



**Mapping of Recommendations from Convention on
the Elimination of All forms of Discrimination against
Women (CEDAW)**

Introduction

The United Nations “Convention on Elimination of all forms of Discrimination against Women (CEDAW)”, was adopted by the United Nations General Assembly in 1979. It has often been described as the international bill of rights for women and sets out a comprehensive set of rights for women in civil, political, economic, social and cultural fields. It also provides a definition of discrimination against women¹. The substance of the convention is based on three interrelated core principles: substantive equality, non-discrimination and State obligation².

A number of 189 countries have ratified CEDAW. The Fiji government ratified the Convention on the Elimination of all forms of Discrimination Against Women in 1995. By ratifying the CEDAW Convention, States are saying that they:

- Recognise discrimination and inequality.
- Recognise the need for State action.
- Commit themselves to do certain things and not do certain things.
- Are willing to be held accountable at national and international levels³.

The broad structure of the CEDAW convention is as follows:

- Articles 1 – 5 provide the general substantive framework of the convention.
- Articles 6 – 16 provide specific substantive areas of the convention.
- Articles 17 – 23 outline the role of the CEDAW Committee and the procedures pertaining to the convention.
- Articles 23 – 30 outlines the administration and interpretation of the convention

However, the shadow/alternative report need only provide information on the substantive articles of the CEDAW convention, i.e. Articles 1 – 16⁴.

Summary of Articles 1-16⁵.

ARTICLE	SUMMARY
1. Definition of discrimination	Discrimination against women includes any distinction, exclusion or restriction that affects women's enjoyment of political, economic, social, cultural, civil or any other rights on an equal basis with men.
2. Policy measures	States must make laws and regulations, implement policies and change practices to eliminate discrimination against women.

¹ <https://iwda.org.au/assets/files/CEDAW-at-a-Glance.pdf>

² <https://cedaw.iwraw-ap.org/cedaw/cedaw-principles/cedaw-principles-overview/>

³ <https://cedaw.iwraw-ap.org/cedaw/cedaw-principles/cedaw-principles-overview/>

⁴ <https://cedaw.iwraw-ap.org/for-ngos/>

⁵ <https://iwda.org.au/assets/files/CEDAW-at-a-Glance.pdf>

3. Equality	Women are fundamentally equal with men in all spheres of life. States should take action to ensure women can enjoy basic human rights and fundamental freedoms.
4. Temporary special measures	Affirmative action or temporary special measures should and can be used (e.g. quotas or women-only services) to accelerate women's equality.
5. Sex roles and stereotyping	The Convention recognises the influence of culture and tradition in restricting women's enjoyment of rights. States must modify or abolish discriminatory cultural practices and take appropriate measures to eliminate sex role stereotyping and prejudice stemming from the idea of the inferiority or superiority of one sex over the other.
6. Trafficking and prostitution	States Parties must take all measures, including legislation to stop all forms of trafficking and exploitation of women for prostitution.
7. Political and public life	Women have equal rights to vote, hold public office and participate in civil society.
8. Participation at the international level	Women should be able to represent their country internationally and work with international organisations on an equal basis with men.
9. Nationality	Women have equal rights with men to acquire, change or retain their nationality and that of their children.
10. Equal rights in education	Women have equal rights to education including vocational training and guidance, continuing education, sport and scholarships. The content of the curriculum should prevent the repetition of negative stereotypes and sexual health education should be available.
11. Employment	Women have the right to work, employment opportunities, equal remuneration, free choice of profession and employment, social

	security, and protection of health. Discrimination on the grounds of marriage, pregnancy, childbirth and childcare is prohibited.
13. Economic and social benefits	Women have equal rights to family benefits, financial credit and to participate in recreational activities, sports and cultural life.
12. Healthcare and family planning	Women have equal rights to access health care including sexual health, family planning services and pre and post-natal care.
14. Rural women	Rural women have the right to adequate living conditions, participation in development planning, and access to education, healthcare, transport and financial services.
15. Equality before the law	Women are to be treated as equal before the law. Women have the legal right to enter contracts, own property and to choose where to live.
16. Marriage and Family	Women have equal rights with men within marriage including family planning, property ownership and occupation.

Fiji's reporting Cycle

Fiji has gone through the following cycles of review⁶.

Reporting Cycle (Review)	Due date	Date Submitted (State Report)
I	27 September 1996	29 February 2000
II-IV	27 September 2008	14 January 2009
V	31 July 2014	29 June 2016
VI	22 March 2022	

⁶ Information provided by "Fiji Women's Rights Movement (FWRM)" shadow reports.

The CEDAW NGO/CSO Working Group

FWRM (CEDAW NGO Coalition secretariat) together with the CEDAW NGO/CSO Working Group spearheaded the compilation and the presentation of two consecutive parallel reports, the first was presented to the UN CEDAW Committee in February 2002 and the second was presented to the UN CEDAW Committee in July 2010 in New York. FWRM aims to coordinate a delegation to present a shadow report before the UNCEDAW Committee alongside Fiji's next State submission. The monitoring and implementation of CEDAW has also been part of FWRM's core work since its ratification⁷.

The CEDAW NGO/CSO Working Group consists of: Fiji Women's Crisis Centre (FWCC), Development Alternatives with Women for a New Era (DAWN), femLINK Pacific and Citizens' Constitutional Forum (CCF). FWRM has been the NGO secretariat of the compilation of the shadow report on the implementation of CEDAW in Fiji.

Importantly, NGOs can serve as a facilitating link with communities and individuals, and feed information to and from State institutions to citizens.

Hence, NGOs become particularly vital centres of advocacy around women's interests and rights given State resistance to implementing change⁸

ANALYSIS

The following is an analysis of the issues raised under each article in the various reviews together with the NGO recommendation made and the relevant Concluding observations and recommendations made by CEDAW Committee.

⁷ <http://www.fwrn.org.fj/programmes/gender-and-transitional-justice>

⁸ <https://cedaw.iwraw-ap.org/for-ngos/>

	Issue(s)	NGO (RECOMMENDATIONS)	Concluding Observations & Recommendations by CEDAW Committee
<p>ARTICLE 1: Definition of Discrimination Discrimination against women is: “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 and any other field”.</p>			
First Review			
<p>Constitution (Definition of Discrimination according to CEDAW)</p> <p><i>Progressive Legislations – Designed to remove discrimination and promote equality curtailed.</i></p>	<ul style="list-style-type: none"> ● No general legal definition of ‘Discrimination’ in the Constitution & no specific definition of ‘Discrimination against women’. ● The various interpretations are usually too narrow to be applied to Law and can be detrimental to Women. ● The new Government has not put the following Bill, all which have a profound impact on the status of women, back on the legislative agenda: ● The Family Law Bill (designed to remove endemic entrenched legislative and common law discrimination against women. See Art 16 State report commentary) ● The Industrial Relations Bill (promoting equality of women in the formal workplace) 	<ul style="list-style-type: none"> ● We call on the government for the inclusion of a proper definition of discrimination against women in relevant legislation which should be sufficiently broad and compatible with the definition in the Convention in the relevant laws (Penal Code, Family Law, Labor law etc.). ● We ask for a timeframe for the promotion of appropriate measures of positive action for women and the implementation of the Women’s National Plan of Action and State funding for the task forces. ● We ask that all the bills specifically prepared be tabled in Parliament and passed - Family Law Bill, 	<ul style="list-style-type: none"> ● The Committee expresses concern that the Constitution of 1997 does not contain a definition of discrimination against women. The Committee notes the 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 Committee is concerned that the Convention is not specified in the mandate of the Human Rights Commission, and that it is not assured funds to continue its work. ● The Committee recommends that proposed constitutional reform should address the need to incorporate a definition of discrimination. The Committee urges the State party to include a clear procedure for enforcement of fundamental rights and enact an equal opportunities law to cover the actions of non-State actors. The Committee also recommends that the mandate of the Human Rights Commission be expanded to include the Convention, and that the Commission be provided with adequate resources from State funds.

	<ul style="list-style-type: none"> • The Evidence Bill (designed to remove laws which discriminate against women in sexual crimes) 	Domestic Violence Bill, Industrial Relations Bill	
Second, Third & Fourth Review			
	<ul style="list-style-type: none"> • The Concluding Comments on Fiji (2002) recommends that the Constitution contain a specific definition of discrimination against women. There is a general discrimination clause which covers gender discrimination and sexual orientation, as well as direct and indirect discrimination in section 38 as pointed out in the State Report. However, the definition does not cover the multiple layers of discrimination faced by women e.g. HIV/Health status, reproductive health status, and marital status are not included. • Despite the protection of sexual minority rights under the Constitution of Fiji, there has been backlash from prominent churches such as the Methodist Church of Fiji as well as well-known politicians and leaders⁹. 	<ul style="list-style-type: none"> • That the definition of discrimination be democratically amended to include non-discrimination on the grounds of marital status, health status and reproductive health status. • That the Constitution be democratically amended to include a specific definition of discrimination against women as embodied in CEDAW. • That the Constitution be democratically amended to ensure the right to substantive equality in the Bill of Rights. It is critical that women's rights to equality are secured in the Constitution itself and not only in other subordinate legislation so that it is difficult to change it. 	

⁹ The Methodist Church held a rally in 2006 protesting same-sex marriage regardless of the fact that Fiji's constitution contains no provisions that would allow for gay marriage.

		<ul style="list-style-type: none">● That the Constitution be democratically amended to make human rights in the constitution specifically apply to the private sector as well as the public sector, without ambiguity. For example, the amendment could read - 'This Bill of Rights applies equally to all citizens including the public and private sector' or words to that effect.● That there be access to the courts of law directly without the need for lawyers or the FHRC by a simple petition process, as in India, on constitutional matters.● That given the link between women's human rights, the rule of law and democracy, that the Concluding Comments recommend to the State, a speedy return to constitutional democracy through immediate elections. and that any changes to legislation will take place within the rule	
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		<p>of law and a legislative democracy.</p> <ul style="list-style-type: none"> • That the state respects and upholds the 1997 Constitution of Fiji that guarantees the protection of sexual minority rights. • That the Penal Code s 175 – s 176 be amended to reflect the protection of minority rights granted in the Constitution, • That the State holds state actors and non-state actors accountable for making hate speeches and inciting violence against sexual minorities. • That the State ratify the Convention on the Rights of People with Disabilities and pass concomitant legislation realising the goals of the Convention. 	
Fifth Review			
	<ul style="list-style-type: none"> • The NGO Coalition states that the Constitution must adopt CEDAWS definition of ‘Discrimination’ because the current definition has ‘No explicit reference to women’. 	<p>Amend the Public Order Act 2012 and Media Industry Development Act 2010 to protect freedom of speech, assembly, and association.</p>	<ul style="list-style-type: none"> • The Committee notes the broad constitutional prohibition of discrimination in Section 26 (3), which includes the prohibition of discrimination based on sex, as well as the prohibition of discrimination in the Employment Relations Act. It is concerned, however, that the State party’s

	<p>But the principles that the state relies on are undermined while limiting freedom of speech, assembly and association which is further institutionalized by regressive legislation.</p>		<p>legislation encompasses neither a definition of discrimination against women, in accordance with articles 1 and 2 of the Convention, nor comprehensive legislation on gender equality.</p> <ul style="list-style-type: none"> ● The Committee raises the State party's awareness to Sustainable Development Goal 5.1 to end all forms of discrimination against all women and girls, and recommends that the State party adopt comprehensive anti-discrimination and gender equality legislation, which defines discrimination against women in accordance with article 1 of the Convention, including direct and indirect discrimination in the public and private spheres, and intersecting forms of discrimination, and provides for sanctions and compensation in case of violations of the prohibition of discrimination, as well as for a legal basis for temporary special measures.
<p>Legislations</p> <p>Domestic Violence Act 2009</p>	<p>States that the legislation were issued without parliamentary approval, public consultation & with provisions in the Constitution that bar the ability of courts and tribunals to challenge their validity.</p> <p>There are still areas where discrimination persists and has an impact on gender equality.</p> <p>For example, <i>Section 14 of the Domestic Violence Act</i> provides gives authority to police officers to acquire restraining orders from the court for the victim's safety. Despite the law, magistrates are not issuing DVRO's or are</p>	<ul style="list-style-type: none"> ● Require the existence of a "unequivocal and voluntary agreement" and proof by the accused of steps taken to ascertain whether the victim/survivor was consenting. ● Perpetrators of both domestic violence and sexual offences must receive custodial sentences that reflect the gravity of the crime. Sentencing guidelines for domestic violence and 	<ul style="list-style-type: none"> ● The Committee is concerned that the Optional Protocol has still not been ratified although the State party had accepted the recommendations to that effect made during the Universal ● Periodic Review in 2010 and 2014 regarding the ratification of the Optional Protocol. ● The Committee recommends that the State party ratify the Optional Protocol as a priority.

