



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

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions prior to the submission of the sixth periodic report of Fiji\*

#### General

1. Please provide information and statistics, disaggregated by age, disability, ethnicity, minority status and nationality, on the current situation of women in the State party, to enable monitoring of the implementation of the Convention. In accordance with the State party's obligations under articles 1 and 2 of the Convention, and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention, so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality between women and men, including with regard to the specific areas covered in the present document.

#### Women's rights and gender equality in relation to the COVID-19 pandemic and recovery efforts

2. Please describe efforts made and mechanisms put in place to contend with the coronavirus (COVID-19) pandemic and its long-term impact and ways to apply these in the State party's response to current and future crises, such as armed conflict, food insecurity and the energy crisis. Please provide information on strategies taken to ensure that gender equality and women's empowerment are a fundamental requirement in addressing such crises and in elaborating adequate responses, such as policies, assistance programmes, recovery efforts and the consolidation of the rule of law. Please also provide information on measures taken to ensure the equal and meaningful participation of women in these processes and that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

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\* Adopted by the pre-sessional working group on 2 November 2022.



### **Optional Protocol**

3. In view of the Committee's previous recommendation (para. 10),<sup>1</sup> please indicate if any steps have been taken to accede to the Optional Protocol to the Convention.

### **Visibility of the Convention**

4. Please indicate what measures the State party has taken to raise awareness of the Convention, with particular emphasis on the concept of substantive equality, and to integrate the Convention into capacity-building activities for the judiciary, lawyers, law enforcement personnel, teaching personnel, social workers, medical personnel and other relevant professional groups.

### **National machinery for the advancement of women**

5. In the light of the Committee's previous recommendations (para. 16 (b)), please provide information on efforts made:

(a) To strengthen and clarify the coordination mechanism of the components of the national machinery by defining their mandates and responsibilities in relation to women's rights and allocating them adequate human, technical and financial resources to effectively carry out their work;

(b) To strengthen accountability mechanisms for achieving gender equality and conduct systematic gender impact assessments in consultation with the national machinery;

(c) To implement a gender mainstreaming strategy throughout all government agencies;

(d) To bring the Human Rights and Anti-Discrimination Commission fully into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

### **Non-governmental organizations, women human rights defenders and journalists**

6. In the light of the Committee's previous recommendations (para. 22), please provide information on steps taken:

(a) To ease registration requirements for non-governmental organizations (NGOs);

(b) To review the Public Order (Amendment) Decree of 2012 and repeal the undue restrictions placed on civil society and the press, thereby ensuring that NGOs, including women's rights organizations, women human rights defenders and journalists, can carry out their work effectively.

### **Temporary special measures**

7. Please describe temporary special measures adopted, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, in all areas in which women are underrepresented or disadvantaged, including in political life and the labour market.

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<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations on the fifth periodic report of the State party ([CEDAW/C/FJI/CO/5](#)).

### **Gender stereotypes**

8. In the light of the Committee's previous recommendations (para. 26), please provide information on steps taken to adopt a comprehensive strategy to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society, in cooperation with civil society organizations, in particular women's groups, community leaders, teachers and the media.

### **Gender-based violence against women**

9. In the light of the Committee's previous recommendations (para. 28), and taking into account its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, please describe the efforts Fiji has made to combat gender-based violence against women and its underlying causes. In particular, please provide information on:

(a) The current status of development of the Fiji National Action Plan to Prevent Violence against Women and Girls (2022 to 2027);

(b) Awareness-raising and other programmes to promote the understanding of gender-based violence as a violation of human rights, to make women and girls aware of their rights and to encourage victims, including iTaukei women, and witnesses to seek help and report violence;

(c) Specific measures to address violence against transgender women;

(d) Specific measures to address intimate partner violence, including intimate partner femicides;

(e) Measures to ensure that traditional methods of dispute resolution are not given priority over criminal prosecution or sentencing against the will of the victim;

(f) Measures to build the capacity of law enforcement officers on the strict application of criminal law provisions regarding gender-based violence against women and to ensure the implementation of the "no-drop" policy and the issuance and enforcement of domestic violence restraining orders;

(g) Measures taken to increase the number of female police officers and to set up a mechanism allowing victims who report violence to submit a complaint in the event of harassment, threat or pressure by law enforcement personnel;

(h) Steps taken to ensure that perpetrators of gender-based violence receive sentences commensurate with the nature of their crimes and that patriarchal perceptions of the roles of men and women do not serve as grounds for reducing a sentence;

(i) Measures to train health-care and social services personnel adequately on identifying women who are victims of gender-based violence and to systematically provide victims of rape with emergency contraception and post-exposure prophylaxis;

(j) The establishment of appropriate services, including properly equipped shelters, medical assistance, psychological counselling and rehabilitation, for women and girls who are victims of gender-based violence and the provision of adequate support to civil society organizations that supply such services;

(k) Measures to ensure that victims of gender-based violence against women have access to reparation even if the perpetrator is destitute;

(l) Measures to assist women who cannot safely return to their homes to build an independent life, including psychosocial support, vocational training, income-generating opportunities and protection.

