

# **CEDAW ROADMAP**

## **Reporting before the Committee**



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In compiling this Roadmap, we have adapted material from a number of sources. We are greatly appreciative to the authors of this work. All sources are listed in the bibliography at the end of this Roadmap.

You are encouraged to photocopy or to use the information in the book freely but proper acknowledgement to RRRT must be made.

## **Glossary of Terms**

### **Accession**

If a country wishes to become a State Party to a convention that has already entered into force, it can accede to the treaty. Accession has the same legal effect as ratification. (See ratification.)

### **Affirmative action**

Affirmative action policies recognise the inequality between certain groups in society and try to fix this by providing more resources to help the disadvantaged group “catch up” and gain real equality. It is a form of positive discrimination.

### **Bill of Rights**

A Bill of Rights is the name given to the chapter in the Constitution that protects the fundamental rights, principles and freedoms of the people of the country as human beings (for example, the right to vote, the right to free speech, the right to education).

### **CEDAW (pronounced ‘see-daw’)**

CEDAW (the Convention on the Elimination of All Forms of Discrimination Against Women), which is essentially the international bill of rights for women, was adopted by the UN General Assembly in 1979 and in September 1981 the Convention entered into force when it was ratified by 20 States. As of June 2003, 174 countries were party to the Convention.

### **CEDAW Committee**

The UN Committee on the Elimination of Discrimination Against Women is a group of 23 independent “experts” nominated and elected by States Parties to the Convention. The Committee meets regularly to hear State Reports and look at the progress made by countries in meeting their obligations under the Convention.

**CEDAW Session**

CEDAW session refers to the specific time that the CEDAW Committee meets to consider reports. Sessions are usually held in January and July of each year.

**Concluding Comments**

Concluding Comments are the findings or summing up of the State Report by the CEDAW Committee. They are similar to a court judgment.

**Constitution**

A Constitution is the supreme source of the law and provides the framework for other laws of the land. It sets out how the government is structured and operates, the executive and legislative powers of the state, the judiciary and the public service, and addresses issues of state finance, land and citizenship.

**Constructive dialogue**

The process by which the CEDAW Committee and the government delegations engage in friendly, open discussions about the content of the reports.

**Convention**

A convention is a legally binding treaty or agreement based on international standards agreed upon between two or more States. Conventions are a source of International Law, and can become part of local law once a country has ratified them.

**De facto and de jure equality**

De jure equality means formal legal equality provided by the law. De facto equality means the actual or realistic level of equality obtained. For example, the law might say that women have, or are entitled to, equal rights, but in fact they don't.

### **Development**

Development is the term used to describe the welfare of a nation in relation to its standard of living. It is basically about increasing the level of access to resources and reducing poverty.

### **Discrimination**

Discrimination means treating people in different ways because of perceived or actual differences, for example, because of their sex, race, religion, political opinions, creed, sexual preference and so on.

### **Gender Assessments / Audits**

A gender assessment or audit is the conducting of independent, objective research to assess the conditions that a particular organisation or body has created to realise gender equality. A gender assessment is done to assess the level of gender equality or gender discrimination.

### **Gender mainstreaming programmes**

Gender mainstreaming is a process that integrates the roles, interests and needs of both women and men in all policies, strategies, programmes and activities, so that the outcomes will equally benefit women and men. It brings the issue of equality between males and females into the mainstream.

### **General observations / comments**

These are general observations or comments made by the Committee on issues not covered in the official State Party Report. These observations are usually sourced from other reports, such as the NGO Shadow Report. The observations may be asked in a question or comment.

### **General recommendations**

General recommendations are one means by which the Committee addresses contemporary issues that the Convention may not expressly mention. In effect they are additional guidelines which emanate either directly or indirectly from the Convention. There are to date 24 general recommendations

### **Initial Report**

This is the first report that countries are required to prepare and submit. The Initial report is due one year after ratification or accession

### **International Women's Rights Action Watch**

IWRAW is an international women's NGO dedicated to monitoring the implementation of CEDAW globally.

### **Non-governmental organisations (NGOs)**

NGOs are non-profit organisations dedicated to a particular cause or issue – for example, women's rights. They are independent of any government. NGOs are sometimes referred to as civil society organisations (CSOs), which is a broader term that includes a wider range of interest and community groups.

### **Ratification, ratified**

To have ratified a treaty or convention means a State has officially committed to comply with the obligations under that treaty or convention. When a State ratifies a convention, it is said to be a "party" to it, and is called a State Party.

### **Reporting requirements or obligations**

Article 18 of the CEDAW Convention outlines the reports that have to be submitted by States Parties. Reports must be submitted one year after ratification or accession and every four years after that. The reports are not only a narrative of what women's situation is, but also provide analysis of the effects of policies and laws on women, amongst other things.

### **Reservations**

A Reservation is a formal statement made by a State claiming it is not willing to be bound by a particular article or section of a particular convention. Reservations can be made when the state signs, ratifies or accedes to a convention or treaty. More Reservations have been placed on the CEDAW Convention than any other international treaty.

**RRRT**

RRRT stands for the Pacific Regional Human Rights Education Resource Team (or Regional Rights Resource Team). It is funded by the United Kingdom Department for International Development (UK DFID) and managed by UNDP.

**Sex disaggregated data**

Data, information divided by sex / gender.

**Shadow Report**

The Shadow Report to the CEDAW Committee is written by non-governmental organisations to serve as an alternative or additional source of information to the State Report.

**Signatory**

Many countries first sign a convention to show their support and commitment to it. Becoming a signatory means a country is obliged to stop acting in a way that would defeat the object and purpose of the convention. However, signing a convention does not mean the State is legally bound by any obligations. When these countries decide to become States Parties they do so through ratification.

**State party, States parties**

A State Party is the legal name for a country that has either ratified or acceded to a convention. The plural is States Parties.

**State Report**

States Parties to the CEDAW Convention are required to submit regular reports on the legislative, judicial and administrative measures they have implemented as part of their obligations under the Convention.

**Subsequent Periodic Reports**

Periodic reports are usually made every four years after the Initial Report, or whenever the CEDAW Committee so requires. These report on the progress made in removing obstacles to equality made since the last report.

### **Treaty**

Treaty is the generic name given to all instruments binding under international law. Treaties may be made between: States; international organisations with treaty making capacity and States or; international organisations with treaty making capacity. Conventions, agreements, protocols are examples of a treaty.

### **United Nations Division for the Advancement of Women (UNDAW)**

UNDAW is the secretariat for the CEDAW Committee.

## **ACRONYMS**

AA	Affirmative Action
ADB	Asian Development Bank
AusAID	Australian Agency for International Development
CCF	Citizens Constitutional Forum
CEDAW	Convention for the Elimination of All Forms of Discrimination Against Women
CERD	United Nations Convention on the Elimination of All Forms of Racial Discrimination
COMSEC	Commonwealth Secretariat
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisation
CSW	United Nations Commission on the Status of Women
DDRIP	United Nations Draft Declaration on the Rights of Indigenous People
EEO	Equal Employment Opportunities
FBCL	Fiji Broadcasting Corporation Limited
FHRC	Fiji Human Rights Commission
FWCC	Fiji Women's Crisis Centre
FWRM	Fiji Women's Rights Movement
IBOR	International Bill of Rights
ICCAP	International Congress on Aids in Asia and the Pacific
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights

IWRAW	International Women's Rights Action Watch
LAB	Labour Advisory Board
NACA	National Advisory Council on HIV/Aids
NFE	Non-Formal Education
NGO	Non Government Organisation
NZAID (NZODA)	New Zealand Agency for International Development (formerly New Zealand Official Development Assistance)
PACFAW	Pacific Foundation for the Advancement of Women
PIBA	Pacific Islands Broadcasting Association
PINA	Pacific Islands News Association
PRWIDE	Promoting Rural Women's Initiative, Development and Education Network
PWB	Pacific Women's Bureau (Secretariat of the Pacific Community)
RRRT	Pacific Regional Human Rights Education Resource Team
SPC	Secretariat of the Pacific Community
STIs	Sexually Transmitted Infections
SJA	Social Justice Act
TOR	Terms of Reference
UDHR	Universal Declaration of Human Rights
UK DFID	United Kingdom Department For International Development
UNDAW	United Nations Division for the Advancement of Women
UNFPA	United Nations Population Fund
UNDP	United Nations Development Program

UNICEF

United Nations Children Fund

UNIFEM

United Nations Development Fund for Women

VAW

Violence Against Women

WHO

World Health Organisation

WAC

Women's Plan for Action

## **Part I      INTRODUCTION**

### **Chapter 1    What is the CEDAW Roadmap?**

Welcome to the *CEDAW Roadmap: Reporting before the Committee* – the first Pacific guide on the reporting processes for the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Roadmap is a guide for governments and NGOs who are preparing to report to the CEDAW Committee in New York as part of government obligations as a party to CEDAW.

The CEDAW Roadmap is a practical guide to appearing before the CEDAW Committee for both governments and NGOs. The aim of the Roadmap is to demystify the report writing and presenting process for Pacific Island countries. The information supplied in this guide can also be used for reporting procedures for other international conventions although there may be some differences in specific provisions.

The idea for a practical guide to CEDAW reporting specifically for the Pacific Islands came out of the experiences of Fiji NGOs and RRRT trainers when preparing for Fiji's Initial Report to CEDAW in 2002. Unable to find a “practical” guide to the CEDAW reporting processes anywhere, let alone one for small developing countries like those in the Pacific, RRRT decided to create one itself. So while the Roadmap is targeted at the Pacific, it draws on the experience of the Fiji reporting process.

#### **Why do we need a CEDAW Roadmap?**

For many governments, the reporting requirements for CEDAW and other international conventions may seem a daunting task. Small governments often do not have the capacity to prepare and write the reports. The cost of hiring consultants, managing the consultation process and the cost of travelling to New York is an added burden.

On top of this, the very idea of appearing before a UN Committee is intimidating, as many people imagine it to be like appearing before a judge – where they will be asked aggressive questions and have to defend themselves. In reality, it is a supportive process. The truth is that we have been in the dark about the whole process.

In January 2002, RRRT trainers representing the wider NGO movement, together with a representative from the Fiji Women’s Rights Movement (FWRM), headed to New York to participate as the Fiji NGO delegation in the dialogue process with the CEDAW Committee. A Communications Adviser from the Pacific Women’s Bureau of the Secretariat of the Pacific Community (SPC) accompanied the government delegation as a media representative. This Roadmap stems from the lessons learnt from their experience preparing for, travelling to, and reporting in New York.

At the time of writing, the Fiji Island Government was the only Pacific Island State party to have submitted its Initial Report to the Committee. By mid 2003, the Cook Islands had prepared its draft report, and was consulting stakeholders. Samoa submitted its initial report to the United Nations Division for the Advancement of Women (UNDAW) in 2002, but by mid 2003 was still waiting for notification of a date to appear before the CEDAW Committee.

As of mid 2003, the ratification/reporting status of Pacific Island countries was as follows:

<b>Year</b>	<b>Country</b>	<b>Date of ratification</b>	<b>Due date for reporting</b>	<b>Reporting status</b>
1983	New Caledonia French Polynesia Wallis and Futuna	Ratified on their behalf by France on 14 December 1983	To be determined by foreign administrator.	Yet to report
1983	Cook Islands Tokelau	Ratified on their behalf by New Zealand on	To be determined by foreign administrator.	Yet to report

	Niue	10 January 1985		
1992	Papua New Guinea	11 January 1992	11 January 1993	Yet to report
1992	Samoa	24 September 1992	24 September 1993	Yet to report
1995	Fiji	27 August 1995	27 August 1996	Reported 16 January 2002
1995	Vanuatu	7 September 1995	7 September 1996	Yet to report
1999	Tuvalu	6 October 1999	6 October 2000	Yet to report
2002	Solomon Islands	6 May 2002 (also acceded to the Optional Protocol)	6 May 2001	Yet to report
Federated States of Micronesia (FSM), Kiribati, Palau, Nauru, Tonga, Marshall Islands: Have not ratified.				
Guam, American Samoa, Northern Marianas: US has not ratified on their behalf.				

### **Who should use this Roadmap?**

The CEDAW Roadmap is designed for use by governments and non-government agencies involved in the preparation and writing of their reports, and in appearing before the CEDAW Committee. The Roadmap also clarifies the government obligations and role of NGOs in the reporting process. In the past, the contribution of NGOs has been viewed by some governments as not important and unnecessary. Now the UN view is that governments should consult with non-governmental and civil society organisations when implementing and reporting on CEDAW.

### **How should the Roadmap be used?**

The Roadmap looks at the stages of the reporting process, explaining ways to make your reporting preparation much easier. Just as a location map helps people find their way around a new town, this Roadmap helps governments and NGOs find their way around the CEDAW reporting process.

**The Roadmap is divided into 6 parts:**

**Part 1** provides an overview of **CEDAW and the CEDAW Committee** – what they are about and why they are important. It also clearly outlines the process of reporting to the CEDAW Committee, giving background on why reporting is compulsory and how the Committee works.

**Part 2** is for **governments** preparing their reports and organising their delegations to New York. It covers how to plan the report, what it must contain, how to call on the expertise of other agencies and organisations, and who to include in the delegation.

**Part 3** is for **non-governmental organisations (NGOs)** submitting a Shadow Report and whether or not they should accompany the official delegation. It provides advice on how to coordinate a team of NGOs to produce the report, how to word the report, when and where to send it, and who to include in the delegation.

**Part 4** provides insight into **what to expect** in New York, **how to prepare** for the presentation and questioning, and the importance of **Concluding Comments** – also looking at how both governments and NGOs can use them back home.

**Part 5** provides advice on obtaining **funding**, for both NGOs and governments, how to get a **Pacific Islander elected** onto the CEDAW Committee, getting around **New York**, and where to look for the best print and online **resources**. It also provides advice for media workers on covering the reporting process in New York.