<p>Crimes Act 2009</p>	<p>unavailable. They prefer reconciliation to reduce such cases.</p> <p>However, it still fails to provide a clear definition of ‘Consent’. This partially bans the requirement of proof of resistance in sexual offense cases.</p> <p>Domestic Violence still falls under ‘assaults’ which carry relatively lighter sentences.</p>	<p>sexual offences should be graded based on harm and ensure consistency in outcomes.</p> <ul style="list-style-type: none"> ● Remove the gender-neutral language of the Domestic Violence Act because it masks the disproportionate impact on women and enables men to manipulate the system for their benefit. ● Ratify the Optional Protocol for CEDAW. 	
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ARTICLE 2 Policy Measures to be Taken
Governments condemn discrimination against women in all its forms and will work to end it. This includes abolishing all existing laws, customs and regulations that are discriminatory.

First Review			
<p>Obligations to eliminate Discrimination</p>	<ul style="list-style-type: none"> ● There is no legal provision for the incorporation of the principles and provisions of the Convention into the domestic Legislation. ● There is a great need for laws to protect the rights of women and to put enabling legislations in the Constitution specifically in the areas of gender-based violence and sexual offences against women, employment and family law. 	<ul style="list-style-type: none"> ● We call on the government to strengthen the various National Plan of Action task forces through a strengthened financial commitment by the State for the taskforce programs ● We ask that the Fiji Law Reform Commission be required to put the Sexual Offences Bill and Domestic Violence reference back on the legislative agenda. 	<ul style="list-style-type: none"> ● The Committee notes with concern that family laws in Fiji contain many discriminatory provisions, and that restrictive divorce laws encourage violence, including suicide. It also notes with concern that the proposed Family Law Bill has not been adopted. ● The Committee urges the early adoption of the Family Law Bill and calls for the law on family relations of all communities to be brought into conformity with the Constitution and the Convention.

Second, Third & Fourth Review			
	<ul style="list-style-type: none"> ● General implementation of CEDAW principles is weak in Fiji and even where there is political commitment on the part of government. ● There are insufficient resources either available or allocated to implement the standards in CEDAW. ● Courts have not been reticent about using such a provision to apply conventions to domestic law in innovative and creative ways. ● There is still a need¹⁰ for sustained training on CEDAW and other international human rights laws, as domestic application is varied and inconsistent. ● Apart from the Family Law Act 2003 there has been no legislation enacted as a means of incorporating the CEDAW Convention into domestic 	<ul style="list-style-type: none"> ● Making domestic violence both a specific criminal offence punishable by imprisonment; and a civil offence attracting protection orders; ● Making prosecution mandatory; ● Making all forms of marriage legally recognized so that any person in a domestic relationship of some sort is entitled to a protection order; ● Granting authority to trained 'authorized persons' in remote villages to give special temporary protection orders to 	<ul style="list-style-type: none"> ● The Committee is seriously concerned that the level of violence against women in all its forms is persistently high in both the private and public spheres. While welcoming the Domestic Violence Decree (2009), the Committee remains concerned at the absence of a holistic approach to the prevention and elimination of all forms of violence against women, including the introduction and enforcement of comprehensive integrated legislation prohibiting all forms of gender-based violence as well as other effective measures to prevent, investigate and prosecute gender-based violence, including against women sex workers. The Committee regrets the lack of data and information regarding the incidence of various forms of violence against women and girls, as well as studies and/or surveys on the extent of violence and its root causes. The Committee is also concerned that social support

¹⁰ Examples from Fiji include the case of State v Bechu, in which the Magistrate chastised the accused during rape sentencing stating:

Women are your equal and therefore must not be discriminated against on the basis of gender. Men should be aware of ... CEDAW which our country ratified ... Under the convention the state shall ensure that all forms of discrimination against women must be eliminated at all costs. The courts shall be the watchdog of this obligation. The old school of thought that women were inferior to men or part of their personal property, that can be discarded or treated unfairly at will, is now obsolete and should no longer be accepted by our society.

These attitudes are not commonplace in the magistracy and ought not to be taken as indicative of magisterial attitudes in general. However, they are reflective of a growing trend of willingness to apply women's international human rights standards if domestic legal provisions allow it, and if lawyers make the appropriate submissions.

	<p>law and to make discriminatory acts in the public and private actors actionable. There is no such legislation as an Equal Opportunities Act, Gender Equality Act or Anti-Sex Discrimination Act.</p> <ul style="list-style-type: none"> ● Cultural and religious fundamentalism is on the rise in Fiji. This promotes and reinforces conservative ideas and myths about women and their rights ● Removal of discriminatory corroboration. ● Issue of the Definition of 'Rape'. ● Issue of Past Consensual Sexual experiences. ● Issue of Proof of resistance. ● Under reported cases of Domestic ¹¹Violence. ● Lack of action & delays by service providers (Police in dealing with victims). ● Lack of enforcement of Family Court Orders by the Police. ● No Legislation legislating against the use of customary practices or traditional forgiveness ceremonies affecting sentencing. ● There is no specific domestic violence criminal or civil legislation and 	<p>women who are being beaten;</p> <ul style="list-style-type: none"> ● Making it illegal to use culture, custom or the payment of compensation as a defence to a prosecution or the granting of protection orders; ● Allowing for court orders and hearing dates to be obtained by telephone or fax; ● Removing various legal impediments which prevent successful prosecution. The Police must have extensive powers to arrest without a warrant. They ought to be able to investigate an offence and charge on the basis of a specific domestic violence offence. ● As a matter of policy, courts should order a minimum 24-hour jail sentence to mitigate the 	<p>services suffer from inadequacy, insufficiency and a lack of coordination.</p> <ul style="list-style-type: none"> ● The Committee urges the State party to give priority attention to combating violence against women and girls and to adopting comprehensive measures to address such violence, in accordance with its general recommendation No. 19. Such measures should include the expeditious adoption of a comprehensive law criminalizing all forms of violence against women, including domestic violence with regard to de facto relationships, marital rape, sexual violence, sexual harassment and institutional violence, as well as the development of a coherent and multispectral action plan to combat violence against women. The State party should investigate and prosecute all cases of violence against women, including those involving women sex workers. The Committee also urges the State party to publish and widely disseminate the Domestic Violence Decree and all relevant laws and policies established and/or envisaged to address violence against women in all its forms. The Committee calls upon the State party to increase the number of shelters and to ensure adequate geographical distribution, with particular focus on remote and outer islands. The Committee requests the State party to provide data on trends concerning the prevalence of various forms of violence against
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¹¹ *Crimes Act 2009 – Section 210 (3) (b) (c)* Includes the penetration of the Vulva, Vagina or anus with a body part or objects. Also penetration of the Mouth with the Penis or an object.

	<p>domestic assault is prosecuted under general¹² assault laws, giving domestic violence¹³ no special s¹⁴status, nor treatment, ¹⁵by justice agencies;</p> <ul style="list-style-type: none"> ● Traditional and modern reconciliation, forgiveness practices and ceremonies are still implicitly used to legitimise VAW, and justice agencies widely encourage forgiveness and reconciliation, both in the informal or village courts, or the national level courts which 	<p>“breadwinner” argument, or imprison at night only.</p> <ul style="list-style-type: none"> ● The grading of sexual assault to reflect degrees of harm including penetration of all orifices; ● Expanding the definition of assault to include all forms of sexual assault including assault with an object ● Removing the corroboration warning by legislation; 	<p>women, disaggregated by age and area (urban and rural).</p> <ul style="list-style-type: none"> ● The Committee once again expresses its concern at the persistence of practices and traditions, as well as strong patriarchal attitudes and deep-rooted stereotypes, regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is concerned that such customs and practices perpetuate discrimination against women and girls and that they are reflected in the disadvantageous and unequal status of those groups in many areas, including public life, decision-making, marriage and family relations, as well as in the persistence of violence against women. The Committee is also
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¹² **Criminal Procedure Act 2009 – Section 130** No Evidence of past sexual history permissible.

¹³ CEDAW in its concluding observations in 2010 stated that there needs to be an adoption of a comprehensive law criminalizing all forms of violence against women which included ‘Marital Rape’. Marital rape is considered a criminal offence in Fiji. However, there is still no specific law dealing with ‘Marital Rape’. The outdated legislation and common law principles still take precedence over women’s rights.

Criminal Cases – Section 119 & Section 126

Spouses of the accused shall be competent and compellable to give evidence without the consent of the accused person in accordance to the provisions of the act.

Section 120

States Under a Judge or Magistrate's discretion a person may be called as a witness to meet the ends of justice only if it is done without any delay, expense or inconvenience caused by such a witness.

Domestic Violence Act – DV 47 (1) states that the parties to the proceedings under this act are competent and compellable witnesses

¹⁴ **Crimes Act 2009 – Section 210 (2) - (3) (a) (b) (c)** Includes assault with a thing (object).

¹⁵ **Criminal Procedure Act 2009 – Section 129** Where any person is tried for an offence of a sexual nature, no corroboration of the complainant’s evidence shall be necessary for that person to be convicted.

(Stated in the responses to the list of issues and questions with regard to the consideration of the combined second, third and fourth periodic reports – Jan 2010)

	<p>¹⁶administer formal law. The effect of this is that there is either no prosecution, finding of guilt and punishment deserving of the crime or the forgiveness is used to lessen the punishment.</p> <ul style="list-style-type: none"> • There is still a general unwillingness to exercise powers of arrest, to lay charges and to follow through with criminal prosecutions • No imprisonment of the 'bread¹⁷winner' philosophy still largely prevails. 	<ul style="list-style-type: none"> • The removal of the need to demonstrate proof of resistance on the part of the complainant to demonstrate lack of consent; • The forbidding of questions of the complainant's past sexual history with men other than the accused by the accused person's lawyer; • Allowing the prosecution of marital rape, that is, removing marital 	<p>concerned about the cultural practice of reconciliation and forgiveness ceremonies such as <i>bulubulu</i>, forced on victims of violence so that they remain in abusive and violent relationships. In addition, the Committee is concerned that, thus far, the State party has not taken effective and systematic action to modify or eliminate stereotypes and cultural practices harmful and/or demeaning to women.</p> <ul style="list-style-type: none"> • The Committee urges the State party to put in place without delay a comprehensive strategy, including the review and formulation of legislation and the establishment of goals and timetables, to modify or eliminate stereotypes, patriarchal attitudes and cultural practices that discriminate
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¹⁶ There are no specific laws relating to Sexual Harassment at a workplace. There are currently a few vague laws to deal with Harassment at the workplace. It could be considered a civil or criminal offense but is harder to prove. With regards to the above & concerns raised by CEDAW in the 2010 responses to the list of issues raised by them the National Policy on sexual harassment in the workplace was effective from 2008 and included they promote appropriate behaviour and ensure a harassment free workplace. They also try to find appropriate solutions. All the rules apply across the board to public and private sectors

¹⁷ The introduction of the No drop policy states that all cases of domestic violence must be considered and it must be heard in-front of a magistrate before the charges are dropped. Traditional practices cannot be used as a dispute resolution for such serious offences. In the concluding observations made by CEDAW in 2010, it was stated that the committee was concerned that traditional practices as such perpetuate discrimination against women and girls. Thus, the state party needs to eliminate such practices that are demeaning and harmful to women. The Committee urges the State party to put in place without delay a comprehensive strategy, including the review and formulation of legislation and the establishment of goals and timetables, to modify or eliminate stereotypes, patriarchal attitudes and cultural practices that discriminate against women, in conformity with articles 2(f) and 5(a) of the Convention. One of the strategies used was 'Gender Sensitization Training' to alleviate these stereotypical attitudes.

		<p>immunity and making spouses competent and compellable witnesses;</p> <ul style="list-style-type: none"> ● Forbidding the use of ceremonies of forgiveness like the <i>bulubulu</i>, to influence prosecution, the trial and sentencing; ● and <p>The recognition of sexual harassment as a civil offence within the workplace.</p>	<p>against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts to raise awareness about this subject, targeting women and men at all levels of society, in collaboration with civil society. The Committee calls upon the State party to take innovative and effective measures to strengthen understanding about the equality of women and men and to work with the media to promote a positive, non-stereotypical and non-discriminatory portrayal of women, and in particular to develop outreach programmes to connect with women in rural areas and the outer islands. It further calls on the State party to periodically review the measures taken in order to assess their impact, to take appropriate action and to report thereon to the Committee in its next report.</p>
Fifth Review			

<p>Fiji National Gender Policy</p>	<ul style="list-style-type: none"> • All of the services, remedies or implementations lack resources to fulfil its objectives and are thus severely hindered. • The minimum resources provided lead to a 'lack of gender specialists and monitoring & evaluation officers' to implement the policies and to achieve tangible results. 	<ul style="list-style-type: none"> • Increase the budget and provide more resources to implement, monitor, and evaluate Fiji's National Gender Policy and Women's Plan of Action. 	<ul style="list-style-type: none"> • The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following: The National Gender Policy (February 2014).
<p>Women's plan of Action 2010-2019</p>	<p>WPA has driven some improvement, such as increased participation in hospital boards and village development committees, resourcing of the WPA has been stagnant and task forces previously engaged have become dormant. As such, gender mainstreaming efforts in government have slowed, there is a lack of gender disaggregated data and little improvement of services for the disabled.</p> <p>However, there is a lack of:</p> <ul style="list-style-type: none"> • Women's Human Security • There is economic insecurity, lack of access to clean water (Lack of economic and environmental security) • Lack of personal security • Cultural & social barriers. 	<ul style="list-style-type: none"> • Promote and engage in gender mainstreaming activities in government, schools, and private institutions. • Technical support for data collection systems need to be strengthened and data disaggregated by sex, area (rural, urban), race/ethnicity, religion, age, sexual orientation etc. 	<p>The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following: The Women's Plan of Action (2010 – 2019).</p>

ARTICLE 3 Guarantee of Basic Human Rights

Governments will take all appropriate actions to ensure the advancement of women and to protect their rights on a basis of equality with men.

