FNPF) where the employer meets an 8% deduction from the employee's wages and salary.

253. In August, 1998 Parliament passed important amendments to the FNPF Act which provided major changes to the FNPF pension scheme. FNPF introduced these changes to the Pension Scheme in 1999 specifically designed for members. The scheme provides a monthly payment for life to the member who chooses to take a pension when he/she retires. Furthermore, the member may apply for withdrawal upon attaining the age of 55 years where they receive a certain percentage as lump sum payment and the balance as their monthly pensions. Pension is compulsory; however the type of pension a member chooses is optional. There are six Options available to the member:

- i. Option One – Life Pension one entails the member being the lone pensioner and the pension ceases upon the death of the member.
- ii. Option Two – Joint Pension is for the member and his/her spouse. In this instance the spouse receives the pension when the member dies.
- iii. Option Three – Part Lump Sum, Part Life
- iv. Option Four – Part Lump Sum, Part Joint;
- v. Option Five – Part Lump, Part Life, Part Joint. This option provides the member with the opportunity to enjoy all the opportunity to enjoy all the options previously stated. The member will be able to receive a lump sum payment and the remaining balance as a life and joint pension. During his/her lifetime the member will be receiving two pensions, upon the members' death the life pension will cease and the joint pension will be transferred to the spouse who will be receiving the pension during his/her lifetime;
- vi. Option Six – Full Lump Sum. This option allows the member to ask for a Lump sum payment which entails giving him/her all the balance of his/her account at the time of withdrawal which is paid to him/her in one cheque.

254. Prior to 1999 all those women who were married after 1975 were able to withdraw all their savings with FNPF and even though they rejoined the Fund, they were not eligible for pension. The

new changes have allowed women to qualify for pension even if they had withdrawn on grounds of marriage and rejoined on or before June 30 1999.

255. There is also a Voluntary Scheme under the Fiji National Provident Fund where men and women can register and make voluntary contributions every month. They also benefit from the interest and other benefits under the Fund once they meet the criteria for assistance.

Training

256. The Training and Productivity Authority of Fiji (TPAF) also provide professional training for adults who would like to pursue up skilling and capacity building in specific areas and fields of study. Courses offered are normally short term and most are evening classes to facilitate the programme for those who are working and are not able to take time off to attend classes. Training data is not available.

In Service Training

257. Working women are also eligible to apply to undertake further studies either on full time or part time basis. Those who work in the civil service are also eligible to apply for scholarship under the Government In-service training programme.

Article 12 Health

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Introduction

258. The right to health is a basic human right as articulated in Article 25(1) of the Universal Declaration for Human Rights:

Everyone has the right to a standard of living adequate for the health and well being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or lack of livelihood in circumstances beyond his control.

259. Fiji has a well developed and comprehensive health system with services accessible to both men and women throughout the nation. However despite efforts to improve health outcomes, a review of health indicators suggests that Fiji lags behind in achieving MDG. The base structure of

the health system consists of three Divisions, namely Central/Eastern, Western and Northern. Each Division has a central referral hospital. There are 3 Divisional hospitals, 3 specialised hospitals, 16 Sub-divisional hospitals, 3 area hospitals, 1 private hospital, 76 Health centres, 101 nursing stations and 3 Old people's homes. Around 300 village health workers operate at community level. Women have equal access to health care system as men.

260. The Ministry of Health is undergoing a reform with the vision of *“A strengthened health structure supporting a well financed health care delivery system that fosters good health and well being”* and the mission is *‘to provide quality health services for the people of Fiji.’*

Staff: Patient ratio

261. The staff establishment is 3, 296 out of which 405 are medical and 1, 825 are nursing positions. The doctor population ratio is 1:2300 and nurse patient ratio is 1:500. With the migration and resignations of doctors and nurses there is always shortage of health professionals. In 1998 the Ministry of Health introduced the Nurse Practitioner programme to address the doctor shortage in Fiji particularly in rural areas. The thirteen month programme entailed clinical and basic physician practice. These practitioners usually work in rural areas where there are no qualified doctors. Its overall aim is to improve rural health service delivery.

Health Indicators

262. The major causes of female morbidity are genitourinary, respiratory diseases, infectious and parasitic diseases, circulatory diseases, neoplasms, injury and poisoning. The major causes of female mortality are genitourinary diseases, endocrine, nutritional and metabolic diseases, injury and poisoning, neoplasm, infectious and parasitic diseases.

Table 15 Vital Health Statistics 2004 - 2006

	2004	2005	2006
Population	848647	849361	868488
Women (15-44)	167810	183295	186803
Total Live Birth	17714	17826	18394
Crude Birth rate (per 1000 pop)	20.87	20.99	21
Crude death rate	6.63	7.02	7.1
Rate of natural increase	1.42%	1.4%	1.4%
Infant mortality rate(per 1000 live births)	17.84	20.76	19.5
Peri-natal mortality rate	19.3	22.5	19.4
Neonatal mortality rate	10.5	15.37	11.3

Post neonatal mortality rate	7.79	5.39	8.2
Under five mortality	22.52	25.81	25.8
Maternal mortality ratio	33.87	50.49	43.5
Gross fertility rate/1000 CBA	105.56	97.25	96.9
Family Planning Protection	45.92	42.48	49.1

Source: Ministry of Health (2006)

263. Maternal mortality rate is 50.49 per 100,000 live births in year 2005. The maternal mortality rate is high compared to advanced countries but much better than other countries in the region. Due to low population, a single death can show a high maternal mortality rate. However, there is an encouraging achievement in the outcome where the maternal mortality ratio is generally low indicating good prenatal and postnatal care for mothers and the fact that 99% of deliveries are handled by trained health care providers.⁷⁰

264. The major causes of death under 5 years are certain conditions originating in prenatal period (68.38%), Infectious and Parasitic diseases (10.27%), Respiratory diseases (6.22%), congenital malformation, Deformation and Chromosomal abnormalities (5.41%) and Circulatory disease (3.51%). Although statistics on infant mortality on sex basis is not available, there may not be much difference between male and female deaths.

265. Life expectancy in 2001 from Bureau of Statistics for Fijians is 65.4 yrs, male Fijians 63.8 yrs and female Fijians 66.8 years. Life expectancy for Indians is 65.4 years, male Indians are 63.7 years and female Indians is 68.8 years. Fiji exceeded the WHO standard of a life expectancy of not less than 60 years in 2000.

266. As evident in Table 15 Crude birth rate is 20.99/1000 population and crude death rate is 7.02/1000 in 2005 and figures for men and women separately are not available. The annual number of live births has remained at approximately 17,000 over the past five years and for year 2005 there were 17,826 live births or 20.99 births per 1000 population. 97.2% of the total live births were delivered in hospitals while only 1.7% was attended by district nurses, despite geographical difficulties of bringing women into the major centers for delivery. Traditional birth attendants attended to 1.1% of the total live births in year 2005. The birth rate of Fijians of 26.92 per 1000 live births is considerably higher than the birth rate of 13.57 per 1000 live births for Indians in 2005.⁷¹

⁷⁰ MOH (2006) – p 43

⁷¹ MOH (2006) – p

Major health problems

267. As part of Government's intervention to reduce anaemia in pregnant women, amongst others, the Ministry of Health introduced flour fortification in 2004. These interventions resulted in the reduction of anaemic cases by 2006. Apart from those interventions, all mothers attending antenatal clinics are provided with iron and Folic acid supplements.

Non Communicable Diseases

268. Lifestyle diseases are also a major health concern. In the past three years, diabetes was very common among both men and women.

Table 16 Top Ten causes of Morbidity and Mortality

Morbidity		Mortality		
No.	Cause	%	Cause	%
1	Injury	5.2	Diabetes Mellitus	13.7
2	Influenza & Pneumonia	4.4	Other forms of heart disease	11.7
3	Intestinal infectious disease	3.6	Ischaemic heart disease	10.6
4	Infection of skin and subcutaneous tissues	3.1	Hypertension	8.4
5	Ischaemic heart disease	2.4	Septicaemia	6.1
6	Other conditions originating in the perinatal period	2.4	Cerebrovascular disease	5.8
7	Chronic lower respiratory disease	2.1	Other conditions originating in the perinatal period	3.1
8	Other forms of heart disease		Chronic lower respiratory disease	3.0
8	Hypertension	1.4	Renal failure	2.8
9	Diabetes mellitus	1.3	Influenza & pneumonia	2.5
10	Cerebrovascular disease	1.6	Neoplasm of female genital organs	2.0

Source: Ministry of Health (2006)

Reproductive Health

269. All health centres and nursing stations provide antenatal, post-natal services, family planning services and immunization and growth checkups for children. There are no separate clinics for women except for Oxfam Clinic which is a well women's clinic. All these services are provided free of cost.

Women are encouraged to attend health facilities for antenatal and postnatal checkups, attend family planning clinics, have pap smears and breast examinations. Medical care is free of charge. UNFPA supports the training programmes on Reproductive Health.

270. The messages regarding women's health are conveyed through health awareness programmes conducted in the community by Ministry of Health as well as other Civil Society Organizations and by the media.

Safe motherhood

271. The 'Baby Friendly' Hospital initiative has been established in Fiji and 15 out of the 19 subdivisions are already declared baby friendly and the remaining 4 are going to be declared before the end of the year, 2008. The Ministry of Health in conjunction with its NGO partners and civil society organizations are targeting to achieve Baby friendly hospitals throughout Fiji. The concept entails the exclusive breastfeeding of babies from birth until they are six months old.

272. Women have access to professional maternal and midwifery services throughout the nation. However, for those in remote villages and settlements, they are required to travel to the main health centres and hospitals well before they are due for delivery.

273. Trainings on emergency obstetric care are conducted to improve the obstetric care. Integrated Management on Childhood Illnesses (IMCI) trainings have been conducted at Divisional and Sub divisional level to improve the health standards of children.

Family Planning & Contraception

274. Contraceptive services have been available for more than 40 years through the Ministry of Health as well as Civil Society Organizations. All services at ministry are free of charge. The emphasis is on the benefits of spacing and women take the major responsibility of using contraceptives. Vasectomy is the least popular choice and with awareness programmes slowly few men are opting for vasectomy. RH and EPI project officers are appointed at divisional level to improve the services. Family planning is purely on voluntary basis and there are no legal or cultural barriers for women in accessing contraceptives. However women at times mention that they cannot use contraceptives as their partners object to it.

275. Although it is the individual's right to have tubal ligation (TL) or vasectomy, still the partner's consent is obtained before TL or vasectomy to avoid unnecessary problems later. The contraceptive prevalence rate was 42.48% in 2005.

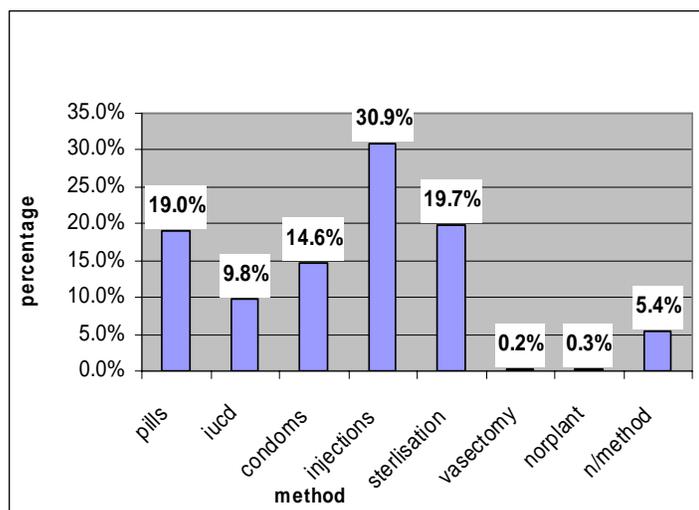
- Pills 19.3%
- IUCD 11.0%
- Condoms 16.2%
- Injectables 16.2%

- Tubal ligation 24.1%
- Vasectomy 0.25%
- Implants 0.45%
- Natural 6.2%

276. Teenage pregnancies are on an increasing trend and 22 were under 15 years and 1336 were in 15-19 age group in year 2005. ECPs are provided since 2000 and peer educators at ARH centers counsel the youth on RH issues.

277. Women and men can access family planning advice and services through Health Centres and Nursing Stations throughout the nation. In 2006, the most common method of family planning was injection and the least common was vasectomy. The table below outlines the various family planning methods which were used in 2006.

Figure 2 Family Planning by Method (%)



278. Abortion is illegal in Fiji and only done if the health of the mother is at risk. Although illegal, some women who want an abortion seek assistance from either professional gynecologists or from unqualified people who use traditional and high risk methods. Prenatal test for determining the sex of baby is not practiced in Fiji.

Cancer

279. Fiji has a high incidence of cancer of the cervix and breast. Together with other cancers of the reproductive organs, they make up almost 40% of all cancers in the country. The incidence of cancer is much higher in Fijians than in Indians. More than 600 nurses have been trained since 2000 on Family Planning, Pap Smears and Breast examination to improve the contraceptive services and detect cervical and breast cancers in the precancerous stages. Mammograms are conducted at CWM Hospital.

280. Health awareness programmes are conducted by Ministry of Health as well as Civil Society Organizations.

Sexually Transmitted Infections

281. Fiji continues to have a high incidence of common STIs like Syphilis and Gonorrhoea. This is a concern because it reflects the level of high risk sexual behaviour that still exists in the community. STIs are mostly in the 20-29 years age group and more in Fijians than Indians with more teenagers attending STI clinics which are a worrying trend. For STI, syndromic management is followed at all Health Centres. Subdivisional and divisional hospitals follow syndromic management and then conduct laboratory tests also.

HIV and AIDS

282. Based on the WHO/UNAIDS classification, Fiji is still a low HIV prevalent country but this could change overnight if we become complacent and do not respond to the epidemic faster than in the past. Fiji has a cumulative figure of 249 HIV positive cases (1989 – June, 2007). This reflects only the confirmed Laboratory HIV testing and it is likely that this may be under reported due to a number of factors like insufficient surveillance and the reluctance of people to undergo tests for fear of stigma and discrimination.⁷² Fiji has passed the slow burning stage of the disease and is currently in the explosive proliferation stage.⁷³ Amongst those infected, Fijians comprise 81%, Indo Fijians 13% and Others 6%⁷⁴

283. Women comprise 43% of total infection with heterosexual being the main mode of transmission. Women are at greater risk of infection because of their lack of control over their partners' behaviour as well as limited opportunity to protect themselves from infection. Another major drawback is that women are discriminated against and stigmatised for their perceived 'behaviour.' Men on the other hand are usually excused for the same type of behaviour.

284. Mother to child transmission is also another concern. This is being addressed through HIV testing in ante-natal clinics with voluntary counselling and early treatment for those HIV positive pregnant mothers. In 2007 there were 13 known cases of HIV positive women who were pregnant. Seven of the ten of known cases transmitted the disease to their children, four were lost to follow up and two babies were born HIV negative. Eight of these cases have occurred since 1999.⁷⁵

285. Since 2003, the National Advisory Committee on AIDS (NACA) had implemented the following programmes:

- Preventing people becoming infected with HIV including young people through:

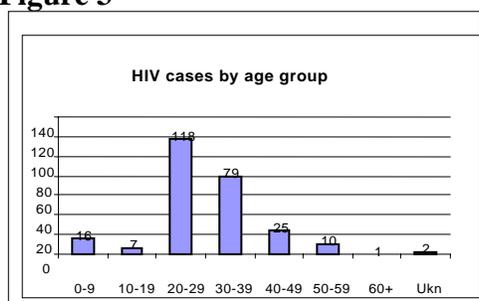
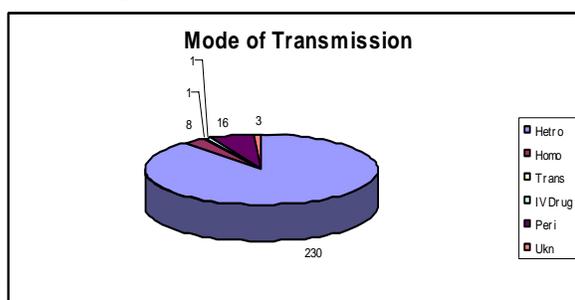
⁷² MOH (2007) – p 8

⁷³ SEEDS (2007) – p 29

⁷⁴ MOH Fiji National HIV/AIDS Strategic Plan 2007 – 2011 p14

⁷⁵ YOUANDAIDS website – <http://www.youandaids.org/AsiaPacific>

- Strengthened integrated Health Promotion Strategies and approaches in partnership with NGOs, CBOs and line Ministries in Government;
- Establishment of 12 ARH (Adolescent Reproductive Health) centres throughout the country targeting young people;
- Rolled out peer education and life skills programme in schools and youth groups;
- Advocacy to Cabinet and Fijian institutions: Bose Levu Vakaturaga (Great Council of Chiefs), Methodist Conference, Fijian Affairs Board, Ministry of Fijian Affairs, Provincial Councils;
- Condom promotion and distribution, including social marketing initiatives;
- Community and workplace education initiatives by Government, NGOs and CBOs;
- Few Voluntary Confidential Counselling and Testing (VCCT) centres for public access etc.
- People Living with AIDS:
 - Establishment of PLWHA support groups in the main centres of Suva (FJN+), Lautoka and Labasa in 2004;
 - Networking for the continuum of care for PLWHA;
 - PLWHA work with Ministry of Health.

Figure 3**Figure 4**

- Voluntary Confidential Counselling and Testing centres were set in Ministry of Health Ante Natal Clinics;
- Clinical Management and Treatment of HIV and AIDS through piloting of ARV treatment in Suva and extended to Lautoka and Labasa. The new PMTCT policy was also formulated.
- Human Rights and HIV- The Ministry of Health was able to review the existing Acts that have HIV implications and was also able to incorporate HIV issues into the Prisons Act. HIV and AIDS are now added to the schedule of notifiable diseases.

Co-ordinating the Multi sectoral response

286. Government was able to increase funding and revitalise NACA with continued collaboration with partners and stakeholders on the implementation of the national HIV and AIDS strategies. Besides, NACA was also able to review the HIV and AIDS Strategic Plan framework and align itself to the UNAIDS 'Three Ones' concept. The new National HIV and AIDS Strategic Plan (2007 – 2011)

has five priority areas which address the realities of sexual behaviour in Fiji and the evolving epidemic of HIV and AIDS and other Sexually Transmitted Infections (STIs).

- Priority Area 1 – Prevention of HIV Infection;
- Priority Area 2 – Clinical management of HIV and AIDS;
- Priority Area 3 – Continuum of care for People living with or are affected by HIV;
- Priority Area 4 – Research, Surveillance and Monitoring & Evaluation and
- Priority Area 5 – Co-ordination and Good Governance.

287. Anti Retroviral Treatment (ART) to People Living With HIV/AIDS (PLWHA) was introduced in 2003 using international criteria, guidelines and standards. In addition, HIV counselling and testing is available at all divisional hospitals and at most of the subdivisinal hospitals. All Health Centres and Nursing Stations have to send the clients to subdivisinal or divisional hospitals. There is a plan by the Ministry of Health to provide VCCT at Health Centres and NS level. HIV testing is also done at Fiji Military Forces, Suva Private Hospital, Waimanu Medical Centre, Namaka Medical Centre, AIDS task force and Marie Stopes' International Fiji.

288. In a nutshell, the national responses to this epidemic are:

- Prevention – raising awareness about HIV and AIDS amongst the general population. For young people through the Adolescent Health Development programmes; counselling and testing antenatal mothers throughout the nation.
- Treatment ;
- Care and support to PLWHA and their families
- Knowledge and behaviour change;
- Impact – Current health indicators show that HIV prevention has really not made any impact on rates of HIV infections and STI rates. This could be attributed to the fact that sexuality is not a subject that is normally discussed in families. Here is a challenge for parents for they can contribute by openly discussing the issue within families.⁷⁶

289. MDG 6 is to combat HIV and AIDS and other diseases such as tuberculosis. The progress against some of the indicators for this is outlined in the following table.

Table 17 MDG Goal 6 HIV and AIDS

Target	Indicator	1990 baseline	Status of progress				2015
			1995	2000	2002	2006	Target
Have halted by 2015 and begin to reverse the	HIV prevalence amongst 15-24 year old pregnant	0.00%	0.01%	0.01%	0.01%	0.04%	0.00%

⁷⁶ MOH, UNGASS 2008 County Progress Report, Fiji

spread of HIV and AIDS	women						
	Contraceptive prevalence rate	31%	38%	44%	35%	49%	Increase
Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases	Prevalence of tuberculosis per 100,000	n.a.	21.1% (1997)	18.00%	22.00%	13.7%	Reduce
	Death rate of TB per 100,000	n.a.	0.37% (1997)	0.37%	0.73% (2001)		Reduce

Source: SEEDS 2008 – 2010

Mental Health

290. The Mental Health Treatment Act (Cap) provides the legal and regulatory framework for mental health treatment in Fiji. In essence the legislation restricts the scope of operation of the only mental institution in Fiji, the St. Giles hospital in Suva to treating mental illness.⁷⁷ The Act does not provide rehabilitation and other preventative measures to mitigate and reduce the incidence of mental illness. The legislation is currently under review by the Fiji Law Reform Commission. There is a need to address rehabilitation and reintegration following hospital treatment as well as advancements in treatment in the past 30 years. The Fiji Law Reform Commission is aware of the need for a paradigm shift in the legal framework.