**Part 6** contains a range of useful **annexes** referred to throughout the text, including copies of the CEDAW Convention, Fiji Government and NGO Shadow Reports to the 26<sup>th</sup> Session of the CEDAW Committee, questions put to the delegations and responses, and press releases from that session.

### **Special features of the Roadmap**

The CEDAW Roadmap includes practical experiences and offers useful tips on how to do things better or what to watch for along the way. These are found in boxes like this throughout the chapters.

Technical words or terms are highlighted in **blue** throughout the Roadmap. Explanations can be found in the glossary on page **XXXX**.

The contact details and websites of any supportive or useful organisations mentioned can be found on pages **XXXXX**.

## **Chapter 2 What is CEDAW?**

CEDAW is a short way of referring to the Convention on the Elimination of all forms of Discrimination against Women. (*See Annex A for a copy of the Convention.*) It is a United Nations international agreement on women's rights, essentially acting as an international Bill of Rights for women.

The Convention explains the meaning of discrimination against women and equality between men and women. It is made up of a preamble and 30 articles. Articles 1-16 outline the most critical areas in which government action is most needed to end discrimination against women – in all aspects of political, economic, social and cultural life.

CEDAW also contains a plan of action for countries which have agreed to, or [ratified](#), the Convention. When countries ratify the Convention, it is said that they are now “party to it”. This obliges governments to give women in their countries the same opportunities as men, especially where culture would tend to keep them unequal.

### **Why do we need a special convention for women?**

The rights and freedoms in CEDAW came from the International Bill of Rights (IBOR), which is the principle statement on human rights from which all other conventions, covenants and declarations stem.

The IBOR is made up of three separate human rights agreements:

- The Universal Declaration of Human Rights (UDHR)
- The International Covenant on Civil and Political Rights (ICCPR)
- The International Covenant on Economic, Social, and Cultural Rights (ICESCR).

The IBOR recognises that basic human rights belong to all men and women of all races, nationalities, religions and sexual orientation, regardless of income or position, at all

times. This means that all basic human rights belong to everyone simply because they are human.

However, although the IBOR guarantees many rights and freedoms, the basic rights of vulnerable members of society like women and children are still not fully applied in practice.

This is due in part to attitudes and behaviour stemming from culture, religious beliefs and other factors. Also, the rights and freedoms in the IBOR are very general and are sometimes not specific enough to protect the especially vulnerable members of society who need special protection.

Women face triple forms of discrimination because they are generally the poorest and most disadvantaged members of most, if not all, societies.

It was recognised therefore that other ways of protecting the human rights of these groups were needed. For women, an answer was a legally binding convention especially for them. CEDAW was developed to bring people's attention to the special concerns of the world's women and to ask governments to think about how they can eliminate discrimination in these areas through a commitment to the Convention.

### **Who prepared and wrote CEDAW?**

Entered into force in 1981, the Convention is the result of almost 30 years of work by the United Nations Commission on the Status of Women (CSW). The CSW was set up in 1946 to monitor the situation of the world's women and to promote women's human rights. The Commission's work has helped to reveal the many areas in which women are not treated as equal to men. These efforts for the promotion of women have resulted in several declarations and conventions, of which CEDAW is the most important.

Representatives of more than 30 UN member countries worked in groups to examine the relevance of such a Convention to women around the world. Almost two-thirds of the

members were women and men from the developing world — countries with economies and stages of development similar to the Pacific Island countries.

The Commission used the Declaration on the Elimination of All Forms of Discrimination against Women, written in 1967, as a basis to work from. (As a declaration is not legally binding, it cannot be used to enforce any commitment on countries. It needs to be developed into a binding international agreement, such as a convention, to have any legal force).

In 1979 the UN General Assembly adopted the final text of the Convention, and in September 1981, after receiving the necessary number of [signatories](#) or [ratifications](#), the Convention entered into force.

Also at this time a [Committee on the Elimination of Discrimination against Women](#) was set up to monitor government implementation of CEDAW.

### **What does “equality” mean, and what does the Convention do to promote it?**

When CEDAW speaks of equality for women with men it does not mean that women should be the same as men. There are sexual and physical differences between men and women. They may do different things in society. However, CEDAW says that this difference must not be used to subject women to unequal treatment and to deprive them of their human rights. For while equality means treating people the same where they are the same, CEDAW goes further to say that where men and women are different, laws and policies must be put in place to protect women from further discrimination. Equality means giving women the same, equal opportunities that men get.

CEDAW promotes real equality for women. This includes the right to [affirmative action](#) (positive discrimination) for women.

### **Does CEDAW take away men’s rights?**

No. The Convention promotes the recognition of women's rights without affecting men's rights. It creates a level playing field by putting women on the same level as men so that both have equal rights and access to the same opportunities.

### **Is CEDAW a Western document?**

The principles in CEDAW are not Western, nor are the areas of discrimination listed in it. CEDAW is a UN document, and more than two-thirds of UN members are from developing countries. The issues covered in CEDAW are issues that women all over the world can truly identify with.

The principles of equality of women in CEDAW are no different from those principles already contained in most of our Pacific Island constitutions. However, CEDAW explains how governments can more specifically bring about equality for women in particular areas. It is hoped that when CEDAW is translated into local languages, it will be easier for people to understand and accept it.

### **If we ratify CEDAW, does it affect our traditions and culture?**

Our traditional cultures and practices make us who we are in the Pacific. There are many aspects of culture that are good and should be preserved and maintained. To make us forget them or make them illegal would be harmful to both the success of the Convention and the progress of women's rights. The Convention does not require countries to do this because if it did, no country would want to approve it and there would be too many objections to it.

However CEDAW does disapprove of cultural practices that are harmful to women – for example, the justification of violence against women based on the grounds that it is culturally acceptable.

It also requires countries that have ratified it to take action to change those cultural attitudes that are based on the idea of the superiority or the inferiority of men or women or on stereotyped roles of men and women. What this means is that once a country has

signed on to CEDAW, the government of that country must examine its cultural practices and try to change those practices that discriminate against women because they are women, and for no justifiable reason.

In many cultures, including many Pacific cultures, women are considered to be of lower status than men. Women are often seen as being the property of their husbands or male relatives and their work in the home is not considered important. Many are not permitted to work outside the home or get a secondary or university education.

CEDAW requires a change in attitude towards women and women's work in our societies. CEDAW says that even if women are guaranteed equal rights under the law, another level of change is necessary. This change must be change in reality and practice – change in the day-to-day lives of women, both at the private and public level. Changes in the law itself will not guarantee women's human rights unless they are applied to women's daily lives.

### **Who benefits from CEDAW?**

Everyone benefits. Although women are the main group to benefit, the effect of giving women rights impacts on the whole community. When an individual woman has more opportunities in education and employment, she becomes more productive, so not only does her family benefit but the country as a whole benefits also. Women make up 50 per cent of a country's population. Imagine if half the country had the same opportunities to develop and contribute as the other half!

### **What can women do with CEDAW?**

There are no limits to how CEDAW can benefit women. CEDAW provides many opportunities for women to mobilise for more resources, as well as for better laws and policies. There have been major steps forward for women all over the world because of CEDAW, and in the Pacific the process has already begun.

The ratification of CEDAW by Fiji has enabled women's human rights groups to push for an amendment for equal citizenship rights in the Fiji Constitution and the courts to impose tougher sentences for rape and violence cases. In Vanuatu, the courts applied CEDAW to give Ni-Vanuatu women rights to customary land. In Kiribati, CEDAW was also used by a prosecutor to argue against an unfavourable rule for women in rape cases. Although the case did not succeed on this argument, it opened the door in Kiribati for arguing on the basis of CEDAW in future cases.

### **What part can NGOs play in implementing CEDAW?**

Non-governmental organisations (NGOs) can play a key role in making sure that their countries abide by their obligations, in advocating and lobbying for policy and legislative change, in the preparation of the shadow report, and in public awareness raising.

As independent bodies, NGOs are instrumental in:

- Ensuring governments are accountable and transparent in their commitments to CEDAW by drawing media and public attention to what the government is not doing, or is doing improperly.
- Advocating for women's rights, and in lobbying for change to government policy and legislation.
- Preparing the shadow report and in contributing to the country report. *(See Parts II and III.)*
- Working with government on awareness raising programmes on the Convention – serving as a link between the local community, national government and international institutions.

### **Chapter 3 What is the CEDAW Committee?**

The UN Committee on the Elimination of Discrimination Against Women, established under Article 17 of the CEDAW Convention, is made up of a group of 23 independent “Experts” who are nominated and elected by [States parties](#) to the Convention. These members are variously referred to as “the Committee”, “Committee members” or “Committee experts”.

Committee members come from a variety of different educational, cultural and professional backgrounds, and each is a genuine expert in his or her field. The Committee has included economists, diplomats, sociologists, academics, medical practitioners and other professionals. For example, the past chair, Ms Charlotte Abaka, is a dental surgeon from Ghana, Dr Ayse Feride Acar, the chair as of 2003, is an academic from Turkey, and the former New Zealand representative, Dame Sylvia Cartwright<sup>1</sup>, is now the Governor General of her home country.

Committee members do not sit on the committee as a representative of their government, or any country, even though they may have been nominated by them. Once elected onto the committee, the members become independent. This is because they must be free from any kind of influence, especially from their governments.

The committee is different from other United Nations committees in two ways:

- Since it first met in 1982, all its members except three have been women.
- The CEDAW Committee members come from many backgrounds whereas most other UN human rights committees are mostly made up of lawyers and judges.

#### **What is the Committee’s role?**

The Committee meets twice a year in New York to look at the progress made by countries in meeting their obligations under the convention. It hears reports from countries and can make comments and recommendations to help them to meet their

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<sup>1</sup> Dame Sylvia Cartwright was a representative of the UN’s Asia Pacific regional grouping.

obligations under CEDAW. In 2002, the Committee had an extra session where it considered reports that had been pending for some time.

The role of the Chairperson is to facilitate the meeting, to ask the Committee members to put their questions to the delegation and to generally ensure that the Committee processes are properly complied with. The Chairperson also works closely with the Committee's secretariat, the United Nations Division for the Advancement of Women (UNDAW).

The Rapporteur reports on the meeting for that particular session and allocates responsibilities for the drafting of the Concluding Comments with the Chair.

### **Members of the CEDAW Committee**

<b>Present Committee members (2003)</b>	<b>Former Committee members (2001)</b>
Ayse Feride Acar (Chairperson), Turkey	Ayse Feride Acar, Turkey
Sjamsiah Achmad, Indonesia	Sjamsiah Achmad, Indonesia
Meriem Belmihoub-Zerdani, Algeria	Charlotte Abaka (Chairperson), Ghana
Huguette Bokpe Gnancadja, Benin	Emna Aouij, Tunisia
María Yolanda Ferrer Gómez (Vice-Chairperson), Cuba	María Yolanda Ferrer Gómez, Cuba
Cornelis Flinterman, The Netherlands	Feng Cui, China
Naela Gabr, Egypt	Naela Gabr, Egypt
Françoise Gaspard, France	Françoise Gaspard, France
Aída González Martínez, Mexico	Aída González Martínez, Mexico
Christine Kapalata (Rapporteur), United Republic of Tanzania	Christine Kapalata (Rapporteur), United Republic of Tanzania
Salma Khan, Bangladesh	Rosalyn Hazelle, St Kitt and Nevis
Fatima Kwaku, Nigeria	Fatima Kwaku, Nigeria
Rosario Manalo, Philippines	Rosario Manalo, Philippines

Göran Melander, Sweden	Göran Melander, Sweden
Krisztina Morvai, Hungary	Mavivi Myakayaka-Manzina, South Africa
Pramila Patten, Mauritius	Zelmira Regazzoli, Argentina
Victoria Popescu Sandru (Vice-Chairperson), Romania	Savitri Goonesekere, Sri Lanka
Fumiko Saiga, Japan	Fumiko Saiga, Japan
Hanna Beate Schöpp-Schilling, Germany	Hanna Beate Schöpp-Schilling, Germany
Heisoo Shin (Vice-Chairperson), Republic of Korea	Heisoo Shin, Republic of Korea
Dubravka Šimonovic, Croatia	Frances Livingston Raday, Israel
Maria Regina Tavares da Silva, Portugal	Maria Regina Tavares da Silva, Portugal
< VACANT >	Ivanka Corti, Italy

### Useful tips

Find out who is on the Committee before you appear. If possible, try to find out a little about each member including his or her background.

Use national contacts, NGOs who have met and know some members to share information with you.

## Chapter 4 Why report to the CEDAW Committee?

The rights and freedoms in CEDAW are not “given” by the Convention or governments, but they exist naturally, simply because women are human beings and are therefore entitled to all human rights. It is, however, the responsibility of governments that have **ratified** CEDAW to ensure that these rights are recognised in practice and guaranteed to women by law.

**States parties** must ensure these rights are upheld by:

- Removing discrimination against women in all areas of law or policy, resource allocation and modifying discriminatory practices.
- Reporting on progress made to the CEDAW Committee.
- Avoiding doing anything that would violate the principles set in the specific articles of CEDAW.
- Setting up systems to make sure that women’s rights in CEDAW are upheld and recognised, including modifying constitutions, laws and policies to promote equality.
- Ensuring that there is a system to deal with violations of women’s rights, for example:
  - ❑ fair tribunals, courts and judges
  - ❑ unbiased police and public servants
  - ❑ constitutions, laws and public policies giving men and women equal treatment
  - ❑ a human rights commission

### **What are the reporting obligations?**

When a State ratifies CEDAW, it is not only legally bound by obligations to set up policies, laws and systems to ensure women are treated fairly, but importantly, to report to the CEDAW Committee on the progress of implementation of CEDAW and the status of women in their country.

This reporting obligation is laid out in Article 18 of the Convention, which requires States to submit reports on the legislative, judicial and administrative measures they have implemented and obstacles encountered.

The Initial Report is due within one year of ratification. Periodic reports are then done every four years after that. These report on the progress made in removing obstacles to equality made since their last report.