	Second, Third & Fourth Review		
Measure to Guarantee Comprehensive advances by Women	<ul style="list-style-type: none">● Race continues to be an issue. Due to the history of the establishment of the national women's machinery and the absence of a proactive EEO policy, the implementation and rural outreach of the Women's Interest officers have continued to be primarily with rural Fijian women.● Ministry is not a policy agency, but a line department mainly providing community-based development services to largely Fijian women, this is a huge challenge.● Gender mainstreaming constraints.● women with disabilities are not included in the Women's Plan of Action.● Key staff that has gender training, expertise and experience has been reshuffled. This has led to loss of institutional memory and decreased gender analysis capacity.● Lack of Gender analysis.● Data and analysis on health are limited.● Lack of special initiatives in respective line ministries towards gender mainstreaming initiatives that support gender equality.	<ul style="list-style-type: none">● We strongly support the implementation of the GAD Policies with an emphasis on gender mainstreaming with a clear strategy on how to address the challenges and obstacles.● We call for a commitment of technical support to improve collection reporting and use of sex disaggregated data with the central FIBS ministry that will be used in policy planning in all sectors.● Support and build on gender mainstreaming initiatives from the Agriculture and Health Ministry and apply a similar initiative to a central ministry such as Finance and planning ensuring that there is strengthened gender analysis in each sector especially amongst planners.	<ul style="list-style-type: none">● The Committee is concerned about the changes encountered by the national machinery, which has repeatedly moved administratively and was recently downgraded to a department within the Ministry of Social Welfare, Women and Poverty Alleviation, as well as the insufficient amount of resources allocated and the capacity constraints, which limit the effective functioning of the Ministry and hamper the implementation of the Women's Plan of Action (2009-2018). While welcoming the recent establishment of the Fiji Women's Federation within the Department of Women, to coordinate the programmes and activities of women non-governmental organizations to achieve gender equality and the empowerment of women, the Committee is concerned about the requirement of the Federation that non-governmental organizations must register in order to engage with their processes and initiatives to promote equality and protect women's rights.● The Committee calls upon the State party to give urgent priority attention to the national machinery for the advancement of women and to provide it with adequate authority, decision-making power, and human and financial resources to work effectively for the promotion of gender equality and women's rights. The Committee encourages the State party to ensure that the

	<ul style="list-style-type: none"> ● Difficulties accessing all different sources of data to establish trends in key social and economic indicators of the population ● Major drawback to using census data is the time lag between the time that census data is collected, and the two-year delay in the data becoming available. ● The published census data does not provide much needed detailed information on key social themes such as education, health and economic activity. ● Lack of gender analysis and accompanying strategies to address the constraints. ● FHRC and its lack of full-time technical expertise and the resources to implement potential sound policies. 	<ul style="list-style-type: none"> ● Provide further support and training for government officials on gender sensitive budget analysis and support towards undertaking a support of a gender sensitive budget. Have this integrated as part of the government training strategy. ● Offer technical support on gender budget indicatives for NGOs on gender budgeting and gender analysis. ● Call for gender indicators as a means of tracking and monitoring of performance of Chief Executive Officers. ● We call for an independent inquiry into the FHRC and that the findings are made public. ● We call for the establishment of a sex discrimination commissioner within the Fiji Human Rights Commission specifically tasked to monitor and assess gender 	<p>registration requirements of the Fiji Women's Federation for non-governmental organizations, and the further requirement of the State party that permits be issued for all meetings, do not infringe upon the right to freedom of association and assembly or restrict the opportunity of non-governmental organizations to engage in consultative processes towards gender equality and the promotion and protection of women's rights. The Committee recommends that the national machinery enhance its cooperation with women non-governmental organizations for the effective implementation of programmes for the advancement of women.</p> <ul style="list-style-type: none"> ● The Committee is concerned that the report did not provide sufficient statistical data regarding the situation of women in all areas covered by the Convention, particularly in the areas of prostitution and trafficking, violence against women, and the situation of vulnerable groups of women. The Committee is also concerned at the lack of information about the impact of measures taken, including the implementation of laws, programmes and policies, as well as obstacles encountered and results achieved in various areas covered by the Convention. ● The Committee calls upon the State party to strengthen its system of data collection, including the use of measurable indicators; to assess trends regarding the situation of women, particularly in the areas of prostitution and trafficking in human beings, female victims of violence and vulnerable groups of women; to assess progress made
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		<p>discrimination under the ambit of CEDAW.</p> <ul style="list-style-type: none">● There is a need to prioritise sex disaggregated data in all data gathering activities. This can be implemented through the provision of gender analysis and awareness of gender issues for statisticians and data technicians.● Ensure timeliness of the data for assessment of gender issues and trends on any issues over a period of time. Importance of the need to ensure data is collected and analysed and assessed in a timely manner● The state had not included women with disabilities in the Women's Plan of Action. However, the revised Plan of Action 2009-2018, lists the issue as a priority area in Access to Basic Services. Any action in this area must be from a rights-based perspective.	<p>towards women's de facto equality; and to allocate sufficient budgetary resources for data collection. The Committee also requests the State party to include in its next report statistical data and analysis, disaggregated by sex and area (rural and urban), indicating the impact of policy and programmatic measures, the obstacles encountered and the results achieved.</p>
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		<ul style="list-style-type: none"> ● Provide a gender training program for all organisations, committees and services providers. 	
Fifth Review			
	<p>The Fiji Women's Federation requires Women's NGO's to register & apply for permits -</p> <ul style="list-style-type: none"> ● Unnecessary registrations & permit requirements create unwarranted barriers to the good implementation of gender equality programs. ● Limits freedom of expression, association & assembly. <ol style="list-style-type: none"> 1. Suspended from the Global Alliance of Human Rights Institutions and Asia Pacific Forum due to its inability to comply with the Paris Principles. 2. It is under the Office of the Prime Minister, creating a direct conflict of interest as it is supposed to be an independent body meant to investigate HR Violations made by the state. 	<ul style="list-style-type: none"> ● The Ministry of Women, Children, and Poverty Alleviation should remove barriers that limit freedom of expression, association, and assembly because of registration and permit requirements. ● The Fiji Human Rights Anti-Discrimination Commission (FHRADC) must take steps to comply with the Paris Principles and seek re-certification from the Global Alliance of National Human Rights Institutions by establishing sufficient independence from the State. ● FHRADC to provide disaggregated data on the complaints it has received 	<p>The Committee, while noting that the State party is cooperating with non-governmental organizations (NGOs) in certain fields, remains concerned about:</p> <ol style="list-style-type: none"> 1. The requirement for NGOs to register and apply for permits to the Fiji Women's Rights Federation; 2. The possibility under the Constitution to restrict freedom of expression, assembly and association, the Public Order Act and the Media Development Act (POAD), moreover such restrictions may be intensified by the Parliamentary Powers and Privileges Bill, all of which has a negative impact on the work of non-governmental organizations, women human rights defenders and journalists advocating for women's rights and may lead to silencing them. <p>The Committee reminds the State party of the important role of civil society, including women's rights organizations, women human rights defenders and the media in promoting the implementation of the Convention. It recommends that the State party:</p> <ol style="list-style-type: none"> 1. Review and alleviate registration requirements for NGOs; 2. Review the POAD and repeal the currently undue restrictions placed on civil society and the press

3. Forbidden from investigating or challenging any complaints on the legality of the acts passed between 2006-2013, abrogation of the previous constitution and the previous coup.
 4. CEDAW review stated little work had been done to prioritise gender and women's rights within its work.
- Not enough data presented by FHRADC on the cases or complaints made – not transparent on the website.

which constitutes an obstacle for their activities with a view to ensuring that non-governmental organizations, including women's rights organizations, women human rights defenders and journalists can effectively carry out their work.

The Committee, while noting with appreciation the progress made under the Women's Plan of Action (WPA) 2010 – 2019 as well as the establishment of the National Gender Policy in 2014 to implement the WPA, nonetheless has the following concerns:

1. That coordination within the national machinery as well as with external partners, in particular NGOs working on women's rights, is extremely poor and inefficient, which further weakens the already insufficient gender mainstreaming efforts;
2. The extremely limited resources allocated to the Women's Federation, the weak implementation of the WPA as well as the lack of clarity on the actual authority of the machinery and the absence of a framework to monitor and evaluate the implementation of the national gender policy.

The Committee recommends that the State party:

1. Strengthen and clarify the coordination mechanism of the various components of the national machinery by clearly defining their mandates and responsibilities in relation to women's rights, conduct regular monitoring and evaluation of such coordination, and significantly increase the human, technical and financial

resources allocated to the national machinery for the advancement of women;

2. Strengthen accountability mechanisms for achieving gender equality and ensure the conduct of systematic gender impact assessments, in consultation with the national machinery;
3. Allocate the necessary resources, human and financial and implement a gender mainstreaming strategy throughout all government agencies.

The Committee notes with appreciation the important work undertaken by the Human Rights and Anti-Discrimination Commission. It is concerned, however, that the Commission cannot receive complaints on the legality of legislation adopted between 2006 and 2013. It is also concerned about the impact of the abrogation of the previous Constitution and the coup of 2006 on women's rights. It further notes with concern that the Commission lacks independence, due to the nomination and demotion rules of its members.

The Committee recommends that the State party:

- 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 (Paris Principles; General Assembly resolution 48/134, annex) and modify the rules of nomination and demotion of its members to enable the Commission to independently carry out its mandate;
- Vest the Commission with the necessary authority to receive and investigate complaints on alleged violations of human rights, in particular women's

rights, including on the legislation adopted between 2006 and 2013.

ARTICLE 4 Temporary Special Measures

Governments may institute affirmative action programmes to ensure women’s advancement. This will not be considered discriminatory

First Review			
<p>Acceleration of Equality between Men & Women (Workplace Equality)</p>	<ul style="list-style-type: none"> ● Government policy on the quotas for women membership. However, no initiatives were made to increase women’s representation and recruitment on those boards. ● No moves have been made to improve quota fulfilment by ministries, departments, corporations that have not been able to attain the quotas, nor to design legislation for the implementation of this policy. ● <i>Blueprint for the Protection of Fijian and Rotuman Rights and Interests and the Advancement for their Development.</i> The Blueprint is a policy document of purported affirmative action measures, which attempts to ensure political supremacy of indigenous peoples in Fiji. The Blueprint also provides a framework for a new Constitution, which is to be drafted, and which must secure this supremacy within a legal framework. ● There are no specific gender considerations for women in this 	<ul style="list-style-type: none"> ● We call on the government to form an Affirmative Action body made up of government and non-government representatives to put proper monitoring controls on the State’s Affirmative Action programs. ● We ask for a proper monitoring mechanism to be put in place for all affirmative action programs of government. ● We ask that the government revise the Social Justice Act to include a specific component on women and to repeal section 8 of the 	<ul style="list-style-type: none"> ● The Committee is concerned that the Social Justice Act and the “Blue Print”, which propose affirmative action for the indigenous Fijian population, do not integrate a gender perspective. ● The Committee recommends that the Social Justice Act and the “BluePrint” be evaluated for their impact on both ethnicity and gender, to ensure respect for gender equality, and human rights in Fiji’s multicultural plural society. The Committee urges the State party to introduce an effective monitoring mechanism to ensure that these programmes conform with fundamental rights guaranteed by the Constitution and the Convention’s concept of temporary special measures, and contributes to the elimination of discrimination against all Fijian women. ● The Committee is concerned that, despite significant gains in education, some equal employment opportunities policies and an accessible database on qualified women professionals, women’s political participation and