‘The review is obviously needed as there are stringent demands that a new legislation ought to take into account the emergence of more sophisticated systems of patient advocacy and the increasingly complex medico-legal demands of clinical practice’ (Fiji Law Reform Commission).⁷⁸

291. Mental illness is highly stigmatized in Fiji. In Fiji, mental health care is part of primary health care but actual meaningful treatment of serious mental disorders is not readily available. Mental health is a concern with the increasing number of patients admitted to St Giles Psychiatric Hospital, the only mental institution in the country.

⁷⁷ Pers. Dr Narayan, Medical Superintendent interview on 13/8/08

⁷⁸ Cited in FHRC Report, May 2008

292. Women are exposed to greater risk factors associated with mental illnesses such as anxiety, depression, and other complaints. Other factors such as discrimination, abandonment and ostracism of women due to low morale and ‘*unacceptable wayward*’ behaviour, poverty and insecurity of women are important environmental factors which contribute to poor mental health.⁷⁹ Such state of health inhibits women from contributing effectively to the well being of their families and puts them in a very vulnerable position.

293. There is also lack of sufficiently qualified doctors and as part of capacity building for staff, the post basic nursing certificate training in mental health was introduced at the Fiji School of Nursing in 2006. In addition, two doctors returned with Masters Degree and one nurse (the first in Fiji) graduated with Masters in Nursing Practice (Mental Health) and in 2007 12 nurses graduated with postgraduate certificates in mental health nursing, counselling diploma for staff and 7 undertook the psychological Health Assessment module through POLHN Centre. St Giles now has the Patient Information System (PATIS).⁸⁰ Mental health services have been improved by the community psychiatric nursing (cpn) services in the 3 divisions. These nurses are supported by mental health project officers have helped take mental health services closer to the community.

Health Outcomes

294. In its annual report for 2007 the Ministry of Health indicated that the seven health outcomes have been maintained and to be achieved by 2011 are:

- a) Reduced burden on Non Communicable Diseases. NCDs will continue to have the greatest impact on health resources and consequent reflection on morbidity and mortality. It is envisaged that the implementation of the NCD Strategic Plan should see some impact soon.
- b) Reverse the spread of HIV and AIDS and preventing, controlling or eliminating other communicable diseases. The rate of tuberculosis have declined with 80 new cases recorded in 2007 compared to 114 in 2006. HIV/AIDS low prevalence remained with 23 new cases in 2007 compared to 36 in 2006. The HIV prevalence amongst 15 – 24 year olds pregnant women is also low with 0.8 in 2006 and 0.7 in 2007.
- c) Improved family health and reduced maternal morbidity and mortality. Maternal mortality is fairly low 31.1 in 2007 compared to 41 in 1990. The Midwives Birthing Centre initiatives by CWMH midwives and the establishment of peri Ante Natal Clinics in the Suva area are most encouraging in support of maternal and child health.
- d) Improved child health and child morbidity and mortality. Immunisation coverage has been very good except for measles which is slowly increasing; however there was no outbreak in 2007. The infant mortality rate is improving and is anticipated that this MDG indicator will be achieved in 2015. The first ever Immunisation week at CWMH was launched in 2007.
- e) Improved adolescent health and reduced adolescent morbidity. The number of suicides and attempted suicides in teenagers has been low. There were less than 50 in the last

⁷⁹ Chandra & Lewai (2005) – p 58 emphasis added.

⁸⁰ MOH Annual Report (2007) – p 32

two years. The rate of teenage pregnancy was 8.1 in 2006 and 8.5 in 2007, most of these are unplanned.

- f) Improved mental health care;
- g) Improved environmental health through safe water and sanitation.⁸¹

295. Access to health care services is still a major concern particularly in geographically remote villages and settlements throughout Fiji. In most cases rural and outer island services lack funding for essential medical supplies and maintenance of facilities because central hospitals and overseas referrals tend to absorb most of the available resources. With poor facilities and difficult transportation and communication, many women in rural areas and outer islands are isolated from maternal and infant health services. In addition nurses and village health assistants often work in difficult circumstances and poor conditions and inadequate health supplies. It would be prudent therefore to consider upgrading some Nursing Stations to Health Centres to accommodate a doctor who will be responsible for overall care and administration of health services within that locality. This will bring health services and care closer to the people including women and children.

Article 13 *Social and Economic Benefits*

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Introduction

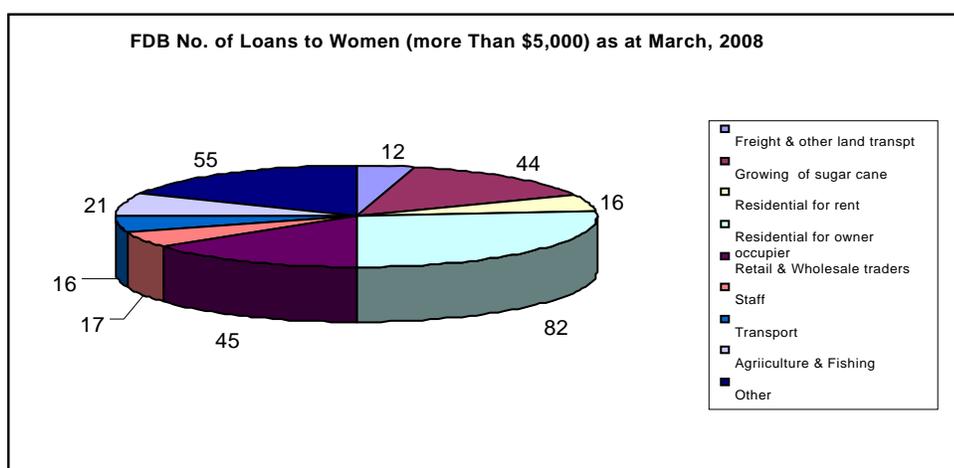
296. Fiji is a multi cultural society. Each ethnic group has its own traditions and values; however there is a common thread amongst them all and that is the patriarchal system of society. This has a lot of bearing on the status of men and women. In Fijian societies, a male heir is expected to inherit the traditional title and the ensuing responsibilities. Practices are such that women can only inherit the title if there is no male survivor. A Fijian woman cannot have a share from communally owned assets but only from the family's private and personally acquired wealth.

297. Women continue to be marginalised in terms of access to credit and loans although they are eligible to access loan and credit through commercial banks, Fiji Development Bank (FDB) and other lending agencies as long as they meet the institutional criteria for such assistance. The FDB loan policy is not gender bias, one set of policy applies to both men and women. In

⁸¹ MOH Annual Report (2007) – p 32

2006 women's loan portfolio has declined slightly as corporate loans have increased by higher value. Barring real estate loans, on average loans to women are smaller in value compared to other loans. Agriculture, real estate and wholesale/retail businesses feature prominently with women. Whilst women are slowly coming into the professional arena, women possibly lag behind in entrepreneurship roles may be due to the lack of opportunities for them to participate in higher value ventures hence they predominate in micro finance undertakings. In addition weak asset position may also disqualify them from borrowing individually hence they may need to work with their partners who have control over resources. As at March, 2008, a total of 308 loan applications were approved for women. Of these, 82 which is the highest is for residential owner occupier home loans, followed by Other and retail and wholesale traders with 55 and 45 respectively.

Figure 5⁸²



298. The FDB currently offers loans to women under all its existing packages as it does not have any discrimination in its lending policies. In 2007, women clients were at 9.2 per cent with a total loan portfolio of 3.2 per cent⁸³. These approvals were for:

- Private individual (personal loans for home & vehicles);
- Wholesale, retail, hotel and restaurants and
- Transport, communication and storage sectors.

⁸² FDB Report to CEDAW Taskforce 2008

⁸³ *ibid*

Table 18 Summary of Approved FDB Loans by Gender for 2003 – 2007

Year	Women		Men		Totals		Women to total (%)		Men to total (%)	
	No.	Amount (\$)	No.	Amount (\$)	No.	Amount (\$)	No.	Amt.	No.	Amt.
2003	314	1,706,879	1,199	69,193,990	1,513	70,909,869	20.8	2.4	79.2	97.6
2004	170	1,447,079	1,084	72,015,171	1,254	73,462,250	13.6	2.0	86.4	98.0
2005	190	4,756,859	1,934	200,057,660	2,124	201,814,509	8.9	2.3	91.1	97.7
2006	196	7,569,117	1,915	178,449,023	2,111	186,018,140	9.3	4.1	90.7	95.9
2007	158	3,684,065	1,551	110,289,999	1,709	113,974,064	9.2	3.2	90.8	96.8

Source: FDB Unpublished report, 2008

299. The above table depicts a trend which shows a marked reduction in the number of approved loans for women since 2003 but a significant increase in the total amount approved. This indicates a shift in the involvement of women from small enterprises to a larger portfolio on personal loans (housing & vehicles) and other business ventures. However for the five year period, loan approvals at FDB continued to be dominated by men.

Women in Business

300. In Fiji, men dominate businesses; however women have also actively participated as business managers in corporations, partners in joint ventures, managers and leaders in their own businesses. In practice, there are many women who support and manage businesses run by their spouses, however data is not available. There are some successful women entrepreneurs and business owners who have provided employment and made extensive contribution to the economic and social development of the country.

301. The challenge is on those women who work in their own family business. They are, in most cases discriminated against in terms of having access to family benefits; membership of FNPF, leave entitlements etc.

Small and Micro enterprise development

302. The National Centre for Small and Micro Enterprise Development (NCSMED) was established in 2003 to co-ordinate all projects and matters pertaining to MFIs and SMEs. Its role is to gather and process data and information from the field and other stakeholders, to be in

the front line of action-research and to provide guidelines to the Government of Fiji on how to maximise stakeholders' interventions⁸⁴.

303. The Micro Finance Unit Pilot project from 1999 to 2003 are primarily women, they represent 85% of the total micro finance clientele. As studies have shown, women are more reliable than men in meeting their loan obligations. They are also likely to direct their additional family income in improving their living standards. The National Micro Finance Unit introduced a 'savings first' policy in 2003. The initiative automatically makes savings a pre requisite for loans. It turned out that a majority of the clients were interested in saving rather than applying for a loan.

Business Incubation Centre (BIC)

304. The National Centre for Small and Micro Enterprise Development (NCMED) had set up business incubators to help entrepreneurs start and grow successful small businesses particularly in rural areas. It provides the environment and conditions for rearing and nurturing 'infant' businesses, minimises the risk of failure of new SMEs through the provision of 'on the job' support services and promotes the development of rural based businesses and cottage industries.⁸⁵

Fiji National Provident Fund

305. The FNPF has a number of benefits for its members and amongst others, there is the Housing Scheme which allows members to withdraw part of their savings to build a house or to purchase a property. Secondly, members can also part of their savings for investment through business or financial investment. In addition, the Fiji National Provident established the Voluntary Membership scheme in 2004. The scheme targets those who do not have any regular source of income to invest in the FNPF. Voluntary members if qualified are also entitled to the benefits provided the Fund and the payment of Special Death benefits to their nominees in the event of the member's death.

Housing and Mortgages

306. In Fiji, there is no discrimination between men and women; they have the same rights to access housing loan and mortgages. A woman is at liberty to purchase a house, land (freehold, native or state lease) or property provided she has the means, the financial capacity and is able to meet the requirements of the lending institution. Such opportunities are available through the commercial banks, Home Finance Co., Fiji Development Bank and Housing Authority.

⁸⁴ Belloni (2005) – p7

⁸⁵ www.NCSMED.org.fj/rdbic - accessed on 16/6/08

Culture and Recreational Activities

307. Fiji is a diverse society comprising, the indigenous Fijians, Indo Fijians, Rotumans part Europeans and other Pacific Islanders. These various ethnic groups value their culture and tradition and women play a prominent role in maintaining such values and traditions. They possess a wealth of traditional knowledge, dances and artefacts which are passed down through their daughters, younger women and girls. For indigenous women they are involved in weaving mats and other handicrafts. Selling these handicrafts has become a source of income for rural women and also for those in the capital. Women and girls actively participate in cultural activities from family to community and national levels. There are no restrictions placed on women for their involvement and participation in cultural life. Women in Fiji are also able to participate in recreational activities of their choice, be it sports, cultural activities, art and dances both traditional and contemporary.

Article 14 Rural Women

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Introduction

308. Rural is defined as those areas not covered by Municipal authorities in urban centres; however it also includes some rural towns and townships like Levuka, Savusavu and Rakiraki. Although Government has been targeting to retard the rural urban migration, this has not been possible as the provisional 2007 Census report indicate that less than 50% of the total population now reside in rural areas.

309. However, the inclusion of women's concerns, aspirations and skills for development planning has not become a reality and it severely hinders development in Fiji. Women have the furthest to travel to catch up. Even where equality exists in theory through national laws, women are disadvantaged because in practice this equality is remiss because of institutional and social barriers and cultural beliefs.

310. Women in rural areas live in communities demarcated by distinct ethnic and cultural settings. Indigenous communities live in villages or settlements within the periphery of their own mataqali land. On the other hand, Indo Fijian families mostly live in settlements either on their own freehold land or on native lease or as farm labourers whilst other minority groups particularly Solomon Islands descendants and ni-Vanuatu live outside Fijian villages or as squatters on state land. This minority group is one of the marginalised in Fiji's society. There is a socio- economic gap between rural and urban women. Women play a very important role in the development and progress of their respective communities and the nation as a whole. They are at the forefront of raising funds for various community needs ranging from educational (for their children) to church activities and other livelihood projects. Community development for our rural communities are discussed in more details in the State 16th and 17th CERD report.

Young Women

311. One of the major concerns that have arisen is the increasing number of young women who have left their villages in search of better economic opportunities in urban centres. Anecdotal evidence indicates that in most villages mostly young women and not young men migrate to urban centres. The movement also impacts gender roles in these communities where older women are more likely to take on the added responsibility. Whilst these migrants were sending remittances, the social implications are quite obvious. There are more young men than women and these men are unlikely to find a marriage partner within their communities. The challenge in this new trend is finding out where do these young women do or where do they live once they arrive into cities and towns.

Economic Activities

Employment

312. Employment in rural areas is mostly confined to working in the social sector within the civil service, for example, teachers, doctors, nurses, weatherman etc. or employed in the provincial administration which is male dominated. Rural women, however are either self employed, engaged in micro enterprise development or work in the agriculture sector.

Women in Agriculture

313. Rural women are the major subsistence and semi subsistence agricultural producers. They grow food crops for the market where they sell their surplus produce. A survey conducted in the Sigatoka valley for the Fourth Fiji Islands Road Upgrading project found that Fijian women do more routine agricultural work than men; their workloads included subsistence cultivation and market gardening. Specific projects which target women include floriculture, bee keeping, pig farming and others. However those who would like to be assisted from this programme have to meet certain criteria.

Women in Fisheries

314. Traditionally, women in rural coastal areas and outer islands depend on fisheries and marine resources for their livelihoods. They are custodians of their traditional fishing grounds. They need training and education on the sustainability of the environment and also reduce the over exploitation of marine resources. This can only be effective if women are included in the decision making process in their communities. Women continue to be marginalised in terms of technical training for fisheries development due the stereotype attitude that only men participate in fishing activities.

Access to Credit and Microfinance Programme

315. In 2003 the National Centre for Small and Micro enterprise Development (NCSMED) was established to address the financial needs of those who are not able to access credits and loans from commercial banks and other lending institutions.

Table 19 Rural Clients of the Micro-Finance Unit 2008

	Bua	Kadavu	Ra	Ba/Nadrog a/Navosa	Macuata/ Cakaudrove	Namosi/Serua/ Naitasiri/Rewa
Total Clients	624	1,062	1,765	7,793	4,423	8,204
Gender Distribution						
Male %	47%	58%	51%	30%	49%	22%
Female%	53%	42%	49%	70%	51%	78%

Source: Micro Finance Unit, Unpublished Report

316. The common types of projects are: Retail store, Seafood retail, Food catering, Bakery, Handicraft, Farming, Market vendor, Tailoring, Livestock farming and Hair dressing.

317. On loans with a value of \$5,000 or more, the Fiji Development Bank approved 241 such loans to rural women as at March, 2008. Projects funded range from 'Growing sugar cane' to 'woodwork and furniture making.'

Decision Making

318. Women in rural areas are further disadvantaged when it comes to representation in decision making bodies. As stated earlier in the report, rural development is administered through the Provincial Councils for indigenous communities and District Advisory Councils for non indigenous communities. Members of these fora are appointed by the Minister for Indigenous Affairs, Provincial Development & Multi Ethnic Affairs. In all ethnic groups, men are the leaders and they are the decision makers. This is reflected in the membership of these development councils throughout Fiji.

319. Government has adopted a consultative process as an approach to ensure inclusiveness and transparency of its programmes. Review of legislations like the Domestic Violence Reference had a wide community consultation with many individuals and women organisations participated.

Access to Services

Health

320. Each of the outer island is serviced by a health centre or a nursing station which would have a medical officer, nurse practitioner, registered nurses who would be assisted by an orderly or nurse aide. In centres where there is no doctor, there is a nurse practitioner. These practitioners are registered senior nurses who have undergone a thirteen week intensive training to practice basic medical and physician services. However, there are rural communities which do not have health facilities. As a result they have to hire transport to get to the health centre. In some cases the deplorable state of the roads and infrastructures inhibit people from getting the desired health care. Therefore access to family planning advice and information and reproductive health issues is also severely constrained.

Para 63 of the Concluding comments, the UNCEDAW Committee recommended that 'priority be given to allocate resources for improving health care services for women including in the remote islands For the period 2004 – 2005 Government spent \$2,276,200 on the following health projects and programmes for rural areas and outer islands:

Table 20 Rural Health Projects & Programmes 2004 - 2005

	Activity/Item	2004	2005
		\$	\$
1.	Biomedical Engineering	164,500	435,500
2.	Child Health Development Family Health Projects	50,000	50,000
3	Communicable Disease Prevention & control	27,600	27,600
4	Community Rehabilitation Assistance Programme	75,000	75,000
5	Control & Protection of Pollution & Waste Management	50,000	50,000
6	Control Safety & Quality of Food and Drinking Water	50,000	50,000
7	Dental Equipment	369,000	474,000

8	Equipment for Health Centres & Nursing Stations	172,000	96,000
9	Family Health Projects	30,000	30,000
10	Fiji Adolescent Health Programmes	50,000	50,000
11	Maintenance of health Centres & Nursing Stations	493,262	871,224
	TOTAL	988,100	1,288,100

Source : Ministry of Regional Development,

Education and Training

321. In terms of educational attainment of rural women, 29.8% had primary education, 40.1% had junior-secondary education, 10.2% had senior secondary education, 3.5% had certificate/diploma, 0.5% had degree/post-graduate diploma and 15.2%⁸⁶ had never gone through the formal education system. Generally urban women have higher levels of education compared to those in rural areas. With that level of education, most of the rural women participate in handicraft making and small scale activities as a source of income in addition to their domestic and traditional roles.

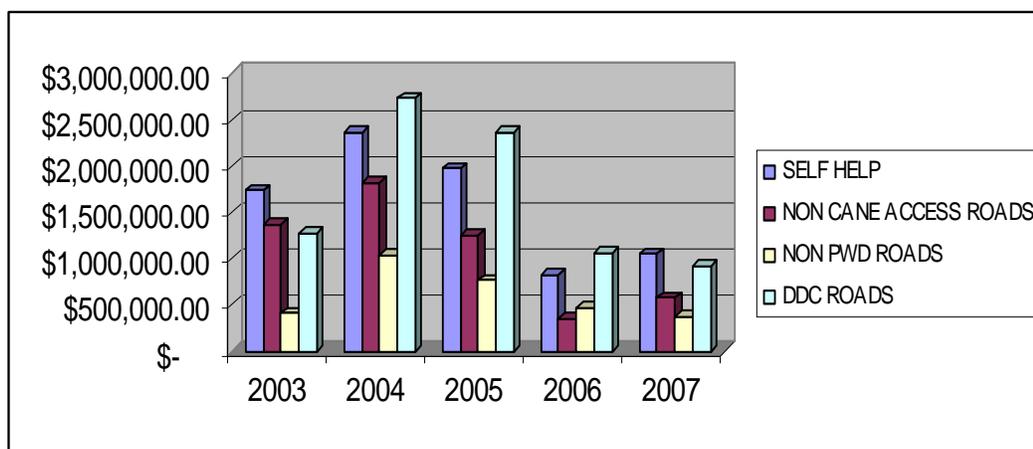
322. The Rural Fijian Women Training Programme by the Ministry of Indigenous Affairs is aimed at assisting rural indigenous women organisations to be better organised and focussed with a clear direction on the type of development they wish to undertake. The initiative by Government begun in 2006 and in 2007 the training covered forty six different locations within the fourteen provinces in Fiji. A total of 817 women and 146 men were trained in 2007. Besides, 307 village training motivators were also trained and 49 follow up visits were made to villages which had the training in 2006. As a result, women organisations in villages were able to prepare development plans with clear vision and mission statements and list of activities they were to undertake.

Rural and Community Development

323. Government accords greater priority to rural and outer islands development. It aims to improve economic opportunities, enhance sustainable livelihoods, raise income levels and ensure that Government's development assistance is equitably spread out over the 14 Provinces, Rotuma and the minority communities. For the past five years Government had spent \$24,709,447 on the four major capital projects namely Self Help, Non Cane Access Roads, Non PWD Roads and DDC⁸⁷ Roads.

