



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

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

**Information received from Fiji on follow-up to the
concluding observations on its fifth periodic report***

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* The present document is being issued without formal editing.



I. Foreword

On behalf of the Government of Fiji, it is my privilege to present this follow up report providing information in response to the concluding observations (C/FJI/5) of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) while reaffirms that Fiji maintains strong commitment to the Convention and as such welcomes the opportunity to report on the progress being made to implement the recommendations made by the Committee.

I am pleased to emphasize that Fiji recognizes its obligation to prevent violence against all women and girls. The Ministry of Women, Children and Poverty Alleviation (MWCPA) is leading at present the development of a ‘whole of government’, ‘whole of population’ evidence-based, inclusive and costed National Action Plan (2021–2026) to prevent violence against all Women and Girls (NAP). This historic initiative has commenced nationwide consultations and dialogues with Fijian women, men, girls and boys, stakeholders from key settings/sectors and communities. We acknowledge that in order to solve a national problem, there must be a shared understanding among us Fijians at first why violence against women and girls happens in Fiji; its root causes and contributing factors. This important conversation through the national consultations will ensure that Fiji National Action Plan is informed by experience, knowledge and expertise that exist among diverse settings, sectors, and communities. We are hopeful that together we can put measures in place to prevent violence against all women and girls before it starts.

Fiji is committed to a society free of all forms of gender-based discrimination and violence, in which all women and girls fully participate as decision makers in their homes and societies, and in which they contribute to, and benefit from, development processes and outcomes equally with men.

Hon. Minister Mereseini Rakuita
Minister of Women, Children and Poverty Alleviation

II. Introduction

1. The UN CEDAW Committee in considering Fiji’s¹ fifth (5th) periodic report (CEDAW/C/FJI/5) provided its concluding observations on the 14th of March 2018 (CEDAW/C/FJI/5). Fiji was given a period of two years to provide its responses and was granted an extension to April 2021.
2. The CEDAW Committee asked Fiji to provide follow-up information on the steps undertaken to implement three recommendations relating to the issues raised as for paragraph 16 (a) on Access to Justice and paragraphs 28 (c) and (d) on Gender Based Violence.
3. The information outlined in the following sections present the measures taken to date to implement these recommendations. Fiji will provide full responses to these and the other recommendations made by the Committee in its 6th periodic report in June 2021.
4. The information for this report has been compiled by the MWCPA and in consultation with the Office of the Solicitor General and the Fiji Police Force (FPF).

¹ Refers to Fiji as a State/as the Government of Fiji.

III. Follow-up Information

A. Follow-up Information: Committee Recommendation 16 (a) – Repeal provisions under section 6 (5) of the Constitution for limiting guaranteed rights

5. The Bill of Rights binds the state to the rights and freedoms of a legal person and may be applied according to their tenor and may be limited to certain limitations. The Committee recommends the repeal of the following limitations:

(a) Limitations expressly prescribed, authorized or permitted (whether by or under a written law) in relation to a particular right or freedom in this Chapter;

(b) Limitations prescribed or set out in, or authorized or permitted by, other provisions of the Constitution; or

(c) Limitations which are not expressly set out, or authorized (whether by or under a written law) in relation to a particular right or freedom in the said chapter of the Constitution, but which are necessary and are prescribed by a law or provided under a law or authorized or permitted by a law or by actions taken under the authority of a law.

6. Fiji reports that to repeal the provisions outlined in its recommendation as in 16 (a) of the concluding observations, amendments to the Fijian Constitution will apply as stipulated under section 160² and must be passed by Parliament in accordance to the procedures as stipulated.

7. Fiji also reports that all limitations must be interpreted on the values that underpin a democratic society based on human dignity, equality and freedom. Moreover, the Fijian Constitution in section 7(b) also provides that Courts and Tribunals may also consider the application international law that are applicable to the rights and freedoms enunciated in the Bill of Rights Chapter of the Fijian Constitution.