	<p>affirmative action program. Neither is there a specific gender component for women in the Social Justice Bill.</p> <ul style="list-style-type: none"> • The Blueprint does not comply with international standards provided in United Nations human rights Conventions, the International Bill of Rights or any of the human rights standards provided by Fiji's own Bill of Rights. It threatens notions of equality and equal rights upon which most Conventions and Constitutions are based. Amongst the international law and Conventions, it offends are the <i>Universal Declaration on Human Rights (UDHR)</i>, the <i>International Covenant on Civil and Political Rights (ICCPR)</i> and the <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i> which together form the International Bill of Rights. 	<p>Act which is unconstitutional.</p> <ul style="list-style-type: none"> • We call on the government to revive the Women Advisory Council to assist the Women's Ministry with policies and guidelines on a consultative basis. 	<p>access to decision- making positions remain limited.</p> <ul style="list-style-type: none"> • The Committee recommends the introduction of temporary special measures in accordance with article 4.1 of the Convention to increase the representation of women in national and local assemblies, and in decision- making positions at all levels. • The Committee notes the active participation of women's civil society organizations, and recommends that this rich resource continue to be used for sustainable development and the promotion of gender equality in Fiji. • The Committee recommends that the participation of women's civil society organizations in the Women's Advisory Council be strengthened, and that the various governmental machineries work in a coordinated manner with them in implementing the Women's Plan of Action 1999-2008.
Second, Third & Fourth Review			
Temporary Social Measures	<ul style="list-style-type: none"> • The Social Justice Act takes into consideration disadvantaged groups but the legislation does not target women as a group and is limited to some areas. • Does not cover the range of situations in which women face discrimination. 	<ul style="list-style-type: none"> • Promote scholarships for young women and girls in traditional male jobs such as engineering. • Ensure there is a gender quota and reserved places for girls and young women in education. 	<ul style="list-style-type: none"> • The Committee notes the State party's insufficient understanding of the purpose of and need for temporary special measures in accordance with article 4 (1) of the Convention. • The Committee, in its general recommendation No. 25, enjoins States parties to view the application of temporary special measures as

<p>Fiji Police Force</p>	<ul style="list-style-type: none"> ● Limited focus on gender. ● The major obstacles in the police force are deeply entrenched beliefs and stereotypes. ● Pre-colonial norms and attitudes of Pacific cultures put a clear emphasis on the domination of men and the subordination of women. 	<ul style="list-style-type: none"> ● Call for an inquiry into the actions of the Police Commissioner. ● Call for an affirmative action policy for the Police Force and set in place a gender task force on recruitment and training. ● Call for the inclusion that women cannot be discriminated on the grounds of HIV status and marital status in Section 44 (4) of the Constitution. ● Women ought to be included as a specific group requiring affirmative action and temporary special measures in the Social Justice Act. 	<p>their obligation to remedy the effects of past discrimination against women.</p> <ul style="list-style-type: none"> ● The Committee recommends that the State party utilize temporary special measures, in accordance with article 4 (1) of the Convention and the Committee’s general recommendation No. 25, as part of a necessary strategy to accelerate the achievement of substantive equality for women. ● It requests that the State party include information about the use of such temporary special measures in relation to the various provisions of the Convention, and the impact of such measures, in its next report.
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ARTICLE 5 Sex Roles and Stereotyping
Governments will strive to eliminate cultural and traditional practices that perpetuate discrimination and gender stereotyping of women.

Second, Third & Fourth Review			
<p>Sex Roles and Stereotypes</p>	<ul style="list-style-type: none"> ● State report is inadequate – vague, generalised and non-committal. ● No suggestions of practice measures to address the issue of sex roles and stereotypes. ● Forgiveness ceremonies still continue. 	<ul style="list-style-type: none"> ● That the Constitution be amended to contain the following or similar provision - “Where there is a conflict between traditional or contemporary customary 	<ul style="list-style-type: none"> ● The Committee once again expresses its concern at the persistence of practices and traditions, as well as strong patriarchal attitudes and deep-rooted stereotypes, regarding the roles, responsibilities and identities of women and men in all spheres of life.

	<ul style="list-style-type: none"> ● Lack of awareness about the issue of violence against women and has the potential for reinforcing traditional roles of women. 	<p>laws or practices and women’s right to equality under this Constitution or any other law, women’s right to equality shall prevail.”</p> <ul style="list-style-type: none"> ● That the Ministry of Education conducts a gender and human rights audit of all school material, from primary school to secondary school, with a view to eliminating all material which reinforces stereotypes of female roles, minorities and vulnerable groups; and show women and such groups in positive empowered roles. ● That family life education from a gendered/human rights perspective must be taught at school with appropriate materials. The teachers who teach this subject must be appropriately trained so that sexual stereotypes are not reinforced. Such teaching must be closely monitored and evaluated. 	<ul style="list-style-type: none"> ● The Committee is concerned that such customs and practices perpetuate discrimination against women and girls and that they are reflected in the disadvantageous and unequal status of those groups in many areas, including public life, decision-making, marriage and family relations, as well as in the persistence of violence against women. ● The Committee is also concerned about the cultural practice of reconciliation and forgiveness ceremonies such as <i>bulubulu</i>, forced on victims of violence so that they remain in abusive and violent relationships. ● In addition, the Committee is concerned that, thus far, the State party has not taken effective and systematic action to modify or eliminate stereotypes and cultural practices harmful and/or demeaning to women. ● The Committee urges the State party to put in place without delay a comprehensive strategy, including the review and formulation of legislation and the establishment of goals and timetables, to modify or eliminate stereotypes, patriarchal attitudes and cultural practices that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts to raise awareness about this subject, targeting women and men at all levels of society, in collaboration with civil society. ● The Committee calls upon the State party to take innovative and effective measures to strengthen understanding about the equality of women and men and to work with the media to promote a
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		<ul style="list-style-type: none">● Such family life education must include the importance of the equal sharing of domestic responsibilities in the household. As well it is important that a public national campaign be carried out which addresses stereotypes about household responsibilities so that men and women share such responsibilities equitably.● Senior officials including the Minister need gender training so that they understand the import of their publicly made statements. If they are going to provide the necessary leadership in the Ministry there should be no assumption that they understand gender issues and they ought to be trained in gender.● That the censorship of the media be stopped in line with international standards of freedom of speech, expression and the	<p>positive, non-stereotypical and non-discriminatory portrayal of women, and in particular to develop outreach programmes to connect with women in rural areas and the outer islands. It further calls on the State party to periodically review the measures taken in order to assess their impact, to take appropriate action and to report thereon to the Committee in its next report.</p>
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right to receive and impart information.

ARTICLE 6 Trafficking and Prostitution

Governments will work to eliminate trafficking in women and the exploitation of the prostitution of women.

Second, Third & Fourth Review

Trafficking and exploitation of women

- State report has not accurately reflected the scale of the problem.
- Not accurately accessed the legal framework as well.
- Legislation indirectly discrimination against women under Art 6 of CEDAW which requires state to suppress all forms of traffic in women.
- Issue of sex workers who are poor - to be given the same sort of protections as other worker.
- Lack of research in Fiji on Female Adult Trafficking for sexual purposes.
- Fijis Laws does not prohibit trafficking in women nor sex tourism and this must be addressed.

- That the State must in consultation with NGOs and social groups explore the following options through research:
- Either decriminalise sex work, granting sex workers the same rights as other workers in Fiji; or
- also make it illegal for the men who utilise the services of sex workers, thereby removing the indirect sex discrimination; or
- Adopt the Swedish model law that prohibits the purchase of sexual services.⁷¹ In essence this means that only the buyers of sexual services and not the women involved in prostitution are criminalized. The principles

- The Committee notes the States party's adoption of the Crimes Decree (2009), which punishes persons who sexually exploit women.
- The Committee also notes that prostitution as a criminal offence continues to be the focus, but that recent initiatives have broadened this criminal offence, which now addresses demand and supply to include clients as well as the owners of premises on which prostitution is carried out.
- The Committee is concerned that sex work continues to be criminalized and that, as a result, sex workers are often victims of violence and are particularly vulnerable to torture and ill-treatment by the police.
- The Committee is also concerned about the exploitation of underage girls in commercial sex work. While the Committee notes that the State party has set up the Transnational Crimes Unit of the Fiji Police Force to investigate the trafficking in persons, which complements the Crimes Decree, it regrets the lack of disaggregated data and information about the prevalence and root causes of trafficking, as well as about training for law enforcement personnel in this regard.

		<p>behind the law is that prostitution is a form of violence against women and children, it is intrinsically harmful not only to the individual prostituted woman or child, but to society at large, and represents a significant barrier to the goal of full gender equality; and</p> <ul style="list-style-type: none">● Explore alternative economic options for commercial sexual workers. A fundamental part of the Swedish model was to implement initiatives and empowerment strategies that aim to support the women concerned and to provide them with genuine opportunities and alternatives to exit the industry.● The State must conduct research into female trafficking within and through Fiji.● Create new offences for sex trafficking and sex tourism along the lines of	<ul style="list-style-type: none">● The Committee strongly urges the State party to take concrete steps aimed at effectively implementing the Crimes Decree as well as decriminalizing sex work and strengthening programmes, in cooperation with relevant partners, to provide support, exit programmes and alternative livelihoods for women who wish to leave prostitution. The State party should take effective steps to ensure that sex workers who are victims of violence, torture or ill-treatment are provided an opportunity for a fair trial and, as appropriate, receive medical and psychosocial services as well as compensation, including reparations and guarantees of non-repetition.● The Committee urges the State party to fully implement article 6 of the Convention, including by speedily enacting specific and comprehensive national legislation and programmes on the emerging phenomenon of trafficking, ensuring that offenders are punished and victims adequately protected and assisted.● The Committee calls upon the State party to increase its efforts to engage in international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange and to facilitate the recovery and social integration of trafficked persons.● It also recommends anti-trafficking training for the judiciary, law enforcement officials, border guards and social workers in all parts of the country.
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		international best practices.	<ul style="list-style-type: none"> ● In addition, the Committee recommends that the State party conduct comparative studies on trafficking and prostitution and address their root causes in order to eliminate the vulnerability of girls and women to those phenomena. ● The Committee is concerned that the report did not provide sufficient statistical data regarding the situation of women in all areas covered by the Convention, particularly in the areas of prostitution and trafficking, violence against women, and the situation of vulnerable groups of women.
Fifth Review			
Exploitation of Women	<ul style="list-style-type: none"> ● Unpaid or Underpaid labour ● Women & Children considered commodities to gain wealth, land or power. ● Women Pressured into sex work due to unemployment, divorce, desertion, lack of support from relations and failure of men to pay for maintenance. ● Government was unable to identify victims of trafficking among vulnerable populations (Sex workers). 	<ul style="list-style-type: none"> ● Increase efforts to investigate, prosecute, convict, and punish traffickers, especially for those involved in prostitution and exploitation of rural or impoverished women and children, and to employ strategies to reduce the demand for forced labour and commercial sex acts. ● Decriminalise sex work under the Crimes Act 2009. 	

- Accede to the 2000 U.N. Trafficking in Persons Protocol.

ARTICLE 7 Political and Public Life

Governments will work to eliminate discrimination against women in political and public life and will ensure women the right to vote, hold office and actively participate in political parties, lobby groups and NGOs.

Second, Third & Fourth Review

Political Life

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| | <ul style="list-style-type: none"> ● Reliance on strict legal equality principles are a barrier to passing laws, policies and initiatives that would give women an advantage and address the inequality they face ● The Social Justice Act is limited in certain areas. ● The constitution theoretically does not allow for special legislation to be passed for special electoral quotas but would need specific enabling legislation. ● The issue of the Electoral system being unfriendly to women candidates. ● Vague promises were made to improve the number of women in parliament however there were no strategies made to address the problem. ● Legislative limitations to equal access to political power continue to exist. ● The issue that women are reluctant to take up positions on boards, | <ul style="list-style-type: none"> ● Improved record keeping and public access to electoral data in Fiji. Production and availability of sex disaggregated statistics for all levels of decision making. ● A comprehensive review of Fiji's electoral system to ensure a system which supports minority racial groups as well as encourages women representation. This review should not be limited to the voting system, but also consider electoral boundaries and campaign financing. This review should also recommend the implementation of an appropriate quota system | <ul style="list-style-type: none"> ● The Committee notes that the participation of women in political and public life continues to be a major challenge and that the efforts of successive Governments to achieve 30 per cent representation have failed. ● The Committee remains concerned about the continuing underrepresentation of women in public, political and professional life and in decision-making positions, especially in rural areas and outer islands, where stereotypes about the role of women are most firmly entrenched. ● The Committee urges the State party to take the measures necessary to ensure the participation of women in the ongoing constitutional reform and upcoming electoral processes. ● The Committee recommends that the State party pursue sustained policies, including the setting of quotas, aimed at the promotion of women's full and equal participation in decision-making in all areas of public, political and professional life. In line with the State party's intention to adopt a new constitution in 2012, the Committee recommends the inclusion of temporary special measures in the new constitution. |
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	<p>tribunals and statutory authorities for reasons such as moral ethical position.</p>	<p>to increasing women's participation</p> <ul style="list-style-type: none"> ● Increased education across all levels (primary, secondary, TVET and tertiary) about Fiji's electoral system and history. Education programs on the type of electoral systems should be made available within schools and to the citizenry. Education should support extra- curricular activities such as debates, student councils to foster an understanding of politics and decision making. ● There needs to be a review of the implementation of Fiji government policy of 30% of women on all government boards and committees. ● Support the introduction of an affirmative action initiative with quotas or reserved seats for national and local government elections. ● Call for the passing by parliament for a review of 	<ul style="list-style-type: none"> ● The Committee also recommends that the State party fully utilize its general recommendation No. 23 concerning women in public life and calls upon the State party to adopt, wherever necessary, temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to accelerate women's full and equal participation in public and political life. ● The Committee recommends the implementation of activities to raise awareness about the importance of women's participation in decision-making for society as a whole, as well as the development of targeted training and mentoring programmes for women candidates and women elected to public office, and programmes on leadership and negotiation skills for current and future women leaders. ● The Committee also recommends that the State party carefully monitor the effectiveness of measures taken and results achieved and to inform the Committee thereof in its next report.
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		<p>the electoral system. Systems that would support an increase of women representatives would be the proportional representation electoral system of the multi member constituencies with gender quota party lists.</p> <ul style="list-style-type: none"> ● Support for temporary special measures should be reserved seats for women and the introduction of the use of political party quotas. ● Reinstate local councils. 	
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ARTICLE 8 Participation at the International Level
Governments will take action to ensure women the opportunity to represent their government at the international level and participate in international organizations.