⁸⁶ Narsey, (2007)- p26).

⁸⁷ Divisional Development Committee

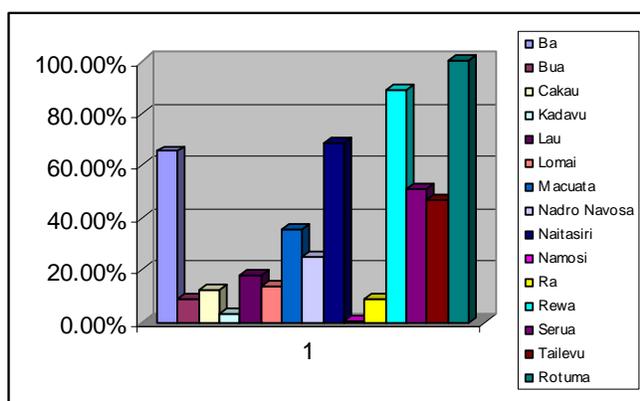
Figure 6 Rural Development Funds 2003 - 2007

Source: Ministry of Provincial Development, 2008

Overall, these projects benefit men, women and children in rural areas and outer islands.

Water Supply and Sanitation

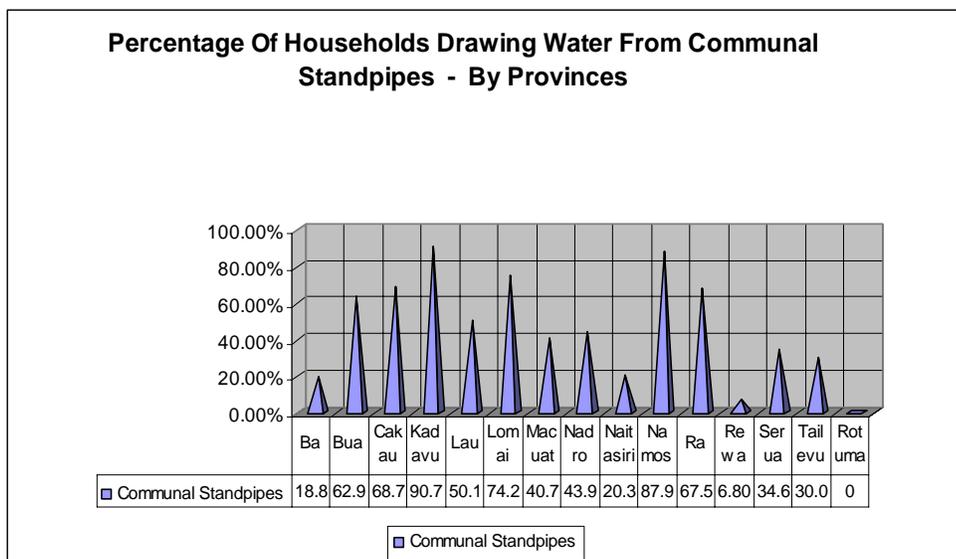
324. In 2004 about 47% of the population had access to improved water source.⁸⁸ Except for Rotuma all other rural areas and provinces still lack access to potable water. Those provinces located closer to urban centres have a high percentage of access to metered water supply. These include the provinces of Ba, Macuata, Rewa, Naitasiri, Serua, Nadroga and Tailevu as shown in Figure 7 below. The remaining population in these provinces have communal standpipes, roof catchment water tanks, wells, rivers and creeks.

Figure 7 Metered Water Supply in rural areas

⁸⁸ UNDP HDR(2007/2008)

325. The majority of the population in the provinces of Bua (13,584), Cakaudrove (42,310), Kadavu (18,683), Lau (10,167), Lomaiviti (12,064), Namosi (6,898) and Ra (24,152)⁸⁹ still lack access to potable water and instead use communal standpipes, draw from wells, rivers and creeks. Figure 8 shows the percentage of household drawing from standpipes in the fifteen provinces including Rotuma.

Figure 8 Rural Water Supplies Communal Standpipes



326. Wholesome water is the basic necessity of life. Apparently, there is a need to improve the water supply system in rural areas. Women will also spend less time fetching water from wells, creeks and rivers.

327. The provision of piped water system for individual homes, will enable the people to have improved sanitation as well. In 2004 the percentage of the population using improved sanitation was 72% compared to 68% in 1990

Housing

328. Government is mindful of the need to provide affordable and quality accommodation units for rural communities to improve their standard of living. The Rural Housing programme facilitates the procurement, storage and delivery of building materials to rural dwellers. In addition, it also makes possible the construction of structurally sound, cyclone resistant and affordable housing.⁹⁰ Both men and women benefit from this programme.

⁸⁹ Figures in bracket are the total population figures for the respective provinces.

⁹⁰ Government of Fiji, Rural Development Report 2004 – 2005 – p10

PART IV

Article 15 Equality before the Law

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Introduction

329. Fiji's Constitution guarantee women equality before the law and equal rights to participate in all aspects of civil life and it does not have legal barriers to women's participation in court and tribunal processes or denied women the right to conclude contracts and administer property.

330. With the help of NGOs and Government through awareness training, women are made aware of their legal rights so that they could fully benefit from provision in the Constitution and other related legislations as well.

Access to Legal Aid

331. The Legal Aid Commission under the jurisdiction of the Attorney General's Office was established in July, 1998 to provide legal services to those who cannot afford to pay for legal services. The Commission has provided legal representation to men and women who apply for these services. According to statistics provided by the Legal Aid Commission, more men were assisted by the Commission for criminal cases whilst women dominate the list for those seeking assistance on family matters.

Figure 9

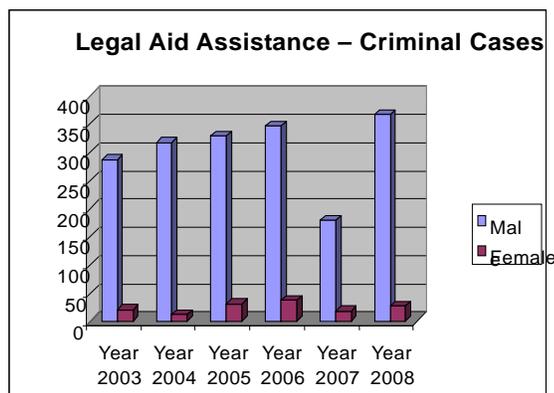
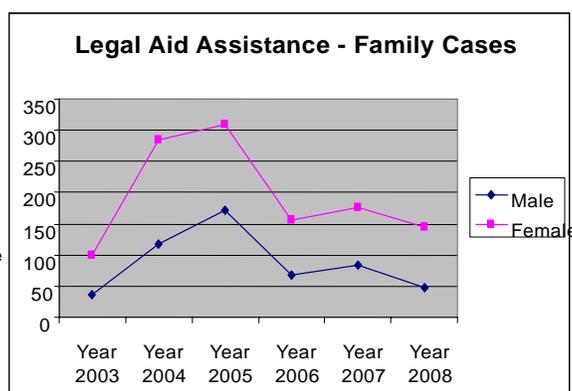


Figure 10



Women Prisoners

332. The Prisons Act was repealed and the new Prisons and Corrections Act was passed by Parliament in March, 2006. The new Act makes comprehensive provisions for the administration of prisons with appropriate emphasis on providing corrective services and applying all human rights obligations and standards, and for related matters. The Act provides a shift in policy focus from ‘containment’ to ‘correction’ with a view to rehabilitation, human rights and access to health and justice. The Act has taken on board the provisions of CEDAW in relation to the right of women prisoners. Under the Guiding principles s3 (b) states:

s3 (b) apply to the fullest extent possible the rights and obligations of CEDAW and CRC in the administration of prisons and the treatment of prisoners;

333. The new Yellow Ribbon Programme aimed at rehabilitating prisoners will be launched on 11 October 2008. The launch will coincide with the opening of the ‘birthing’ facilities at the Suva Women’s Prison, the only women prison in Fiji. Previously, pregnant women prisoners would be separated from their babies after giving birth and the child would be handed over to the Department of Social Welfare to decide whether to take the baby to the prisoner’s family or place it in an orphanage. This will soon change with the opening of the new birthing facilities. The mother will be able to breastfeed her baby and keep the child until he/she is six years old.⁹¹

Mobility & Remittances

334. Fiji has reached an unprecedented level of population mobility both internationally and regionally. The involvement of men and women in international peacekeeping and security duties and the labour movement of professionals finding employment overseas have posed new and emerging concerns. These include health and behavioural risks and in some case the adverse social impact on families.

⁹¹ Fiji Times, Saturday August 23, 2008

335. Fijian women work overseas as care givers and they contribute to Government revenue by way of remittances. During the period 2004 – 2005 overseas remittances accounted for 40% of GDP, however, this dropped by 27% in 2007. Some of those who contribute to remittances are women who work as care givers particularly in the United States. In certain cases, these women overstay their visa permit because of the economic needs of their families in Fiji. The challenge is how the situation can be regularised and legalised through bilateral or other feasible arrangements as in the case of local private security firms which sign up Fiji citizens for peacekeeping and security duties in Iraq and Afghanistan.

Article 16 Marriage and Family Life

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Introduction

336. Fiji has made considerable progress in implementing CEDAW since 2004, mainly in the area of family law. In November 2005, the Family Law Act 2003 came into force with the opening of the new Family Law Division within Fiji's Court system. The new law, which removes total discrimination against women and children is consistent with Articles 1, 2, 3, 5, 14, 15 and 16. The following Acts were repealed and replaced by the Family Law Act, 2003:

- Matrimonial Cause Act (Cap 51);
- Maintenance and Affiliation Act (Cap 52);
- Maintenance (Prevention of Desertion and Miscellaneous Provisions) Act (Cap 53);
- Maintenance Orders (Facilities for Enforcement) Act (Cap 54); and
- Maintenance Order (Reciprocal Enforcement) Act (Cap 55).

The Family Law Act 2003 and Amendments

Family Law Act of 2003

337. In 1996 The Fiji Law Reform Commission was given a reference "to enquire into and to report on the efficiency and effectiveness of the existing laws relating to family and domestic relationships including the rights and welfare of children and to make recommendations for the appropriate legislative means of reforming those laws to implement a unified and comprehensive system of Family Law."

338. The Act implements the recommendations of the Fiji Law Reform Commission in regards to new legislation relating to matrimonial causes, the welfare of children, maintenance of spouses and matrimonial property, and counselling and reconciliation services. The Act provides a single ground of divorce: that the marriage has broken down irretrievably. It has done away with some of the old matrimonial remedies. The legislation further provides for the establishment of specialist Family Divisions in both the High Court and the Magistrates Court. It makes new provision relating to the welfare of children and the maintenance of spouses. The Act also provides for the establishment of family and child counselling services in both Family Divisions and the establishment of a Family Law Council.

Family Law (Amendment) Act 2005

339. This Act amends section 27(3) of the Family Law Act 2003. Section 27(3) originally said that proceedings for property settlement cannot be instituted without leave of the court before the expiration of 2 years from the date of divorce. That section now says that leave is only necessary after the expiration of 2 years to institute or file proceedings for property settlement.⁹²

340. The Family Law Act 2003 has brought to an end Fiji's substantial non-compliance with many of the indicators in the area of family relationship breakdown and the subsequent issues of maintenance

⁹² <http://www.familycourt.gov.fj/familyLawActAmmendments.aspx> Accessed on 11/09/08.

and custody. However, the Act is only applicable to married persons and does not include de facto relationships, including same - sex relationships (in spite of the assurance in the Fiji Constitution over non-discrimination on the basis of sexual orientation).

Family Court

Authority

341. The Family Court of the Fiji Islands officially opened on 31st October 2005. The Family Law Act 2003 came into effect on 1 November 2005.

Jurisdiction

342. The court is presided over by judges and magistrates. It is vested with jurisdiction under the Family Law Act 2003 in matters of family law and deals with divorce, property of a marriage relationship, residence, contact and other matters relating to children and maintenance. The Judicial Department provides administrative and logistical support for the operation of this court, as well as the Australia/Fiji Law and Justice Sector Program.

Location

343. The principal registry is located at the eastern wing of the Government Buildings, Suva. The court sits in Suva, Lautoka and Labasa on a daily basis. Circuits are conducted at specified centres at Navua, Nasinu, Nausori, Sigatoka, Nadi, Ba, Tavua, Savusavu, Nabouwalu, Rakiraki and Taveuni.

344. The court hierarchy includes the Family Magistrate's Court and the Family High Court.⁹³

Minimum Age of Marriage

345. Even though, the UN CEDAW Committee of Experts in General Recommendation 21 nominated the minimum age of 18 for marriage for both males and females, Fiji however maintains the marriageable age of 16 for females and 18 for males – *Marriage Act (Cap 50) 1969*, with parental consent required until either party is 21 years of age. The marriage of minors, privileges the consent of the father over the mother, and is non-compliant with CEDAW. In complying with CEDAW, Fiji requires the registration of all marriages – *Marriage Act (Cap 50) 1969, s 25*. Bigamy is a criminal offence – *Penal Code (Cap 17) 1945, s185*.

346. During community consultations, concerns were raised about the marriage age of girls and the need to increase it to 18 years. The increase would be prudent in view of the total development of the girl child, the age within the context of CRC and also to be in compliance with CEDAW.

⁹³ibid

Solemnization of Marriage

347. All marriages in Fiji are governed by the Marriages Act, (Cap 50). The Marriage Act makes provisions for parties intending to marry to file a 21 days notice of their intention with the registrar in the district. After 21 days, the Registrar will issue the certificate provided at least one of the parties has been a resident of the district for 28 days preceding the issue of the certificate; each of the parties is 21 years old or in under aged appropriate consent has been obtained and there is no impediment of kindred or affinity, or any other lawful hindrance to the marriage. The Registrar must ensure that a notice to the public of the intended marriage is published and objections to the marriage can be received within a certain time frame. No marriage shall be solemnized except under the authority of a Registrar's 'Certificate for Marriage' or of a licence granted by the Registrar General (RG).

348. Marriages can be solemnized before a licensed Marriage Officer or before a Minister of Religion (who has been duly appointed by the RG) in the presence of at least two witnesses in the church or other public place of worship in the district in which the notice of marriage was given. Bigamy is an offence. Marriage between couples of the same sex is not legally recognized. Customary marriage is not recognized under the laws.

Registration of Births, Deaths and Marriages

349. All births, deaths and marriages are required to be registered with the Registrar General's Office in accordance with the Births, Deaths and Marriages Registration Act (Cap 49).

s3. Subject to the provisions of section 13, the Registrar shall register free of charge every birth and death required to be registered under this Act and every marriage solemnized under the Marriage Act of which he shall receive information together with such particulars in each case as are required to be registered:

Divorce

350. Divorce in Fiji no longer supports the criteria of fault - based and is therefore in full compliance with CEDAW. This is stated in the **Family Law Act 2003, s 30(1)**: Can apply for dissolution on the grounds that the marriage has broken down irretrievably after 12 month separation.

s30.-(1) An application under this Act by a party to a marriage for an order for dissolution of the marriage must be based on the ground that the marriage has broken down irretrievably.

(2) Subject to subsection (3), in a proceeding instituted by an application, the ground will be held to have been established, and an order for dissolution of the marriage must be made, if, and only if, the court is satisfied that the parties have separated and have thereafter lived separately and apart for a continuous period of not less than 12 months immediately preceding the date of the filing of the application for dissolution of marriage.

(3) An order for dissolution of marriage will not be made if the court is satisfied that there is a reasonable likelihood of cohabitation being resumed.

Marriage Guidance and Counseling

351. The Department of Social Welfare also provides marriage guidance and counseling to married couples who are experiencing matrimonial problems. Volunteer marriage counselors and welfare officers provide marriage-counseling services in the divisional and district offices around the country. The Department had a total of 10 volunteer (2 per divisional office) marriage counselors providing marriage counseling to the public in 2004.

Table 21: Marriage Guidance Counseling In 2004

DIVISION	2004
Southern Eastern	388
Central	261
North Western	408
South Western	654
Northern Division	334
TOTAL	2,045

Source: MWSWPA Annual Report 2004

Maintenance

352. The Family Law Act 2003 contains provisions for maintenance for children (including children born outside of marriage) and spouses after separation and divorce. Maintenance is based on the earning capacity of parties, the needs of parties and any children, the assets of both and the commitments of either especially other dependants, in compliance with CEDAW. The Act also provides for a restraining order in a wide variety of situations including home and work, although this is only available for married persons.

Matrimonial Property

353. With regards to General Recommendation 21, the CEDAW Committee states that having the right to own, manage, enjoy and dispose property is central to a woman's right to enjoy financial independence. The Family Law Act contains provisions for the division of marital

property which takes account of both financial and non-financial contributions of both partners in full compliance with CEDAW. This is stipulated in Section 162 of the Act: which states *inter alia*

s162.-(1) In considering what order (if any) should be made under section 161 in proceedings with respect to any property of the parties to a marriage or either of them, the court must take into account-

(a) the financial contribution made directly or indirectly by or on behalf of a party to the marriage or a child of the marriage to the acquisition, conservation or improvement of any of the property of the parties to the marriage or either of them, or otherwise in relation to any of the last-mentioned property, whether or not the last-mentioned property has, since the making of the contribution, ceased to be the property of the parties to the marriage or either of them;

(b) the contribution (other than a financial contribution) made directly or indirectly by or on behalf of a party to the improvement of any of the property of the parties to the marriage or either of them, or otherwise in relation to any of that last-mentioned property, whether or not that last-mentioned property has, since the making of the contribution, ceased to be the property of the parties to the marriage or either of them;

(c) the contribution made by a party to the marriage to the welfare of the family constituted by the parties to the marriage and any children of the marriage, including any contribution made in the capacity of homemaker or parent.

(d) the eligibility of either party for a pension, allowance or benefit under-

(i) any law of the Fiji Islands or of another country; or

(ii) any superannuation funds or scheme, whether the funds or scheme was established, or operates, within or outside the Fiji Islands.

354. It must also be noted that under Section 162 (2)

'For the purposes of subsection (1) the contribution of the parties to a marriage is presumed to be equal, but the presumption may be rebutted if a court considers a finding of equal contribution is on the facts of the case repugnant to justice, (for example as a marriage of short duration.)'

Child and Family Services

Children

355. The best interests of the child is unanimously accepted as the principle on which custody determinations should be based, in view of what is stated in this Article (16) of CEDAW and General Recommendation 21.

356. Fiji prioritises the best interests of the child as the paramount consideration in compliance with CEDAW. Not only does this relate to custody and access but payment of child support for children born outside of marriage and contribution to unmarried mothers for pregnancy and childbirth costs. This is stipulated in the Family Law Act as follows:

- *s88. The court may make any order it thinks proper. It must consider the financial support necessary for the maintenance of the child.*
- *s90. The court must have regard to the age of the child, the manner in which the child is being educated or trained, any special needs of the child.*
- *s91. The income, earning capacity, property and financial resources of parties and commitments to support themselves and others.*
- *s100. Proper contribution towards maintenance of the mother in relation to the birth, reasonable medical expenses and if child stillborn funeral expenses. The court must take account of the income, earning capacity, property and financial resources of both parties, commitments of both to themselves and others.*

Care and Protection Allowance

357. Under the Juveniles Act, children under the age of 17 years deemed to be at risk are placed into the care of the Director of Social Welfare. In order to carry this out, the Department administers the Care and Protection Allowance which is a cash grant of \$30-\$35 per child given to those families/guardians supporting children other than their own.

358. The total payouts to families and institutions during the year totaled to **\$202, 904.00**. A total of 176 children were recipients of the allowance in 2004, majority of the recipients were Fijians and females outnumber males by 103 and 73 respectively as illustrated in table below.

Table 22 Care & Protection Allowance: Recipients in Surrogate Families by Gender and Ethnicity.

DIVISION	FIJIAN		INDIAN		OTHERS		TOTAL NO		AMOUNT \$
	M	F	M	F	M	F	M	F	
Southern	14	31	0	5	0	0	14	36	\$35,340
Central Eastern	30	32	3	1	0	0	33	33	\$48,240
North Western	9	14	1	1	0	0	10	15	\$18,900
South Western	5	3	5	1	0	0	10	4	\$8,640
Northern	3	10	3	3	0	2	6	15	\$15,500
Total	61	90	12	11	0	2	73	103	\$126,620

Source: MWSW&PA Annual Report 2004

359. The allowance is also paid to residential homes which have taken into their care neglected, abused and orphaned children who are placed under the care of the Department of Social Welfare. Currently, the Department pays out \$40 per month per child placed in residential homes. In 2004, the

number of children in these residential homes under the care of the Director of Social Welfare totaled 106.

General Child Welfare Cases

360. The protection and care of children is the statutory responsibility of the Department of Social Welfare as articulated under the Juvenile's Act (Cap. 56). The Department is given the responsibility to ensure that no child under the age of 17 years is exposed to any form of physical or moral danger.