10. In the light of the Committee's previous recommendations (para. 30), please provide information on steps the State party has taken:

- (a) To criminalize statutory rape under all circumstances;
- (b) To ensure that sexual assault, including rape, is defined on the basis of lack of freely given consent, taking into account coercive circumstances;
- (c) To prohibit all forms of pressure on victims of rape to marry perpetrators and increase efforts to prosecute and punish perpetrators and accomplices in cases of child marriage;
- (d) To promote a positive image of girls and their potential as active participants in development rather than portraying them as commodities.

#### **Trafficking and exploitation of prostitution**

11. In the light of the Committee's previous recommendations (para. 32) and general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, please describe measures taken:

- (a) To strengthen mechanisms to identify, protect and assist victims of trafficking and sexual exploitation and to provide them with legal support;
- (b) To undertake a study of the parties who benefit from trafficked labour and use structures in the State party that may facilitate trafficking, the number of victims and the factors that render them vulnerable to trafficking, with a view to addressing those factors and structures;
- (c) To boost training and awareness-raising programmes for border police, immigration and other law enforcement authorities on their role in preventing and combating trafficking in women and girls;
- (d) To strengthen long-term reintegration measures for the victims of trafficking.

12. In the light of the Committee's previous recommendations (para. 34), please provide information on measures taken:

- (a) To review legislation and regulations, with a view to decriminalizing women exploited in prostitution;
- (b) To eliminate all push and pull factors behind prostitution, including by ensuring adequate access to social protection for women who wish to leave prostitution, ensure that child maintenance obligations are enforced and set up a fund to provide women with child maintenance in cases in which the child's father is destitute;
- (c) To deliver social and health services to women exploited in prostitution;
- (d) To carry out educational and awareness-raising campaigns for the general public, in particular men and boys, in order to reduce the demand for prostitution;
- (e) To allocate sufficient resources for exit programmes for women wishing to leave prostitution, including by providing them with alternative income-generating opportunities and vocational training.

#### **Participation in political and public life**

13. Please provide information on steps taken, in line with the Committee's general recommendation No. 23 (1997) on women in political and public life:

- (a) To raise public awareness of the need for the full, free and democratic participation of women, on an equal basis with men, in political and public life in order to implement the human rights of women fully;

(b) To strengthen capacity-building in political leadership and campaigning for women candidates for public office;

(c) To adopt temporary special measures, including a quota system to ensure the equal and inclusive representation of women candidates on the electoral lists of political parties, and recruit, support financially and train women candidates for public office, in particular at the decision-making level.

### **Education**

14. Please provide information on the number of dropouts and on measures taken:

(a) To reduce the indirect costs of education and provide children who are destitute with the necessary school materials and women living in poverty with scholarships in order to gain access to tertiary education;

(b) To include in school curricula mandatory, age-appropriate education on sexual and reproductive health and rights and responsible sexual behaviour, focusing on the prevention of early pregnancy and sexually transmitted diseases;

(c) To provide girls with a safe educational environment free from discrimination and sexual violence and include education on non-violence in the curricula;

(d) To ensure that no pressure is placed on pregnant teenage girls to leave school or change courses and establish a reintegration policy for teenage mothers;

(e) To eliminate stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study, provide girls with career counselling, scholarships and other incentives to orient them to science and technology subjects, including meteorological studies, disaster risk reduction and climate change, and ensure that the teacher-training curriculum addresses stereotypes;

(f) To ensure that schools that have been destroyed or affected by disasters are renovated or rebuilt speedily in conformity with disaster resilience standards and provide appropriate hygiene and sanitation facilities;

(g) To adopt an anti-bullying policy and introduce adequate awareness-raising measures in educational institutions to prevent all forms of harassment and violence against students.

### **Employment**

15. Please provide details on the review being conducted of the National Employment Policy 2018–2022 and on the development of the National Employment Policy 2022–2026. In the light of the Committee’s previous concluding observations (paras. 40 and 42), please explain what policies and measures, including temporary special measures, have been put in place:

(a) To increase opportunities for women in formal employment;

(b) To eliminate vertical and horizontal occupational segregation and achieve substantive equality in the labour market, including with regard to promotion opportunities;

(c) To adopt and enforce the principle of equal pay for work of equal value;

(d) To improve working conditions of women market vendors;

(e) To ensure that progress in education for women and girls translates into improved employment prospects;

(f) To prohibit the dismissal of pregnant women, ensure that women in all industries have a right to paid maternity leave and amend legislation to regulate the provision of maternity leave benefits;

(g) To amend legislation to allow for paternity leave;

(h) To criminalize and prevent sexual harassment in the workplace and ensure that it applies to all employers, including the armed forces, police and corrections service.