Second, Third & Fourth Review			
<p>International Representation</p> <p><i>Diplomatic Services</i></p>	<ul style="list-style-type: none"> ● No legal barriers to women representing government at international levels. ● Women are underrepresented in the Diplomatic services. ● Unwillingness and lack of affirmative action policy. Lack of monitoring and accountability of the policy. 	<ul style="list-style-type: none"> ● Include indicators on women’s representation in the diplomatic service into the Chief Executive Officers of Foreign Affairs performance indicators. The Public Service Commission used to send recommendations to the 	

- Military continues to be a male dominated institution.
- Issue of women's access to the National Security Council.

Foreign Affairs and it used to make appointments.

However, the Prime Minister's office now appoints High Commissioners.

- Ensure that women, peace and security issues are supported through full and effective compliance with CEDAW, as well as UN Security Council resolutions 1325 and 1820 to ensure that women's experiences, needs and perspectives are incorporated into the political, legal and social decisions that determine the achievement of just and lasting peace.
- Call for the state to clarify what is the proposed mechanism for consultation with women's human rights activists and women's organizations on peace and national security strategy.

ARTICLE 9 Nationality

Governments will grant women equal rights to change or retain their nationality and that of their children

First Review

<p>Nationality & Citizenship</p>	<p>The issue of citizenship is the only area where positive Constitutional changes have taken place for women</p>	<ul style="list-style-type: none"> Indicated in the Government of Fiji report, crucial amendments to the citizenship provisions in the Constitution has meant the removal of discriminatory provisions against Fiji island women married to non-Fiji Islanders and their children. 	
<p>Second, Third & Fourth Review</p>			
	<ul style="list-style-type: none"> State Report has adequately¹⁸ represented the position in regard to nationality and citizenship Difficult for foreign spouses of both genders to remain in Fiji and obtain employment without changing their citizenship, and/or obtaining a work visa with ease. 	<ul style="list-style-type: none"> That the foreign spouse of a Fiji national automatically be granted permanent residence status in Fiji, once a genuine marriage is proven. The right to Permanent Residency should include the right to be employed in Fiji. That a foreign spouse of a Fiji national residing in Fiji, automatically be granted a work visa to enable employment. 	

¹⁸ It should be noted that the citizenship amendment granting women equal citizenship rights was the work of an 11member coalition of women’s NGOs, the Women’s Coalition for Women’s Citizenship Rights, which included some of the NGOs who participated in the consultations for this Report.

ARTICLE 10 Equal Rights in Education

Governments will act to eliminate discrimination against women in education. This includes giving women and men equal access to education and vocational guidance; the same curricula, examinations, standards for teaching and equipment; and equal access to scholarships and grants.

	First Review		
<p>Equality of Cultural Rights and the Rights to Education and Training</p>	<ul style="list-style-type: none"> ● ‘Gender-blind’ in that it does not recognise the need for particular attention to be paid to the issue of gender. There is a great need for gender awareness and sensitisation in the whole Ministry of Education, particularly in curriculum development and teacher training. ● Under-represented in subjects such as physical sciences, information technology and technology at senior secondary and tertiary levels ● The National Report on the Implementation of the Beijing Platform for Action (1999) suggests that career guidance and the dissemination of appropriate information, as well as a quota system to encourage women to train and to pursue studies in technical fields, would redress the imbalance in these fields. To date, there is no Fiji Government policy to address these issues. ● A review carried out for the Education Commission 2000 showed that gender stereotypes and outdated perceptions of girls and 	<ul style="list-style-type: none"> ● We call on the government to develop policies to address the inequities in the education sector. ● We call on the government to develop policies to address the sexual stereotypes which perpetuate discrimination against women and girls in education, with specific steps to make educational materials and curricula more gender sensitive. ● We ask the government to develop plans to incorporate information on international human rights instruments such as the Convention and the Child Rights Convention, to enhance the understanding and perception of boys and 	<ul style="list-style-type: none"> ● The Committee notes with concern that an increase in levels of poverty and adverse economic conditions are undermining Fiji’s gains in women’s education. These conditions have led to a higher incidence of girls dropping out of school, with connected problems of early marriage, teenage pregnancies and sexual exploitation. ● The Committee requests the wide dissemination in the Republic of the Fiji Islands of the present concluding comments in order to make the people of Fiji, in particular governmental administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and of the further steps that are required in this regard. It requests the State party to continue to disseminate widely, in particular to women’s and human rights organizations, the Convention and its Optional Protocol, the Committee’s general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled “Women 2000: gender equality, development and peace in the twenty-first century”.

	<p>women are not uncommon in curriculum materials used in Fiji schools.</p> <ul style="list-style-type: none"> ● Institutional discrimination, where gender rather than merit is a deciding factor in promotion. It is apparent that culture is used as a major reason for not promoting women teachers in a society where males take primacy, especially in decision-making roles. ● The lack of women in decision-making positions perpetuates the image of women being in the 'back-seat' of the work-place and does not provide positive images for girls in school. 	<p>girls, and men and women of their rights.</p> <ul style="list-style-type: none"> ● We ask the government to take steps to improve the teacher-student ratio which is unacceptably high at primary level and a cause of dropouts. 	<ul style="list-style-type: none"> ● The Committee is concerned that, despite significant gains in education, some equal employment opportunities policies and an accessible database on qualified women professionals, women's political participation and access to decision-making positions remain limited.
Second, Third & Fourth Review			
Education	<ul style="list-style-type: none"> ● No legislation for family life education to be compulsory in schools. ● Quality of education differs. ● No formal laws to prohibit access to education for girls and women. ● Limited education funds available within families. 	<ul style="list-style-type: none"> ● Pass a law requiring family life (reproductive and sexual health education) to be made compulsory in all schools Encourage curriculum development on family health ensuring awareness of contraceptive methods in the program. ● Pass legislation prohibiting expulsion from school because of pregnancy. 	<ul style="list-style-type: none"> ● The Committee welcomes the high rate of enrolment of girls and appreciates the State party's efforts to ensure access and equal opportunities for boys and girls at all levels of education, to establish re-entry policies enabling young women to return to school after pregnancy, and to set up the "Matua" programme (2004), which encourages interested school leavers and adults to continue their education. ● However, the Committee is concerned that traditional attitudes, perceived gender roles and poverty — particularly the lack of ability to pay the costs associated with uniforms, shoes, books and transportation — continue to limit girls' education and contribute to the increase in girls'

<p>Poor Representation</p> <p>Corporal Punishment</p> <p>Women with disabilities</p>	<ul style="list-style-type: none"> ● No temporary special measures or requirement of special budgets for female education. ● Reluctance of transfer of single girls & the perception that women/girls with families would not prefer a transfer. ● Corporal Punishment prohibited but still administered by Parents/Guardians and elders in many forms. ● No suitable curriculum to suit their individual learning capabilities. 	<ul style="list-style-type: none"> ● Devote resources and progressively expand the “Matua” program to be implemented in rural schools. ● Pass legislation that makes corporal punishment illegal and ensure schools have an anti -violence and anti-bullying policy. Raise awareness on the negative effects of corporal punishment and ensure discipline in schools, families and institutional care is administered in a manner consistent with the child’s dignity. ● Support scholarships and affirmative action quotas for girls to be enrolled in science and technology programs in tertiary and technical colleges. ● Provide community based early identification and intervention services that promote a non-discriminatory approach to identifying both girls and boys with disabilities and intervening where 	<p>dropout rate, particularly in rural areas and the outer islands.</p> <ul style="list-style-type: none"> ● The Committee is also concerned about the inadequacy of the reproductive and sexual health education included in the school curriculum. ● In addition, the Committee is concerned at the gender segregation reflected in students’ choice of the field of education and regrets the insufficient training programmes and educational opportunities for women and girls with disabilities. ● The Committee urges the State party to take steps to overcome traditional attitudes that, in some rural areas and outer islands, may constitute obstacles to girls’ and women’s education and to the retention of girls in school. ● The Committee also calls on the State party to actively encourage the diversification of educational and professional choices for women and men and to provide incentives for young women to enter traditionally male-dominated fields of study. ● The Committee urges the State party to ensure the budgetary allocation necessary for the continued implementation of programmes to facilitate the education of children, especially girls, from poor families and to strengthen reproductive and sexual health programmes, including sex education targeting adolescent girls and boys, with special attention accorded to the prevention of early pregnancy and the control of sexually transmitted infections, including HIV/AIDS.
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		<p>necessary, with support and train for family, including in remote areas, to ensure that girls with disabilities attend and achieve success at school.</p> <ul style="list-style-type: none">● Provide and strengthen human rights, gender equality and advocacy education and training in support of the active participation of women and girls with disabilities in national women's machinery and other civil and political rights.● Provide and strengthen quality education, rehabilitation and training for girls and women with disabilities that is inclusive and sensitive to the multiple forms of discrimination they face.● Review funding inclusive education development, particularly with respect to the need to actively support girls with disabilities access to mainstream schools.● Seek technical assistance from UNESCO and relevant	<ul style="list-style-type: none">● The Committee requests the State party to include in its next report information about the measures taken and their gender impact, as well as information about access to education for women and girls with disabilities.
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		<p>others to implement inclusive education promoting equality in outcomes for girls with disabilities.¹³⁵</p> <ul style="list-style-type: none"> • Under a Gender and Disabilities Review of the education sector. This will include a gender and disability analysis including access to education for boys and girls and vulnerable groups at all levels of education. • Establish a gender task force to review existing and new appointments in the education sector. 	
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ARTICLE 11 Employment
Governments will eliminate discrimination against women in the workplace. Women will have the same employment rights as men as well as maternity leave and special protection against harmful work during pregnancy.

First Review			
Employment (Workplace Discrimination)	<ul style="list-style-type: none"> • The IR Bill has been fraught with the delaying tactics from both the unions and employers. The Labour Advisory Board (LAB) - a body that discusses all labour matters before these are put up to Cabinet and then to Parliament - have not been able to have a substantial discussion on the Bill since December 1999. 	<ul style="list-style-type: none"> • We strongly call on the Ministry of Women to ensure that the IR Bill is put on the Ministry of Labour and Cabinet's URGENT agenda for the 2002 	<ul style="list-style-type: none"> • The Committee recommends the very early adoption of the Industrial Relations Bill and Equal Opportunity legislation and a repeal of outdated labour laws. Legal reforms should make pregnancy leave mandatory and deal with sexual harassment in the workplace. The Committee calls upon the State party to promote the adoption of a code of ethics for investors, including in the tax-free zones.

- The need for urgent labour reforms as recommended in the Bill and FWRM's critique cannot be overemphasized. Women's vulnerability in the economy has been exacerbated with the coup. Statistics released by the Ministry of Labour show that many thousands of garment workers have lost their jobs since May 2000.
- Lack of legal protection to domestic workers in Fiji.
- The absence of progressive paid maternity leave provisions and the general arbitrary nature of maternity provisions.
- Restrictions on their access to certain jobs or types of work, and entry to workplaces (e.g. underground mines and night work).
- Their subjection to different job-related controls or standards in respect of employment benefits and other rights.
- The discriminatory conditions that apply to minimum wage regulations by virtue of the gendering of jobs and wages which underlie the pay differentials between men and women's work.
- Their effective loss of employment rights as a consequence of "protective" legislation.

- We call on the government to count women's unpaid work where the national statistics is to include domestic and subsistence farming as work and to have these counted in the population census.
- We ask the Ministry of Women to ensure adequate budgetary allocations for the National Plan of Action.
- We call on the government to acknowledge the work and initiative of women's NGOs in the area of women's employment and economic rights.