Table 23 Child Welfare Cases Attended By Divisional Welfare Offices in 2004

CATEGORY	Southern	Central/ Eastern	North West	South West	Northern	Total
Physical Abuse	14	5	1	10	3	33
Emotional Abuse	3	0	4	2	0	9
Sexual Abuse	22	3	7	19	4	55
Child Neglect	19	8	15	32	1	75
Abandoned	11	0	10	20	1	42
Lost	0	0	1	0	0	1
Beyond Control	15	0	2	10	0	27
Victim of Parental Conflict	36	25	21	16	2	100
Truancy	0	4	2	2	0	8
Available for Adoption	3	0	0	6	0	9
TOTAL	123	45	63	117	11	359

361. Adoption of children is an area of childcare that comes under the Adoption Act (Cap 58). There are 3 types of Adoption services provided by the Department of Social Welfare.

These include:

- i) **Public Local Adoptions** under the Supervision of DSW
- ii) **Private Local Adoption**
- iii) **Public Overseas Adoption** under the Supervision of the Director for Social Welfare who is also a party to Inter-Country Adoption Arrangements.

362. i) Public Local Adoption includes adoption of a child placed under the care of the Director of Social Welfare according to the Juveniles Act (Cap 56). For children placed under the care of

the Director of Social Welfare the Department of Social Welfare supervises every aspect of the adoption process.

ii) In Private Local Adoptions, arrangements are made between 2 sets of people-the parent or guardian of the infant and the adopters. In this case the parent selects and controls who the adopters are to be. The Department of Social Welfare is only involved to the extent that it has to provide the Guardian-Ad-item (GAL) and a report on the suitability of adopters as parents. In 2004, Welfare Officers acted as guardian-ad-item in 345 adoption cases.⁹⁴

Family and Child Welfare Services

363. The Department of Social Welfare also has statutory functions under a number of legislations namely the Juveniles Act (Cap 56) the Adoption of Infants Act, (Cap 58), Probation Act (Cap 22), Community Work Act 1994 and Disabled Persons Act 1994. Given the critical role of the Department in providing services across all sections of the populace, over the last year, there have been many changes in the administration of welfare and service, protection and care of juveniles/children and poverty alleviation projects.

364. The Department of Social Welfare is also empowered by legislation to take into custody children who are in need of care and protection and need to be removed from their homes. Substitute care for these children is available in the form of foster families and institutional care. Through this mode recipients for child care and protection are given an allowance of \$30 to \$35 per child. The Ministry is also charged with the responsibility of being mediators in domestic disputes including custodial rights of children, divorce proceedings and supervision of offenders.

Care and Protection Allowance

365. A total of 289 families /guardians, supporting children other than their own were assisted through the care and protection allowance. Institutional and residential homes were alternative options for children needing State care and protection. The Care and Protection allowance aims to supplement the financial needs of children living in residential homes and the Ministry pays out \$40 per month as per child placed in residential homes.

366. Child Protection Family Services

- Marriage Counselling – 5 Counsellors (1 each division to assist Welfare Officers)
- Child Protection
- Family Counselling
- Family Group Counselling

⁹⁴ MWSW Annual report 2004 – p16

Family Assistance Scheme

367. The Family Assistance Allowance is a non contributory scheme in which families and individuals in destitute conditions are provided with financial assistance. This supplementary form of cash allowance between \$60-\$100 is paid on a monthly basis to family/households that do not have sufficient means of support and the ability to cope. The target groups of recipients are: the elderly (over 60years), physically disabled, chronically ill, widow/widower, deserted spouse/single parent and Prisoner dependent. It also includes those families who have been deprived of earnings due to permanent physical disability, death of the breadwinner, imprisonment of the breadwinner, old age and chronic illness.

Table 24: Categories of Recipients by Ethnicity and Sex, 2006.

CATEGORY	FIJIAN			INDIAN			OTHERS			TOTAL
	F	M	TL	F	M	TL	F	M	TL	
Chronic Illness	969	1356	2325	1137	1108	2245	85	239	324	4894
Death of Breadwinner	2452	87	2539	2225	64	2289	133	45	178	5006
Deserted Spouse	668	21	689	718	20	738	30	22	52	1479
Elderly	1622	1510	3132	864	580	1444	86	155	241	4817
Permanently Disabled	721	777	1498	858	589	1447	49	49	98	3043
Prisoner Dependent	104	9	113	84	2	86	3	6	9	208
Single Parent	817	32	849	130	13	143	36	24	60	1052
TOTAL	7353	3792	11,145	6016	2376	8392	422	540	962	20499

Source: MWSW&PA Annual Report 2006

368. As of December 2004 there were a total of 20,319 recipients on the scheme. From this total 13,791 were Females and 6,708 were Males. Of the total female recipients, Indo Fijian women dominate the list with 6,016. The majority of female recipients in all ethnic groups are receiving the

allowance on grounds of death of a breadwinner. The detailed breakdown of the recipients is shown in the table above.

Poverty Alleviation Programme

369. Women's higher risk of poverty and destitution is associated with labor force discrimination, increasing divorce and separation rates and problems in collecting maintenance payments from departed spouse. Women constitute the majority of beneficiaries under the Social Welfare Department's Family Assistance Scheme. Female unemployment increased slightly from 7.8% in 1996 to 8.7% in 2005, perhaps as a result of loss of jobs in the garment and further industries. These facts indicate the need for effective social safety nets for the unemployed in particular, training and investment to promote alternative livelihoods for women displaced from the manufacturing sector. New models are necessary to provide women with micro-finance for self-employment.

370. At present, the Poverty Alleviation Programme is aimed at improving the coping capabilities of people receiving the Family Assistance Allowance toward self-reliance via the building of homes for the homeless and through seed funding for income-generating projects. The latter is a cash grant to a maximum of \$5,000. The scheme operates on a partnership with a reputable voluntary organization sponsoring the applicant and supervising the implementation of approved projects.

371. Those who are eligible to apply for assistance under the Poverty Alleviation Programme include: recipients of the Family Assistance Allowance; the elderly; physically disabled; chronically ill; widows/widowers; deserted spouses/single parents; prisoner dependents; recipients of the Care and Protection Allowance; recipients of the After Care Fund; recipients of the Ex-Servicemen Fund; ex-prisoners; fire victims; street children and youths (group project).

372. The Department's budget allocation for Poverty Alleviation Projects (PAP) for the year 2004 was \$2.5 million. Details of those assisted under these categories, including the amount distributed, is illustrated in Table 25 below.

Table 25: Details of Poverty Alleviation Recipients by Categories and Ethnicity

CATEGORY	VALUE (\$)	NUMBER	FJIANS	INDIAN	OTHERS
Recipients of Family Assistance Allowance	\$1,261,000	270	231	39	0
Recipients of After Care Fund	\$153,500	36	36	0	0
Fire Victims	\$40,000	20	9	11	0
Group Projects for youths	\$64,002.65	6	6	0	0
Ex-Prisoners	\$480,869.4	114	114	0	0
Total	\$1,999,372	446	396	50	0

Source: MWSW&PA Annual Report 2004

373. A total of 446 projects were funded in 2004. As illustrated in Table 25, the majority of those assisted under the Poverty Alleviation Programme were recipients of the Family Assistance Allowance. In terms of ethnicity Fijians were the highest recipients of the Poverty Alleviation Grant in 2004.

374. A total of five (5) group projects were also funded during the year. Of these, four were income generating projects. However as a pilot project, school fees (\$15,402.65) were paid for three ex-prisoners to attend Fulton College.

Domestic Violence

375. This is one of the critical issues among many families in Fiji and women and children are the most vulnerable members of society. The Preamble of the Domestic Violence Bill clearly portrays the significance of this problem.

- (a) domestic violence is a *concern* in Fiji and victims of domestic violence are among the most vulnerable members of society;
- (b) acts of domestic violence are committed in a range of domestic relationships and domestic circumstances;
- (c) domestic violence is primarily committed by men against women and children;
- (d) children are direct and indirect victims of domestic violence;
- (e) domestic violence in all its forms is unacceptable; and
- (f) many measures are needed to eliminate, reduce and prevent domestic violence including more effective legal protection for victims.

376. According to Police statistics, the majority of acts of violence are committed by men against women and Fijian women dominate the list of victims.

Table 26 Domestic Victims by Race 2001 - 2006

Year/Race	Murder	Attempted Murder	Manslaughter	AWIT CGH	AOA BH	Common Assault	Other Offences Against Person	Total	% Rep Total
2001									
Fijian	0	0	0	33	415	30	5	283	51
Indian	0	0	0	24	370	48	4	446	47
Others	1	0	0	2	7	1	2	13	2
Total	1	0	0	59	792	79	11	942	100
2002									
Fijian	1	0	0	45	341	28	0	415	51
Indian	1	0	0	29	300	57	3	390	48
Others	0	0	0	0	4	0	0	4	15
Total	2	0	0	74	645	85	3	809	
2003									
Fijian	2	0	1	39	327	30	20	419	54
Indian	3	2	0	25	256	42	17	345	45
Others	0	0	0	1	7	0	3	11	1
Total	5	2	1	65	590	72	40	775	

2004									
Fijian	1	0	0	40	307	21	17	386	57
Indian	3	0	0	22	213	41	7	286	42
Others	0	0	0	1	9	0	0	10	1
Total	4	0	0	63	529	62	24	682	
2005									
Fijian	2	0	0	24	288	29	9	352	55
Indian	0	0	0	15	214	46	7	282	44
Others	0	0	0	1	5	0	0	6	1
Total	2	0	0	40	507	75	16	640	
2006									
Fijian	0	0	0	24	232	18	7	281	54
Indian	2	0	0	16	170	22	10	220	43
Others	0	0	0	1	11	2	1	15	3
Total	2	0	0	41	413	42	18	516	

Source: Police Statistics (2006)

(Key: AWITCGH – Act With Intent To Cause Grievous Harm; AOABH: Act Occasioning Actual Bodily Harm).

377. The above table shows a reduction in the number of reported cases from 941 in 2001 to 516 in 2006; however this does not include those cases reported to the Fiji Women's Crisis Centre and those being dealt with by community church leaders and elders.

Zero Tolerance – Violence Free Community Initiatives

378. The Department for Women, in partnership with key stakeholders have established and will launch at least one Violence Free Community, a pilot in Fiji. The project will be launched on 25th November 2008, the beginning of the 16 Days of Activism on the Elimination of Violence Against Women. Five districts had been identified to undertake the project. This includes Rakiraki, Tavua, Lautoka, Nadi and Sigatoka. These communities were identified in consultation with Police Department based on statistical analysis and other relevant issues on gender based violence. The project is only undertaken with the approval of the identified community. These include Koroipita village in Lautoka, Namuaimada village in Ra, Korotogo village and back road in Sigatoka. Nadi and Tavua have yet to be identified and this will be done later in the year including the survey.

Box 3 Goals of Zero Tolerance Community Initiative

The goal of the project/programme against Violence Against women is to empower women, men and children through Human Rights education, media campaign and community training on services for the Elimination of Violence against Women and relevant act that violated the basic human rights of people especially women.

This aim at changing attitudes and behaviour of the community and stakeholders in promoting and protect human rights. Further more it will enhanced knowledge

of stakeholders on human rights and violence against women. In addition communities would recognize and accept that violence against women is a crime and understand the link between violence against women and human rights.

379. Domestic violence has a vast economic impact particularly for those victims who are in regular employment. In addition, Fiji cannot afford to overlook the economic costs of absenteeism and reduced employee productivity of women through domestic violence. In addition acts of domestic violence are at present charged under the Penal Code, since it involves family members; it may prudent to incorporate it within the Family Law Act.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

CEDAW Awareness

380. In 2004, UNIFEM Pacific provided financial assistance to translate the Articles of CEDAW into the two main vernacular languages of Fijian and Hindustani. This was all part of awareness strategies targeted at the ordinary citizens of this country.

381. In addition, CEDAW awareness programmes were conducted in communities and institutional levels as well. Publicity and media awareness through television and print media also created awareness amongst members of the public, however it is acknowledged that more needs to be done not only awareness but implementation as well. This is being done through using CEDAW as a development tool in improving the situation of women particularly in areas where gaps exist. It is certain that this can only be achieved through partnership with all stakeholders including NGOs and development partners.

382. Fiji was the first Pacific Island state to enter into Constructive Dialogue with the UNCEDAW Committee of Experts at New York in 2002. The whole proceedings were captured on video and produced on DVD titled 'Women Hold Up Half the Sky.' This was made possible through the sponsorship of the Pacific Women's Bureau of the Secretariat of the Pacific Community (SPC). This DVD is aimed at showing PIC states the setting and proceedings when State parties defend their reports with the UN CEDAW Committee of Experts and at the same time assist in their preparation for the Constructive Dialogue.

Challenges

383. One of the key challenges is taking CEDAW to the Judiciary and the legal fraternity. This requires legal CEDAW expertise which is lacking within the national women's machinery. The assistance of UNIFEM and UNOCHR is undoubtedly required in this area and the Government of Fiji will continue to pursue their financial and technical assistance to effectively carry out this function. Furthermore, creating awareness in the private sector is necessary for the inclusive and effective implementation of CEDAW.

384. Mainstreaming of women and gender concerns into Government policies, plans and programmes is still a challenge. The continuation of the Gender Audit projects will enhance and facilitate gender mainstreaming. The process will also provide the opportunity to pursue gender responsive budgeting from the Ministry of Finance and National Planning. This will ultimately provide the feedback on the budgetary provisions for the improvement and development of women in Fiji. To effectively address this, capacity building for the national women's machinery and the central agencies of Government is necessary.

385. The limited use and non availability of sex disaggregated data in most areas of development is a major challenge. Policies to encourage gender equality in any area require accurate data and statistics which clearly outline the gender inequality and how the situation has changed over time.⁹⁵

386. In addition, stereotyped attitudes and perceived traditional and cultural barriers also contribute to the disadvantaged status of women in Fiji.

387. The capacity constraints within the National Women's Machinery is one of the critical areas which need to be addressed effectively.

CEDAW Report Writing

388. The process of writing the Fiji State CEDAW 2nd, 3rd and 4th Periodic report started with CEDAW awareness workshops and consultations throughout the nation in 2006. The Concluding Comments of the UN CEDAW Committee of Experts were referred to the respective organisations for update and their responses have been incorporated into the report, however the details are contained in Annex 1.

389. In January, 2008, a two member Project Team (Ms Alisi Qaiqaica and Ms Mere Namudu) was appointed to put together the State report.. The team was assisted by the Taskforce with members drawn from Government and NGO partners.

⁹⁵ Narsey (2007) – p 4

CEDAW Taskforce Members:

Ms. Kiti Makasiale	- Director for Women (Chairperson until 23/6/08)
Dr Tokasa Leweni	- Director for Women (Chairperson from 23/6/08)
Ms. Vasemaca Lewai	- Principal Statistician, Fiji islands Bureau of Statistics
Ms Anjna Deb	- Manager Research & Development, Fiji Development Bank
Mr Iliyaz Razak	- Fiji Development Bank
Ms Luse Kinivuwai	- Director, Micro-Finance Unit
Ms. Asena Raiwalui	- Principal Asst. Secretary, Ministry of Indigenous Affairs
Ms. Jimaima Vilisoni	- Senior Assistant Secretary, Public Service Commission
Ms. Viniana Kunabuli	- Director CDU, Ministry of Education
Ms. Tokasa Gray	- Education Officer, Ministry of Education
Ms Chaya Chand	- Economic Planning Officer Ministry of Finance and National Planning
Sr. Sulueti Duvaga	- Ministry of Health, Women & Social Welfare
Ms L Raikuna	- Ministry of Health, Women & Social Welfare
ASP Irami Raibe	- Fiji Police Force
ASP Prakash Narayan	- Director Summary Prosecution, Fiji Police Force
Mr. Jaljeet Kumar	- Actg. Senior Asst. Secretary, Ministry of Foreign Affairs
Adi Finau Tabakauco	- General Secretary, Soqosoqo Vakamarama
Ms Elenoa Ralulu	- Soqosoqo Vakamarama
Mr Surendra Shiudin	- Senior Labour Officer, Ministry of Labour

390. An Advisory Committee was also appointed to provide expertise and professional advice to the project team in relation to the actual writing of the report.

1. Mrs. Maria Matawewa – Deputy Secretary, Public Service Commission
2. Professor Vijay Naidu - USP
3. Professor Wadan Narsey- USP
4. Dr. Rae Nicholl - USP
5. Adi Finau Tabakauco - SSV
6. Ms. Vanessa Chang – State Solicitor, Solicitor General’s Office

391. Community consultations on the draft CEDAW State report was held throughout the nation where women and men participated. In addition, a consultation was also held with the NGO partners in Suva. Those present in Suva were SSV, National Council of Women, RRRT, Fiji Women’s Rights Movement, Femlink Pacific, PPSEAWA, YWCA, Salvation Army, Dorcas Welfare Society and the FTA Women’s Network.

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Legislations

Constitution (Amendment) Act 1997
 Disabled Persons Act 1994
 Education Act (Cap 262)
 Employment Relations Promulgation 2008
 Family Law Act 2003
 Fijian Affairs Act (Cap 120)
 Human Rights Commission Act 1999
 Mental Health Treatment Act Cap 113
 Immigration Act Cap 88

Useful websites

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<http://www.statsfiji.gov.fj> (Accessed on 14/08/08).

Personal Interviews and Consultations

Ms Tanya Smith, Officer in Charge, UNOHCHR, Suva
 Mr Romulo Nayacalevu, National Human Rights Officer, UNOHCR, Suva
 Ms Naomi Karisitiana, Vice Principal, Nabua Secondary School
 Mr Marika Niumata, Matua Programme Co-ordinator, Nabua Secondary School
 Dr Narayan, Medical Superintendent, St Giles Hospital
 Mr Manasa Vaniqi, Permanent Secretary for Provincial Development & Multi Ethnic Affairs
 Ms Ana Vesikula, Chief Economist, Ministry of Indigenous Affairs, Provincial Development & Multi Ethnic Affairs
 Dr Shaista Shameem, Chairperson, Fiji Human Rights Commission
 Mr V Naupoto, Director Immigration
 Mr Aseri Rika, Director, Family Counselling Services
 Mr Sharma, Deputy Solicitor General
 Mrs Vasemaca Lewai, Principal Statistician Fiji Island Bureau of Statistics.

Ms Lilieta Gavidu, Ministry of Fijian Affairs
Ms Virisila Buadromo, Director FWRM
Ms Susan Naidu, Research Officer, FWRM
Dr S Yanuyanutawa, CEO, FNCDP
Ms K Devi, Executive Officer, FNCDP
Mr I Murray, Director Political & Treaties, Ministry of Foreign Affairs & External Trade
Mr Ray Baleikasavu, Ministry of Foreign Affairs & External Trade
Ms Merewalesi Baleinavutoka, SAS Field Services
Ms Luse Qereqeretabua, SAS Research & Training
Ms Karalaini Bradburg, DWIO Eastern
Ms Losana Golea, DWIO Northen
Ms Eseta Tuinabua, DWIO Central
Ms Raijieli Mawa, DWIO Western

Community Consultations were held at:

Central Division

- 1) Navua;
- 2) Vunidawa;
- 3) Nausori

Northern Division

- 4) Nabouwalu
- 5) Savusavu
- 6) Labasa

Eastern Division

- 7) Levuka
- 8) Namalata, Kadavu

Western Division

- 9) Sigatoka
- 10) Lautoka
- 11) Nanukuloa, Ra

**ANNEXES
TO THE COMBINED SECOND, THIRD AND FOURTH
PERIODIC REPORT OF FIJI (CEDAW/C/FJI/2-4)**

REPUBLIC OF THE FIJI ISLANDS STATE CEDAW 2ND, 3RD & 4TH PERIODIC REPORT

NOVEMBER 2008

Annexes

ANNEX 1

CONCLUDING COMMENTS

CEDAW RECOMMENDATION AND STATUS OF IMPLEMENTATION in FIJI

Concerns	Recommendation	Response
1. Constitution of 1997 does not contain the definition of discrimination against women	Proposed constitution reform should address the need to incorporate the definition of discrimination	In fact the Constitution covers ALL FORMS of Discrimination in section 38(2). The definition of discrimination is contained in the Human Rights Commission Act at section 17 (1) and (2).
2. Absence of effective mechanisms to challenge discriminatory practices and enforce the right to gender equality guaranteed by the constitution in respect of the actions of public officials and non-state actors.	The government to include a clear procedure for the enforcement of fundamental rights and enact an EEO law to cover the actions of non-state actors.	The Human Rights Commission Act 10/99 is Fiji's EEO law- see section 17 for application to the private sphere and employment. FHRC also handles complaints by women on a range of issues. (Reports Attached as Annex 2).
3. CEDAW is not specified in the mandate of the Fiji Human Rights Commission and that its not assured funds to continue its work	Expansions of the FHRC's mandate to include CEDAW and that the commission is provided with adequate resources from State funds.	NOT TRUE. FHRC has a broad, and not specific, mandate and therefore deals with all discrimination including gender. In response to the Concluding Comments of the UN CEDAW Committee of Experts, the Human Rights Commission stated that there is no need to expand FHRC's mandate, because CEDAW's commitment is already in Section 42 (2) (a) of the Constitution – reference to “all international conventions and instruments”. But the FHRC needs more resources to implement this mandate fully. ⁹⁶ The responsibility for the protection and promotion of human rights lies initially with the State and all public officials. The Human Rights Commission acts as a monitor to ensure that the rights are respected in Fiji.
4. Social Justice Act and “Blue Print” do not integrate a gender perspective.	Recommends the SJA and the “Blue Print” be evaluated for their impact on both ethnicity and gender to ensure respect for gender equality and human rights in Fiji's multicultural and plural society.	FHRC recommended review of Social Justice programmes and removal of Blueprint on the ground that it discriminated against people and breached section 38 (2) of the Constitution. The then SDL Government had planned a comprehensive review of the programme which would also address issues raised in the FHRC report. A cabinet