8. As such, Fiji reports that the limitations articulated under section 6 (5) of the Constitution are in accordance with justifiable under international law. For example, limitations of rights under Article 4 of the International Covenant on Civil and Political Rights (ICCPR) that Fiji ratified in 2018.

9. Article 4 of the International Covenant on Civil and Political Rights (ICCPR) allows for the limitation and derogation of rights in times of public emergency which threatens the life of the nation and the existence of which is officially proclaimed. It is in these circumstances, State Parties to the ICCPR may take measures derogating from their obligations under the ICCPR to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or of social origin.

10. Fiji reports that the limitations provided as above under Section 6 (5) of the Constitution are not extraordinary and are consistent with justifiable limitations that are prescribed in international law.

² 2013 Constitution of the Republic of Fiji Chapter 11 Section 160 (1) – (7) and Section 161 for (amendments prior to 2013).

B. Follow-up Information: Committee Recommendation 28 (c) Invest in the prevention of gender based violence through the adoption of a National Action Plan

11. Fiji acknowledges the concern³ of the Committee that the prevalence of Gender Based Violence (GBV) in Fiji continues to be amongst the highest in the region. Whilst we acknowledge this concern, Fiji reports that this status could be in line with legislative reforms,⁴ policies and introduction of Standard Operating Procedures that have strengthened interagency response to GBV to ensure better access to better quality and more coordinated GBV referral and response services across agencies and sectors.

12. The prevalence of gender based violence in Fiji is high, with almost 2 out of 3 women who have been subjected to physical or sexual violence in their lifetime. Women with disabilities and women with diverse sexual orientation, gender identity and expression, experience higher rates, and more severe forms, of violence.

13. Fiji recognizes its obligation to prevent violence against all women and girls and gives emphasis to such commitment with the development of a five-year, whole of population, 'of government, evidence-based, inclusive and costed National Action Plan (2021–2026) to prevent violence against all women and girls. Fiji is committed to put measures in place to stop violence before it starts, including building safe spaces in schools and workplaces, promoting positive family relationships, encouraging women and girls' empowerment, and teaching boys that strength comes from respect and integrity, not from violence.

14. The NAP will focus on preventing domestic violence/intimate partner violence and sexual violence against all women and girls. Data and evidence from Fiji demonstrate that these are the most prevalent forms of violence against women and girls which urgently need to be addressed.

15. The key components of the NAP will include an explanation of why violence happens in Fiji, key strategies to prevent VAWG in Fiji, key settings for prevention of VAWG in Fiji, stakeholder roles & responsibilities, costed implementation plan and a National Communications Strategy. The development process of the National Action Plan kick started in December 2019 and expected to be completed by December 2021.

16. The development of the NAP and National Consultations process is led by the Ministry of Women, Children and Poverty Alleviation (MWCPA) on behalf of the Government of Fiji in partnership with the NAP Technical Working Group, comprised of key ministries, civil society, women's rights and faith based organisations, providing strategic and technical oversight.

17. Right now (as of April 2021) we are in the National Consultations phase. Fiji acknowledges that in order to solve a national problem, there must firstly be a shared understanding among us Fijians through Talanoas as to why violence against all women and girls happens in Fiji; its root causes and contributing factors.

18. The National Consultations process which has officially launched by the Prime Minister on 25th November, 2020 is expected to do this in three ways: 1- By generating high level findings, which together with existing evidence, will inform the development of the NAP. 2- By enabling diverse stakeholders to be meaningfully

³ CEDAW/C/FJI/CO/5 – Concluding Observations on the Fifth Periodic Report of Fiji: paragraph 27.

⁴ Legislation reforms – Family Law Act 2003 and its Amendment 2005; Crimes Act 2005; National Policy on Sexual Harassment in the Workplace 2007; Domestic Violence Act 2009; Child Welfare Act 2010; Service Delivery Protocol 2017.

involved in the development of the NAP and to provide advice, expertise and information, including stakeholders from frequently marginalised groups such as people living with disabilities, ethnic groups, and LGBTIQI communities. 3- By strengthening relationships with key stakeholders and promoting a wider sense of engagement and ownership of the NAP across different sectors.