### **Why is reporting necessary?**

The requirement to report as laid out in Article 18 is not just a technical or procedural one – it is very important as it is the only mechanism in which to monitor government implementation of the Convention. It is the only enforcement mechanism available in international law. The reporting process encourages governments to confront the realities of the lives of women, and assess steps taken. It also allows non-government and civil society organisations to monitor governments' efforts and promises made in trying to implement the Convention.

There are seven main objectives to reporting, as outlined in CEDAW:

- To review national legislation, administrative rules and procedures and practices in terms of women's rights.
- To ensure States parties regularly monitor the actual situation of women's rights, with respect to each provision of the Convention, so that they are aware of the extent to which each right is being enjoyed by all women.
- To help States form clearly stated and targeted policies for women.
- To allow the public to review government policies, and to get involved in the formation or improvement of policies.
- To provide a baseline against which States parties and the Committee can evaluate progress towards the obligations of CEDAW. **(Refer to Annex B.)**
- To help States parties understand the problems involved in putting the aims and obligations of CEDAW into practice.

- To help the Committee and the States parties as a whole to exchange information, develop a better understanding of the common problems faced by the States, and develop a fuller appreciation of the types of measures that might be taken to achieve the obligations in the Convention. This helps the Committee to identify the best way for the international community to assist the States parties.

### **What are the benefits of reporting?**

Preparing the report is far more than a formal exercise. Reporting also serves as a dynamic force for change within a State party because the reports will highlight all the areas that still require work.

### **For States parties and NGOs, the preparation of the report:**

- Provides an opportunity for review of domestic laws, policies and practices to determine the extent to which the standards of the Convention have been implemented.
- Allows for monitoring, assessment and evaluation of the strategies put in place to meet the Convention's obligations, and provides an opportunity for accurate assessment of the problems that delay or obstruct the implementation of the Convention.
- Highlights the strengths and weaknesses of government efforts to implement the Convention.
- Provides a forum for discussion with a wholly independent body (the Committee) whose aim is to provide constructive assistance to States in meeting their obligations.

### **For NGOs, the reporting process:**

- Provides an international forum for holding government accountable.
- Provides publicity and advocacy opportunities on women's issues.

The Fiji NGOs were able to get the Fiji Family Law Bill back on the government's agenda after it had been shelved by using the CEDAW process and the publicity at home generated by Fiji presenting its Initial Report in New York. **(See Chapter 15 for more detail.)**

## The CEDAW reporting process

### Preparing the Initial Report

*States parties are required to report on the current status of women in their country at date of ratification.*

*There are comprehensive guidelines on how to report.*

*Important for government to consult NGOs in this process.*

*Time may vary depending on CEDAW Committee workload. Session usually 1 hour. This presentation is a summary of the submitted report and can also be used to update the Committee on things that may have happened since writing of report.*

*The aim of the presentation and questions is to develop constructive dialogue between the reporting States and the Committee.*

*The Committee accepts answers provided by the State party and asks no further questions. Any unanswered question or issues are highlighted in the Concluding Comments.*

*Usually two Committee members are responsible for drafting of the Concluding Comments for each State party. These are not legally binding on States but often can lead to domestic debate on issues raised.*

*The periodic report presents an update on the Initial Report and the changes that have occurred. This report must highlight the successes and any obstacles in the implementation of CEDAW.*

Government accedes / ratifies CEDAW

### Initial Report due after 1 year

Government prepares State Report

NGOs prepare Shadow Report based on State Report

Government submits report to CEDAW Secretariat (UNDAW)

NGOs submit Shadow Report (for example, to IWRAW)

States parties present oral version of report before CEDAW Committee

CEDAW Committee considers State Report and asks questions article by article

Government presents answers to questions

Committee makes concluding observations and recommendations

Next periodic report due after 4 years

*Reports by NGOs are referred to as Shadow Reports. The CEDAW Committee will only consider NGO reports if the government is appearing before the Committee.*

*NGOs can use their report to raise concerns with Committee members on pressing issues. NGOs must prepare a 5-7 minute summary of their report for the oral session and a 1-page summary of pressing issues.*

*NGOs are usually given a short time (about 10-15 minutes) to present their report to the Committee before the State party appears. NGOs are also questioned on issues highlighted in report.*

*The Committee meets and identifies which members will ask questions for each article. This is done in a closed session before the reporting State appears.*

*NGOs - Find out which member is drafting your country's Concluding Comments. You may want to discuss certain issues you feel are important for government to consider.*

### **Useful tips**

Familiarise yourself with the CEDAW Convention (**see Annex A**) – what it is, what the articles say and what the obligations are for government – the UN reporting guide *Assessing the Status of Women: A Guide to Reporting Under the Convention on the Elimination of All Forms of Discrimination Against Women*, and the revised UN reporting guidelines (**see Annex B**).

Find out more about your country's laws and policies.

NGOs – find out when your country's reports are/were due if your government has ratified CEDAW. (**See table in Chapter 1.**)

Promote CEDAW through education and awareness raising programmes / campaigns.

Organise awareness workshops for government, NGO, the media and other members of civil society.

## **PART II: THE STATE REPORT AND DELEGATION**

### **Chapter 5 What is a State Report?**

All countries that have [ratified](#) the CEDAW Convention must submit [State Reports](#) on a regular basis to the CEDAW Committee. The reports cover the legislative, judicial and administrative measures [States parties](#) have implemented as part of their obligations under the Convention.

A great deal of preparation and information is required in preparing the State Report, so planning must begin as early as possible. For some States parties this may mean up to two years before they plan to appear before the Committee. There are various ways to go about preparing the report. Following are some points that should be considered in the planning process:

#### **Develop a report writing project proposal**

The reporting process is more than just putting some data together and taking it to New York. It involves many inter-connected activities and stages. It is vital that before going too far into the process, all these stages are outlined in a single planning, or proposal document. This project proposal will help in considering all the steps involved, such as finding someone to compile the report, managing the consultative processes, deciding who needs to be consulted and on what, coordinating administrative issues such as transportation, photocopying and so on, considering when and who should go to New York, and finding funds to finance the whole project. **(See Chapter 16 for more on funding agencies.)**

#### **Identify which CEDAW session to report to**

There are two CEDAW sessions every year (in January and June), but there is often a waiting list of countries wanting to report.

As soon as the session is decided on, inform the CEDAW Committee's secretariat, the United Nations Division for the Advancement of Women (UNDAW). If the reporting country waits until the report is ready, it may be scheduled to appear at a later session, by which time some of the information in the State Report may be out of date.

### **Identify who is in charge of putting the report together**

The National Women's units or machineries are normally tasked with putting the report together but this does not necessarily have to be the case. The task may be allocated to the Information Ministry or the Foreign Affairs Ministry.

Importantly, other ministries (health for example) will have an input into the report when discussing provisions that concern their own sectors.

### **Decide who will write / compile the report**

This is an important step. The success of the State Report depends a lot on whom is chosen. There are two options: having just one person write the report, or a team with one person acting as team leader.

#### **Option 1: Choosing one person to write the report**

Do not make the mistake of hiring a professional who is only familiar with one area. It is advisable that the person identified is an expert on gender and can analyse the different sectoral reports. While this expert may not necessarily have formal qualifications in gender and women's studies, he or she must have an excellent working knowledge of gender.

A gender analyst can more easily assess and analyse the impact of any sectoral area, or law or policy or practice on women from a gender perspective. A lot of the questions asked by the Committee members will focus on the impact of any changes on women from a gender perspective. Although the Committee is interested in the number of laws passed or the policies put in place for women, the impact of these changes on women are

the main considerations because some laws and policies have been found to have a negative practical impact on women.

**Option 2: Choosing a team to work on your report**

This option involves having various professionals to write the sections of the report that correspond to each article, and a team leader / coordinator to analyse these reports from a gender perspective.

*a) The team leader*

The team leader must be able to analyse the information written by team members from a gender perspective, looking at each policy, law or practice and how they impact on women, as well as at the distribution of resources. A professional without gender analysis skills may not see the gender dimension of laws, policies, practices or resource allocations that seem deceptively fair on the surface.

If funds do not allow a professional analyst, NGO representatives may be able to help write this, as many experienced women’s activists have built up expertise on gender issues, even if they have no formal qualifications in gender and women’s studies.

*b) The professional writing team*

Professionals who are experts in each area covered by CEDAW will need to be found to research, compile and write each section of the report. For example, a health professional would be required to write the information on the health status of women in Article 12, a lawyer for Articles 2, 9, 14, 15 and so on. The following list is only a guideline:

<b>Article</b>	<b>Area/ subject</b>	<b>Suggested professional</b>
Article 1	Definition of discrimination against women	Lawyer / Team leader
Article 2	Obligations of States parties	Lawyer / Team leader
Article 3	Advancement of women at	Lawyer / Team leader

	all levels	
Article 4	Temporary special measures	Gender analyst/ Team leader
Article 5	Modification of culture and family responsibilities	Sociologist / Anthropologist
Article 6	Suppression of prostitution	Sociologist (preferably with background in violence against women) / Lawyer
Article 7	Women in public and political life	Political scientist
Article 8	Women at international level	Gender expert / Sociologist / Political scientist
Article 9	Women's nationality	Lawyer
Article 10	Women and education	Educator
Article 11	Women in formal employment	Lawyer / Industrial analyst / Labour relations professional
Article 12	Women and healthcare	Health specialist
Article 13	Women in economic and social life	Sociologist / Economist
Article 14	Women in rural areas	Sociologist / Agriculturalist / Economist
Article 15	Women and the law	Lawyer
Article 16	Women and private life	Family law lawyer
Articles 17-30	Administrative	Lawyer / Team Leader

This table presents an ideal situation where funding and capacity are not a problem. However, for a small Pacific Island country, it may be near impossible to set up a team with such experience – but the closer the State party gets, the better the report.

If the option of team leader and professional team members is chosen, each person's role and responsibilities must be fully determined, documented and communicated. It is best to develop formal Terms of Reference (TORs) for the team as a whole, and for each member. The TORs should include:

- Exact timelines for each stage of the project
- Each person's specific duties
  - how these duties will be evaluated/ measured
  - individual timelines or other specifications
- Payment/ salary/ hourly rates
- Length of employment. For example if the report writing project is for eight months will you employ the researchers full time, for ten hours a week, or on an outcomes/ pay-on-delivery basis?
- Reporting processes – to whom does each team member report?
- Financial accountability

In **Fiji's** case, earlier draft reports showed a lack of gender analysis, demonstrating a lack of formal qualifications in gender or analysis skills on the part of the drafters and/or contributors. Fortunately, the final draft drew from a wide range of resources and was relatively satisfactory.

In the **Solomon Islands**, a national CEDAW Committee comprising government departments and NGOs has been formed (pending Cabinet endorsement as of mid 2003). The committee comprises 'experts' from the various areas to be addressed in the report (eg. health, education). Each member is charged with reporting on his or her relevant sector, while a local consultant assisted by the chairperson will coordinate and monitor the report's progress. The Committee is also responsible for developing a proposal for the funding of its activities.

## The budget

Long-term planning is vital to ensure the report does not get shelved due to lack of funds. Each phase or activity must have a budget line – be very specific and list exact figures. Donors are more likely to trust and support you if you show that you have a good grasp of the entire project and can account for every cent spent.

When working out the budget, consider:

- Is there a budget line for this project within the ministry responsible?
  - If not, is there time to include it for the next budget?
  - If so, is there money for the whole project?
- What exactly is funding needed for? When? How much?
- What other sources of funding are available?
- Have any donors expressed interest in assisting in the process?
- What non-profit organisations can help with technical assistance?

**(See Chapter 16 for ways to finance the reporting process.)**

### Useful tips

- Begin compiling a database of people most qualified to write sections of the report – this can include experienced NGO workers or professionals from around the region.
- Involve NGOs throughout the project. Some NGOs have a lot of experience in CEDAW issues – tap into this pool of resources as early as possible – they may even agree to write certain sections.
- The absence of information ordered by gender ([sex disaggregated data](#)) and research on women in Pacific Island countries may make compiling the report difficult. It is important to use any available research or resources, including data and reports already compiled by other ministries, departments, overseas donors or development organisations. **(See next chapter.)**

- When putting together a writing proposal, make sure to outline the various stages of the project. This is useful for funders who may only wish to fund certain stages. Outline what the monitoring aspects will be, who will monitor the process, who and how will reports to the funding agencies be done, how will the report assist government in monitoring women's status in the country, etc. Remember that the funding agencies want to know that their money is being well spent.
  
- Preparation of the report can also be seen as a jumping board to other activities such as gender assessments and gender mainstreaming programmes, and the collection and compilation of other data that will help develop better policies.

## **Chapter 6 What should a State Report contain?**

A State Report should contain data, research and analyses from a wide range of sources – including international, non-governmental and civil society organisations – not just government. The wider the consultation, the better the report.

### **Where can the information be found?**

Writing the State Report does not need to be a new exercise beginning from scratch – there is no point reinventing the wheel. A lot of the information required for the CEDAW report can and should be taken, adapted and acknowledged from other country reports already prepared. These resources could include:

- The United Nations Children’s Fund (UNICEF) situational reports and State Reports to UNICEF
- United Nations Development Fund for Women (UNIFEM) and Asian Development Bank (ADB) reports on the Status of Women in your country
- United Nations Development Program (UNDP) development and other reports on women and poverty and effects of development and globalisation on women
- United Nations Population Fund (UNFPA) reports on women and reproductive rights
- Other UN agency reports
- Reports by the Asian Development bank (ADB), such as Poverty Assessment Reports
- Reports by the World Bank
- Relevant statistics and data collected by government, NGOs and organisations
- Reports by the World Health Organisation (WHO) on women and health
- Reports by human rights resources such as RRRT on women and rights
- NGO reports, information, data and surveys
- Reports by national women machineries, such as the Ministry of Women’s Affairs
- Parliamentary libraries for government and Hansard reports, development plans and policies
- Newspaper reports
- The Internet

### **Who else can contribute?**

There are many organisations that can be asked to write specific sections of the State Report or provide certain statistics or research they have already undertaken.