### **Health**

16. In the light of the Committee's previous concluding observations (para. 44), please inform the Committee on steps taken:

(a) To allocate adequate human, technical and financial resources necessary to ensure the availability of good-quality and support health services, including vaccinations;

(b) To ensure full respect of patient confidentiality, raise public awareness of the right of women to full autonomy regarding access to health services and train health personnel in that regard;

(c) To provide adolescents with confidential access to contraception and related information and eliminate negative stereotypes and discriminatory attitudes regarding their sexuality.

17. In the light of the Committee's previous concluding observations (para. 45), please provide information on steps taken to legalize abortion in cases of severe fetal impairment, to decriminalize it in all other cases and to ensure access to safe abortion and post-abortion care.

18. Given the reportedly high rates of cervical cancer in Fiji, please provide details on immunization programmes and screening programmes for this disease. Please also provide information on the number of persons screened for cervical cancer, the number of positive cases detected and the number of human papillomavirus (HPV) vaccinations provided on an annual basis.

### **Economic empowerment and economic and social benefits**

19. Please provide information on steps taken:

(a) To ensure that women are informed about their equal rights of access to financial credit, assets and bank accounts;

(b) To set up a public fund to pay pension contributions for women while they take leave to raise their children;

(c) To increase the retirement age for women to allow for greater accrued pension benefits.

### **Rural women**

20. In view of the Committee's previous recommendations (para. 50) and in line with the Committee's general recommendation No. 34 (2016) on the rights of rural women, please provide information on measures taken:

(a) To ensure that rural women have full access to social benefits and non-contributory social protection and to microfinance and microcredit at low interest rates;

(b) To promote equal sharing of household and childcare responsibilities between women and men and promote ending the prioritization of men in terms of access to food;

(c) To amend legislation to ensure that all rural women have equal access with men to land ownership and adequate water resources;

(d) To protect rural women from land grabbing, including by requiring their prior informed consent and adequate benefit-sharing arrangements in any decisions regarding agreements on the lease or sale of land;

(e) To develop adequate infrastructure and sanitation to address the needs of women in squatter settlements and ensure legal ownership or recognition of legal leases for their homes.

### **Disaster risk reduction and climate change**

21. In the light of the Committee's previous concluding observations (para. 54) and the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, please provide information on the State party's efforts to involve women in disaster preparedness and response planning and delivery in order to develop gender-sensitive policies. In particular, please explain what steps the State party has taken:

(a) To set up public funds to support families in the wake of disasters and create a system for the immediate supply of basic necessities, including water and sanitation, food and urgently needed medication, in case of emergency;

(b) To include in disaster preparedness plans a provision for setting up women-only shelters, where women can report cases of gender-based violence and access redress and rehabilitation;

(c) To ensure that private sector actors rectify any negative environmental impact of their operations on affected groups, in particular women;

(d) To involve women, including rural women, in the development of disaster risk reduction and climate change policies and in discussions and decisions on comprehensive measures for adaptation and mitigation in their communities.

### **Disadvantaged groups of women**

22. Please provide information on measures taken by the State party to adopt legislation, temporary special measures and awareness-raising measures to combat intersecting forms of discrimination against disadvantaged groups of women, such as women with low income, women with disabilities, and lesbian, bisexual, transgender and intersex women.

23. Please also describe measures put in place to promote a positive image of women and girls with disabilities and to ensure that they have effective access to justice, political participation, education, employment and health care, including sexual and reproductive health-care services.

### **Marriage and family relations**

24. Please describe efforts aimed at conducting a full assessment of the implementation of the Family Law Act and the Marriage Act and examining the root causes of the poor functioning of, and lack of recourse to, the Family Court, with a view to improving its structure and the training of the judiciary and to raising awareness of its functions. Please provide information on measures:

(a) To make the public aware of, and to enforce, the Marriage Act (Amendment) Decree 2009 (No. 26 of 2009), raising the legal marriageable age to 18 years for both women and men, and to enforce the prohibition of child marriage, particularly in rural areas;

(b) To ensure that amendments to the Electoral (Registration of Voters) Act 2012 do not discriminate against married women and interfere with their democratic right to vote.

**Additional information**

25. Please provide any additional information deemed relevant with regard to legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic report in 2018. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments and any other information that the State party considers relevant. Please note that, further to the issues raised herein, the State party will be expected, during the dialogue, to respond to additional questions posed by the Committee relating to areas covered by the Convention.

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