19. The National Consultations aims to consult with at least 2,500 women, men and youth in all their diversities from across the 13 settings and sectors. Those key settings and sectors include: Education Sector, Universities, technical and vocational colleges, Workplaces & corporations, Sports & recreation spaces, Arts, Health and social services, Faith based contexts, Media, advertising, entertainment, Public spaces, transport, infrastructure, Legal, justice and corrections, Informal sector, Disciplined Forces, Traditional institutions and entities.

20. The National Consultation process is guided with the development of series of consultations, facilitation, reporting, monitoring and communications tools along with orientation and preparatory sessions for nominated/selected facilitators across 13 key settings and sectors.

21. To date (April 2021), 20 consultations have been conducted across Fiji (3 out of 4 Divisions) with a total of 768 individuals (56 people with a disability).

**C. Follow-up Information: Committee Recommendation 28 (d)
Strengthen capacity building for law enforcement personnel to
ensure that victims are under no circumstances forced or
pressured to accept traditional apologies and dispute settlement in
lieu of criminal proceedings against perpetrator**

22. As custodians of the law, the Fiji Police Force's (FPF) mandate is guided by relevant legislations and Standard Operating Procedures (SOP) pertaining to how it conducts its business. The role of the Fiji Police Force with regards to GBV is set out under Section 12 of the Domestic Violence Act (DVA) 2009 which authorizes Police Force/Officers to apprehend any perpetrator should there be sufficient evidence on the commission of GBV.

23. The Fiji Police Force's Standard Operating Procedure (SOP) authorizes also Police Force/Officers to execute Sections 13–15 of the Domestic Violence Act, i.e., to investigate, apprehend and render assistance to any victim of gender based violence within the 24 hours of when any report of violence is received. Pursuant to Section 15, a police officer MUST apply for Domestic Violence Restraining Order (DVRO) for the protection of any victim of violence.

24. Conforming to section 29, subsection (2) of the Domestic Violence Act, the Police Force/Officers, upon application by the victim, shall remove the perpetrator away from the victim if they dwell under the same roof. This is done to ensure safety and protection of the victim/survivor.

25. Furthermore, in an effort to combat gender based violence, the Fiji Police Force is strengthening the enforcement of the following:

Institutional Policy & Standard Operating Procedures (SOP)

26. The Fiji Police Force (FPF) has a 'No Drop Policy' for a stringent, compliant institutional stance of Zero tolerance and No Reconciliation for any case of gender based violence, domestic violence and sexual violence.

27. In doing so, the FPF works closely with the respective agencies within the Criminal Justice System such as the Fiji Human Rights and Anti-Discrimination

Commission, Legal Aid Commission, Fiji Corrections Services, Social Welfare and the Office of Director Public Prosecution in the management, reporting, investigation and prosecution of breaches of human rights by police officers.

28. The policy equally applies to complaints against Police Officers on such issues/conducts resulting in immediate suspension, pending police tribunal, and open court proceedings. The policy effectively deals with instances of GBV cases being unregistered or un-investigated; GBV cases where reconciliations are prompted; delays in the issue of DVRO and complaints in respect to the breach of the No Drop Policy and other cases.

29. In addition, as a signatory to the Fiji National Service Delivery Protocol⁵ for responding to GBV cases. The role of the FPF stated under the Protocol includes: a) Reporting of gender based violence or sex crimes to the nearest police stations if they become aware of it officially or in any other way b) Make arrangement for medical examination and treatment of GBV or sex crime victim c) Provide security to victims who are receiving medical treatment d) Make certain that victims are addressed in a language they understand about the processes involved in investigating GBV or sex crimes e) Make sure that the Fiji Police Force 'No Drop Policy' on DV, GBV, sex crimes and child abuse are fully explained to victims f) Ensure that victims of GBV or sex crimes are provided with services that respect their dignity g) Be sensitive to the sexual orientation, age, ethnicity, religion, language and culture of a victim of GBV or sex crimes h) Be sensitive to the needs of persons with disabilities i) Make sure that victims of GBV or sex crimes are not exposed to further trauma and j) Make sure that victims of GBV or sex crimes are provided with medical assistance.