If organisations are involved in this way, it is important to provide them with guidelines outlining the information required and the timeframes. These guidelines could be in the form of a questionnaire or short answer form, or they may just be general guidelines with subheadings that the organisations can fill in.

Some examples of organisations that can be asked are:

- Crisis/ women centres for the violence against women section
- Women's rights organisations for aspects of the laws and how they impact on women
- Health organisations (such as the UNAIDS Taskforce) for input on aspects of women's health and government's provisions for women in urban and rural areas
- Rural based organisations for aspects of rural women's lives
- National Councils of Women
- Church groups
- Social services organisations that run programmes for women
- Women's communications networks

### **Is consultation really necessary?**

The CEDAW Committee process strongly favours governments that have consulted with civil society and non-governmental organisations in researching and writing their reports.

This is because, in writing their reports, governments tend to minimise problems faced in implementing provisions of CEDAW and maximise any accomplishments they have made, no matter how small. This means government assessments of efforts to comply with CEDAW are frequently incomplete.

Some governments also mistakenly believe that the Committee will not know much about the status of women in their countries and so may give reports that present a “perfect” and false picture.

However, before a country presents to the CEDAW Committee, the Committee members (especially those who have been assigned your report) will have already sought additional information. This information may come from other UN agencies working in that country, from other agencies such as the Asian Development Bank and the World Bank, and most probably from national NGOs.

The Committee is aware of these factors, and in encouraging governments to be open, will always ask the extent to which NGOs have been involved in the report writing process.

In most cases the Committee members will be able to identify this for themselves from the tone and content of the alternative NGO Shadow Report. The members are always impressed if the State Report has been prepared in consultation with NGOs and this is often highlighted in the [Concluding Comments](#).

The Fiji Government was congratulated for involving NGOs and for the candid nature of its report. In fact, the Fiji NGO Shadow Report complemented the State Report in many articles, which can be quite rare. The Shadow Report stated article-by-article the strengths and weaknesses of the State Report – for example, the Shadow Report stated that the State Report was adequate on Article 16, but not adequate on Article 2 and therefore provided additional information.

Implementation of CEDAW requires the involvement of all sectors of the civil society – public, private, NGOs, and community groups. Government cannot do it all on its own, and no one expects this.

Consulting the NGOs does not harm the validity of the State Report or the government's image, but not consulting NGOs will harm the report's validity. The Committee is interested not only in governments' accomplishments, but also in its inability and incapacity to implement the convention and their reasons for this.

Those governments that still decide not to consult NGOs have to be ready to answer Committee enquiries and possibly face critical or negative reports from their NGOs.

However, even if there has been a good working relationship, NGOs may still find that the final report does not include their concerns. Therefore, to complete the record, it is vital that NGOs make the most of the reporting mechanism laid down by the Convention and submit their own report. Shadow Reports are now seen as a legitimate part of the reporting process and can complement the State Report by providing missing information, or give a critical analysis of government efforts in implementing CEDAW provisions. **(For information on Shadow Reports, see Part III.)**

### **How and when to consult**

The consultation process should not be a last minute "rubber stamping" of the final draft whereby the government allows NGOs or private organisations to view and make surface changes to the completed report. For the consultation to be viable, and to be accepted by the CEDAW Committee, proper consultation and participation must begin right at the start, at the very planning process.

At the very least, consultation should be made at the following stages:

- Deciding who should write/ be involved in writing each section of the report
- Analysis of data and conclusions drawn
- The initial draft
- Drafts incorporating changes from the initial draft

### *Consulting on the initial draft*

Once the first draft of the State Report is complete, government should give the report to NGOs and other agencies for comments. It should also present the first draft at a national consultation with NGOs. This consultation should involve more than a presentation of the draft – it should encourage NGO participation and comments.

In **Samoa**, the government and NGOs formed a CEDAW partnership to specifically look at the promotion and implementation of the Convention's provisions in their country. A consultant put together the first draft of the Initial Report, which was then taken back for consultation and adoption.

The Gender and Development Division of the Ministry of Internal Affairs of the **Cook Islands**, with the assistance of the Punanga Tauturu Inc (a women's NGO), began working on their State Report in mid-2002. A local consultant was hired to complete the first draft – which was then vetted by a committee comprising both government and NGO representatives. Comments were included and the second draft then taken to the committee before being submitted to Cabinet. The National Council of Women is also preparing a Shadow Report.<sup>2</sup>

In **Fiji**, the Ministry for Women called a national consultation workshop and allowed NGOs to comment on all the sections of the report. Participants worked in small groups on certain sections of the report and all amendments and corrections were highlighted in the group discussions. The final draft of the report contained some of the amendments suggested by the National Consultation, but not all.

### *Incorporating changes from the consultations*

Once the consultations are completed, it must be decided which amendments are to be included in the next draft. Once these amendments are made, the report may be presented back to the stakeholders.

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<sup>2</sup> Source: *Bringing CEDAW Home: Progress on CEDAW for Pacific Women*, UNIFEM Pacific

It is this draft that NGOs use to formulate their Shadow Report (**see Part III**).

## Chapter 7 How should a State Report be organised?

CEDAW has strict guidelines for the form and content of the Initial and Periodic State Reports. These are designed to help States parties prepare reports and to ensure that reports are presented in a manner that allows CEDAW and States parties to obtain a complete picture of the implementation of the Convention.

Following is a brief outline of the official UN guidelines for writing reports for the CEDAW Committee<sup>3</sup>. For more detail see **Annex B**, or visit the UNDAW website ([www.un.org/womenwatch/daw/](http://www.un.org/womenwatch/daw/)) for the most up-to-date information.

### The Initial State Report

The guidelines require Initial Reports to be in two parts:

#### Part I

Part I of the report is also referred to as the “core document”. The guidelines, reproduced in **Annex B**, require it to provide a clear, overall description of the country, including:

- general information on the land and people<sup>4</sup>
- an outline of the political structure
- an outline of the legal framework in which human rights are protected
- a description of efforts made to promote awareness among the public and authorities of the various human rights instruments.

This part provides the context against which the actual report will be considered. For instance, if yours is a developing country, the CEDAW Committee will find this information useful in asking questions of the government representative.

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<sup>3</sup> Source: Commonwealth Secretariat / United Nations / International Women’s Rights Action Watch, *Assessing the Rights of Women: A Guide to Reporting Under the Convention on the Elimination of All forms of Discrimination Against Women* (New York, UNDAW, 2000)

<sup>4</sup> This should include information on ethnic groups, demography and geographical spread of population; per capita income, gross national product, rate of inflation and external debt; rate of unemployment, literacy rate and religion; life expectancy, infant mortality, maternal mortality and fertility rate.

## **Part II**

The guidelines for Part II of the Initial Report, reproduced in **Annex B**, require States to provide specific information about their progress towards each provision of the Convention. It must include:

- Legislative, judicial, administrative or other measures adopted
- Developments made since ratification of the Convention
- Progress made in the fulfillment of women's rights
- The **de facto** position as distinct from the **de jure** position for each article (see glossary for definitions)
- Any obstacles to the implementation of CEDAW and the enforcement of equal rights, and measures taken to address these obstacles
- Types and frequencies of non-compliance with the principle of equal rights
- The role of non-governmental and women's organisations in the implementation process
- **Sex disaggregated data**
- An analysis of legal instruments adopted and their impact on the economic, political and social lives of women

(Note, governments may submit copies of any principal legislative, judicial or administrative texts referred to in the report.)

## **Reservations**

States parties must also report on any **reservations** that they have placed on the Convention – how the reservation is impacting on women and what plans the country has to address the reservation.

Specific guidance on reporting on reservations to the Convention was added in 1995. These guidelines say that a State party must:

- Include information on any reservations registered whenever it reports
- Explain why it considered the reservation necessary

- Indicate whether any reservations it has registered on other conventions are consistent with its reservations to CEDAW
- Explain the effect of the reservation on national laws and policies
- Detail how it will limit the effect of reservations and give a timetable for withdrawing them

Note, those States parties that have entered general reservations that do not refer to a specific article of the Convention, or reservations to Articles 2 and 3, must report on the effect and interpretation of those reservations as the Committee believes such reservations counter the purpose of CEDAW itself.

The Fiji Government, which had initially reserved on Articles 5(a) and Article 9, withdrew its reservations when the 1997 Constitution was passed. The new Constitution changed, amongst other things, the discriminatory citizenship laws referred to in Article 9.

### **Subsequent periodic reports**

The Committee's guidelines for subsequent reports are reproduced in **Annex B**. These guidelines require the reports to focus on the developments that have taken place since the consideration of the preceding report by CEDAW.

In these reports, the previous report and its consideration by the CEDAW Committee should be addressed, and should include:

- Legal and other measures adopted since the previous report
- Progress made to promote and ensure the rights of women
- Any changes in the status and equality of women since the previous report
- Any remaining barriers or obstacles in the participation of women on an equal basis with men in the political, social, economic and cultural life of the country
- Matters raised by the Committee that could not be dealt with at the time the previous report was considered – usually the matters raised by the experts in the Concluding Comments.

## **Combined reports**

In some cases, States parties fall behind in the submission of reports. The Committee encourages States in this position to submit a report that combines more than one due report. If a State does so, certain rules are followed.

For example, a State party whose initial report may have been considered by CEDAW two years after the due date of submission should combine and consolidate its second and third report rather than submitting separate periodic reports close together. By doing this, the State party keeps to its reporting schedule. Combining reports may be an option for Pacific Island States parties whose initial and second periodic reports due dates have passed. It is important to note that timeframes do not change for the different reporting periods.

Reports that have been combined must clearly state the developments that have occurred at the date each report was due. The best thing to do is to find out the dates when the various reports were due, then article by article provide information for that date. For example, if reporting on Article 11 of CEDAW on employment, the report could read:

- In 1990 (when initial report was due) the status of women was ...
- In 1995 (when 2<sup>nd</sup> periodic report was due) government prepared an industrial relations bill to try and solve the legal problems. The Bill became law that year but we were not able to fully implement it due to lack of financial resources (example only)
- In the year 2000 (when 3<sup>rd</sup> period report was due) we were able to implement four of the following provisions in the following way ...
- The impact on women of these provisions at the time of writing has been (...)

The report must be able to demonstrate progress and improvement in women's lives. If it does not show real progress, it must state why, and at least show the effort taken by government so far. It should also explain the obstacles the government has faced in trying

to implement the article. This is very important and the Committee appreciates the honesty of the government report rather than one trying to mislead them.

### **Format of the report**

Reports should be submitted in one of the six UN languages (English, French, Arabic, Chinese, Spanish or Russian), and be in both hard and electronic form. They should be as concise as possible, with initial reports being no more than 100 pages, periodic reports no more than 70 pages (on one side of A4 paper, lines single spaced). Paragraphs should be numbered in sequence.

### **Sending the report to New York**

Once the report has been completed, the responsible ministry must inform UNDAW that the report is ready for consideration. This can even be done while the final draft is being completed. Remember, UNDAW should already have been informed that the country would be submitting a report (**as outlined in Chapter 5**).

The report must be sent at least six weeks before the session. Governments can either send their report directly to UNDAW or send it through their permanent representative based in New York. It is wise to do both. On receiving your report, UNDAW sends it to be translated into the official UN languages and distributed to Committee members before they travel to New York.

## **Chapter 8 Who should be in a government delegation?**

Once a State Report has been sent to the UN Division for the Advancement of Women (UNDAW), it is time to start arranging for an appearance before the CEDAW Committee. This involves deciding who will go to New York and preparing them for the presentation of the report.

### **Selecting the government delegation**

For Pacific Island governments and NGOs, a two to three-week trip to New York is very expensive. Therefore, organising the delegation to New York requires careful thinking and strategic planning. In deciding who should be part of the official government delegation, special attention should be paid to:

#### **The person heading the delegation/presenting the report**

The status of the person representing the government conveys a strong message to the Committee and the world about the importance of women's human rights issues in that country. A high ranking official represents the government's commitment to the prioritisation of women issues.

This person should be a minister of the responsible ministry or even the prime minister or president. The chairperson of the national CEDAW committee (usually the permanent secretary of the ministry) might be a good candidate if she is more knowledgeable on the issues than the minister. Avoid using your country's permanent representative or staff at your mission in New York – they may not be aware of the "latest" information from home.

In giving their Concluding Comments, the Committee will always commend and pay tribute to governments who send a strong, high-level, multi-sectoral delegation.

### **The diverse racial, ethnic and cultural composition of the country**

This is very important in terms of the positive image that the country wants to present to the international community, especially if your country has more than one racial group.

A few Committee members commented on the Fiji Government delegation's lack of ethnic diversity, saying: "It is a shame that your official delegation is all indigenous Fijian women." Such things do not go unnoticed and can harm the impression you give to the Committee, and the media.

### **The gender mix**

It does not portray a good image of the country for the delegation to consist of all men or majority of men. This should definitely be avoided. In Fiji's case the official delegation included the male Permanent Representative to the United Nations which was acceptable. He played only a background role.

### **The range of issues covered in CEDAW**

Participation of knowledgeable officials from a variety of government branches will enhance the quality of the [constructive dialogue](#) between the State party and the Committee. These government officials must also have expertise in the corresponding areas of the Convention. These officials will be required to provide the information required in their area and must be willing to work hard on enhancing and marketing their government's report while in New York. Remember that taxpayers' money is being used to finance the government delegation, and the members' must act accountably and with genuine commitment.

### **A legal representative**

Given that at least 50 per cent of the questions to governments during the reporting process require legal knowledge and analysis, a lawyer/ legal expert must be part of the delegation.