⁹⁶ Shameem (2008) – p 2

	Introduction of an effective monitoring mechanism to ensure that these programs conform with the fundamental rights guaranteed by the Constitution and CEDAW's concept of temporary measures and contributes to the elimination of discrimination against all Fijian women.	Subcommittee on Equal Opportunities and Human Rights was established to oversee the review process. However, the Interim Government has discontinued the Blue Print programmes and Affirmative Action for Fijians and Rotumans citing it as racial.
5. Women's political participation and access to decision making positions remain limited.	Introduction of temporary measures in accordance of Article 4.1 of the Convention to increase the representation of women in the political participation and the decision-making positions at all levels	There has been no Temporary Special Measure during the reporting period.
6. Notes the active participation of women CSOs	Participation of women CSO in the advisory councils be strengthened and that the other various government machineries should work with them in a coordinated manner in implementing the Women's Plan of Action-1999-2008.	Women NGOs are some of the well organised groups and are strong advocates for issues such as human rights, elimination of gender based violence, poverty reduction etc. NGOs namely, RRRT, FWRM, FWCC, NCW & SSV are members of the WPA taskforces. In addition they conduct training and CEDAW awareness programmes throughout the nation and in the region as well.
7. Notes the heavy burden of women dual responsibility at work and in the family and there has been an increase in the number of family heads of households	Recommends an accelerated and broad-based programme of human rights education and gender training which includes dissemination of information on CEDAW with the view of to change stereotypical attitudes.	FHRC by Constitution has a broad mandate and cannot concentrate only on specific issues. This will be the job of the Ministry of Women rather than the FHRC. However these institutions can work in collaboration for wider and extensive outreach on gender sensitivity training, human right awareness and training.
8. Concerned that the entrenched stereotypical attitudes to women in society and the idea of an exclusive male head of household encourages segregation in employment and the denial of economic contribution of women.	Change laws and administrative regulations to recognize women as heads of households, and the concept of shared economic and household responsibilities.	For the first time the term 'household chores' was included in the 2004/2005 Household Income and Expenditure Survey by the Fiji Islands Bureau of Statistics.
9. Concerned that women do not receive equal wages for work of equal value, denied access to employment and promotion, deal with sexual harassment in the workplace as well as mandatory maternity protection.	Adopt the " <i>Employment Relations Bill</i> " and repeal all outdated labour laws	The Employment Relations Bill was passed by the House of Representatives in 2006 and was promulgated in April, 2008. The policy on Sexual Harassment in the Workplace became effective in May, 2008

10 Concerned with working conditions of women in tax free zones	Call on the State to promote the adoption for a <i>Code of Ethics</i> for investors including those in tax free zones.	The promulgation of the Employment Relations Promulgation has provisions for paid maternity leave and prohibits dismissal on grounds of pregnancy. Refer to s
11 Notes with concerned the high incidence of ethnic and gender based violence against women in periods of civil unrest	Requests that the State strengthen its initiatives to combat gender-based violence and the adoption of the “ <i>Domestic Violence Law</i> ” and “ <i>Sexual Offences Law</i> ”. The adoption of the “ <i>Evidence Bill</i> ” is also proposed.	The Domestic Violence Bill is awaiting to be tabled in Parliament.
12. Concerned with the increase of poverty and adverse economic conditions which are undermining women’s education. This has resulted in a high incidence of girls as high school dropouts, marrying early, teenage pregnancies and sexual exploitation of girls.	Recommends the introduction of targeted policies and programmes to reduce poverty, prevent early marriage, teenage pregnancies and girls dropping out of schools.	In 2004 Government introduced the ‘Matua’ programme at Nabua Secondary School in Suva. This programme allowed interested school leavers and adults who dropped out of school to continue their education within the main secondary school curriculum. cater for dropouts from nearby low to middle housing areas Although the enrolment rate is usually high, however only a small number go on to complete the programme. The success rate is quite high, with Matua graduates now studying at the USP, of these 75% are women. For those studying at the FIT 14 out of 23 are females. This programme has provided a second chance for these school dropouts. Girls who may have dropped out of school due to pregnancy also have access to this programme. This programme is one of those which can be considered as a three pronged strategy to address poverty reduction, giving a second chance to school teenage mothers and those dropping out of school. Based on the success rate the programme could be replicated in other secondary schools. However, the lack of resources is a major constraint.
13 Concerned of those women in remote islands are adversely affected by maternal and infant mortality. Also notes the growing incidences of STIs and HIV/AIDS, cervical cancer and circulatory diseases are major causes of female death.	Priority is given to allocating resources for improving health care services for women, including in the remote islands, and combating sexually transmitted diseases including HIV and AIDS.	For the period 2004 – 2005 Government spent \$2,276,200 on the following health projects and programmes for rural areas and outer islands: Biomedical Engineering; Child Health Development Family Health Projects; Communicable Disease Prevention & control; Community Rehabilitation Assistance Programme; Equipment for Health Centres & Nursing

		Stations; Family Health Projects; Fiji Adolescent Health Programmes; Maintenance of health Centres & Nursing Stations to name a few.
14 Notes the out-migration of health professionals that has led to a decline in the health services.	Encourages the State to introduce pro-active measures and incentives to attract local health professionals to the health services in Fiji.	
15 Concerned with the growing problem of prostitution due to economic hardship and that a colonial law from 1944 which penalises the conduct of only women who engage in prostitution continues to be enforced.	Recommends a holistic and integrated programme of law reform and policies and programme to introduce the criminalization of actions of only those who profit from the sexual exploitation of women.	<p>There are provisions for those who profit from the sexual exploitation of women under section 166 of the Penal Code which states:</p> <p><i>s166 – (1) Every male person who-</i></p> <p><i>(a) knowingly lives wholly or in part of the earnings of prostitution; or</i></p> <p><i>(b) in any public place persistently solicits or importunes for immoral purposes, is guilty of a misdemeanour. In the case of a second or subsequent conviction under this section the court may, in addition to any term of imprisonment awarded, sentence the offender to corporal punishment.</i></p> <p>Although there are legal provisions, offenders are seldom taken to task on this issue, Police indicate the difficulty in charging offenders due to weak legislations and insufficient evidence. However there has not been any major legislative changes and programmes for the reintegration of those engaged in prostitution except for the Women's Heart in Action (NGO) which provides training and reskilling for alternative livelihood programmes for prostitutes.</p> <p>One of the significant changes is the new Immigration Regulations which came into force on 3 January 2008</p>
16 Concerned with Fiji's non-ratification of the Optional Protocol	Urges the early adoption of the Optional Protocol to CEDAW	

ANNEX 2

Balelala v State [2004] FJCA 49; AAU0003.2004S (11 November 2004)

**IN THE COURT OF APPEAL, FIJI ISLANDS
ON APPEAL FROM THE HIGH COURT OF FIJI**

CRIMINAL APPEAL NO. AAU0003 OF 2004S
(High Court Criminal Action No. HAM047 of 2003S)

BETWEEN:

SEREMAIA BALELALA

Appellant

AND:

THE STATE

Respondent

Coram: Ward, President
Penlington, JA
Wood, JA

Hearing: Tuesday, 8th November 2004, Suva

Counsel: Appellant in Person

Mr D. Goundar for the Respondent

Date of Judgment: Thursday, 11th November 2004

JUDGMENT OF THE COURT

The appellant was convicted in the Magistrates Court on one count of wrongful confinement (maximum sentence: imprisonment for 1 year or a fine of \$400) and three counts of carnal knowledge without consent (maximum sentence: imprisonment for life). The trial Magistrate committed him to the High Court for sentence for the reason that the case called for a higher sentence than he was empowered to pass.

In relation to the offence of confinement, he was sentenced to imprisonment for 1 year. In relation to each of the other three offences, he was sentenced to concurrent sentences of imprisonment for 10 years. Those sentences were directed to be served cumulatively upon the sentence for the confinement offence. The effective sentence, overall, was accordingly one of 11 years imprisonment, although when added to the period of 18 months, which the appellant had served awaiting trial and sentence, it was somewhat longer. He now appeals by leave given on 18 March 2004 against the conviction and sentence.

It was the prosecution case that on 11 July 2002 the appellant went to the Colo-i-Suva Forest Park, carrying a cane-knife. He noticed, and then followed, the female complainant, who was a tourist taking a walk in the forest. It was asserted that he seized her from behind and dragged her to an area near the pools, where he detained her over night, raping her on three separate occasions during the night, and also performing oral sex on her.

The detention occurred between the hours of 3 p.m. on 11 July 2002, to 7:30 a.m. on the morning of 12 of July 2002, and the complainant was found that morning in a wet, cold and distressed state.

It was the prosecution case that the appellant used the cane-knife to secure her submission, that he jabbed her in the side with it, and that he kept her in his effective control by means of force.

There was evidence which came from the security officer who found her, from the investigating officer and from a Medical Practitioner of distress on the part of the victim, and of signs of bruising and scratch marks to her person. Semen was found on her clothing. Spermatozoa was recovered from a vaginal swab. There was no DNA testing or other forensic test conducted to determine whether any of these samples came from the appellant. Her drink bottle was found in the area where she said that it was thrown by the appellant.

There was an identification parade conducted on 13 July 2002 at which the complainant identified the appellant. Evidence was received from her at trial.

In a caution interview conducted at 8:45 p.m. on 12 July, the appellant agreed to having had sexual intercourse, three times, with the complainant in the park, although by implication he suggested that this was consensual. Later, when charged, he admitted his guilt of all offences.

The appellant had a prior conviction in 1988 for the rape of a tourist which also involved the use of a cane-knife, which attracted a sentence of 4 years imprisonment. He had convictions for offences of robbery with violence, larceny and assault between that time and 1998, as well as a history of escaping from lawful custody. He was aged 47 years and had been working as a grass cutter.

The Reasons for Sentence

In sentencing the appellant, the Court took into account the following considerations:

- (a) The maximum sentence should be imposed for the confinement offence because of its length, the motive for it, the use of a lethal weapon, and the fact that the victim was a tourist who was confined in a place specifically developed to encourage tourism;
- (b) While the confinement to commit rape would normally warrant a higher starting point for the rape offences than the recommended 7 years imprisonment, this should be the starting point because of the separate count of confinement and the sentence which would be imposed for it;
- (c) The appellant should receive a 2 year discount for the 7 year term by reason of the pre-sentence custody and the remissions which he would have earned had he been serving a sentence, as distinct from being held on remand;
- (d) Having taken into account the appellant's objective and mitigating circumstances, a starting point of 4 years imprisonment was reached, which was scaled up to 10 years by reference to the serious objective circumstances of the rapes, the fact that the victim was a young and vulnerable tourist in a

strange country with no family or friends, the prior record of the appellant, the fact that the earlier sentence for a similar offence had not acted as a deterrent, and the need to protect the women and children of the community.

Appeal against conviction

The appellant now appeals against the convictions upon the grounds that:

- (a) There was no corroboration of the complainant, with the result that it would have been dangerous to convict him of the offences, upon her word alone;
- (b) The presence of semen and spermatozoa, the evidence of distress, the bruising and scratching, and the finding of the complainant's water bottle in the area where she said the rape occurred, did not amount to corroboration, and rose no higher than evidence which was consistent with the complainant's account;
- (c) The identification parade at the police station had been unfair in that the nine men who had joined the appellant in the parade had not fallen within the physical description, or the age group of 30 to 39 years, which had been supplied to the police when the complainant described her attacker;
- (d) His Constitutional right to have a reasonable time to make his defence and to have counsel of his choice were denied.

Appeal against sentence

In relation to the sentence appeal it was submitted that:

- (a) The sentences for the rape offences were manifestly excessive, having regard to the recommended starting point of 7 years for such offences, particularly taking into account the pre-sentence custody and the range for comparable offenders;
- (b) All sentences should have been directed to be served concurrently since they arose out of the same events;

The Conviction Appeals

Corroboration

The primary issue which arises on this appeal, concerning the correct approach to the need for evidence corroborative of complainants in rape cases, is one of considerable public importance. It has a particular relevance since under Fijian law, rape can only be committed against women. (Section 149 of the [Penal Code](#) Cap.17).

It is first convenient to note that corroboration is evidence independent of the witness to be corroborated which "confirms in some material particular not only the evidence that the crime had been committed but also that the prisoner committed it": **Reg v. Baskerville** (1910) 2 KB 658. It means "confirmation" or "support": **DPP v. Hester** (1973) AC 296. It does not have to prove, by itself, the guilt of the accused beyond reasonable doubt; it is sufficient if it confirms or tends to confirm the accused's participation, or involvement, in the crime charged **Doney v. The Queen** (1990) 171 CLR 207.

The evidence which was available, in the present case, concerning the forensic samples that were recovered from the complainant, her distressed state, the presence of bruising and scratches to her person, and the recovery of her water bottle, did not amount to corroboration of the involvement of the appellant in the offences that were charged. The position would have been otherwise had his finger prints been found on the water bottle, or had DNA from a sample provided by him been shown to have been of the same profile as that recovered from the complainant's clothing or vaginal swab. To amount to corroboration they needed to link him to the Commission of the offence.

His confession was potentially available as corroboration, subject to it having been obtained according to the law, particularly in so far as he may have disclosed events that were consistent with the complainant's account.

It is true that the evidence of bruising and of scratches, and of distress, was corroborative of the complainant's evidence of absence of consent: See Soqonaivi v. The State (1968) FJCA 64 and Reg. v. Redpath (1962) 46 Cr. App. Rep 319, although in the case of distress, consideration needed to be given to the possibility that the distress was due to some other reason.

Otherwise, none of the matters relied upon by the Magistrate rose above evidence of consistency with the complainant's account of the Appellant having been her attacker. The evidence, however still remained relevant for an assessment of her credibility as a witness.

To the extent that the Magistrate regarded these matters as corroboration of the appellant's involvement in the offences, the respondent concedes that this amounted to a misdirection in accordance with the law as it had been understood to the time of this appeal. However, it submits that the case is one which is fit for an application of the proviso to s.23 (1) of the Court of Appeal Act Cap. 12, in that "no substantial miscarriage of justice has actually occurred." To that submission we will return.

Absence of Legal Representation

We next turn to the fact that the appellant was not legally represented during the trial. The record shows that he initially had representation, and that he sought, but was refused legal aid, as a result of a finding that he did not satisfy the merits test.

As a consequence, Ms Nair the duty solicitor, who had initially appeared for him, and who had cross examined the complainant on 17 July 2002, sought, and obtained leave to withdraw from the case on 31 July 2002. The appellant was given two weeks to find another lawyer, and the proceedings were adjourned for that reason. They were adjourned on several subsequent occasions, so as to ensure that he was given access to a telephone, and to a telephone directory, in order for him to engage a lawyer of his own choice.

On 11 September 2002, the trial was yet again adjourned to await the outcome of his appeal against the refusal of legal aid. Further adjournments were granted on 9 October and on 23 October, on the last of which occasions the appellant informed the Court that he could not afford a lawyer.

On 30 October 2002, the Court was advised that the legal aid appeal had been dismissed. Some evidence was taken that day from the medical officer who had examined the complainant. The remaining evidence was taken on 6 November 2002 and subsequently, and for the remainder of the trial, as was also the case on 30 October, the appellant was permitted, and took the opportunity of cross-examining the witnesses called by the State.

On 10 January 2003, the appellant asked for the hearing to be deferred to allow him time to prepare. He drew attention to the refusal of his appeal in respect of legal aid, and to his lack of funds. He said that he had found a relative who was proposed to advance some money for a lawyer.

The request for an adjournment was opposed by the State, which pointed out that the appellant had been given time to look for a lawyer, but had failed to do so. It was also pointed out that the trial was coming to a close. By that stage the evidence of the complainant and of 7 prosecution witnesses had been taken. The Constitutional requirement for completion of the trial within a reasonable time was also relied upon by the State.

The request for a further adjournment was refused, and the trial proceeded, with the prosecution case closing on that day. The Appellant was advised of his options, following a finding of a prima facie case. He elected to give evidence, which he proceeded to give. He also indicated an intention to call four witnesses.

For a number of different reasons, including illness, the proceedings were adjourned on the next day that they were due to resume (on 5 March 2003), but continued on 15 April 2003, when the appellant completed his evidence. His witnesses were called on the following day, and they were followed by submissions from the prosecution and the appellant, which he had reduced to writing.

The right of defence is embodied in the Constitution (Amendment) Act 1997, and it is to the following effect:

“28(1) Every person charged with an offence has the right:

(d) to defend himself or herself in person or to be represented, at his or her own expense, by a legal practitioner of his or her choice or, if the interests of justice so require, to be given the services of a legal practitioner under a scheme for legal aid.”

The desirability of any accused person having legal representation at a trial is obvious, for the reasons stated in *Dietrich v. The Queen* (1992) 177 CLR 292; but it is not an absolute right – *Robinson v. The Queen* (1985) AC 956.

The absence of counsel is not necessarily fatal to a conviction which is obtained after a trial which is fairly conducted. In this case, the appellant sought, but was refused legal aid by reason of an assessment of a lack of merits in his defence. The decision was properly reviewed and dismissed. Section 28 of the Constitution does not require the provision of legal aid in absolute terms. The obligation which is implicit in that respect is one which arises where “the interests of justice so require.”

At a time when legal aid resources in the country are both finite and severely limited, the provision must be given a practical application. It cannot be read as guaranteeing legal aid for every case that is presented in the criminal list, no matter how hopeless might be the defence. Legal Aid needs to be preserved for needy cases.

In the present case the prosecution case was obviously compelling, particularly having regard to the appellant's confession. It was a case where legal aid was properly refused for lack of merit, and it was not, in the particular circumstance which applied, one where the interests of justice required it to be given.

Otherwise the appellant has been given every opportunity through adjournments, to secure private representation. He did not have the means to do so, and by the time of his request for an adjournment on 10 January 2003, the prosecution case was all but complete.

Thereafter he had plenty of opportunity prior to the resumption of the trial on 15 April 2003, to be represented by a lawyer, had it truly been the case that his uncle was willing to advance the funds needed. He did not avail himself of this opportunity, and he made no subsequent complaint.

He was not unfamiliar with court procedures, having regard to his antecedent criminal record. Moreover he exercised his right of cross-examination thoroughly, gave evidence, and called several witnesses. In the result, they did not support the allegation which he had made, at one stage, but had later withdrawn during the trial, of having been assaulted by Police, before participating in the caution interview.

Accordingly this ground is not made good.

The Proviso

Assuming that there was error in accordance with the law as it stood at the time of the trial, the case clearly is one that is fit for an application of the proviso. There was some corroboration in relation to the involvement of the offender in the offences by reason of his confession to having had sexual intercourse, on 3 occasions during the night with the complainant. In those circumstances the absence of DNA evidence was of no importance to the outcome of the trial.

There was also evidence of corroboration in relation to the lack of consent in the form of the complainant's injuries and contemporary appearance of being wet, cold and distressed, in the absence of any other apparent reason for her being in that state.

Quite independently of those matters, there was evidence from the complainant who was judged by the Magistrate to have been a credible and reliable witness, going not only to the occurrence of the assaults and lack of consent, but also as to the identification of the accused in a police line up.

She had the advantage of having seen the appellant over a lengthy period, at close quarters, and during at least 5 hours of day light. There was no delay in the holding of the identification parade, and there is no suggestion other than that her identification of the appellant was positive. The Magistrate appropriately gave himself a warning in accordance with the guideline laid down in ***R v Turnbull*** (1976) 3 All ER 549.

Although a faint complaint was made upon appeal, as to the composition of the identification parade, there was no evidence adduced at the trial which questioned the age or appearance of the 9 men who participated in the line up, with the appellant. Nor has any attempt been made to introduce new evidence on this aspect of the case, during the appeal.

The case is one where there was clear and cogent evidence of the appellant's guilt, and it is not one where the misdirection as to corroboration in accordance with the law as it was understood at the time of the trial, involved a substantial miscarriage of justice, as that expression has been understood: **R v Weir** (1955) NZLR 711 and **Subhaya v. Regina** CR. APP 29 of 1981. The appeal against conviction has not been made good, despite the error in relation to corroboration.

The appeal against sentence

The appeal against sentence is meritless. The circumstances of the confinement, and its duration brought it within the worst kind of case for this offence that comes before the Courts. As such it merited the maximum sentence reserved for it: **R v Amber** (1976) Crim. L.R. 266.

Similarly there was no error in the approach which was taken for the rape offences. They were very serious offences, which involved sustained criminality, and which involved the use of a knife – a form of conduct abhorrent to right thinking members of the community. The appellant had a bad criminal record, including a conviction for a similar offence, and the case was one that called for both personal and general deterrence. In that regard the fact that the victim was a tourist is not to be overlooked.

The confinement offence was a separate and serious matter. In order to achieve a sentence that was proportionate to the total criminality involved, the sentencing Judge was well entitled to direct that the sentences for the rape offences should be served cumulatively upon the sentence for the confinement offence.

Moreover, the sentences for the rape offences were well within the legitimate range of sentencing discretion which is evidenced by decisions such as **R v Billam** (1986) 8 Cr. App. (s) 48, and **Mohammed Kasim v. The State** Cri. App No. 21 of 1993.