	<ul style="list-style-type: none"> ● The absence of effective enforcement provisions where women workers were covered by the law. ● The absence of laws prohibiting sexual harassment and discrimination against women. ● The absence of laws guaranteeing equal pay for work of equal value and equal employment opportunities. 		
Second, Third & Fourth Review			
Trade Policy	<ul style="list-style-type: none"> ● Marginalisation of women in the negotiation and implementation of Fiji's trade and economic policy. ● The hidden costs to women of liberalisation are not factored into trade policy formulation, nor are impacted groups included in its formulation, such as the ministries for women, welfare, health and education as well as civil society groups which provide social services are not included in the formulation of trade policy. ● Difficult to align trade policy with ex ante development interests and social priorities. ● The lack of representation of women's issues in trade policy means these concerns and costs are not factored into the wider negotiations, and the costs of broader economic 	<ul style="list-style-type: none"> ● The process of trade negotiation and ratification of trade agreements must be democratized in a gender sensitive way: Legislation should clearly define the process to be followed in trade negotiation; clearly outlining standards and procedures related to consultation, impact assessments, monitoring and evaluation, freedom of information and approval process. ● Developed country trading partners (such as New Zealand, Australia and the European Union) need to be held accountable for 	<ul style="list-style-type: none"> ● The Committee notes that the Employment Relations Promulgation (2007) is aimed at creating labour standards that are fair to both workers and employers and ensuring equal rates of remuneration for work of equal value for all workers. However, it is concerned that in practice, women earn significantly less than men, especially in occupations and industries not requiring high qualifications, such as the garment industry, agriculture, the fisheries industry and craftwork. ● The Committee remains concerned about the high number of women in the informal sector with no social security or other benefits, who are particularly vulnerable. While noting the National Policy on Sexual Harassment in the Workplace, the Committee is concerned about the absence of specific legal provisions and concrete measures to address sexual harassment in the workplace, which has become an increasing source of concern.

<p><i>Access to Justice</i></p>	<p>policy implications for women are not properly understood nor weighed against the anticipated benefits in negotiations.</p> <ul style="list-style-type: none"> ● lack of easy access to the courts of law and the costs of lawyers or the need to use the FHRC. ● Employers claim inability to pay but are unable to provide reasons. ● Discrimination on such basis. ● Difficulties faced by women due to lower pays, poor working conditions, terms of employment – In poverty and in risk of poverty. ● Exclusive and high paced processes. ● Complex substantive issues. ● Lack of Capacity in the Fiji Government. ● Unsuccessful in negotiating wider developmental interests. ● Status of women migrant workers has not been properly researched, documented or analysed. ● The undocumented (illegal) are not protected which involves issues of basic human rights and freedoms. ● Women are unable to pursue professional and personal development or other income-generating opportunities because they shouldered an unequal burden of household work. 	<p>how their actions impact the human rights of women in Fiji.</p> <ul style="list-style-type: none"> ● Gender, social and environmental impact assessments should be undertaken for all trade agreements (multilateral, regional, national or bilateral). These must be conducted according to a set of standards to ensure thoroughness of the studies. Policy should prohibit signing of an agreement until such assessments are completed ● There should be cross-sectorial governmental and non-governmental consultation including: women, welfare, health, education, infrastructure, agriculture; and cross-sectorial stakeholders must be consulted on trade policy and national strategic objectives, beyond private sector, this should include: CSOs working in the status of women, environment, 	<ul style="list-style-type: none"> ● The Committee notes with concern the Government’s efforts to downsize the civil service by reducing the retirement age from 60 to 55, forcing a number of persons into early retirement. ● The Committee also notes with concern that a number of women with disabilities are unemployed owing to lack of education and training opportunities and to cultural attitudes that limit their employment. ● The Committee is concerned that the Public Emergency Regulation is restricting the freedoms of association and expression in the State party, thereby hampering the advancement of human rights in trade unions and women’s organizations. ● The Committee requests the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. ● To this end, the Committee urges the State party to adopt effective measures in the formal labour market to eliminate both horizontal and vertical occupational segregation, narrow and close the wage gap between women and men, and apply the principle of equal remuneration and equal opportunities at work. It encourages the State party to regulate the informal sector to ensure that women in the sector are not exploited and are provided social security and other benefits. ● The State party is also encouraged to enact specific legal provisions to prohibit sexual harassment in the workplace, to introduce special protection measures for women with disabilities in the workplace, and to ensure proper and fair
<p><i>Maternity Leave Provisions</i></p>			
<p><i>Incomes</i></p>			

<p><i>Exclusive Trade Policy Processes</i></p>	<ul style="list-style-type: none"> ● The National Policy on Sexual Harassment only applies to state actors and does not hold non-state actors accountable. ● Forcible retirement of all civil servants who have reached the age of 55 (Age Discrimination). ● Issue of not receiving the figures of the latest forced retirements. ● Majority of women in Fiji work in un-established positions or the informal sector where they are not entitled to FNPF, pensions or any other form of post-retirement savings and therefore are affected by this decree. 	<p>rural development, microfinance etc. Trade agreements should be monitored and evaluated especially in terms of examining the coherence and contradiction between: economic policies and social development policies (by both government and donors) and how this impact sustainable development; we must hold donors accountable for the contradiction in their aid and trade policies; and ensure that we design indicators that are gender sensitive.</p>	<p>compensation for civil servants who have been forced into early retirement.</p> <ul style="list-style-type: none"> ● The Committee urges the State party to fully implement the principle of freedom of association in accordance with International Labour Organization Conventions Nos. 87 and 98, which Fiji has ratified.
<p><i>Women Migrant Workers</i></p>			
<p><i>Unpaid Household Work</i></p>		<ul style="list-style-type: none"> ● There should be proactive programmes (such as seminars or regular briefings) to facilitate the integration of gender analysis and a gender perspective in national, regional and multilateral trade negotiations. 	
<p><i>Sexual Harassment in the workplace</i></p>		<ul style="list-style-type: none"> ● This should be available for personnel directly involved in trade processes 	
<p><i>Mandatory Retirement</i></p>			

		<p>(negotiators, leaders, governmental and intergovernmental officials), researchers (including consultants), media, general public, cross-sectorial groups including (ministry officials, CSOs, interest groups etc.);</p> <ul style="list-style-type: none">● Public advocacy to ensure understanding of what is being negotiated and what is at stake is imperative.● Gender analysis must be mainstreamed in policies and institutional processes:● Gender equality and gender mainstreaming goals and commitments should be integrated into trade and other macroeconomic policies. This can be implemented through gender-sensitisation training within the trade negotiation body (PIFS, MCOM/MFAT, OCTA)● Gender should be recognized as a cross-cutting theme.	
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		<ul style="list-style-type: none">● Gender impact assessments of policies, programmes and project proposals should be implemented at all stages from design and decision-making to action and evaluation.● A coherent and effective policy framework and institutional process for gender mainstreaming should be developed. E.g. include a gender policy statement or resolution/declaration.● The representation of women and gender experts in all of the organs of decision-making and administration should be prioritised● Gender should be mainstreamed in technical assistance and trade capacity building programmes.● Advocacy for and assistance with: the inclusion of gender specialists in the trade teams set up for national,	
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regional and international negotiations.

Help to provide gender-sensitisation and gender focal points programmes in Ministries of Trade and regional trade organisations.

- We need sustained research and the development of gender sensitive frameworks for examining the impact of trade and trade policies on our society and economy, including: A framework for conducting gender assessments of trade policy; as well as gender trade beneficiary assessment frameworks.
- Research and data collection should support gender and trade research and monitoring initiatives.

Commission poverty profiles for capturing the different degree and severity of poverty through all stages of the life cycle.

- Facilitate participation and public education on trade and on gender and trade concerns.

- Development of trade-related gender statistics and indicators.
- Enhance existing database capacity to create more equity and gender impact studies.

Improvement of wage rates particularly for women workers in TFZ. Additionally, there needs to be transparent agreements that clearly articulate maternity leave, allowances, overtime work, and work during public holidays, addressing grievances and/or further training.

- Maternity Leave Provisions need to be clearly spelt out and the 42 days leave before and after should be left entirely to the women to portion, supported by medical certificates. Whether the women take the leave before or after, the employer is still obliged to pay maternity allowances. It is also strongly recommended that the \$5.00 per day of maternity allowance be reviewed and increased to a sustainable level to allow

		<p>women to meet their daily needs. Finalisation of allowances and conditions need to be worked out and negotiated by women representatives of the workers and employers.</p> <ul style="list-style-type: none">● Government to strengthen its Wages Council mechanisms to ensure that workers that are not covered by unions are given appropriate and timely wages adjustments which maintain the real value of their incomes. <p>Stakeholders consider setting gender-specific National Development Goals (as a further development of the MDGs) relating to Gender Gaps in employment, incomes and household work.</p> <p>These indicators should include:</p> <ul style="list-style-type: none">● Females as a proportion of the Economically Active● Gender gaps in effective rates of unemployment● Gender gaps in average total income per standard year● Gender gaps in average total hours of household	
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		<p>work by the economically active</p> <ul style="list-style-type: none"> ● Proportions of female employees covered by the Fiji National Provident Fund. ● That the state ratified the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. 	
Fifth Review			
	<ul style="list-style-type: none"> ● Employed women remain underrepresented in management positions. ● Limited job Opportunities. ● Increase in Women’s unpaid work & decreases in autonomy. ● Failure to include women in disaster management & emergency planning lead to failure to account for their needs during natural disasters. ● Increase in Gap between men and women working in the same position. ● Women are offered less opportunities for promotion. ● Cases revealed that pregnant women terminated from jobs to avoid maternity leave pay. ● Sexual harassment cases go unreported (Complaints of forced 	<ul style="list-style-type: none"> ● Take account of women and children’s needs. ● Reinstate the age of 60 for retirement, and ensure that other measures are taken to address age and gender discrimination in the labor market. ● Amend Employment Regulations Promulgation 2007 to include paternity leave and the recognition of both men and women as caretakers, and provide avenues to redress claims where women lose employment because employers do not wish to pay for maternity leave 	<p>The Committee is concerned about sexual harassment and other forms of sexual assault in the workplace, and severe underreporting of such incidents. It also notes with concern that:</p> <ol style="list-style-type: none"> 1. A relatively high number of employers do not adhere to the obligation of having a sexual harassment policy; 2. The Employment Relations Promulgation does not apply to members of the Republic of Fiji Military Forces, the Fiji Police Force and the Fiji Corrections Service. <p>The Committee calls the State party’s attention to the fact that sexual harassment does not only constitute an attack on the dignity of the woman but additionally has a discriminatory impact as it will often affect the victim in terms of wages, promotion and/or dismissal as well as create a hostile work environment which</p>

	<p>nudity, sexual assault & attempt to rape).</p> <ul style="list-style-type: none"> ● Lack of Sexual Harassment Policies at work-place. ● All cases were dealt with interval grievance mechanisms first then mediation and lastly through the Employment Relations Tribunal – the issue here was that it does not apply to the members of the republic of the Military forces, Fijian Police force & Fiji Corrections Service. ● Issue of meaningful participation while operating as a small minority. Difficulty in putting issues through. 	<ul style="list-style-type: none"> ● The government should enforce its policy requiring written policies and procedures to address sexual harassment in the workplace, and remove exemptions for law enforcement, military, and corrections. It should also ensure that mechanisms to address complaints, such as the Employment Relations Tribunal, are functioning and accessible. ● Ensure special measures to ensure gender equality and gender-mainstreaming in all levels of political, social, and economic participation. ● Increase resources to implement the Women’s Plan of Action especially in relation to increasing women’s employment opportunity and wage parity. ● Include women in disaster management planning and ensure that evacuation centre designs. 	<p>obstructs the victim’s fulfilment of her professional potential. It recommends that the State party:</p> <ol style="list-style-type: none"> 1. Examine the organizational culture in workplaces to address factors that may facilitate sexual harassment and/or assault; 2. Widely disseminate information on available reporting procedures, ensure that complaints are investigated and that perpetrators are brought to justice; 3. Conduct regular labour inspections to verify whether the sexual harassment policy is in place; 4. Amend the Employment Relations Promulgation to ensure that it applies to all employers, including the Republic of Fiji Military Forces, the Fiji Police Force and the Fiji Corrections Service.
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ARTICLE 12 Health Care and Family Planning
Governments will eliminate discrimination against women in health care and provide them with equal access to health-care services, including family planning.

	First Review		
Health	<ul style="list-style-type: none"> • Women’s access to the range of reproductive health services are limited as the wider range of services are available at the district hospitals which can be difficult to get to because of cost. • Nurses are underpaid, do not have night allowances and there are no incentives for rural postings. • Lack of access to regular cancer screenings and treatments. • Lack of access and information of reproductive health rights and information. Currently there is a concern with teenage girls accessing contraceptive services with complaints from parents on the provision of such services. 	<ul style="list-style-type: none"> • There should be a review of the services required in the various areas and an upskilling of the trained medical staff who are posted to the rural areas. • There needs to be more appropriate, high quality health information made available to people in the rural areas. • Vigorous monitoring and follow up campaign. • There needs to be a review of the policy and legislation framework from a gender and human rights perspective. 	<ul style="list-style-type: none"> • The Committee notes the gains achieved with regard to women’s health but is concerned that women in remote islands are adversely affected by maternal and infant mortality. It notes that out-migration of health professionals has led to a decline in health services, and that cervical cancer and circulatory diseases are a major cause of female death. The Committee also notes with concern the growing incidence of sexually transmitted diseases, including HIV/AIDS. • The Committee recommends that priority be given to allocating resources for improving health care services for women, including in the remote islands, and combating sexually transmitted diseases, including HIV/AIDS. It encourages the State party to introduce proactive measures and incentives to attract local health professionals to the health services in Fiji.
	Second, Third & Fourth Review		
	<ul style="list-style-type: none"> • Women's access to health services continue to deteriorate. • Unavailability of drugs and equipment. • Shortage of qualified doctors and nurses. • The above affects the quality and availability of medical services. 	<ul style="list-style-type: none"> • The State needs to address access issues as well as the shortage of trained medical personnel, medicine and equipment. It is critical that women are able to access continuous water supplies 	<ul style="list-style-type: none"> • The Committee is concerned about the insufficient allocation of resources to eliminate discrimination against women in the field of health and to ensure access to health care and services; the shortage of trained medical personnel; and insufficient medicine and medical equipment.