The chosen expert must be gender sensitised, have a proven record of working with women's human rights issues and practices in the home country. A lawyer currently practicing in the country will be more familiar with the laws and progress, if any, of the legal system than a lawyer who works in another country, even if that lawyer is a national of the country presenting the report. The lawyer does not have to be a government lawyer.

Ratification of CEDAW legally binds a State party to implement the areas of the Convention, so many questions will be based on the practical effects of the laws on women. The legal expert must be well versed with the situation of women in the country and how the laws affect them. It is not enough for governments to pass a number of laws if the impacts of these laws on women are not assessed. Some laws may look good on paper but in effect can be very impractical. The lawyer must explain how these laws have had a positive impact on the lives of women.

### **NGO participation**

NGO presence may be very useful to the government delegation. However, once an NGO person becomes part of the official delegation, she may no longer express "independent" NGO views to outsiders, but assist the government delegation.

NGOs may also choose to organise their own delegation to present a Shadow Report. **(See Chapter 12 for details.)**

### **Preparing for your appearance: having a "mock" session**

In their preparations for New York, some States parties have organised a trial run of the official CEDAW Committee session at home first. This "mock" session involves all the members of the delegation and a panel acting as Committee members.

This gives the delegation a much clearer vision of the actual session before the CEDAW Committee and what kind of questions the Committee will ask. For this reason, it is most

important that NGOs participate so government can prepare for issues that will be raised by the NGO Shadow Report.

Choosing to have a “mock” session will require a lot of preparation. The following will need to be considered:

### **Who will organise it**

Ideally this should be a government initiative, while NGOs can assist by providing expertise and general assistance in the organisation of the session.

### **Who will participate**

It is important that those who are actually members of the government delegation going to New York take part in this process. As these people have busy schedules, it is best the session take no longer than one day.

### **Who will act as the mock CEDAW Committee**

It would be useful to have a mock CEDAW Committee chosen from local people according to their expertise and knowledge about CEDAW. NGO representatives are excellent candidates – they are likely to ask the toughest questions. Contact [RRRT](#) and women’ rights NGOs for assistance in identifying possible “mock” Committee members.

### **If the assistance of a Committee member is needed**

Some States parties invite a member of the CEDAW Committee (present or former) to assist them in this stage of the preparation process. The Committee member will act as chairperson, directing the head and delegation members on how to proceed, as well as guiding the way and type of questions being asked of government. The Committee member will be able to share her (or his) practical experience and answer any questions on how things are done. This is important as it will give the delegation an indication of what to do and what not to do.

Identifying which Committee member you will ask depends a lot on how active they are at the Committee sessions and how good they are in asking questions. There are some members who get asked a lot to assist governments in this type of preparation. Contact UNDAW for more information and suggestions on appropriate and available Committee members.

Committee members are busy people so any request must be sent well in advance. Your request can be sent directly to the member (contact IWRAW for contact details) or through UNDAW. **Remember to budget for traveling expenses for the member.**

### **When to have it**

When planning a mock session, it is important to already have an idea when the government delegation is due to appear before the CEDAW Committee. It is a good idea to have this mock session as close as possible to the date of appearance, but with sufficient time to make necessary changes (for example, in the composition of the delegation if needed). Note that if a Committee member is assisting, allowances for their own work schedule and obligations must be made.

### **Distribution of the State Report**

Make sure that the State Report is distributed to all the mock committee members so they can prepare their questions beforehand.

### **The agenda**

Formulate a meeting agenda based on the format of the official Committee session agenda (**see Annex F**). Include all the closed sessions before the consideration of reports as these sessions determine who asks question on what articles.

### **Questions to raise**

The mock CEDAW Committee must prepare its questions carefully to ensure the delegation is thoroughly prepared for New York. It should meet in advance and prepare a list of questions based on the following sources:

- The NGO Shadow Report
- Questions by the committee to those countries that have already reported (**See Annexes D and I, and visit the UNDAW website**)
- The UN reporting manual – Assessing the Status of Women: A Guide to Reporting Under the Convention on the Elimination of All Forms of Discrimination Against Women. (Available from UNDAW)

## **PART III THE NGO SHADOW REPORT AND DELEGATION**

### **Chapter 9 What is a Shadow Report?**

[Non-governmental organisations](#) (NGOs) have a very important role, through advocacy and monitoring, in ensuring the CEDAW Convention acts as an effective instrument of women's empowerment. For this reason, it is most important that NGOs understand and use the reporting mechanism within CEDAW to maintain government accountability both in-country and at the United Nations.

The NGO Shadow Report to the CEDAW Committee is therefore seen as an alternative, or complementary (ie. completing the picture of the reporting country) source of information to the State Report – addressing government compliance, or non-compliance, with the Convention (ie. what they are doing or not doing on the Convention).

#### **Why are Shadow Reports necessary?**

The State Report is the basis of the CEDAW review and the starting point for the Committee. However, governments are rarely self-critical when reporting before the CEDAW Committee – their reports are often mechanical presentations or lists of existing constitutional and legal provisions without any analysis of how effectively the provisions of the Convention are being implemented.

Therefore a good Shadow Report will provide this analysis, revealing its government's violations or non-compliance of CEDAW and giving the Committee additional information needed for [constructive dialogue](#) with government.

While in the past Shadow Reports were often viewed negatively by governments, highlighting everything government had failed to do, today, as governments and NGOs work more in partnership, they are seen as a legitimate part of the reporting process.

The CEDAW Committee in fact encourages governments to involve NGOs when preparing their reports and in cases where NGOs have not been involved, the Shadow Report has tended to be very critical of government's efforts.

However, if consulted, NGOs, should not think there is no further need to file a separate report. A Shadow Report is always important, even if it compliments the State Report and government efforts in implementing CEDAW provisions. Some NGOs organise their report primarily as a commentary on the State Report, which can be extremely effective.

The Fiji NGO Report (see **Annex G**) was both complimentary and critical – but always diplomatic. In looking at issues or articles pressing for Fiji women, the Shadow Report highlighted what government had done, filled in those areas not covered by government, and provided a critical analysis where needed.

### **The importance of NGO collaboration**

While it is possible for a single organisation to prepare a helpful shadow report, it is wise it be prepared with as wide an NGO consultation as possible.

Many NGOs choose to collaborate with other national and international NGOs in preparing Shadow Reports. Collaboration can also increase the impact of the report on the government. It shows consensus – that the majority are behind the positions taken in the report.

When NGOs do not collaborate and file different shadow reports, the value of each diminishes. The members of the CEDAW Committee will likely not have time to consider multiple reports, and importantly, there is the danger information in the various reports will differ and contradict each other – meaning they will not be considered seriously. Providing one single report to the CEDAW Committee helps members use NGO information effectively.

### **How to get NGOs involved**

It is often difficult to convince NGOs that are already overstretched to help with the report. The best way is to explain the immense impact that the CEDAW reporting process can have on women's rights nationally, through global media coverage and influence from the UN itself. Impress on them the importance of balancing the government's view of the status of women with the view that they see every day in working with disadvantaged women

It may be necessary to gather NGO representatives together for a presentation, in which you explain the benefits, outline possible roles the NGOs could play, and answer any concerns.

### **How to organise NGOs**

It is important to spend time identifying the strengths of each participating NGO, allocating the tasks, resource and cost sharing, and discussing how to make final editorial decisions. In doing this, the following steps could be taken:

- a. If your NGO is putting the report together, make sure it is inclusive and let other NGOs know what is happening right from the start. Invite them to the first meeting so they feel part of the team or let others know through mail what was discussed. The more NGOs that input into the report, the more credible the report.
- b. At the first meeting, start with a brainstorming session on the issues to be included. To do this successfully you will need to have the State Report handy. Remember that your report does not have to cover everything in the Convention. It may be decided to only report on one or two things.
- c. Once the issues are decided, work out who is going to write what (**see below**). This would be the first draft.

d. Once the first draft is ready send the report to all the stakeholders (these could also include other NGOs not at the meetings) either through the mail or electronically through e-mail. Ask for comments and feedback. When all the comments have been received, make the changes and circulate the final draft again. Normally by this time no other amendments are required.

The Fiji Shadow Report was a collaborative effort by NGOs, while RRRT acted as facilitator and coordinated the final draft. Despite differing agendas and personalities, NGOs in Fiji were able to pull together a single Shadow Report at the last minute, demonstrating that it is possible for potentially conflicting NGOs to work together towards a common goal.

First, it is most important to recognise the particular strengths of each NGO and get that NGO to work on the article of CEDAW most relevant to its work. In Fiji's case, organisations and credible individuals accepted by the NGO community were called upon to write relevant sections. The Fiji Women's Crisis Centre prepared the section on violence against women, the Fiji Women's Rights Movement prepared the section on laws concerning women, and the Ecumenical Centre on Research, Education and Advocacy prepared the section on poverty and economics.

Second, be consultative and be prepared to concede points in the interests of compromise. Share drafts of the Shadow Report and welcome constructive comments and re-drafting if there is time. Don't undermine another NGO by rewriting its contribution without consultation and approval.

Numerous civil society groups were consulted over Fiji's Shadow Report and made valuable verbal contributions, including Women's Action for Change, the Fiji Nursing Association, fem'Link Pacific, the Fiji Women's Catholic League and Stri Sewa Sabha / the Girl Guides Association.

Third, if possible, try to get the NGOs who have agreed to work together on the report to agree to sending a team or individual to New York, if funding is available.

Finally, keep discussion and debate focused only on the report, and not other matters that are potentially conflicting. You need a good team leader who can coordinate the report and minimise potential conflict.

### **The team-based approach vs the coordinator approach**

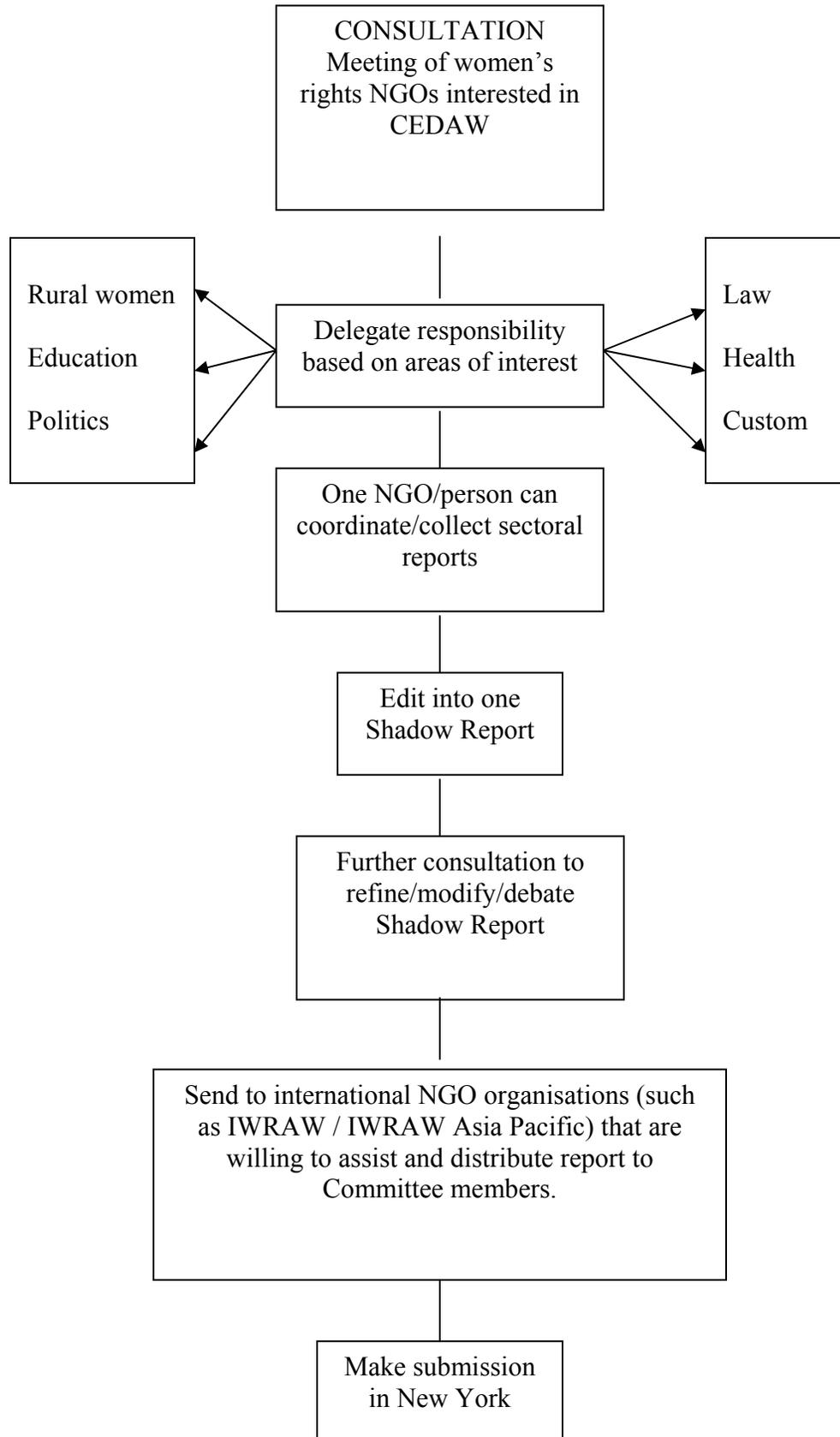
One option is for each NGO to write or prepare the section of the report on which they have the most expertise. This is similar to the team-based approach in writing the State Report, where each team member is a professional in a particular issue covered by CEDAW. (See Chapter 5)

<b>Article</b>	<b>Area/ subject</b>	<b>Suggested NGO or professional</b>
Article 1	Definition of discrimination against women	Team Facilitator / Lawyer/ Crisis centre
Article 2	Obligations of States parties	Lawyer / Law association / Women's rights movement
Article 3	Advancement of women at all levels	Women's rights organisation depending on sectoral interest
Article 4	Temporary special measures	Women's rights organisation working on affirmative action for women
Article 5	Modification of culture and family responsibilities	Women's rights organisation with sociological interests
Article 6	Suppression of prostitution	Women's rights organisation interested in sexuality and poverty
Article 7	Women in public and	Women's wings of political

	political life	parties / women in political projects
Article 8	Women at international level	Women's rights organisation involved in political and international affairs
Article 9	Women's nationality	Lawyer
Article 10	Women and education	University women's or teachers' association / teachers' union
Article 11	Women in formal employment	Trade union / teachers' association
Article 12	Women and healthcare	Nurses' association
Article 13	Women in economic and social life	Women's rights organisation interested in poverty / economic issues
Article 14	Women in rural areas	Rural women's organisation / women's church groups
Article 15	Women and the law	Women's organisations working on law reform / legal rights
Article 16	Women and private life	Women's organisations working on social issues
Articles 17-30	Administrative	Trade unions / women in business

The other option is to hire an expert on CEDAW to collate the information and edit the drafts. In this case, the expert must be someone with expertise in gender analysis, who is able to interpret the real impact of laws, policies and practices on the lives of women. Again, this is equivalent to the sole expert or "team leader" position as described in **Chapter 5** on planning the State Report.