It follows that the sentences were neither manifestly excessive, or wrong in principle.

Review of the Law of Corroboration

There is no express provision in the [Penal Code](#) Cap. 17 or in the [Criminal Procedure Code](#) Cap. 25 requiring corroboration in the case of the felony of rape or other sexual offences. The only statutory requirement for corroboration relates to the offences of perjury or subornation of perjury or the like offences referred to in s.124 of the [Penal Code](#).

The rule of practice which required corroboration, or a warning that it is dangerous to act on the uncorroborated evidence of the complainant, in cases of sexual assault, depended on a generalization that female evidence in such cases is intrinsically unreliable. This rule found its way into the common law, at least by the eighteenth century and attracted comment by Sir Mathew Hale:

“It is true rape is most detestable crime, and therefore ought severely and impartially to be punished with death; but it must be remembered, that it is an accusation easily to be made and hard to be proved, and harder to be defended by the party accused, though never so innocent.” (Hale, History of the Pleas of the Crown, vol. 1, at page 635)

Deane J. in Longman v. The Queen pointed out that in the 5th edition of Will’s essay on the Principles of Circumstantial Evidence (1902), the rationale of the practice was explained thus:

“... there is often very great temptation to a woman to screen herself by making a false or exaggerated charge, and supporting it with minute details of a kind, which the female mind seems particularly adapted to invent. Unless, therefore, the story of the prosecutrix is corroborated, it becomes a mere question of oath against oath, and although the law does not, in these cases, technically require corroborative evidence..... judges are in the habit of telling juries that it is not safe to convict the prisoner upon the unsupported statements of the woman.....”

To similar effect was the statement of Salmon LJ, as late as 1968, in Reg v. Henry (1968) 53 Cr. App. Rep 150 at 153, where his Lordship explained the rule of practice on the basis that:

“...human experience has shown that in these Courts girls and women sometimes tell an entirely false story, which is very easy to fabricate, but extremely difficult to refute. Such stories are fabricated for all sorts of reasons, which I need not now enumerate, and sometimes for no reasons at all.....”

In some jurisdictions the rule has been applied to victims of either gender, and in other jurisdictions it has been confined to women and girls. Its effect has been to place victims of sexual offences in a special category of suspect witnesses Reg. v. Hester (1973) AC 296 at 325, and Reg v. Spencer (1987) AC 128. It has resulted in convictions which were solely supported on the complainant’s evidence being regarded as unsafe and unsatisfactory and quashed on appeal: Longman v. The Queen (1989) 168 CLR 79 at 84. It has given accused, in cases of sexual offences, a protection which does not exist in other cases of serious criminality, and it almost certainly has had the effect, in many instances of deterring rape victims from reporting offences committed against them, or from cooperating in the prosecution of offenders.

Attempts have been made, from time to time, to justify the rule by reference to a wide range of reasons, including a supposed tendency in women to engage in fantasy, to be fickle or spiteful in sexual relationships, to be prone to sexual neurosis, or to be unwilling to admit to consent out of shame.

However forcefully these reasons are propounded, along with the associated rape myths which were lucidly identified by Madame Justice L’Heureux-Dube in Reg. v. Seaboyer (1991) 2 SCR 577 (Supreme Court of Canada), we consider that they have reflected a flawed understanding of the world, they have been unfairly demeaning of women, and they have been discredited by law makers, in more recent times.

In the detailed and careful submissions which were prepared by the respondent to this appeal, a review was undertaken of the jurisdictions in which, and the extent to which, the rule has been abolished or modified.

In Canada, the requirement for corroboration was abolished through section 8 chapter 93 of the Criminal Law Amendment Act; in New Zealand the Evidence Amendment Act (No.2) of 1985 prevents Judges from commenting on the unreliability of uncorroborated sexual assault evidence.

In Australia s.164 of the Uniform [Evidence Act](#) removes the need to warn a jury that it is dangerous to act on uncorroborated evidence, and in most States, which are not subject to this Act, similar provision has been made.

In the United Kingdom similar provision was made in s.32 of the Criminal Justice and Public Order Act 1994.

Internationally, the Rules or Procedure and Evidence for the International Criminal Court, and of the International Criminal Tribunals for the former Yugoslavia and for Rwanda respectively, exclude the requirement for any such direction in relation to crimes of sexual assault.

The requirement for corroboration in these cases has been struck down in decisions of the Supreme Court of Appeal of South Africa (*State v. Jackson* (1981) 1 SACR 470; of the High Court of Bangladesh (*Al Amin v. The State* 19 BLD (HCD) (1999)), and of the Supreme Court of Namibia in *S v. D* (1992) ISACR and in *State v. K.* (2000) 4 LRC 129. It has been regarded as an “increasingly outmoded rule of evidence in the United States: *Carmell v. Texas* (200) 963 S.W. 2nd 833 (US Supreme Court). It was also the subject of stringent criticism by the Supreme Court of California in *R v. Rincon-Pineda* 14 Cal. 3d 864.

In Fiji, the majority judgment of this Court in *Maika Soqonaivi v. State* (1998) FJCA 64, noted that the requirement:

“has been regarded as unsatisfactory in many jurisdictions. This is because of its inflexibility, the apparent assumption that complainants’ evidence is inherently unreliable, and the direction may result in a guilty person being acquitted solely because of the effect of the direction.”

The majority judgment suggested that a similar amendment should be made to the law in Fiji to that which was made in New Zealand, and is now embodied in s.23 AB of the Evidence Act 1908; See *R v Daniels* (1986) 2 NZLR 106, and the discussion in *R v. McClintock* (1986) 2 NZLR 99, at p.103, concerning the justification for such an amendment.

Notwithstanding this criticism, it was held in *Mark Mutch v. The State* Cr. App AAU0060.1999 that the rule is:

“still the law in Fiji Islands, and assessors must be directed (and Judges bear in mind) that even if they believe the complainant, it is dangerous to convict on his or her evidence unless it is corroborated or supported in some material particular by independent testimony implicating the accused in the commission of the offence. It is for the Judge to determine whether there is any evidence capable of being corroboration, and for the assessors to decide whether to accept it, and if so, whether it amounts to corroboration. They should be told that they can convict bearing in mind this warning if they are convinced of the truth of the complainant’s testimony” (at p.7).”

Since these decisions the Court has had the additional benefit of the decision of the Privy Council in an appeal from the Eastern Caribbean Court of Appeal (Grenada) in *Regina v. Gilbert* (2002) 2 AC

531. A submission was advanced, in that appeal, that the rule could only be abrogated by statute. In the judgment of the Privy Council which was delivered by Lord Hobhouse of Woodborough, this submission was rejected. Their Lordships said:

“There would be force in this submission if the rule in question was properly described as a rule of law or had itself been enacted by a statute. But the rule was in truth a rule of practice said to be based upon ‘long practical experience’: per Salmon LJ in R v. O’Reilly [1967] 2 QB 722,726. It tells a judge how he should sum up in a sexual case. Its justification has to be that described in the passage quoted from the judgment in R v Chance [1988] QB 932, 941-942. The rule is always liable to be reassessed in the light of further experience or research and reformulated in order better to perform that function. If, as their Lordships consider in agreement with the Law Commission and the Court of Appeal in England, the rule has become counterproductive and confusing it is the duty of their Lordships so to hold. In their Lordships’ opinion the rule of practice which now will best fulfil the needs of fairness and safety is that set out in the passage they have quoted from the judgment of Lord Taylor of Gosforth CJ in R v Makanjuola [1995] 1 WLR 1348, 1351-1352. The guidance given by Lord Taylor of Gosforth CJ should now be followed.” (at p.9).

The guidance which their Lordships considered should be drawn from Lord Taylor’s judgment was to the following effect.

“Whether, as a matter of discretion, a judge should give any warning and if so its strength and terms must depend upon the content and manner of the witness’s evidence, the circumstances of the case and the issues raised. The judge will often consider that no special warning is required at all. Where, however the witness has been shown to be unreliable, he or she may consider it necessary to urge caution. In a more extreme case, if the witness is shown to have lied, to have made previous false complaints, or to bear the defendant some grudge, a stronger warning may be thought appropriate and the judge may suggest it would be wise to look for some supporting material before acting on the impugned witness’s evidence. We stress that these observations are merely illustrative of some, not all, of the factors which judges may take into account in measuring where a witness stands in the scale of reliability and what response they should make at that level in their directions to the jury. We also stress that judges are not required to conform to any formula and this court would be slow to interfere with the exercise of discretions by a trial judge who has the advantage of assessing the manner of a witness’s evidence as well as its content.

To summarise(2) it is a matter for the judge’s discretion what, if any warning, he considers appropriate in respect of such a witness as indeed in respect of any other witness in whatever type of case. Whether he chooses to give a warning and in what terms will depend on the circumstances of the case, the issues raised and the content and quality of the witness’s evidence. (3) In some cases, it may be appropriate for the judge to warn the jury to exercise caution before acting upon the unsupported evidence of a witness. This will not be so simply because the witness is a complainant of a sexual offence nor will it necessarily be so because a witness is alleged to be an accomplice. There will need to be an evidential basis for suggesting that the evidence of the witness may be unreliable. An evidential basis does not include mere suggestion by cross-examining counsel. (4) If any question arises as to whether the judge should give a special warning in respect of a witness, it is desirable that the question be resolved by discussion with counsel in the absence of the jury before final speeches. (5) Where the judge does decide to give some warning in respect

of a witness, it will be appropriate to do so as part of the judge's review of the evidence and his comments as to how the jury should evaluate it rather than as a set-piece legal direction. (6) Where some warning is required, it will be for the judge to decide the strength and terms of the warning. It does not have to be invested with the whole florid regime of the old corroboration rules.”(at .7)

The treatment of the rule as one of practice rather than one of law, as has been the case with accomplice evidence, is consistent with authority: See for example *Longman v. The Queen* at pp 85, 91, and 104. It is also consistent with the fact that the Penal Code of Fiji is silent as to corroboration in sexual crimes.

As such it is open for this Court to follow the guidance which has been given at the highest level in other jurisdictions, to hold that the Rule is counter productive, confusing and both discriminatory and demeaning of women; and, as a result to adopt the approach which was approved in *Regina v. Gilbert* and in *Longman v. The Queen*.

Upon that basis it would henceforth be a matter for discretion, in accordance with the general law, for a Judge to give a warning or caution, wherever there was some particular aspect of the evidence giving rise to a question as to its reliability. That might arise, for example, where the complainant had been previously found to be unreliable, or was shown to have had a grudge against the accused, or where there had been a substantial delay in the making of the complaint, or where the complainant was shown by reason of age or mental disability to be questionable as to her veracity, or where she had given inconsistent accounts.

These are but examples of reasons that might require a warning or caution. They are not meant to be an exhaustive statement, and the strength of the caution or warning would always depend both upon the issues in the trial, and upon the nature of the matter giving rise to a possible question of unreliability. It would remain necessary, in any event for the jury to be suitably directed that it is necessary for the prosecution to prove the guilt of the accused beyond reasonable doubt: *R v. Daniels* (1986) 2 NZLR 106 at 113.

To adopt such an approach would be to bring the practice in the Islands of Fiji into conformity with that now adopted in many other, if not most, common law, as well as international criminal jurisdictions, and civil code jurisdictions. It would place victim evidence in rape cases on the same basis, not only with the evidence of victims in other cases of criminality, but generally, that is subject to a caution where some aspect of unreliability arises justifying a caution particular to that case.

It would also conform with the provisions of s.38(1) of the Constitution (Amendment) Act 1997 which provides, as part of chapter 4, Bill of Rights:

“(1) Every person has the right to equality before the law.

(2) a person must not be unfairly discriminated against directly or indirectly, on the ground of his or her

(a) actual or supposed personal characteristics or circumstances, including gender.....”

This provision is to be considered in the light of s.2(1) of the Constitution which notes that it is the “Supreme law of the State”, and in the light of s.2(2) which provides that “any law inconsistent with this Constitution is invalid to the extent of the inconsistency.”

Additionally, it is to be noted that s.21(1) provides that chapter 4 (The Bill of Rights) “binds the “Judicial branch of government”; and that s.43(2) requires the Courts, in interpreting the provisions of this Chapter,, “to promote the values that underlie a democratic society based on freedom and equality and must, if relevant, have regard to public international law applicable to the rights set out in (the) Chapter.”

All major human rights instruments establish standards for the protection of women, including a prohibition on any form of discrimination against them: e.g. the Convention on the Elimination of All Forms of Discrimination against Women.

These considerations add weight to the conclusion that the rule of practice should be abrogated, not only by reason of the fact that it represents an outmoded and fundamentally flawed view, but also by reason of the need to give full force and effect to the Constitutional principle of equality before the law. By reason of the Constitutional Provisions, s.3(3) of the [Criminal Procedure Code](#) would not require continued adherence to the former corroboration rule, even though it represented the practice in force in England at the time of the Code’s commencement in 1944.

We were informed that following the decision in *[Maika Sogonaivi v. The State](#)*, the Law Reform Commission prepared a report recommending the repeal of the rule, which was tabled in Parliament in 1999. It has yet to be implemented. As the rule is one of practice, we consider that it is appropriate for us to declare that henceforth it need not be followed, although for mere abundant caution, we also recommend that any residual question should be put to rest by legislation.

Orders:

1. Appeal against convictions dismissed.
2. Appeal against sentence dismissed.

**Ward, President
Penlington, JA
Wood, JA**

Solicitors:

**Appellant in Person
Office of the Director of Public Prosecutions, Suva for the Respondent**

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ANNEX 3

**COMPLAINTS ON DISCRIMINATION LODGED TO THE FIJI HUMAN RIGHTS BY WOMEN FOR
THE PERIOD 01/01/05 – JUNE, 2008**

Num.	File Ref.	Legal Class	Complainant	Respondent	Date Received	Issue	File Status
1.	25/06	Cs 38(2) As17(3)(b) CEDAW ILO C100 ILO C111 ICESR UDHR	AA	BB	17/3/06	Alleges weight and gender discrimination	To refer to the union to deal with it – file on W.B.
2.	28/06	Cs38(2) As17(3)(b) CEDAW ILO C100 ILO C111 ICESR UDHR	CC	DD	27/3/06	Labour related Complaint. Discrimination in employment.	File investigated and closed.
3.	20/07	Cs38(2) Cs33 CEDAW UDHR	EE	FF	19/3/07	Age discrimination and labour related.	File investigated and closed.
4.	36/07	Cs 38 Cs 33 CEDAW UDHR	GG	HH	4/5/07	Discrimination in employment.	File investigated, conciliated and closed.
5.	43/07	Cs 38 Cs 33 CEDAW UDHR	II	JJ	1/6/07	Sexual harassment in employment.	File investigated and closed.
6.	08/05	Cs 38 Cs 33 CEDAW UDHR ILO C111	KK	LL	27/1/05	Pregnancy condition.	File investigated and closed.
7.	16/5/05	Cs 38 Cs 33 ILO C111 CEDAW	MM	NN	28/2/05	Sexual harassment at work place, bullying and victimisation.	File investigated and closed.
8.	17/05	Cs 38 Cs 33 CEDAW	OO	PP	25/2/05	Pregnancy discrimination in employment.	File investigated and closed.

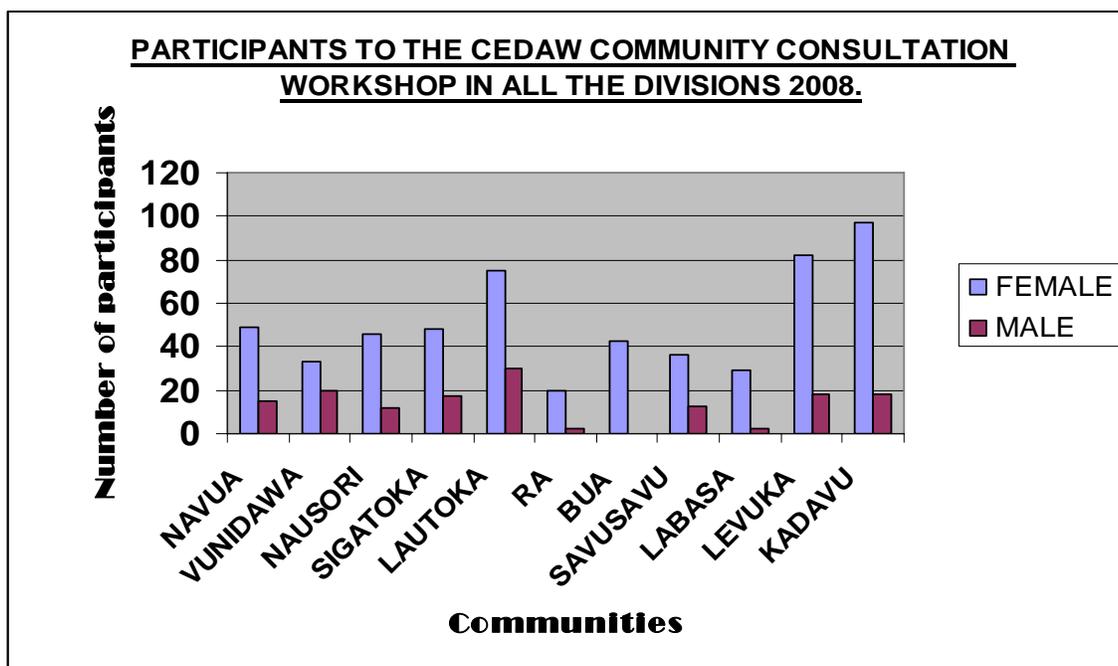
Num.	File Ref.	Legal Class	Complainant	Respondent	Date Received	Issue	File Status
9.	18/05	Cs 38 Cs 33 CEDAW	QQ	RR	25/2/05	Discrimination in employment (victimisation and bullying).	File investigated and closed.
10.	25/05	Cs 38 Cs 33 CEDAW Act 17(3)(b) ILO C111	SS	TT	21/3/05	Sexual harassment in employment.	File investigated, conciliated and closed.
11.	26/05	Cs 38 CEDAW UDHR	UU	VV	21/3/05	Right to vote	File investigated and closed.
12.	36/05	Cs 38 CEDAW	WW	XX	1/4/05	Pregnancy Discrimination in School	File investigated, conciliated and closed.
13.	37/05	Cs 38 Cs 33 CEDAW UDHR	YY	ZZ	5/4/05	Sexual harassment in employment	File investigated and closed.
14.	42/05	Cs 38 Cs 33 CEDAW	AB	AC	21/4/05	Harassment	File investigated and closed.
15.	54/05	Cs 38 Cs 33 CEDAW	CD	CE	6/6/05	Unfairly treated employer.	Investigated and closed.
16.	57/05	Cs 38 Cs 33 Cs 37 CEDAW	CF	CG	9/6/08	Discrimination in employment.	Investigated, Conciliated and closed.
17.	59/05	Cs 38 Cs 39 CEDAW	DA	DE	21/6/05	Pregnancy Discrimination in employment	Investigated, Conciliated and closed.
18.	67/05	CS 38 Cs 33 CEDAW	NA	NB	5/8/05	Harassment and victimisation in employment.	File investigated and closed.
19.	34/05	Cs 38 Cs 33 CEDAW	MT	MR	30/12/05	Discrimination in employment.	File investigated and closed.