Female cancer

- Poor working conditions and salaries.
- Shortage of Obstetricians, gynaecologists and paediatricians which has an impact on mothers and babies.
- The mandatory requirement of retirement at the age of 55 leads to a shortage of medical personnel.
- Women with disabilities do not receive regular medical care due to barriers.
- The disadvantaged are denied information about reproductive health and contraceptives.
- Women in rural areas face difficulties with access to basic health services.
- Introduction to HPV but the government fails to facilitate and protect older women.
- Not enough information provided to parents on the HPV vaccinations – which lead to them not consenting for the vaccinations being administered to their children.
- Most scans, programs and screenings are unavailable due to machines being defective or temporarily out of order or because there are not enough medical professionals with the correct expertise to attend to all patients.
- The availability, skills and knowledge of how to use a condom is limited.

as well as power supplies to ensure that women enjoy quality medical care and support.

- The State needs to address issues of access to adequate health care and services for women with disabilities especially with regard to access to sexual reproductive health services. All reproductive health programmes and services must be accessible to women and girls with disabilities.
- The State needs to implement more awareness programmes on cancers that affect women, allocate funds to improve facilities to allow access to regular pap smears, mammograms and other testing. The state needs to ensure that rural women have equal access to these services.
- The State needs to train medical personnel on HIV/AIDS and also improve health facilities in rural

- The Committee is particularly concerned about the lack of access to adequate health care services for women and girls with disabilities, including mental and psychosocial disabilities.
- In this regard, the Committee notes the need to reform the Mental Health Treatment Act to ensure, inter alia, rehabilitation and reintegration following hospital treatment, as well as the need to raise awareness about the full and equal human rights of people with mental and psychosocial disabilities.
- The Committee also notes with concern that in rural areas, poverty and the inability to afford transportation have had a negative impact on women's access to health. In addition, the Committee is concerned about the limited access to reproductive and sexual health services, especially in some rural areas and outer islands, and about the fact that violence against women has increased the vulnerability of women to HIV/AIDS infection.
- The Committee calls upon the State party to take all necessary measures, including the allocation of adequate resources to improve women's access to health care and health-related services, within the framework of the Committee's general recommendation No. 24.
- The Committee strongly urges the State party to reform the Mental Health Treatment Act to protect the rights of persons with psychosocial disabilities and to take effective steps to raise awareness about the full and equal human rights of people with mental and psychosocial

<p><i>Condoms and female condoms</i></p>	<ul style="list-style-type: none"> ● HIV/AIDS awareness programs should be designed – there are not sufficient awareness programs which are gender sensitive. ● People have very limited access. ● Rural health centres lack VCCT and medical personnel are not adequately trained. ● Limited resources available. ● Have to be referred to the relevant authorities by the Hospital. ● Lack of trained professionals. ● Lack of funds and assistance. ● Lack of Rehabilitative services. ● Due to Gender inequality in cultural practices – lack of awareness. ● Lack of support services such as counselling.¹⁹ 	<p>areas to ensure the availability of VCCT.</p> <ul style="list-style-type: none"> ● The State needs to ensure that HIV/AIDs, STI awareness programmes need to include promotion and access to condoms especially female condoms. The programmes should be targeted at both males and females. ● The State needs to commit to more research to establish a clearer picture concerning the HIV situation for Fiji’s women specifically in their sexual practices and ability to negotiate safe sex and condom use for themselves. ● The State needs to ensure that rape survivors have access to PEP and there needs to more coordination amongst agencies such as the 	<p>disabilities. It also recommends that the State party take appropriate measures to increase access to health, including reproductive and sexual health services, especially in rural areas and the outer islands, and to enhance its efforts to address violence against women and the spread of HIV/AIDS.</p> <ul style="list-style-type: none"> ● The Committee is concerned at the very limited amount of information and statistics provided about vulnerable groups of women, including elderly women, women with disabilities and women living with HIV/AIDS. The Committee is also concerned that such women often suffer from multiple forms of discrimination, especially with regard to access to justice, education, employment, housing and health care.
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¹⁹ Currently a lot of Organisations such as FWRM, FCCC and Empower Pacific including many others provide counselling services and also provide toll lines for such services.

***Voluntary Confidential
Counselling and testing***

Mental Health

Suicide

medical personnel and the Police with regards to the enforcement of policies related to access to PEP.

- Violence against women increases women’s vulnerability to HIV/AIDs infection. The state needs to integrate understanding of violence against women and its prevention into HIV/AIDS prevention, sexual reproductive health and all health programmes.
- The State needs to address the needs of the mental health support services in Fiji and to make support services more widely available to women around the country.
- The state needs to recognise and implement awareness and outreach programmes to remove stigmatisation and stereotyped generalization in order to improve accessibility to mental health.
- The state needs to recognise mental health as a serious concern and

		allocate adequate funding to the mental health sector.	
Fifth Review			
	<p>Men & Women have different health concerns.</p> <ul style="list-style-type: none"> ● The need for Sex-disaggregated data & Gender analysis. ● The need to address ‘abortion’ and pregnancy’ with more scope & Vision due to the restrictive laws around such matters. ● Poor coordination of services. ● Limited monitoring & Evaluation. ● Inadequately trained staff to provide counselling and testing. ● Barrier to obtaining Contraceptives due to various reasons (Embarrassment or being labelled promiscuous). ● Female & Transgender workers face snide remarks and bad treatment because of ‘lack of confidentiality’. ● Lack of privacy in the healthcare setting. ● Lack of empathy from health workers. 	<ul style="list-style-type: none"> ● Ensure that health systems in rural areas have the necessary staffing, medicine, and equipment to deliver essential services. ● Comprehensive sexual and reproductive health education (starting from primary school), 18 ● access to contraceptives (without cost or parental permission), and progressive legislation (legalising abortion) are essential to removing both the stigma associated with sexual and reproductive health and the downstream effects of high rates of STIs (including HIV), teenage pregnancies, and unsafe abortions. ● Post exposure prophylactics (PEP) for 	<p>The Committee notes with concern that health facilities in the State party are insufficiently equipped and that services are poorly coordinated as well as:</p> <ol style="list-style-type: none"> 1. A lack of respect for confidentiality of female patients; that health personnel often seeks the husband’s consent prior to providing treatment to a married woman, and that a considerable number of women is under the perception that they require their partner’s permission to access health services; 2. The reluctance of many adolescent girls to access reproductive health services because of fear of stigma and the need of parental consent to access contraceptives if they are under 18 years of age, which translates into high rates of early pregnancy and sexually transmitted diseases. <p>The Committee recommends that the State party allocate the necessary resources to increase the availability of quality and sustainable health services, and that it ensure that:</p> <ol style="list-style-type: none"> 1. Confidentiality of patients is fully respected and that awareness-raising measures are in place, in collaboration with the media to inform the general public and women in particular about women’s rights to full autonomy regarding access

		<p>rape survivors must be accessible in rural areas.</p> <ul style="list-style-type: none"> • Voluntary Confidential Counselling and Testing (VCCT) must be accessible at health centres. 	<p>to health services, and that health personnel is adequately trained in this regard;</p> <p>2. Adolescent girls and boys have confidential access to contraception and related information and that negative stereotypes and discriminatory attitudes regarding the sexuality of adolescents are eliminated.</p> <ul style="list-style-type: none"> • The Committee notes with concern that although abortion is legal in the State party if the woman's life or her physical and/or mental health are in danger it is still sometimes denied by the health professionals in charge of assessing the situation. It is further concerned that access to abortion in the event of rape depends on the discretion of the doctor, which leads women and girls to resort to unsafe abortions. • The Committee recalls its statement on sexual and reproductive health and rights, adopted at its 57th session, and reminds the State party that unsafe abortion is a leading cause of maternal mortality and morbidity. It recommends that the State party additionally legalize abortion in cases of rape, incest or severe foetal impairment, decriminalize it in all other cases and ensure access to safe abortion and post-abortion care.
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ARTICLE 13 Economic Life, Sport and Culture
Governments will act to eliminate discrimination against women in the economic and social arenas. Women will have equal access to family benefits, loans and credit, and an equal right to participate in recreational activities, sports and cultural life.

	Second, Third & Fourth Review		
Economic and Social Life	<ul style="list-style-type: none"> • Issue of women's access to 'adequate land'. 	<ul style="list-style-type: none"> • Ensure access to land for women 	

	<ul style="list-style-type: none"> ● Women's access to land is limited – where ethnicity and gender become prime determinants of access to land. ● Issue of affordable housing. Women are moving to urban areas where there is a shortage of affordable housing. ● Lack of women in the private and public arena – their issues and concerns are not addressed. ● Issue of Gender-neutral laws which tend to be discriminatory. ● Issue of strong patriarchal culture and traditions. 	<p>Review land tenure and ensure land is made available to women.</p> <ul style="list-style-type: none"> ● Develop a housing policy that specifically addresses access to affordable housing for poor women ● Set in place a housing policy that includes gender equality as a priority ● Develop a national action plan on women, housing and land that includes discussion with key women’s NGOs ● Provide adequate housing for vulnerable groups such as sexual minorities, people with disabilities ensuring independent living programs for people with disabilities. Provide human rights and gender sensitivity training for all basic service providers. 	
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ARTICLE 14 Rural Women
Governments will ensure that the particular needs of rural women are met in relation to access to services, training and employment opportunities and social equity schemes, and act to eliminate discrimination against them.

Second, Third & Fourth Review			
Rural Women	<ul style="list-style-type: none"> ● Women in rural areas are disadvantaged in areas of land 	<ul style="list-style-type: none"> ● The achievement of substantive equality for 	The Committee notes that the Social Justice Act provides for affirmative action in support of certain groups of women, including widows and single

<p><i>Political Instability</i></p> <p><i>Access to Justice</i></p>	<p>ownership, health education and housing.</p> <ul style="list-style-type: none"> ● For substantive equality there needs to be special measures imposed in areas of legislation and laws – which needs to be addressed. ● The affirmative action only gives preferential treatment to indigenous people and Rotuman. ● There are still limited opportunities in employment, education, health and education for women in rural areas. ● Rural women’s problems remain invisible at the national level. ● Rural women are limited or have no knowledge of, access to, decision making fora. ● Rural women have limited access to justice. ● Inadequate resources in rural police stations/departments. ● Issue of police not being responsive to domestic violence. ● Leading to the issue of people not reporting such violence. ● Issue of rural women having the highest incidence of poverty. ● Issue of being forced to live in settlements with poor living standards, poor sanitation and poor water supply. ● Issue of poverty having an impact on the health of women. 	<p>rural women and compliance with CEDAW requires temporary special measures provisions to be incorporated into the Constitution, legislation and policy.</p> <ul style="list-style-type: none"> ● Rural women’s realities must be recognized and mechanisms should be put in place to overcome barriers, such as poverty and illiteracy that negatively impact rural women. ● Adequate investment should be made in public infrastructure such as roads, and public transportation. There is also great need for investment in facilities, medicine, equipment and wages and trained health care staff to work in remote rural areas. ● Ensure appropriate information and communication strategies, including interpersonal communication and community-based 	<p>mothers, and that non-governmental organizations provide most of the very limited social services available in the State party. This is of particular concern to the Committee, given the increase in poverty; the demand for affordable housing, especially among female heads of households; the growth in urbanization; and the de facto preference for males in terms of land ownership, inheritance and access to credit loans. Noting that rural women constitute the majority of women in the State party and the workforce in the agricultural and fisheries sector, the Committee is concerned at the very limited information and statistical data provided regarding the situation of women in rural and remote areas, including older women, particularly with respect to the issues of labour and employment, access to justice and participation in socio- political life.</p> <ul style="list-style-type: none"> ● The Committee urges the State party to pay special attention to the needs of rural women and women heads of households to ensure that they participate in decision-making processes and have full access to justice, health, education and credit. ● The Committee also encourages the State party to take appropriate measures to eliminate all forms of discrimination against women, including older women, with respect to the ownership and inheritance of land. ● The Committee requests that the State party include in its next periodic report comprehensive data on the situation of rural women, including those in the outer islands, in all areas covered by the Convention.
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<p>Poverty</p>	<ul style="list-style-type: none"> ● Issue of Rural women being excluded from making any decisions on housing, land and inheritance issues. ● Lack of decision-making powers when it comes to marital issues. 	<p>education/awareness raising programmes.</p> <ul style="list-style-type: none"> ● Women must also be actively involved in the food security and agriculture rehabilitation programmes as there is a need to recognize their critical role as food producers. 	
Fifth Review			
<p>Decision Making</p>	<ul style="list-style-type: none"> ● Concerns for food security. ● Reliable access to water. ● Difficulty in obtaining access to justice. ● Access to proper healthcare & education. ● Access to personal safety & economic security. ● Inherent conflicts between Human Rights, Religion & Culture – No training by the FHRADC to address the issue. ● Problematic customary practices. ● Rise in Cost of food – impact of natural disasters & climate change. 	<ul style="list-style-type: none"> ● Increase resources to implement the Women’s Plan of Action to combat poverty, eliminate violence, and empower rural women, and include rural women in the design, planning, and implementation of local development strategies. ● Promote existing grants and assistance programmes to rural communities, as many 	<p>The Committee notes with appreciation the steps taken to improve the condition of rural women, including the BRIDGE and Leadership Training, to develop rural women’s leadership skills. The Committee, however, notes with concern that:</p> <ol style="list-style-type: none"> 1. Women, in particular rural women and those in deprived rural areas, are exposed to high levels of poverty, gender-based violence, harassment, and have limited access to food, water, sanitation and electricity, and a high exposure to harassment and violence, factors which also constitute a reality for women living in squatter situations in urban areas; 2. Rural women carry an unequal burden of family responsibilities and traditional attitudes