## NGO Consultation Process



## **Chapter 10 What should a Shadow Report contain?**

While the Shadow Report's structure should be organised around the structure of the official State Report, its contents should be based on the nature of the State Report.

If the State Report is frank and candid, the NGOs will not have to add too much else, and can simply provide an update to make it more contemporary. However, if the State Report has glossed over certain facts, issues or problems, these need to be explained thoroughly by the NGOs.

### **A critical analysis**

A Shadow Report can either complement the State Report (ie. completing the picture of the reporting country), or it can be critical.

If your report complements the State Report, be sure to also state any inaccuracies. It is wise to acknowledge the good that the government has done, but do not hesitate to point out the shortcomings either. The honest and open [constructive dialogue](#) will be beneficial to both delegations.

Even if you are criticising the State Report, the tone of the Shadow Report should point out weaknesses rather than be openly hostile or challenging the government. There is nothing to be gained from “bashing” the government in an aggressive manner, or attempting to embarrass it. You can be critical in a constructive manner pointing out the positive gains and the shortfalls. Be subtle (not too subtle!) and polite.

Remember that your women's ministry or national machinery can be an effective lobby within government. You need to support your ministry because it is constantly trying to get more resources and support from within government. Remember: Pacific Island states are small, and at the end of the day, it is in the national interest for NGOs and government to work together.

Fiji was actually praised for the complimentary nature of its Shadow Report, where relevant (**see Annex I**).

### **The facts**

If criticising the State Report, all arguments must be supported by facts – data, statistics and copies of relevant texts or documents – especially when discussing violations by governments. If statistics are unavailable, use case studies, anecdotal or other qualitative evidence.

### **Obtaining the State Report**

State party reports should be available from their Foreign Ministry or National Women's Department or Ministry. Some governments fail to distribute the report within the country, despite the CEDAW Committee's strong recommendation to do so. The government report is a public document and should be available to all citizens once it is submitted to the UN.

In Fiji's case the NGOs only received the State Report two weeks before Christmas and three weeks before they left for New York. This was an enormous drawback in terms of resources and writing.

State Reports are available from the UN for public distribution after they are translated into all UN languages. Frequently the reports may not be available from the UN until fairly close to the beginning of the CEDAW session. Therefore it is important to request the report first from the government. If the report cannot be obtained within the country, contact [RRRT](#), the [UN Division for the Advancement of Women](#), the [International Women's Rights Action Watch \(IWRAP\)](#) or personal contacts for information on the status of particular country reports.

If work on the Shadow Report needs to start before obtaining a copy of the State Report, the guidelines on the reporting structure in **Annex B** should help, as all official government reports should follow these guidelines.

### **Other useful starting documents**

There are many useful documents that can be used when writing the Shadow Report, including:

- **CEDAW reports and Concluding Comments**

The official reports of the CEDAW sessions include questions asked of the States parties in prior reviews. Since 1994, the Committee has also issued Concluding Comments on each country, highlighting shortcomings, accomplishments, and recommended action to further implement the Convention. Copies of the CEDAW reports, and in particular the Concluding Comments, should be available from your Foreign Ministry. If they are not, contact IWRAW or UNDAW.

- **Other NGO Shadow Reports**

These can be obtained directly from NGOs or, in some cases, from IWRAW. IWRAW maintains a list of NGO reports that have been submitted to the Committee and can provide addresses.

- **The CEDAW Convention and the General Recommendations.**

As of mid-1999 there are 24 general recommendations to the CEDAW Convention. General Recommendations are adopted by the CEDAW Committee to give guidance to governments as to the details of specific issues the Committee wishes to see addressed in reports. General Recommendations (Numbers 19 to 24) are quite detailed, but even the earlier ones include important instructions. Copies of the General Recommendations can be obtained from the United Nations, from the treaty websites (see addresses at end of this document), or from IWRAW. They also are included as an annex to the reporting manual, *Assessing the Status of Women* (**see below**).

- **Assessing the Status of Women: A Guide to Reporting Under the Convention on the Elimination of All Forms of Discrimination Against Women (second edition, 1996).**

This manual is published by IWRAW, the Commonwealth Secretariat and the UN. Its main purpose is to assist individuals and organisations to assess the status of women and to evaluate the implementation of the CEDAW Convention. It provides commentary on each article as well as a number of questions on implementation of each article. The annexes include the text of the CEDAW Convention, guidelines for preparation of government reports, General Recommendations adopted by the CEDAW Committee, and the Declaration on the Elimination of Violence Against Women. Available in most of the UN languages from IWRAW.

- Shadowing the States, a set of guidelines for organisation and issue analysis in NGO reporting.

Available from the International Human Rights Law Group, 1200 18th Street, NW, Washington DC 20036 USA. Tel: (202) 822-4600; Fax: (202) 822 4606.

## **Chapter 11 How should a Shadow Report be organised?**

To have the desired impact, it is important that the Shadow Report be as accurate and concise as possible. CEDAW Committee members must read thick reports from at least five States parties, so the first step in winning them over is by sticking to the point.

### **The basic structure**

The information should be organised according to articles of the CEDAW Convention, not by issue.

Structuring your report by article may seem difficult at first, as NGOs are more accustomed to thinking in terms of “issues” rather than CEDAW categories. One useful approach is to identify the main issues, discuss and prioritise them, and then consider which articles of the Convention apply. The Committee will only be able to select a few issues, so decide which are the most important to the NGO community and concentrate the report on these.

If an issue concerns more than one article, choose the article that most allows a full discussion, and indicate briefly the other articles that may cover the issue. You do not have to report on all the articles of CEDAW. You can also initiate other concerns if you feel they cannot be addressed under any of the articles.

The Fiji NGO Shadow Report contained an introduction, a background on the political environment, issues specific to the article and recommended measures. The report covered Articles 1, 2, 4, 9, 10, 11, 12, 15 and 16; and other concerns such as women and the media. **(See the Fiji NGO report, Annex G.)**

Note that the issue must have a corresponding article as State Reports are considered on an article by article basis. Reporting by article makes it easier for the experts to compare the government and NGO report and frame questions from there.

In New York, the Fiji NGO delegation decided that it would be strategic to prepare a flyer highlighting the five most pressing issues for NGOs in Fiji to distribute to the Committee members. (See Annex J.)

### **The articles**

For each article, you must cover three things:

#### **a) Examples or evidence of how the issue affects women in your country in their daily lives**

Be absolutely sure to gather documentation and evidence to illustrate each issue. This is important to make the case for both the necessity and the possibility of change. If the report cannot prove its claims, the Committee is less likely to believe it.

Documentation can include statistics, legal cases, testimony of individuals, news clips, academic research, provisions of national and local laws and regulations. Statistics are most useful if split by age, marital status, class, ethnicity, and circumstances such as migrant status, as well as by sex, if possible. Case histories and testimony should be complete, including enough detail and contextual information to indicate the impact of particular actions or inaction by the government.

#### **b) Obstacles to the elimination of that form of discrimination**

The CEDAW Committee members will find the identification of obstacles and recommended solutions extremely useful to develop a better understanding of the problems faced by the States and provide constructive assistance so that they can meet their obligations.

Do not simply describe the problems. Provide an analysis of the problems, the effect on women, the evidence, and the suggestions for change. Do the same when discussing government policies and new laws, ie, be sure to analyse the impact these have had on women in both rural and urban regions, of all races, ages and social positions. Provide evidence to support your analysis such as [sex disaggregated data](#).

In the Fiji Shadow Report the NGOs highlighted the obstacles to women's progress presented by the political crisis of an attempted coup d'état in 2000, pointing out how increased levels of poverty had put the progress of women back 20 years. The Shadow Report also explained the obstacles to the passing of several pieces of key legislation. This also provided an opportunity for the Committee members to suggest ways of removing obstacles to the Fiji Government in their Concluding Comments.

**c) Specific recommendations for addressing the problem**

Recommendations for action should be concrete, suggesting specific action. You might want to refer to the CEDAW General Recommendations or previous Concluding Comments of the type of words to use. The more specific your suggestion, the more power it carries. For example, "government should protect women from domestic violence," is not very helpful. It would be better to say: "government should a) collect accurate data on the incidence of domestic violence against women (on the national level, local level, etc.); b) increase the allocation of resources to women's shelters by 50 per cent; c) train the police to insure that they offer battered women timely assistance."

The Shadow Report should address any questions that have not been answered from previous reports before Concluding Comments from the Committee.

In addition, Committee guidelines also say reports should discuss how well the government is implementing the Beijing Platform for Action. The Beijing Platform of Action is a document endorsed from the United Nations Fourth World Conference on Women held in Beijing, China, in 1995. It is an agenda for women's empowerment. The document outlines 12 Critical Areas of Concern that need to be addressed to further advance the status of women.<sup>5</sup>

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<sup>5</sup> For a copy of the Beijing Platform of Action visit the United Nations website, or contact your department or ministry of women.

**d) The government's current reservations, if relevant**

If your government has entered reservations to the Convention, it is important to suggest the changes that would allow for withdrawal. This could include analysing the reservations in light of the current law and actual state of society and suggesting ways to narrow the reservations, or suggesting changes in law and policy that would lead to withdrawal. Include all accounts of NGOs efforts relating to the withdrawal of government reservations.

Fiji NGOs worked together to get their government to withdraw reservations to CEDAW. Reservations had been placed on Articles 5 (on customary law modifications) and Article 9 (on nationality and citizenship). They did this by first contributing to and influencing the Constitutional review process in 1995-6, which then led to a democratic and pro-human rights Constitution being passed into law in 1997. Once the Constitution became law it paved the way for NGOs to ask government to withdraw the relevant reservations, pointing out that the reservations were no longer an issue given that the new Constitution had removed all forms of discrimination against women. The government then removed its reservations to CEDAW.

Reservations are supposed to be made with an eye to eventually withdrawing them as the law and culture change to better allow for meeting Convention obligations. They are not supposed to indicate a total refusal to change.

**Formatting the report for maximum effect<sup>6</sup>**

The report should be limited to no more than 30 pages – Committee members are more likely to read a brief document.

The report should include:

- A title page including title, author(s) and date of the report (include here the names of all NGOs that contributed to the report)

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<sup>6</sup> This section is drawn from “Tools and Techniques – The Report: Putting it Together”, *The Tribune* #58 (International Women's Tribune, New York, 1998). Reproduced in *Passport to Dignity* (see bibliography).

- An executive summary (**see below**)
- A table of contents (regardless of length)
- An introduction that gives more information about the production of the report
- The main body, organised by Convention article, including recommended actions
- Concluding remarks
- Annexes (if necessary: can include text of important laws if not already provided by the State Report, lists of references or NGOs in report preparation, etc.)

### **The Executive Summary**

An executive summary is a brief overview that allows busy readers to almost instantly get a clear idea of the main points in the Shadow Report. A good executive summary saves time for the reader and helps determine which part of the report is of most interest. It should state clearly where in the report the reader can find more details about a particular point if she wishes to know more. It is imperative for use by CEDAW members whose first language is not the language in which the report is written.

An executive summary is usually no more than three pages long (if the body of the report is over 20 pages, the executive summary can be longer). Information must be concise, accurate, and carefully selected from the full report.

It should include:

- the main points of the report
- the evidence/data included to support the main points
- recommendations for government action to address the key issues, in language the Committee can use in its concluding observations.

The executive summary is often the most difficult part of the report to produce, and should be written after you have written the rest of the report

Writing the executive summary also acts as a test of the quality and conciseness of your report. You should be able to summarise all the information about each article into one

paragraph. If you cannot do so, it probably means that the information in the discussion does not have a clear focus and may have to be reorganised.

Likewise, every important paragraph can be reduced to one sentence. However, you do not need to summarise every single sentence or paragraph – only the most important.

The executive summary should include specific terms or points that the Committee could use in asking questions and drafting concluding observations.

Include some background information about your country or region – for example: the political context, the situation of women and any other relevant information.

The Fiji NGO Shadow Report did not have an executive summary, but contained an introduction and background chapter on the political environment instead.

### **When and where to send the report**

The report must be sent to [IWRAW](#), who will be able to assist you in forwarding the information to the Committee members. NGOs are advised to send in their Shadow Reports at least six weeks before their government is scheduled to appear before the CEDAW Committee. This gives Committee members time to understand and verify the information provided and for it to be translated into the six official languages of the UN upon request of the Committee members.

Because the Fiji NGOs had very little time in which to prepare their Shadow Report, it was impossible to send a copy in advance. To get around this, the report was summarised (see **Annex J**) and translated into French and Spanish by UN translators for those Committee members whose first language was not English. (This is very important as English is not the first language of many of the Committee members.)

**Subsequent periodic Shadow Reports**

Every subsequent State Report requires a further NGO Shadow Report. The subsequent Shadow Report need only to explain the situation as it stands in your country at the date of the report.