ANNEX 4

Summary of CEDAW Report Community Consultation Participants

VENUE	FEMALE	MALE
NAVUA	49	15
VUNIDAWA	33	20
NAUSORI	46	12
SIGATOKA	48	17
LAUTOKA	75	30
RA	20	2
BUA	43	0
SAVUSAVU	36	13
LABASA	29	2
LEVUKA	82	18
KADAVU	97	18
TOTAL NUMBER OF PARTICIPANTS	558	147

V



CEDAW COMMUNITY CONSULTATION – KADAVU

#	NAME	VILLAGE	PROVINCE
1	Salote Seruvatu	Dravuni	Kadavu
2	Tamari Qereqeretabua	Dravuni	Kadavu
3	Mereani Qereqeretabua	Dravuni	Kadavu
4	Makereta Kovelali	Dravuni	Kadavu
5	Venina Kuruvoli	Nabouwalu	Kadavu
6	Varanisese Uluinaceva	Waisomo/Ono	Kadavu
7	Virisila Tamanivalu	Buliya	Kadavu
8	Mareta Kalouniwaqa	Tavuki	Kadavu
9	Wainikiti Cagicaucan	Naqara	Kadavu
10	Mereia Vakuruivalu	Naqara	Kadavu
11	Emele Bola	Dravuni	Kadavu
12	Sereana Naqevuki	Waisomo/Ono	Kadavu
13	Ulamila Finau	Waisomo/Ono	Kadavu
14	Lute Nanovo	Natumua	Kadavu
15	Makereta Turaga	Natumua	Kadavu
16	Mereani Kubukawa	Natumua	Kadavu
17	Tarisi Vinaka	Waisomo	Kadavu
18	Ana Ravau	Waisomo	Kadavu
19	Seruwaia S	Galoa	Kadavu
20	Merewalesi M	Solodamu	Kadavu
21	Varanisese Narukutabua	Narikoso	Kadavu
22	Vinea Biu	Nabouwalu	Kadavu
23	Rosa Rasova	Nabouwalu	Kadavu
24	Vakaoca B	Vunisea/Fisheries Dept.	Kadavu
25	Iva Solei	Vunisea/Fisheries Dept.	Kadavu
26	Elenoa Veimodo	Nauciwai	Kadavu
27	Kalesita Temo	Gasele	Kadavu
28	Visila Vuruya	Galoa	Kadavu
29	Sala Nuku	Galoa	Kadavu
30	Reapi Reapi D	Galoa	Kadavu
31	Sogovava Naivuga	Galoa	Kadavu
32	Isenia Cirimaito	Galoa	Kadavu
33	Leba Naua	Muani	Kadavu
34	Jiutajia Yamaka	Muani	Kadavu
35	Makereta Bale	Ravitaki	Kadavu
36	Mere Lutu	Wailevu	Kadavu
37	Tarisi Vadiga	Wailevu	Kadavu
38	Makelesi Waqa	Drue	Kadavu
39	Lanieta Drala	Naikorokoro	Kadavu
40	Fane Cavalevu	Naikorokoro	Kadavu
41	Sera Vereivalu	Drue	Kadavu
42	Alanieta Seru	Namalata	Kadavu
43	Mere Nawalowalo	Tavuki	Kadavu
44	Nolani Daveta	Namalata	Kadavu

45	Emasi Seruvatu	Namalata	Kadavu
46	Jovesa Seru	Namalata	Kadavu
47	Manoa Baro L.	Namalata	Kadavu
48	Sera V	Tavuki	Kadavu
49	Akisi Tuicakau	Tavuki	Kadavu
50	Finau Barailala	Tavuki	Kadavu
51	Osepati Tuicakau	Tavuki	Kadavu
52	Kesaia Taukano	Tavuki	Kadavu
53	Luisa S	Naqara	Kadavu
54	Loata Buakula	Nasau	Kadavu
55	Maca Tinibua	Dagai	Kadavu
56	Akosita Rabua	Muaninuku	Kadavu
57	Jojiana Qoro	Levuka	Kadavu
58	Seremana M	Nasau	Kadavu
59	Iva Solei Balewai	Levuka	Kadavu
60	Tui Vugakoto	Rakiraki	Kadavu
61	Anawaile Ciba Bulewa	Galoa	Kadavu
62	Ilisabeu Senikula	Galoa	Kadavu
63	Asinate Waqalevu	Wailevu	Kadavu
64	Maraia Kekekua	Namalata	Kadavu
65	Make Abasoni	Galoa	Kadavu
66	Emi Mataniwai	Namalata	Kadavu
67	Fipe Nanovo	Daviqele	Kadavu
68	Josua Daveta	Namalata	Kadavu
69	Unaisi Rogo	Nagonedau/Tavuki	Kadavu
70	Taraivini Vusoni	Police Station	Kadavu
71	Eileen Fisher	Police Station	Kadavu
72	Venina Bilu	Namalata	Kadavu
73	Aisea Tokaiqali	Micro-Finance	Kadavu
74	Kabu Jiuta	Galoa	Kadavu
75	Marama Cawanibuka	Tavuki	Kadavu
76	Toka	Namalata	Kadavu
77	Joana Seruvatu	Namalata	Kadavu
78	Mereani Se	Namalata	Kadavu
79	Ana Qaravi	Namalata	Kadavu
80	Vuta Tupou	Namalata	Kadavu
81	Fipe Nanovo	Daviqele	Kadavu
82	Sereana Lewa	Nagonedau/Tavuki	Kadavu
83	Naibuka Sivo	Namalata	Kadavu
84	Silina Qerea	Namalata	Kadavu
85	Kuini Bilu	Namalata	Kadavu
86	Ana Roqaravi	Cevai	Kadavu
87	Kameli Salu	Namalata	Kadavu
88	Rev. Navitalai Qera	Namalata	Kadavu
89	Ilivani Nadrau	Namalata	Kadavu
90	Lice Savu	Namalata	Kadavu
91	Mereseini Vatubuli	Namalata	Kadavu
92	Lanieta Wanivosavosa	Namalata	Kadavu

93	Kelera Turaga	Namalata	Kadavu
94	Tomasi Turaga	Namalata	Kadavu
95	Apisai Tawake	Namalata	Kadavu
96	Joni Vatubuli	Namalata	Kadavu
97	Talica Banikarawa	Namalata	Kadavu
98	Mereani Mataulaki	Namalata	Kadavu
99	Raijeli Sautamata	Namalata	Kadavu
100	Varanisese Vatubulu	Namalata	Kadavu
101	Esita Lotu	Namalata	Kadavu
102	L. Daveta	Namalata	Kadavu
103	B. Tawake	Namalata	Kadavu
104	Elenoa Sema	Namalata	Kadavu
105	Mereseini Diwawa	Namalata	Kadavu
106	Loata Ritova	Namalata	Kadavu
107	Litea Lave	Vunisea	Kadavu
108	Vika Raisokula	Namalata	Kadavu
109	Olivia F	Namalata	Kadavu
110	Jokatama Bainiva	Namalata	Kadavu
111	Ruci C	Talaulia	Kadavu
112	Iva Solei	Talaulia	Kadavu
113	R.Cawakau	Talaulia	Kadavu

CEDAW COMMUNITY CONSULTATION-OVALAU

#	NAME	VILLAGE/DISTRICT	PROVINCE
1	Teupola Gaunavou	Viro/ Bureta	Ovalau
2	Sera Baleiwai	Viro/ Bureta	Ovalau
3	Teresia Matata	Draiba/ Nasinu	Ovalau
4	Vuli Suka	Viro/ Bureta	Ovalau
5	Elina Gukilau	Vuma/ Levuka	Ovalau
6	Emali Viaviaturaga	Vuma/ Levuka	Ovalau
7	Ivamere Sokiveta	Vuma/ Levuka	Ovalau
8	Maraia Tamani	Nasinu/ Nasinu	Ovalau
9	Salote N.	Nasinu/Nasinu	Ovalau
10	Matelita Valetine	Toki/Levuka	Ovalau
11	Sinate Marama	Toki/Levuka	Ovalau
12	Ilisapeci Temo	Toki/Levuka	Ovalau
13	Jiutatia Railala	Toki/Levuka	Ovalau
14	Lesu Vocea	A.N.C.F- Toki/Levuka	Ovalau
15	Isoa	Levuka	Ovalau
16	Luisa Tabualevu	Draiba/Nasinu	Ovalau
17	Ilaisa Tamani	Levuka Vakaviti/Levuka	Ovalau
18	Wati Volivale	Draiba/Nasinu	Ovalau
19	Sereana Salesi	Draiba/Nasinu	Ovalau
20	Maria Tokalauvere	Draiba/Nasinu	Ovalau
21	Adi Salmieta radovu	Draiba/Nasinu	Ovalau
22	Maria Bui	Draiba/Nasinu	Ovalau

23	Veniana Turaganicolo	Visoto/Lovoni	Ovalau
24	Lite Colelala	Visoto/Lovoni	Ovalau
25	Anaseini Satoko	Visoto/Lovoni	Ovalau
26	Seini Uarua	Rukuruku/Levuka	Ovalau
27	Tokasa Boila	Rukuruku/Levuka	Ovalau
28	Emele Nai	Draiba/Nasinu	Ovalau
29	Naomi Naivalu	Vatukalo/Levuka	Ovalau
30	Sisilia Soqeta	Vatukalo/Levuka	Ovalau
31	Akata Mudu	Vatukalo/Levuka	Ovalau
32	Maopa Sobu	Draiba/Nasinu	Ovalau
33	Maria Vika	Levuka/Levuka	Ovalau
34	Maria Emi	Tokou/Nasinu	Ovalau
35	Taina Babra	Tokou/Nasinu	Ovalau
36	Selina Kini	Tokou/Nasinu	Ovalau
37	Karolina Diwai	Tokou/Nasinu	Ovalau
38	Lusia Kabariki	Draiba/Nasinu	Ovalau
39	Elenoa Magitilailai	Tokou/Nasinu	Ovalau
40	Makarita Koroi	Natokalau/Nasinu	Ovalau
41	Patricia Wong	Levuka Town	Ovalau
42	Akanisi Kubunavanua	Tokou/Nasinu	Ovalau
43	Laita Sorokibau	Natokalau/Nasinu	Ovalau
44	Patricia Vuga	Nalaba/Levuka	Ovalau
45	Jeke Savirio	Wailailai/Levuka	Ovalau
46	Vilitati M	Visoto/Lovoni	Ovalau
47	Viliame Tiko	Nukutocia/Lovoni	Ovalau
48	Samu Novo	Vuma/Levuka	Ovalau
49	Sakiusa C	Arovudi/Levuka	Ovalau
50	Apenisa Valesu	Taviya/Levuka	Ovalau
51	Viliame Nawaqava	Vatukalo	Ovalau
52	Vinaina Vonovono	Naikoro/Nasinu	Ovalau
53	Sisilia Kaloucava	Vatukalo	Ovalau
54	Naina Davui	Nauouo	Ovalau
55	Rajjeli Kavecagi	Nauouo	Ovalau
56	Sainimili	Nauouo	Ovalau
57	Alumita Tiko	Nacobo/Lovoni	Ovalau
58	Susana Lati	Nacobo/Lovoni	Ovalau
59	Terailei Adimeiono	Nacobo/Lovoni	Ovalau
60	Litia Dakuna	Nacobo/Lovoni	Ovalau
61	Vivian Prasad	Levuka Town	Ovalau
62	Vasemaca Vula	Kalaba/Levuka	Ovalau
63	Salaseini Nagalu	Arovudi	Ovalau
64	Miriama Banuve	Prison Compound/Levuka	Ovalau
65	Marica Naivalu	Prison Compound/Levuka	Ovalau
66	Camari Ligamamada	Marine Quarters/Levuka	Ovalau
67	Vani Levacibau	Marine Quarters/Levuka	Ovalau
68	Lavenia Wati	Lovoni	Ovalau
69	Salanieta Qarau	Lovoni	Ovalau
70	Moape Vu	Toki	Ovalau

71	Salome Bale	Tokou	Ovalau
72	Tupou Verekawa	Draiba Housing	Ovalau
73	Mrs. Bingwor	Town Area	Ovalau
74	Ana Navana	Town Area	Ovalau
75	Adi Mari	Town Area	Ovalau
76	Mere	Natokalau	Ovalau
77	Rusila	Draiba	Ovalau
78	Apolonia	Tokou	Ovalau
79	Loata Vulaca	Levuka - Vakaviti	Ovalau
80	Vika	Town Area	Ovalau
81	Manase	Natokalau	Ovalau
82	Losio	Natokalau	Ovalau
83	Peni Vallentine	Toki	Ovalau
84	Makereta Tuinabou	Vagadaci	Ovalau
85	Virisine Namata	Tokou	Ovalau
86	Masilina B	Tokou	Ovalau
87	Rusila Bainimoli	Tokou	Ovalau
88	Akeneta Drugata	Tokou	Ovalau
89	Rosalia dau	Tokou	Ovalau
90	Mere Vocea	Toki	Ovalau
91	Pasemaca Seni	Town Area	Ovalau
92	Asenaca Naivalu	Vatukalo	Ovalau
93	Sereana Soqeta	Vatukalo	Ovalau
94	Temalesi Vueti	Vagadaci	Ovalau
95	Seini Salaida	Levuka-Vakaviti	Ovalau
96	Daya Wati	Draiba	Ovalau
97	Makelesi D	Dept. for Women	Ovalau
98	Petero Mudu	Provincial Administrator	Ovalau
99	Peter	Town Area	Ovalau
100	Tavaita Adimaiono	Nacobo	Ovalau

CEDAW COMMUNITY CONSULTATION-BUA

#	NAME	ORGANIZATION/Village	PROVINCE
1	Paulina Tagivetaua	SSV Matalei	BUA
2	Leba Rabukawaqa	SSV Nabouwalu	BUA
3	Kinesi Tavulo	SSV Sawani	BUA
4	Adivanioni Nadrega	SSV Wainunu	BUA
5	Raijeli Ketedromo	SSV Wairiki	BUA
6	Salote Baravilala	SSV Dama	BUA
7	Loraini Dre	SSV Nasau	BUA
8	Susana Liga	SSV Naruwai	BUA
9	Ilisapeci Kurusiga	SSV Nawaca	BUA
10	Vika Yalayala	SSV Nawaca	BUA
11	Adivani Tabualevu	SSV Naruwai	BUA
12	Siowana Dimasei	SSV Naruwai	BUA
13	Mere Waqavou	SSV Naruwai	BUA

14	Ilivani Vulavou	SSV Naruwai	BUA
15	Marica Cobo	SSV Nubunikadamu	BUA
16	Laisa Lewanavanua	SSV Wainunu	BUA
17	Litiana Koroviriki	SSV Nakawakawa	BUA
18	Miriama Wainibu	SSV Sawani	BUA
19	Maraia Qalomai	SSV Sawani	BUA
20	Jowana Robanakadavu	SSV Raralevu	BUA
21	Senimili Moceituba	Sawani	BUA
22	Laite Coqe	SSV Makole	BUA
23	Sereana Ryder	Raralevu	BUA
24	Vuli Kaucagi	Raralevu	BUA
25	Makarita Reijeli	SSV Makole	BUA
26	Arieta Nayaloivadigi	Raralevu	BUA
27	Seraia Dikula	Raralevu	BUA
28	Mere R	Raralevu	BUA
29	Mere Sigarara	Raralevu	BUA
30	Sulueti B	Raralevu	BUA
31	Leilani R	Raralevu	BUA
32	Alumita Cobo	Naruwai	BUA
33	Luisa Sau	SSV Nawaca	BUA
34	Lusiana Raitala	SSV Nasau	BUA
35	Sulueti Dibuna	Nasau	BUA
36	Laisani Raviri	Health Inspector Bua	BUA
37	Siteri Sakata	Nasau	BUA
38	Nainasa Ragusu	Nasau/Dama	BUA
39	Lina Disevu	Raralevu	BUA
40	Ateca Vunilagi	Sawani	BUA
41	Wakesa Buna	Naruwai	BUA
42	Siteri Sakata	Nasau	BUA
43	Losalini Seraunitadra	Nasau	BUA
44	Timaima Pita	Dept. of Women	BUA
45	Reapi Waqalevu	Social Welfare	BUA

CEDAW COMMUNITY CONSULTATION-SAVUSAVU

#	NAME	Organization/Dept./Group	Village/PROVINCE
1	Manaini Tuibua	Social Welfare	Savusavu
2	Senimili Qilatabu	Hot-Spring Group	Yaroi
3	Mere Rokocati	Nakama Church	Savusavu Town
4	Taina Cakitaki	Nadamole Women's Club	Nadamole
5	Susana Siganiolo	Nadamole Women's Club	Nadamole
6	Arasiki Kaake	Banaban Women's Club	Rabi
7	Kelera Qalovanawasawasa	Nabalebale Women's Club	Nabalebale
8	Atelaite Daugunu	Dreketi Women's Club	Wailevu
9	Akeneta Voki	Naweni Women's Club	Naweni
10	Kuleya Teri	Naweni	Naweni
11	Elenoa Teresia	Dromuninuku Women's Club	Dromuninuku

12	Silina Serea	Dromuninuku Women's Club	Dromuninuku
13	Maria Talatoka	Naweni	Naweni
14	Lusia Matavoliki	Senivaravara Women's Club	Vakativa
15	Benito Masilevu	Turaga ni koro	Vakativa
16	Fr.Orisi Vuki	St Lenards Anglican Church	Savusavu Town
17	Phyllis Hazelman	Bretheren Assembly	Nukubalavu Road Savusavu
18	Ereameang Thompson	Bretheren Assembly	Naqere Savusavu
19	Rinieta Vueta	Provincial Office - SSV	Savusavu
20	Tupou Maya	Provincial Office - Taveuni	Taveuni
21	Salaseini Kavu Fong	SSV Cakaudrove	Taveuni
22	Nemani Drekeni	SSV Savusavu – Dorcas Group	Nagigi, Savusavu
23	Eleni Namatua	WOSED Group	Nacavanadi/Savusavu
24	Sereima Lele	WOSED Group	Nacavanadi/Savusavu
25	Susana Vosaicake	Nakama Church	Savusavu
26	Sagale Tikoitoga	Nakama Church	Savusavu
27	Nanise Dirabe	SSV Savusavu – Dorcas Group	Savusavu
28	Ane K. L.	President WOSED Cakaudrove	Naweni
29	Matila Nabuli	Naweni	Dromuninuku
30	Repeka Divoro	Dromuninuku	Savusavu
31	Rev. Sairusi Ketenalagi	Nakama Church	Savusavu
32	Saele Marika	Naviavia Anglican Church	Savusavu
33	Anareta Ketenalagi	Nakama Methodist Church	Savusavu
34	Timoci Ratu	Customs Department	Savusavu
35	Tomasi Keni	Labour Department	Savusavu
36	Saimoni Tauvoli	Fisheries Department	Savusavu
37	Waisake R		Savusavu
38	Sanaila Drauna	Savusavu Town	Savusavu
39	Eleni Ganilau	Savusavu	Savusavu
40	Osea K	Savusavu	Savusavu
41	I. Larua	Nabalebale	Saqani
42	Sereana Siliyasawa	Saqani	Saqani
43	Rokomere Drigita	Saqani	Kioa

CEDAW COMMUNITY CONSULTATION - LABASA

#	NAME	ORGANIZATION/VILLAGE
1	Padma Deo	Labasa Women's Forum
2	Paulini Lolorua	Fijian Market Vendors Association
3	Usha Sharma	Bulileka Women's Club
4	Ansoo Rina Raj	Bulileka Women's Club
5	Uttra Wati	Bulileka Women's Club
6	Amali Bukaveca	Mali Island
7	Bijma Wati	Bulileka Women's Club
8	Siteri Nai Gonelevu	Vanualevu Association of Grassroot Organization

9	Karalaini S	Mataniwai
10	Paulini S	Mataniwai
11	Resina Turagaulu	Market Vendors Association
12	Sivoki Roko	Market Vendors Association
13	Elenoa Karolina	Catholic Women's League
14	Sabeta Adi Sovanatabua	Soqosoqo ni Marama– Tikina Wailevu
15	Arieta Samosi Latui	Soqosoqo ni Marama – Tikina Seaqqa
16	Kinisimere Ratu	SSV - Macuata
17	Kelera V. Tuiwainikai	SSV - Macuata
18	Shavila Sharma	Bulileka Arya
19	Partima Chand	Bulileka Arya
20	Kushmawati Prasad	Wailevu Arya M. Mandal
21	Kushma Singh	Wailevu Arya M. Mandal
22	Chandra Lata Prasad	Tabucowa Mother's Club
23	Saraswati	Galoa Ramayan
24	Mere Dunadamu	WOSED
25	Tokasa Selamu	Ligaulevu Women's Club
26	Losavati Selamo	Ligaulevu
27	Asovale Nikotemo	Rabi Women's Association
28	Senijale Fuakilau	Seaqqa Youth
29	Iloi Rabuli	Vatutacini Youth-Seaqqa
30	Sereana Salaiwalu	Korovuli Women's Club
31	Nemai Ditui	Korovuli Women's Club
32	Raijeli Vuinakelo	Natua-Seaqqa
33	Miriama Naioba	Ligaulevu
34	Litea Diwa	Nacula
35	Mere Veilawa	Nacula
36	Vute Asenaca	Nacula
37	Vani Maulawa	Nacula
38	Adi Labalaba	Nacula
39	Titilia Rabuli	Nacula
40	Asinate Vacu	Nacula

CEDAW COMMUNITY CONSULTATION-NAUSORI

No.	Name	Village	Province
1	Amani Qio	Naisaumua	Tailevu
2	Litiana Rokuma	Lomainasau	Tailevu
3	Wati Tukaca	Bureta	Tailevu
4	Viniana Saumaki	Bureta	Tailevu
5	Akanisi Ravu	Bureta	Tailevu
6	Manaleba Bedemekio	Nausori	Tailevu

7	Temalesi Nameto	Nauluvatu	Tailevu
8	Asena Snow	Nausori	Tailevu
9	Mereani Cerebu	Naivakacau	Tailevu
10	Asenaca Moroci	Buretu	Tailevu
11	Aliti Raika	Naibitu	Tailevu
12	Sera Likukama	Ovea	Tailevu
13	Anaseini Lakai	Ovea	Tailevu
14	Loata Tabua	Ovea	Tailevu
15	Luisa Tamani	Naisomua	Tailevu
16	Lavenia Sailada	Raralevu	Tailevu
17	Miriama Radiniwaimaro	Buretu	Tailevu
18	Losana Yasa	Nadali	Tailevu
19	Teresia Timaleti	Nadoi	Rewa
20	Miliana Rasili	Visama	Tailevu
21	Ms Sharda Segran	Visama	Tailevu
22	Mr Sairusi Koro	Nadau	Tailevu
23	Mr Seroma Beatu	Namoli	Tailevu
24	Mr Suresh Hakhan	Waidalice	Tailevu
25	Mr Jasurat Lakhani	Waidalice	Tailevu
26	Mr Umesh Narayan	Nadali	Tailevu
27	Mr Kalesh Chandra	Raralevu	Tailevu
28	Mr Hardip Narayan	Kuku	Tailevu
29	Mr Marika Burekama	Nausori	Tailevu
30	Eseta Male	Nausori	Tailevu
31	Melenia Matusu	Nausori	Tailevu
32	Maya Wati	Korovou	Tailevu
33	Susana Nakola	Nausori	Tailevu
34	Padma Muduri	Lakena	Tailevu
35	Adi Laisa Vula	Naisomua	Tailevu
36	Sunita Maharaj	Korovou	Tailevu
37	Maikeli Railuqu	Naisomua	Tailevu
38	Rejjeli Tubuitamana	Savu	Tailevu
39	Adi Ulamila Latitora	Savu	Tailevu
40	Eliza Qereqeretabua	Nadaro	Tailevu
41	Talica Dabea	Raralevu	Tailevu
42	Seru Biudole	Nausori	Tailevu
43	Vaciseva R	Nausori	Tailevu
44	Volau T	Nausori	Tailevu
45	Siteri Raisogo	Vunimono	Tailevu
46	Merelita Lautevuia	Vunimono	Tailevu
47	Milika Nalawa	Nadau	Tailevu
48	Lavenia Fesatu	Naduru	Tailevu
49	Vivita Koro	Nausori	Tailevu
50	Ema Kaila	Vunimono	Tailevu
51	Olimiva Qereqeretabua	Nausori	Tailevu
52	Maraia Matanibuka	Nausori	Tailevu