Budgetary Provisions for Responding to GBV and Related Matters

30. The Government of Fiji rolled out the Gender Responsive Budgeting (GRB) in 2021 as part of the Public Financial Management Reform and Gender Transformative Institutional Capacity Development (ICD) initiative. This is expected to accelerate advancing gender equality with incorporating gender equality issues into the budgetary process and expenditures while ensuring effective enforcement mechanisms. The Fiji Police Force is one of the agencies identified to implement GRB for the 2021 – 2022 Government Fiscal Year.

31. ICD intends to supports a) strengthening capacity, knowledge and skill on Transformative Gender Mainstreaming and Gender Responsive Budgeting (GRB); b) effective coordination and accountability for gender equality outcomes with the formation of Gender Mainstreaming Action Groups (GMAGs) and the development of the Gender Mainstreaming Action Plans (GMAPs) across government institutions and agencies along with budget statements; and c) development of series of sector/context specific knowledge products and tools.

32. Fiji Police Force Gender Mainstreaming Action Group (GMAG) has established in February 2021 and expected to develop and have in place its Gender Mainstreaming Action Plans (GMAP) and GRB submission for FY 2021–2022 in June 2021.

Training and Development

33. In Fiji, women survivors of violence are now able to access better and more coordinated services as a result of the Fiji Government's adoption of Service Delivery Protocols (SDP) in early 2018. The Service Delivery Protocols were developed and

⁵ The primary purpose of the Interagency Service Delivery Protocol (hereafter referred to as the 'Protocol') is to outline overall guidelines for standard operating procedures for interagency response to gender based violence. The SDP adopted and rolled-out by the Ministry of Women, Children and Poverty Alleviation in 2018.

piloted by the MWCPA with service providers from among police, crisis centres, and the judiciary in line with the Convention on the Elimination of All Forms of Discrimination against Women.

34. The SDP rollout has included 2 phases, the first in 2019 trained a total of 145 individuals from various service providers. Phase 2, starting in 2020 has seen 55 individuals trained from various service providers so far. In summary, 200 individuals from 11 organizations have been trained on the use of the SDP across each of the 4 divisions in Fiji. 63 Police have been trained on the SDP (27 Phase 1, 35 Phase 2).

35. The pre/post-test analysis/evaluation from the four SDP divisional trainings demonstrated that there was a 55% shift in the attitudes on certain traditional ideals on VAWG. For instance, in all the four-divisions in the pretest, 35% agreed on the statement that “It is okay for a man to discipline his wife”. After the training in the post-test analysis, an average of 70% of participants strongly disagreed with the same statement.

36. Furthermore, the trained 63 Police Officers are now equipped to engage and apply a supportive environment using the guiding principle of a survivor-centred approach of respect, empowerment, safety, empathy and non-discrimination. In addition, they are skilled in obtaining informed consent by providing accurate and specific information at intake, options about the services they offer and the options available through referral so that survivors can make choices. Fiji will report on the further roll out of the implementation of the Service Delivery Protocol and the engagement of the Fiji Police Force in its 6th and upcoming periodic report.

37. Apart from the SDP, Gender awareness, GBV and Human Rights trainings, in 2019, the MWCPA in partnership with Fiji Women’s Crisis Centre organized and facilitated the training of 40 Police Officers. They are envisioned to further disseminate information and knowledge to their colleagues.

38. In January 2021, the Commissioner of the Fiji Police Force issued a new Standard Operating Procedure⁶ aimed at improving police services to communities including GBV related services along with a plan for training of two thousand five hundred (2,500) Police officers in all Four Divisions across the country in 2021. Fiji will provide a detailed report on this area as well as FPF Community Prevention Program and other GBV related capacity building activities in its sixth and upcoming periodic report.

⁶ Instructions issued from the office of the Commissioner of Police or from the Police Command Centre for circulation and implementation by all officers and respective stations around Fiji.