## Chapter 12 Who should be in an NGO delegation?

The NGO delegation to New York – if there is one – is as important as the government delegation. For NGOs, going to New York is not just about presenting the report; it is about effectively raising their concerns with members of the CEDAW Committee on the most pressing issues in the Shadow Report.

### How to decide who should go to New York

Because funding (see Chapter 16) is always an issue in deciding who should go to New York, you must choose your representatives very carefully. The NGO delegation should:

- Represent the diverse racial, ethnic and NGO composition of the country, if possible.
- Include a women’s rights lawyer. The bulk of official questions from the CEDAW Committee to NGOs contain legal elements, mostly because CEDAW is legally binding under international human rights law. It is also most important that the lawyer be very knowledgeable about women’s issues and rights.
- Include a media representative. They can create good publicity from New York with updates of the daily proceedings, photographs etc (see Chapter 17).
- Include knowledgeable people: people who know CEDAW and have an excellent working knowledge of gender issues, and who can analyse different sectoral reports. Such people should also have a proven history of NGO work, preferably in women’s issues.
- Include people who have strong interpersonal communications skills, who would not be afraid to approach and discuss issues of concern with members of the CEDAW Committee. Such people must be articulate, non-confrontational and proactive.

When in New York, CEDAW Committee members told the Fiji NGO delegation it was “a shame” that Fiji’s official delegation was all indigenous Fijians.

### Participate in a “mock” CEDAW session

Find out if the government delegation is organising a “mock” CEDAW session, and get involved. If not, organise your own based on that **outlined in Chapter 8**.

### **How to get accreditation to appear before the CEDAW Committee**

To get accreditation, NGOs must link up with an NGO that has Special Consultative Status with the Economic and Social Council of the United Nations (ECOSOC) – such as [IWRAW](#). The assisting NGO will help arrange accreditation and with application procedures for delegations.

All applications for accreditation must be verified and ID passes collected before the meeting opens at 801 United Nations Plaza (on the corner of 45<sup>th</sup> Street and 1<sup>st</sup> Avenue, New York), UNITAR building, Pass and Identification Unit.

Finally, and most importantly, allow plenty of time to collect the pass, as lines can be extremely long. If members of the delegation intend to attend UN meetings on a regular basis, return the passes to the centre at the end of the session and accreditation won't have to be sought again.

### **What to do if NGOs cannot go to New York**

Do not despair! There are international and regional NGOs who always attend these sessions and can present your report for you. Although it will not be the same, it is a viable alternative. If this is the case, you must:

- Find out which international and regional NGOs will be at that particular session
- Make contact with these NGOs and see if they are willing to present your report
- If so, send them your report as soon as possible
- Brief them on how to respond to questions
- Send your report to IWRAW advising them of your arrangement

#### **Useful tip**

Get in touch with IWRAW or the International Women's Tribune Centre, who can help find an organisation to represent you before the CEDAW Committee.

## **PART IV THE CEDAW REPORTING SESSION**

### **Chapter 13 What happens when appearing before the Committee?**

There are a number of formal procedures to be followed when presenting a report before the CEDAW Committee at the United Nations in New York – from where to sit to when to speak. And while the thought of appearing before a UN committee may be intimidating, the reality is often the opposite.

Government and non-governmental organisations (NGOs) are each allocated times to present their reports and answer any questions put to them. **(See Annex F for an example agenda.)** Following is a summary of what to expect at the sessions.<sup>7</sup>

#### **FOR GOVERNMENT DELEGATIONS...**

A State party reporting session begins with a closed pre-working session for the Committee, where the agenda for the day is set and each member indicates the articles he or she will ask questions on. The session is then open to all, including NGOs and the public.

#### **Seating arrangements**

The head of delegation sits on the dais next to the chairperson of the CEDAW Committee, facing the Committee members. If the State party representative to the UN is accompanying the delegation then he or she sits next to the head of the delegation. Support staff sit behind them or, if required, on the floor working the multimedia equipment.

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<sup>7</sup> Note: All sessions are open except when the working group is meeting for internal matters.

### **Introductions and oral overview by the delegation head**

The Committee chairperson welcomes the government delegation and then invites the head of the delegation to introduce members of the delegation, as well as the State Report.

The head representative does this by giving an oral overview of the report and an update of activities that have occurred since. This presentation includes a brief synopsis of the political, economical, and social background of the country and an update of the report if there has been a lapse between the time the report was prepared and the presentation. This part of the session is usually 1 hour long.

In her introduction, the Fiji Assistant Minister for Women summarised the State Report and updated the Committee members on events in Fiji since the May 2000 political crisis (the report was written before May 2000). In effect, the Assistant Minister presented two reports – the written report first and then the updated one. **(See Annex C.)**

### **Questions by the CEDAW Committee**

When the representative has completed the presentation, the chairperson thanks the government delegation and invites Committee members to comment on the report and ask questions. This is not an interrogation or cross-examination, but an opportunity for the Committee to clarify issues or expand on areas of particular interest or concern. The delegation is not expected to respond immediately.

The first round of comments and questions cover issues not included in the report, but which the Committee members were alerted to by the NGO Shadow Report and other independent sources, such as donor and other UN reports. These questions and comments are referred to as General Observations. Questions relating to reservations are usually asked first.

After the General Observations, the Committee members are invited to ask the government delegation questions on each article. These are asked on an article by article

basis. Not all the experts will ask questions on all the articles, and some articles may have more questions than others.

This part of the session is allocated 3 - 3½ hours on the agenda.

### **Useful tips**

When presenting the report, highlight the key issues – do not read directly from the report.

The Committee members do not give written records of their questions – so make sure at least two people in your team record all the questions, preferably word for word. Be prepared with a laptop or plenty of writing paper.

The questions asked of the Fiji Government delegation, found in **Annex D**, are a good example of the types of questions (and the language used) by the Committee. For further examples, see *Assessing the Status of Women: A guide to reporting under the Convention on the Elimination of All Forms of Discrimination Against Women*.

### **Government response**

When all the questions have been asked, the chairperson will invite answers and explanations to the questions. States parties presenting initial reports are not expected to answer the questions immediately – they are usually given about five days to prepare and respond. **(See Annex E for the Fiji Government’s responses.)** This time there is no interrogation or further questions by the Committee. It will consider all government’s answers to their questions without any further comments. Any issue or comment that has not been dealt with by government will be addressed by the Committee members in the Concluding Comments. **(See next chapter.)**

This part of the session is allocated 3 hours.

## **FOR NGO DELEGATIONS...**

The 26<sup>th</sup> CEDAW Session in 2002 was the first time non-governmental organisations were allocated time on the official agenda in which to directly address the Committee. **(See Annex F.)** In the past, NGO communications with the Committee had been limited to the written Shadow Report and unofficial lobbying of members outside of the meeting. This allocation of time for a special hearing demonstrates the importance the CEDAW Committee now places on a Shadow Report during State party reporting sessions.

All eight countries appearing before the CEDAW Committee at the 26<sup>th</sup> Session had NGO delegations. In some instances one country had at least three or four different NGOs covering different issues of expertise.

In one case, an NGO was not able to attend that day, and had a US-based NGO representing it. While, this is possible, it is important to note that it is not as persuasive or legitimate as having a national of the reporting country representing the NGOs.

### **Seating arrangements**

NGO representatives sit behind the Committee members, facing the Chairperson who is seated on the dias.

### **Introductions and oral overview by the delegation**

The Committee chairperson welcomes the NGO delegation and invites introductions. NGOs are then allocated ten minutes each to make their oral presentations – so it is important to be prepared, know the issues well, and to be able to summarise the Shadow Report clearly and concisely.

Two members of the Fiji NGO delegation each spoke for 10 minutes on different issues.

English is not the first language of at least two-thirds of the Committee members. If making the oral presentation in English, speak very slowly and clearly. If the member cannot understand you properly, he or she will lose interest quickly.

NGOs should also prepare a summary of the most important issues in the Shadow Report to be given to each member before the presentation. If possible, get the summary translated into the official UN languages. This summary is very important for those Committee members who are not comfortable reading the full Shadow Report in English.

### **Questions by the CEDAW Committee**

Committee members may choose to ask questions based on the Shadow Report and presentation. Once again, NGO representatives must be well prepared and answer question effectively as only a limited time given. **(See Annex I for questions asked of the Fiji NGO delegation.)**

#### **Useful tips**

NGOs are known to be very good lobbyists mainly due to the nature of their work and how they have had to get things done. It is these same techniques that NGOs need to adopt and use in New York in getting heard by the CEDAW Committee members.

Following are some useful tips that NGOs should keep mind when in New York:

- \* Introduce yourself to every Committee member individually.
- \* Give each member a package of materials including the Shadow Report, report summary and business cards. (If some members are not available, put the package in their UN pigeon holes.)
- \* Tell them about your NGO and the work you do.
- \* Let them know you are available anytime and where you can be contacted while in New York.
- \* Make sure they remember you – smile, say hello –and make an impact.

Note: It is important to get the State Report to all the Committee members before the government presents its report – it may be heavily relied on by the Committee when

asking government questions. (A significant amount of questions put to the Fiji Government delegation were based on the NGO Shadow Report.)

## Chapter 14 What are Concluding Comments?

Once the government delegation has responded to the Committee's questions, designated Committee members will draft up Concluding Comments. These comments are sent out immediately to the government concerned and serve as the take-off point for the Committee when they examine the government's next report.

The Concluding Comments are a summing up of, and commentary on, the State Report by the Committee. Concluding comments are a little bit like a court judgment – they are highly persuasive instructions requiring the State to comply with their recommendations. They are not binding in the sense that the State will be “punished” if it does not comply. However, States generally do – to ignore a UN Committee would attract unnecessary attention both domestically and internationally. They also give NGOs an opportunity to mobilise around non-compliance by the State.

Concluding Comments are a mix of:

- discussions
- summation of the areas requiring improvement especially on those commitments not met by the government concerned
- the remaining questions and unresolved issues
- recommendations identified by the Committee.

### Useful tip

- Be sure to obtain a copy of the Concluding Comments for your country either from the UNDAW or IWRAW websites.

## **Drafting the Concluding Comments**

A Committee member is nominated as rapporteur and, with [UNDAW](#) assistance, compiles extra information on the situation of women in the reporting country. The rapporteur then presents these findings at a closed Committee meeting.<sup>8</sup>

The main issues and trends are discussed at the meeting and the rapporteur then drafts the Concluding Comments in close collaboration with the general rapporteur of the Committee and UNDAW.

### **For NGOs...**

NGO concerns are not necessarily reflected in the Concluding Comments, but you must use this opportunity to raise them with various Committee members. They are often keen to discuss issues of concern and areas that should be included or highlighted.

The Fiji NGO delegation found that about half its concerns were reflected in the Concluding Comments, while the rest weren't (for example, the need to secure a legal framework for NGO registration and free speech).

## **The structure<sup>9</sup>**

Concluding Comments are divided into four sections:

### **a. The introduction**

The introduction looks at whether the State Report has followed the Committee's guidelines for the preparation of reports, how informative the report was, the status of any reservations and gives the Committee's general recommendations.

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<sup>8</sup> In the case of periodic reports, the rapporteur's report is sent in advance to the pre-session working group.

<sup>9</sup> This section is based on extracts from *Assessing the Status of Women* (see bibliography), pp 98-99

**b. The positive aspects**

This section is organised in the order of the articles of the CEDAW Convention.

**c. The factors and difficulties affecting CEDAW's implementation**

This section describes major reasons why CEDAW has not been fully implemented in the reporting country. Any reservations or legal blocks to the Convention are also addressed.

**d. Principal areas of concern and recommendations**

This section discusses those issues of most importance to the reporting country and provides proposals on the problems identified. Where appropriate, the Concluding Comments include suggestions about possible technical assistance from the UN in such areas as law reform.

**Distribution of Concluding Comments**

Countries are encouraged to distribute the Concluding Comments as widely as possible in order to ensure the people of the country, and in particular government, civil servants and women and human rights organisations, are aware of the steps that have been, and will be, taken to ensure real equality for women.

**State requirements**

Concluding Comments should be used as a guide to future priorities for implementation of the Convention and in the preparation of the next periodical report. The State does not respond to the Concluding Comments, but is required four years later through its subsequent periodic report to explain why any recommendations were not complied with. The Concluding Comments will also act as a starting point for the Committee when it considers your country's next report.

## **Chapter 15: Returning home – what next?**

The CEDAW experience should not end on returning home – it is an ongoing process where Committee recommendations should be implemented and lessons learnt put into good use.

### **Share the experience**

On returning from New York, it is important that both the government and NGO delegations formally report back to partners and contributors to their reports. This should include a summation of the oral presentations, the CEDAW Committee's questions and the wide distribution of the Concluding Comments.

Delegation members should also openly share their experiences as lessons learnt can be put to use not only in relation to CEDAW, but for any UN reporting process. There are numerous ways to do this:

- Get the media onboard – hold a press conference or set up radio, television and newspaper interviews to bring the CEDAW experience to the public.
- Hold public or student seminars.
- Arrange meetings with donors and regional organisations dealing with CEDAW.
- Organise workshops for government or NGO groups preparing to write and present their own UN reports.
- Offer to act as a resource person for groups writing reports.

NGO representatives compiling Fiji's Shadow Report for the United Nations Convention on the Elimination of All Forms of Racial Discrimination (CERD) claimed experiences shared by the CEDAW NGO delegation were a great help in preparing for their own presentation in Geneva later that same year.

### **Make the most of Concluding Comments**

Concluding Comments can be used to create dialogue and publicise key issues back home. They provide a good basis for advocacy strategies and publicity activities centred

round CEDAW. They can also be used to monitor government activities between now and its next report.

### **The Fiji Government...**

The Ministry for Women has actively begun putting the CEDAW Concluding Comments on Fiji on the agenda of the various government taskforces. To date the taskforces (Women and the Law, VAW, Gender Mainstreaming) have all worked on the comments and identified the various areas that each taskforce is to look at in terms of the recommendations that the Committee had highlighted.