	<ul style="list-style-type: none"> ● Limited disaggregated data to showcase the efficacy of the investments made by the government to deal with the above. ● Unreliable water source. 	<p>women are unaware of resources available to them.</p> <ul style="list-style-type: none"> ● Employ monitoring and evaluation strategies to evaluate the government's rural development programmes and assist in strategic planning, and promote educational programmes for rural women, including on human rights. ● Greater emphasis must be given to the use of community radio (e.g. FemLink Pacific) to counteract harmful stereotypes, present positive models of gender equality, and provide disaster awareness (especially to rural and outer island areas). 	<p>compelling them to perform unpaid work and to provide for food for their families, which is further exacerbated by the intensification of natural disasters and climate change affecting the agricultural sector and damaging crops;</p> <ol style="list-style-type: none"> 3. Owing to traditional attitudes, men have the priority in access to food; 4. Women market vendors are exposed to violence, harassment and theft; 5. iTaukei customs make women dependent on men throughout their lives, namely their father and later their husband, and once they become widows, on the goodwill of the male members of their father's family; 6. Article 28 of the Constitution according to which Indo Fijians are only allowed to lease land, which despite being a violation of the guarantee of equal treatment, additionally places rural Indo Fijian women into a particularly vulnerable situation; 7. Land grabbing by foreign investors contributes to increased poverty among rural women, who are often not able to participate in the related decision-making processes; 8. Inadequate housing and poor living conditions are critical issues affecting the lives of women in squatter settlements, together with a lack of legal ownership, lack of infrastructure, and poor sanitation leading to health problems. <p>The Committee taking account of General Recommendation No. 34 (2016) on the rights of rural women, recommends that the State party:</p>
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measures, and ensure legal ownership or recognition of legal leases for their homes.

ARTICLE 15 Equality Before the Law

Governments will give women equality with men before the law, including rights to enter contracts, administer property, appear in court or before tribunals, and to choose residence and domicile.

First Review			
Equality before the Law	<ul style="list-style-type: none"> • The Government of Fiji has not taken any steps to extend the provision of equal rights to women’s private life and access to economic resources. • Women in Fiji face great difficulties in securing loans and credit in their own names. • Women still face discriminatory practices in the courts particularly in sexual offences such as rape. The practice of the corroboration rule mentioned in the Fiji government report is just one example. 	<ul style="list-style-type: none"> • We call on the government to develop policies and legislation to ensure equal access to economic resources at Banks whether State or private commercial Banks. • We call on the government to implement gender training of all court officials. 	
Second, Third & Fourth Review			
Small Business Loans	<ul style="list-style-type: none"> • Conditions for applying for small business loans in the state development bank are too difficult for women, especially rural women, to fulfil. • Conditions include for example, the necessity of security to secure the loan sought; to have equity contribution towards the total cost of 	<ul style="list-style-type: none"> • That a specific women’s fund/loan initiative to encourage small business for women be established in all banks. • That all Banks and financial institutions require the names of both spouses in all loan documents 	

<p>Finance for buying property</p>	<p>the project; and that the project be situated within 1km of a government feeder road (if on Viti Levu or Vanua Levu) or situated within 3km of the nearest inter-island port of call if on an outer island.</p> <ul style="list-style-type: none"> ● Policies require the decision of home ownership to be made by the primary home owner. ● Since the application forms do not require information of spouse's they hold no legal rights to half ownership of their homes. ● Legal -Aid tends to bend more towards using their resources on men than women. 	<p>notwithstanding whether husband or wife are in paid employment.</p> <ul style="list-style-type: none"> ● For established micro enterprise schemes a specific quota be set in place targeting women. ● That the Legal Aid Commission's resources must be more evenly shared between men and women; and that it must be provided with more financial and technical resources. 	
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ARTICLE 16 Marriage and the Law

Governments will ensure that women and men have equal rights to choose a spouse and to marry; the same rights and responsibilities within marriage and on divorce; and equal rights in all matters relating to the birth, adoption and raising of children.

First Review			
<p>Personal & Family Life</p>	<ul style="list-style-type: none"> ● The issue of the deeply sexist and patriarchal nature of the family law legislation, common law, legal practices and the attitudes of the Courts and judicial officials. ● The Family Law Bill 2000 was drafted to remove endemic discrimination against women and children and to make the family law compliant with the 1997 Constitution, and the Conventions on the Rights of the 	<ul style="list-style-type: none"> ● We call on the government to put the Family Law Bill back on the legislative agenda. ● We ask the government to provide an assurance that the Bill will be put to the House and provide a timeframe 	<ul style="list-style-type: none"> ● The Committee notes with concern that family laws in Fiji contain many discriminatory provisions, and that restrictive divorce laws encourage violence, including suicide. It also notes with concern that the proposed Family Law Bill has not been adopted. ● The Committee urges the early adoption of the Family Law Bill and calls for the law on family relations of all communities to be brought into

	<p>Child and CEDAW. It attempts to make changes to nine pieces of outdated legislation which were passed during the years 1892 to 1973, under one comprehensive draft legislation.</p>	<ul style="list-style-type: none"> ● We call on the government to allocate financial resources to implement the Family Law Bill when it becomes law. 	<p>conformity with the Constitution and the Convention.</p>
Second, Third & Fourth Review			
Equality in Family Law	<ul style="list-style-type: none"> ● State has contributed no evaluation, nor commentary on the <i>de facto</i> situation of the situation of women in family law under the new legal regime. ● Lack of resources (human and financial), training, infrastructure and political will is hampering the legislation from being effective. <p>The problems with the implementation of the FLA (Family Law Act) stem from:</p> <ul style="list-style-type: none"> ● Most of the positive results are from Suva, the capital city with the largest population, and the only centre with a dedicated family court ● There are insufficient resources to implement the Act properly outside Suva ● Only Suva has a good complement of court counsellors to settle disputes without litigation. ● The magistrates and lawyers are still caught up in the former “blaming” 	<ul style="list-style-type: none"> ● That there be a national campaign on the provisions of the Family Law Act, and the new philosophy underlying it, based on equality between men and women; and the child’s best interests at the centre of decision making. ● That the establishment of Maintenance Officers is critical to the enforcement of maintenance payments for women and children and should be a priority. That more training is required for stakeholders involved in implementation of the Act, especially Police Officers who are implementing court orders. ● That more resources included counsellors are 	<ul style="list-style-type: none"> ● While commending the State party for its recent adoption of the Family Law Act (2003), the Family Law (Amendment) Act (2005) and the Domestic Violence Decree (2009), as well as the opening of the new Family Divisions within the court system, the Committee is concerned about the unequal status of women in marriage and family relations owing to traditional practices and attitudes. ● The Committee notes with concern that insufficient measures have been taken to promote the provisions of those laws; to provide training in this regard, including gender-sensitivity training; and to raise awareness about the underlying philosophy of gender equality in marriage and family relations, including de facto relationships. ● The Committee calls upon the State party to monitor and assess the implementation of the Family Law Act and amendments, as well as the Domestic Violence Decree; to raise awareness about the provisions of those laws; and to ensure adequate training, including gender-sensitive training, for relevant personnel, including the

	<ul style="list-style-type: none"> ● culture of the old legislation, especially the older lawyers who cannot get their heads around solving problems without fighting, for instance over children. These are the ones who complain constantly, with nostalgia, for the old law. The new lawyers, however, have embraced the new law and are doing well in it; and ● More training is needed for judicial officers who resist legislative changes that impact on prevailing social attitudes. ● Legislation restricted to married couples only. ● Monitoring the new legislation has also been greatly hampered due to censorship and the control of the courts and systems by the new military leadership, including the installation of a female military officer as Chief Registrar. 	<p>required to operationalise the Act outside the capital city of Suva.</p> <ul style="list-style-type: none"> ● That all stakeholders implementing the Family Law Act receive further training on the Act including gender sensitivity training. That gender awareness and application of gender equality principles be performance indicators for promotion of police officers, Judges, Magistrate and court officials. ● That research is needed to consider the application of children, financial and property rights contained in the Family Law Act to families in which the parents in the family are of the same sex. The principle ought to be that once the relationship ends, partners should have equal right to custody, maintenance and property. ● That the Family Law Act be extended to include de-facto relationships. 	<p>police and officers of the Family Divisions of the Courts.</p> <ul style="list-style-type: none"> ● The Committee also calls upon the State party to take additional measures to promote equality in marriage and family relations, taking into account the Committee's general recommendation No. 21.
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Fifth Review			
Marriage and Family Life	<p><i>Marriageable Age Family Law Act 2003</i></p> <ul style="list-style-type: none"> ● Communal Harmony – Girls being forced to marry their rapists. ● No comprehensive review to monitor or assess the implementation of this Act. ● Implementation Gaps. ● Gender Sensitization training for departments dealing with women. ● Unavailability of proper family law facilities (Including elderly and disabled persons) ● Gender Disaggregated data coordinated with the police, corrections, DPP and the Family Law Court. 	<ul style="list-style-type: none"> ● Child and “arranged marriage” (where the woman did not freely enter into marriage) must be strictly prohibited. ● A comprehensive review of the Family Law Act 2003 (and subsequent Amendments) to take place. ● Family Law Courts must continue gender sensitive training for all frontline staff, lawyers representing clients, police, and prosecutors. ● Gender-disaggregated data must be coordinated 	<ul style="list-style-type: none"> ● The Committee is concerned that no official assessment has been conducted on the Family Law Act since its effectuation nor it received sufficient information on the measures to be familiarized with the reformed Marriage Act, which increased the marriageable ages. It is further concerned that women’s access to justice under the family legislation is insufficiently functional because of insufficient performance of the Family Court such as delays in ordering maintenance payments and in settling property disputes, which often forces women to reconcile with their partner. ● The Committee also notes with concern the information that the Family Court is not widely used by women who encounter problems of family law and relations.

	<ul style="list-style-type: none">● Delay in Maintenance payments, tracking of Data, serving timely DVRO's and proper settlements could lead to re-victimization.	<p>between police, corrections, DPP, and Family Law Courts.</p> <ul style="list-style-type: none">● Eliminate delays regarding the issuance of DVROs, ensure timely litigation of family law matters, and monitor and enforce maintenance payments.● Providing disability inclusive services.● Separate waiting area for women awaiting DVRO application to be heard in court.● Gender sensitivity training to ensure that all staff have an understanding of the key principles and how these underpin their work. Training should highlight cases in which the agency provides outstanding support services to women/girl victims/survivors of domestic violence.● Separate Child friendly waiting rooms in the court registry for women and children.● AG to consider forming the Family Law Council	<ul style="list-style-type: none">● The Committee recommends that the State party conduct full assessment on the implementation of the Family Law Act and Marriage Act, and examine the root causes for the insufficient functioning and usage of the Family Court so that its structure, training of the judiciary and awareness-raising on its usage could be improved. The State party should, based on these findings, design a strategy to increase efficiency and usage of the Family Court and allocate adequate resources to its implementation.
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		<p>provided under section 204 of the Family Law Act ensuring that representatives from all the relevant legal sector agencies are included.</p> <ul style="list-style-type: none">● Fiji Courts Consider Publishing annually on its website court data presenting trends over time, including sex disaggregated data.● Fiji Courts and the Ministry of Women should consider ways to increase the number and collaborate on the training of social welfare officers who are able to provide the courts with reports.	
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