53	Losana	Kuku	Tailevu
54	Timaleti Carasobu	Korovou	Tailevu
55	Eseta T	DWIO-Central	Nausori Town
56	Elina T	WIA-Vunidawa	Nausori Town

CEDAW COMMUNITY CONSULTATION-NAVUA

No.	Name	Village	Province
1	Kinisimere Roko	Wainadoi	Namosi
2	Sisilia Vuetaki	Wainadoi	Namosi
3	Sainimere Tanidrala	Wainadoi	Namosi
4	Alisi Kotoisuva	Wainadoi	Namosi
5	Amelia Loalase	Wainadoi	Namosi
6	Akeneta Tuiverata	Veivatuloa	Namosi
7	Tokasa Bai Nakuta	Waivaka	Namosi
8	Ana Lomani	Nakavu	Namosi
9	Kelera Rawaidranu	Mau	Namosi
10	Mereoni Tuilawaki	Nakavu	Namosi
11	Tokasa Valevatu	Waiyanitu	Namosi
12	Seruwaia Valenitu	Waiyanitu	Namosi
13	Sumitra Wati	Naitata	Navua
14	Bahnmain Wati	Naitata	Navua
15	Mosese Moceyawa	Nakavu	Namosi
16	Tevita Mokowalu	Veinuqa	Namosi
17	Lui Vunitabua	Veivatuloa	Namosi
18	Adilina Motea	Namelimeli	Namosi
19	Luisa Sassen	Rovudrau Rd	Namosi
20	Peniana Cokanasiga	Deuba	Serua
21	Evia Koroi	Serua	Serua
22	Ro Silovati Latianara	Serua	Serua
23	Epeli Kere	Vaivatuloa	Namosi
24	Aliti Vudiniabola	Deuba	Serua
25	Luisana Veredamu	Nakavu	Namosi
26	V.T. Anthony	Makosoi	Serua
27	M.I. Yusue	Deuba	Serua
28	Elenoa Damuni	Deuba	Serua
29	Anamaria Dilei	Wainadoi	Namosi
30	Litia Qiokata	Wainadoi	Namosi
31	Maria Narara	Wainadoi	Namosi
32	Luisa Rogosau	Wainadoi	Namosi
33	Mariavosa Matea	Namuamua	Namosi
34	Asilika Gabirieli	Wainadoi	Namosi
35	Mariana Matoravo	Wainadoi	Namosi
36	Meleniani Kuruwavei	Wainadoi	Namosi

37	Sainimere Naqio	Makosoi	Serua
38	Kalisi Ligamasei	Navua	Navua
39	Samuela Waqanaceva	Serua	Serua
40	Semesa Ragigia	Vakabalea	Serua
41	Adi Wame	Vakabalea	Serua
42	Kelera	Vakabalea	Serua
43	Asenaca	Vakabalea	Serua
44	Reijeli	Vakabalea	Serua
45	Josevata Gati	Vakabalea	Serua
46	Laisani	Vakabalea	Serua
47	Vasiti Daveta	Vunibau	Serua
48	Maria Savou	Vakabalea	Serua
49	Luisa Rounds	Galoa	Serua
50	Walesi Doko	Vunibau	Serua
51	Vitorina Nene	Vunibau	Serua
52	Sneh Lata	Naitata	Serua
53	Marama Sakura	Waidradra	Serua
54	Vaviola Tanuma	Waidradra	Serua
55	Gade Dausiga	Waidradra	Serua
56	Father. Sitei	Waidradra	Serua
57	Shyreen Devi	Navua	Navua
58	Raj Kumari	Navua	Navua
59	Kamila Wati	Navua	Navua
60	Roko TUI Serua	Verata	Tailevu
61	Rt. Inoka Sauturaga	Wainibuka	Tailevu
62	Siteri Nawaibalavu	Vakabalea	Serua
63	Tuberi Petaia	Levukana	Lau
64	Alisi Qaiqaica	Kubulau	Bua
65	Eseta Tuinabua	Nakelo	Tailevu
66	Mere Namudu	Wainibuka	Tailevu
67	Lice Waqa	Verata	Tailevu

CEDAW COMMUNITY CONSULTATION-VUNIDAWA

No	Name	Village	Province
1	Lavenia Rasorovakarua	Lutu	Naitasiri
2	Roseta Rokowa	Nairukuruku	Naitasiri
3	Tavenisa Tinai	Delaitoga	Naitasiri
4	Verenaisi Vunitabua	Delaitoga	Naitasiri
5	Ateca Rasoni	Nakorovatu	Naitasiri
6	Saini N	Serea	Naitasiri
7	Lpaulini Lutu	Nasavu	Naitasiri
8	Leba Balenavalu	Waidracia	Naitasiri
9	Selita Radinibeqa	Nabaitavo	Naitasiri
10	Lanieta Naivalu	Nabaitavo	Naitasiri

11	Loraini Sele	Nabena	Naitasiri
12	Mela Radamanu	Nabena	Naitasiri
13	Adi Asenaca nadakuca	Waidracia	Naitasiri
14	Ro Nunia Navuma	Naluwai	Naitasiri
15	Keresi Ve	Naluwai	Naitasiri
16	Saniana Ratokabuka	Nasavu	Naitasiri
17	Mereoni Rabuatoka	Vunidawa	Naitasiri
18	Merelita Kula	Vuisiga	Naitasiri
19	Loseta Liku	Naqali	Naitasiri
20	Losalini Cakaunitabua	Naqali	Naitasiri
21	Sureti Aditukana	Nairukuruku	Naitasiri
22	Irinietia Lewatu	Matailobau	Naitasiri
23	Keresi Cama	Vuisiga	Naitasiri
24	Siteri Namoro	Naqara	Naitasiri
25	A Radamanu	Nabena	Naitasiri
26	Rt. Ilaitia Balenaivalu	Naluwai/Rara	Naitasiri
27	Levani Cerevakalagi	Naravea/Nabaitavo	Naitasiri
28	Joeli Karavaki	Vuisiga/Waima	Naitasiri
29	Netava Rinatawake	Nabaitavo	Naitasiri
30	Tevita W	Lutu	Naitasiri
31	Salimoni N	Matailobau	Naitasiri
32	Laitia Ralo	Naitasiri Provincial Office	Naitasiri
33	Mitieli Bureqere	Vunidawa/Serea	Naitasiri
34	Ratu Jona Qereqeretabua	Navuniyaro	Naitasiri
35	Iliesa Rokotuinaloto	Nakorovatu	Naitasiri
36	Waisea R	Nairukuruku	Naitasiri
37	Sevanaia Nateilawa	Nairukuruku	Naitasiri
38	Manoa Nalaka	Matailobau	Naitasiri
39	Ananaiasa Koroibete	Naivucini	Naitasiri
40	Roseru Kaveni	Nukuloa-Lutu	Naitasiri
41	Jone Velautabua	Waitovu	Naitasiri
42	Lote Lawasese	Navutu	Naitasiri
43	Ilisapeci Dakuikaba	Navuniyaro	Naitasiri
44	Tarisi Tinaigadinana	Nakorovatu	Naitasiri
45	Raijeli Rakavono	Naqara	Naitasiri
46	Talica Marama	Navitilevu	Naitasiri
47	Akosita Kedraika	Navuniyasi	Naitasiri
48	Joseva Navakaroko	Naqelewai	Naitasiri
49	Sainimili Rakavono	Naqara	Naitasiri
50	Mele Tabua	Vunidawa	Naitasiri
51	Inise Raloa	Naqara	Naitasiri
52	Matila Moala	Vunidawa	Naitasiri
53	Eseta Tuinabua	Department of Women	Department of Women
54	Elina Tagi	Department of Women	Department of Women
55	Petaia Tuberi	Department of Women	Department of Women

CEDAW COMMUNITY CONSULTATION-SIGATOKA

No	Name	Organization/Village
1	Veniana Gonewai	Cuvu Women's Club
2	Chanika Devi	Police Prosecution Department
3	Ilisapeci Tuvuki	Police Community Policing Department
4	Rupeni Nasiga	Sigatoka Village
5	Kara Senitiki	Fiji Society for the Blind
6	Mamta	Oloolo Women's Club
7	Makosoi Biu	Malomalo Women's Club
8	Mereoni Suka	Malomalo Women's Club
9	Marica Tuisowaqa	Yavulo Women's Club
10	Rohini Lata	Adarsh Naari Club
11	Ashika	Adarsh Naari Club
12	Kamlash Lata	Adarsh Naari Club
13	Renuka Devi	Adarsh Naari Club
14	Mr Jone Serukalou	Yavulo Youth
15	Mr Wame Vasuikorolevu	Yavulo Youth
16	Mr Samuela Nakalevu	Yavulo Youth
17	Mr Naibuka Nacei Tasere	Yavulo Youth
18	Salome Nagale	Momi Youth
19	Laniana Naulu	Momi Youth
20	Alesi Kurisaru	Sigatoka Village Youth
21	Adi Titilia Kulavakaoca	Momi Youth
22	Makelesi Livanalagi	Momi Youth
23	Aliti Tinilau	Momi Youth
24	Mr Ben Vakiti	Nadroga Social Services
25	Mereoni Camaivuna	Observer
26	Mr Saula Ratubola	Turaga ni Koro (Yavulo)
27	Mr Shalendra Kumar	Nadroga/Navosa Community Centre
28	Lanieta Vose	Malomalo Women's Club
29	Loata Natui	Malomalo Women's Club
30	Vani Drotunalovo	Malomalo Women's Club
31	Bina Kumari	Adarsh Naari Club
32	Sneh Lata	Adarsh Naari Club
33	Tulia Torova	Nayawa
34	Litea Naruku	Nayawa
35	Setaita Katonivere	Emuri
36	Merewalesi Wase	Emuri
37	Salote Drasau	Emuri
38	Sally Donna	Sanasana
39	Miliana Tuitavuki	Malomalo
40	Mr Simeli Ratulevu	Korotogo
41	Adivika	Nawamagi
42	Kolini Solo	Malomalo
43	Angie Shabuya	Malomalo
44	Mr Timoci Matainadroga	PWD – Sigatoka
45	V Ramoli	Nayawa

46	Luisa Kaumaitotoya	Health Inspector – Sigatoka
47	Raijeli Tawaketolu	Department of Social Welfare
48	Mr Samuela Ramoli	Naigani, Tailevu
49	Mela Singh	Sanasana
50	Ana Nadolo	Sanasana
51	Mr Senitiki	Fiji Society for the Blind
52	Mr Filimoni Narube	Department of Social Welfare
53	Raijeli Natewa	Cooperative
54	Josivini Bau	Cuvu
55	Alisi Hahei	Cuvu
56	Inise Nayaqo	Cuvu
57	Melaia Ralulu	Cuvu
58	Sanieta Nairube	Cuvu
59	Saniana Shaw	Naidovi
60	Mereani nakuta	Naidovi
61	Asinate Lewayalo	Naidovi
62	Talatala Nainoca	Lawai
63	Mr Kelevi Dinavatu	Dreke
64	Mrs. Kennedy	Sigatoka Advisory Councilor

CEDAW COMMUNITY CONSULTATION- LAUTOKA

<u>No.</u>	<u>Name</u>	<u>Ministry/Organization</u>
1	Lorna Foster Penamino	MYS
2	Shavila Devi	NCW
3	Ms Balavu Tora	SSV-Yasana o Ba
4	Anaseini Disiga	Police Force
5	Ana Sovaki	Apostle W. Ministry
6	Sowela Lebakau	Koroipita
7	Litia Savu	Ministry of Health
8	Ashwin Kumar	Koroipita
9	Jane Suman Prakash	Indiana W. Organization
10	Sarojini Devi	Soroptimist International
11	Taina Wati	WDPA
12	Arun Kumari	Indiana W. Organization
13	Satya Wati	Multi-racial Club – Yasiyasi
14	Sabeen Lata Lal	Ba Women's Forum
15	Eka Ciwa Ratu	Tavua
16	Manjula Sharma	Ba Women's Forum
17	Latileta	Namada Women's Club
18	Damyanti	Namada Women's Club
19	Pushpa Wati	Namada Women's Club
20	Livia Daubula	Veilomani Club

21	Luisa Tuisasa	Veilomani Club
22	Tupa Telawa	Tavualevu youth
23	Mr Yogesh Singh	Police Citizen Youth Council, Ba
24	Mr Roneel Kumar Pratap	Police Citizen Youth Council, Ba
25	Mr Noa Rokomatu	Tavua Youth
26	Eka Talei	Tavua Youth
27	Kavita Singh	Lautoka Sanatan Navi Sabha
28	Mr Son Kumari Lal	Lautoka Sanatan Navi Sabha
29	Chandra Wati	Lautoka Sanatan Navi Sabha
30	Sushila Devi	Lautoka Sanatan Navi Sabha
31	Shabina bi Khan	Koroipita
32	Toga Cawi	SSV-Yasana o Nadi
33	Makereta Nabuka	SSV - Yasana o Nadi
34	Seremaia Bakeiyasawa	Prisons Department
35	Avikash Maharaj	Police Department – Lautoka
36	Litiana Sovasova	SSV – Vitogo
37	Esther Reshme	Indiana W. Organization
38	Mere Lagilagi	Namosau Women's Club
39	Hamif M	President Samau Women's League
40	Sereima G	Nabuna Women's Club
41	Unaisi Selala	Nabuna Women's Club
42	Kinisimere Lewatu	Veisaru Club
43	Priya Darshni	Tuavagavaga Youth Club
44	Rota Vakaloloma	Namasau Methodist Club
45	Emma Tawake	Wailaga
46	Temaleti Sauka	Nailaga
47	Sera Navuru	Nailaga
48	Penny Nasara	Tavualevu Youth
49	Mereani Babra	Tavualevu youth
50	Emily Dunn	Tauvegavega Youth
51	Akanisi Vakaloloma	Tavualevu youth
52	Seraseini Savuitake	Tavualevu youth
53	Saleshni N. Wati	Department of Social Welfare – North West
54	Naomi Satala	Namoli Women's Club
55	Mrs. K.Deo	T.I.Maathab Sangam
56	Taranina Rika	Tavualevu youth
57	Raijeli Namara	Tavualevu youth
58	Mereisi Tabuilawa	Nawaka Youth
59	Mr Panapasa Qoro	Nadi Youth
60	Losena Taoi	Kenani Lomavata Club
61	Kolaia Caucau	Nailaga
62	Timothy Naivaluwaqa	Fiji Times
63	Bale Kasaya	Kenani Lomavata Club
64	Julekha Mustapha	Fiji Muslim Women's League
65	Keshwa	Tavua
66	Raj	Tavua

67	Losena Taoi	Kenani Lomavata Club
68	Vara Saukuru	Kenani Lomavata Club
69	Mili Vukitu	Kenani Lomavata Club
70	Ma Nayacakalou	Kenani Lomavata Club
71	Litia Rakuita	Kenani Lomavata Club
72	Kini Rasitu	Kenani Lomavata Club
73	Iliana Rokodua	Kenani Lomavata Club
74	Sai Naika	Kenani Lomavata Club
75	Vani Lewadawai	Kenani Lomavata Club
76	Finau	Kenani Lomavata Club
77	Bale Kasaya	Kenani Lomavata Club
78	Lolo Mekemeke	Kenani Lomavata Club
79	Paulini Nasou	Kenani Lomavata Club
80	Liti	Kenani Lomavata Club
81	Sera Nakaulevu	Kenani Lomavata Club
82	Veniana	Kenani Lomavata Club
83	Taina Katonivere	Kenani Lomavata Club
84	Mariana Ligani	Kenani Lomavata Club
85	Amelia Bole	Kenani Lomavata Club
86	Akanisi Waqawai	Kenani Lomavata Club
87	Joana Vodo	Kenani Lomavata Club
88	Sainimere Keitutu	Kenani Lomavata Club
89	Rigieta Osborne	Kenani Lomavata Club
90	Reijeli Mawa	Department of Women
91	Anareta Apole	Department of Women
92	Joe Tigarea	Department of Women
93	Salesh Chand	Department of Women
94	Saleshni Singh	Department of Women
95	Angeline Devi	Department of Women
96	Maika Taoi	Department of Women
97	Ranadi Nagusuna	Department of Women
98	John Khan	Department of Women
99	Manoj Kumar	Banaras
100	Penueli B	Tomuka
101	Ramesh Chand	Tomuka
102	Sereima Riko	Banaras
103	Jese D	Kashmir
104	Vilitati N	Kashmir

CEDAW COMMUNITY CONSULTATION- NANUKULOVA, RA

<u>No.</u>	<u>Name</u>	<u>Ministry/Organization</u>
1	Sovaia Kaulotu	Ra Committee on Violence Against Women
2	Kelera Waqatabu	Naroko Women's Association
3	Premila Prasad	Department of Social Welfare
4	Mere Bekanimoli	Namuaimada Women
5	Sera Naitila	Namuaimada Women
6	Esita Losau	Togovere Women
7	Tokasa Rasuaki	Drauniivi (Radini Vanua)
8	Vasenai Bavou	Drauniivi (President Women's Group)
9	Mere Tuimala	Togovere (President Women's Group)
10	Milika mavele	Namuaimada SSV President
11	Maca Vakalala	Namuaimada
12	Anaisi Liwa	Nanokonoko
13	Osea Navuaku	Turaga ni koro – Namuaimada Village
14	Milika Waqanicakau	Ra Provincial Office
15	Josateki Railoa	Naiserelagi
16	Karalaini Railoa	Naiserelagi
17	Adi Nanise Nagusuca	Advisor SSV- Ra
18	Vasiti Bianivalu	Ra Provincial Office
19	Unaisi Tomidara	Narokoroko
20	Rusila Tinai	Narokoroko
21	Raijeli Mawa	Department of Women
22	Joe Tigarea	Department of Women
23	Salote Malo	Department of Women

ANNEX 5

NGO Consultation:

Ms Kirsten Pavlovic	-	USP, School of Law
Ms Lavinia Padarath	-	YWCA
Ms Ecelini Weleilakeba -	YWCA	
Ms Colati Drauniatu	-	YWCA
Ms Sharda Segran	-	Poor Relief Society
Adi Finau Tabakaucoro -	Soqosoqo Vakamarama	
Ms Elenoa Ralulu	-	Soqosoqo Vakamarama
Ms Veena Singh – Bryar	-	FemLinkPacific
Ms Unaisi Vuetaki	-	Fijian Teachers Association
Mr Surendra Shiudin	-	Ministry of Labour
Ms Mili McDonald	-	Dorcas Welfare
Ms Michelle Reddy	-	FWRM
Ms Frances R.	-	NCWF
Ms Mere Masikerei	-	Salvation Army
Capt. Merewalesi Qoriniasi	-	The Salvation Army
Ms Eleni Baivatu	-	The Salvation Army
S. Waicaca	-	The Salvation Army
Ms Fay Volatabu	-	Fijian Teachers Association
Ms Leba Ledua -	PPSEAWA	
Mr Aseri Rika	-	Ministry of Justice
Ms Jabeen Ali	-	PPSEAWA
Ms Sharon Bhagwan Rolls	-	FemLinkPacific & Poor Relief Society
Ms Tokasa Gray	-	Ministry of Education
Ms Laisa Lewanavanua -	Dorcas Welfare	
Mr Filipino Masaurua	-	SPC/RRRT
Dr Sitiveni Yanuyanutawa	-	CEO, FNCDP
Ms Susan Naidu	-	FWRM
Ms Rusila Racule	-	Fijian Teachers Association
Ms Nafrue Aropio	-	NCW
Ms Vika Saro	-	NCW
Ms Jimaima Vilsoni	-	PSC
Ms Leba Mataitini	-	NCW, Fiji/YWCA
Ms Cema Bolabola	-	ACSOG
Dr. (Mrs.) Tokasa Leweni	-	Director for Women
Ms Luse Qereqeretabua -	Dept. of Women	
Ms Vuli Balenavutoka -	Dept. of Women	
Mr Fred Elbourne	-	Dept. of Women
Ms Amelia Nairoba	-	Dept. of Women
Ms Talei Fimone	-	The Salvation Army
Ms Marseu Rafai	-	Rotuma Women's Association
Ms K. Fesaitu	-	Rotuma Women's Association