### **Fiji NGOs...**

NGO participation at the CEDAW meeting had an immediate and significant impact back home – the critical, but controversial Family Law Bill was put back on the legislative agenda. (The Bill had been promised a smooth passage in Parliament by the then Prime Minister in May 2000, but an attempted coup on 19 May prevented its Second Reading in the Lower House.)

On their immediate return, the Fiji Women's Rights Movement and the former Commissioner of Family Law, a RRRT staff member who attended as part the NGO delegation, lobbied the Attorney General to reintroduce the Bill to Parliament, pointing out that the CEDAW Committee's Concluding Comments (**see Annex K**) highlighted the urgent need for Fiji to adopt the new Bill. (The Ministry of Women also used the Concluding Comments to get the Bill back on the agenda.)

This major orchestrated effort was furthered by the NGO's skilled use of the media after the CEDAW Meeting, highlighting the CEDAW Committee's singling out of the Family Law Bill.

As a result, on 1 February, 2002, the Attorney General reappointed the Family Law Reform Commissioner, with the brief to familiarise all new Members of Parliament with the Bill. The Bill is scheduled for its second reading before the end of 2003.

## **PART V      OTHER MATTERS FOR CONSIDERATION**

### **Chapter 16   Where can funds and technical assistance be found?**

One of the main arguments or reasons given by governments for not submitting reports to the CEDAW Committee is that they don't have the financial resources and capacity to prepare them.

However, [ratification](#) of an international convention is a very serious legal decision with obligations, meaning that [States parties](#) have no choice – they **MUST** prepare and submit regular reports.

Everyone has a legal obligation to obey the laws of the country in which they live whether they like it or not. In the same way, States parties must obey international law – especially if they have ratified a convention.

#### **How to ask for funding**

##### **For governments...**

Governments seeking financial assistance must be clear on the activities that they want funded. This is best outlined in the Report Writing Proposal (**see Chapter 5**). Funds will be needed to cover a wide variety of expenses, from consultants and consultations when compiling the report, to translators and administration costs, to travel and accommodation when presenting the report in New York.

##### **For NGOs...**

Prepare a short proposal outlining the importance of compiling a Shadow Report and sending a delegation to New York. Going to New York for three weeks is a very expensive exercise – use the information in this manual to justify your proposal. Prepare a proper budget with quotes from travel agencies etc. Explain the composition and justification for the delegation (ie. why certain individuals have been chosen.)

Experience has shown that, while in theory governments and donors are supportive of NGO shadow reporting, they are not so keen to fund the initiative. Many donors are concerned that financial or technical support to NGOs to write a Shadow Report might be viewed by governments as interference in the internal governance of the country. There is a strong need to educate governments and donors that shadow reporting is a legitimate part of the reporting process – this can be done in the proposal.

### **Who to ask**

There are a number of donor agencies funding activities in the Pacific Island countries – all can be approached without any fear that financial assistance will give it any veto over the report's content.

An important source is the United Nations Development Fund for Women Pacific. UNIFEM Pacific is exploring setting up a trust fund for NGOs wishing to compile and present a Shadow Report to the CEDAW Committee. The fund covers technical support and travel to New York.

Other donors in the Pacific include:

- AusAID
- Canada Fund
- International Women's Rights Action Watch (IWRAW Asia Pacific) (For NGOs only)
- NZAid
- United Kingdom Department For International Development (UK DFID)
- United Nations Development Programme (UNDP) (For government only)
- United Nations Division for the Advancement of Women (UNDAW)

**Many agencies will also be able to offer technical assistance in the form of information, data, statistics, sectoral reports and consultants. These include:**

- Fiji Women's Rights Movement (FWRM)
- International Women's Rights Action Watch (IWRAW – Asia Pacific)

- Pacific Foundation for the Advancement of Women (PACFAW)
- Pacific Regional Human Rights Education Team (RRRT)
- United Nations Development Fund for Women (UNIFEM) Pacific

**(For contact details, see p **XXXXX**.)**

**Useful tip**

If an NGO request for funding is rejected, ask a New York based partner or NGO to present the Shadow Report for you. **(See Chapter 12.)**

## **Chapter 17 Why cover the CEDAW story?<sup>10</sup>**

For the most part, media coverage tends to treat CEDAW as a far-off, technical document from the United Nations in New York. But this doesn't have to be the case. The media, government and NGOs can all work towards bringing CEDAW home – helping it make sense and become something real and interesting for the people of the Pacific – and using it to promote equality for women.

### **Covering CEDAW at home**

#### **What stories can come out of CEDAW?**

Reporters tend to write about stories that have a potential conflict, or feature issues of inequality and unfairness – a buyer didn't get what he or she paid for, a politician didn't deliver what he or she promised.

CEDAW and the issues involved can also be exciting stories worth covering. If the legal systems and constitutions of our countries are founded on equality and freedom, what are we doing with laws that discriminate against women? How does this discrimination affect equality in the workplace, in schools, in marriage, in our cultures and families? What have we done about this discrimination? What should we do? Are our governments acting on the idea that the best development possible is achieved when women have full equality?

Good reporting on CEDAW is about looking at what the document really means for women in a country, looking into the stories behind the articles, linking those stories to real lives and situations in the communities. The CEDAW articles provide an excellent guide to the issues journalists can cover. CEDAW can help a journalist look at the situation of women in his or her country, article theme by article theme.

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<sup>10</sup> This chapter was contributed by the Pacific Women's Bureau, Secretariat of the Pacific Community.

Take Article 10, about education (**see Annex A**). Do girls and boys enjoy the same access to scholarships and study areas in their schooling years? What do the results mean? Are there gender differences in results or statistics that tell us there's a need for change? Could girls feel comfortable studying 'technical' subjects and more boys more comfortable studying 'humanities' subjects?

Or consider Article 11, about work. Do women have the right to the same employment opportunities as men? Do they have the same pay? What are their maternity leave rights? How do those rights affect their job security?

These two areas alone will lead to stories of interest because discrimination, especially when it happens under our very noses, is something people should be informed about – it is in the public interest to know. It is a major development issue too, because when half the population (its women) is being held back by structural and systemic discrimination from full participation in development; the country is basically being held back.

### **Reporting on CEDAW in-country**

**For media professionals**, the first step in covering CEDAW issues locally should be to find out the status of the Convention in their country: has the government ratified it? Has it placed reservations on CEDAW? Has or will it be reporting to the CEDAW Committee in the near future? Is there an NGO Shadow Report? Are copies of current or past reports available?

However, a country does not need to have ratified the Convention for a journalist to report on the issues it addresses. Equality between men and women is something Pacific Island leaders have already committed to through the Biketawa Declaration, which they signed at the Pacific Islands Forum meeting in Kiribati in 2000. A government may have also signed other conventions or declarations that commit them to the principles of equality and non-discrimination. They may already be incorporated into national constitutions or legislation.

CEDAW ratification really just provides another means towards that end. The principles as outlined in the Convention can be covered as meaningful stories whether a country has ratified the convention or not.

### **Media advocacy at home**

The responsibility of informing communities about what CEDAW means, and making the most of the media, lies with those government and NGOs involved with the Convention. Networks can be used to gather vital information, and skills in creating words and images used to make CEDAW a highly relevant, living convention which is a help, not a hindrance, towards a better deal for Pacific women.

To stir up the debate, think about the audience. It is highly likely that they do not have the basic information with which to enjoy a debate – and a media campaign will be necessary to start up public discussion. How the debate is planned depends on networks in-country, relationships with contacts in government and the non-government sector, and the personal faith held in the role of the media and quality of coverage in your country.

Ways of informing people or creating attention around CEDAW could include:

- Organising a talkback session about CEDAW on the local radio station (use existing women's radio programmes, or similar).
- Simplifying the Convention and translating it into the local language (if this has not already been done).
- On-the-street opinion polls asking people what CEDAW is (for journalists in particular).

### **Covering CEDAW in New York**

#### **Attending a reporting session**

Covering a Pacific Islands nation CEDAW reporting session – as an independent journalist, a journalist accompanying one of the delegations, or as a member of one of the delegations acting as media liaison – is a dynamic and exciting experience.

It is here journalists will hear comprehensive national reports by government (and, hopefully, NGOs) on the definitive status of women and the discrimination they face in the reporting country. And most importantly, it is here they will gain access to information, debate and advice about the steps being made towards eliminating that discrimination.

It is essential that both reports are covered to get the full picture of the situation of discrimination against women in the country. The NGO Shadow Report will serve as an invaluable guide to areas that might need special attention – it adds to the information in the State Report by filling in any gaps or providing another side to the story. These reports will then basically serve as an article-by-article revelation of stories on actions taken in our Pacific Island countries.

A bonus provided by the CEDAW reporting process is the CEDAW Committee itself (**see Chapter 3**). The Committee members are the best source of information and stories in their own right. They have heard the situation of women from countries the world over. Journalists can talk to them, sound them out about their ideas on particular issues, and help them get a feel for the Pacific region. They are making direct contact with a very special team of people for a very short time – their stories can then be more informed, and as a consequence, their audience.

### **Funding**

Given the high cost of attending any meeting in New York, it will probably be necessary to send a proposal to an interested donor, particularly one that may be assisting with funding for the official and/or NGO delegates. (**See Chapter 16 for more information.**)

However, before asking for funding, identify possible publishers or producers for your stories; firstly because it is good to maximise the spread of stories filed, and secondly because funding supporters want to know if their investment is going to be worth it.

The Fiji experience was widely reported back home at the time. See **Annex L** for sample media releases and stories.

Requests for logistical or financial advice could also be sought from the Pacific Islands Broadcasting Association (PIBA) and Pacific Islands News Association (PINA) – two regional media organisations<sup>11</sup>. PINA would most likely send reporters from its regional network to cover events for the region. PIBA would send one of its full-time Suva-based staffers, but may be open to suggestions if the applying journalist has close experience of the issues involved and comes from the reporting country.

However, if neither is planning to cover the event, they may be keen to run any stories filed. Keep in mind that the same story should not be sent to PINA and PIBA – snappy radio-ready updates should be sent to PIBA and longer print versions to PINA – while working on specific media releases or projects for the home country.

### **Accreditation**

The best way to get into the UN system and have access to your delegates is to be part of the government delegation itself. While media workers tend to have separate accreditation for UN meetings, to avoid reporters badgering and filming delegates without their permission, being on the official delegation gives the media worker roaming and access privileges in the UN which are hard to beat. Of course, the journalist needs to ensure that this inclusion in the delegation is not problematic in terms of independent coverage of the session, especially given the shadow reporting process, which requires working closely with the NGOs. If the journalist cannot get on the country team, then try the NGO team, and if all else fails, apply for media accreditation.

If a member of the government or NGO delegation, the accreditation process starts at home with the initial registration process (**see Chapter 12**).

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<sup>11</sup> At time of writing talks were underway between the two organisations for a merger planned for sometime in 2003/4.

If the journalist is part of a delegation, accreditation can be obtained from the [UN Division for the Advancement of Women \(UNDAW\)](#). This process should start from home, a month before the CEDAW sitting. The contact person is the Chief of the Coordination and Outreach Unit within UNDAW.

Covering media must submit a request for UN access on letterhead to the UN Accreditation Office (fax: (+212) 963 4642) and then call (+212) 963 5934 / 7164 to confirm the fax has been received. Print journalists and photographers may also be required to submit proof of publication.

Once the request is verified, the official pass must be collected before the meeting opens at 801 United Nations Plaza (on the corner of 45<sup>th</sup> Street and 1<sup>st</sup> Avenue, New York), UNITAR building, Pass and Identification Unit. Two forms of photo ID and a passport with the appropriate journalist visa will be required and it is sometimes useful to take a copy of a letter from the employer. Finally, and most importantly, allow plenty of time to collect the pass, as lines can be extremely long. For further information see the UN website ([www.un.org/geninfo/malu.htm](http://www.un.org/geninfo/malu.htm)).

Never forget to wear the photo ID – UN security is very strict and will not allow anyone into the session without it. If intending to attend UN meetings on a regular basis, return the pass to the centre at the end of the session – and accreditation will not have to be sought the next time.

### **Filing stories**

The UN provides some computers with free Internet access during the reporting sessions. They are available to all delegates first thing in the morning until about 8pm at night – but demand can be quite high. Hotels offer Internet access at a cost, but 24-hour Internet cafes are a cheaper alternative. Phone booths are also located near the meeting venue for filing voice reports and interviews.

If sending images or sound, check with the UN Public Information officials. For those working with vision, UN TV has a stock library of images and takes requests for images. All footage used must be credited, and charges may apply.

### **Permission**

As a matter of protocol, if the journalist wishes to photograph or film the reporting session, permission must be sought from the session chairperson well before the meeting. The journalist should also distribute a short letter informing participants.

### **Useful tips**

- Use the UN information officers for background on the meeting and information on getting round the system. Take a look at the UN website for history and up-to-date information on the CEDAW meetings in progress. The Australian and New Zealand missions are also good sources of information and helpful staff.
- Feed body and mind: The UN might be a daunting place, but a handy place to find people and network is the canteen (just follow the crowd). CEDAW Committee members go there to relax alongside government and NGO delegates, UN staff, people attending other meetings, and journalists.
- Compile a list of hotel phone contacts for members of the government and NGO delegations, as well as the missions and offices they are likely to spend time in.

### **Reporting from home**

If travel to New York is impossible due to lack of funding, the reporting process can still be covered via the Internet. Keep an eye on the UNDAW website for news releases and updates of the daily sessions compiled by the rapporteurs. These give a detailed account of sessions and are great for a rundown of the process as it affects the reporting countries.

For images, a delegation member could take a digital camera and email photographs of the event. For television, a photo and some footage of a delegation member could run with a phone interview. For radio, a phone interview could be broadcast. Either way, a panel discussion on the issues being debated in New York provides a timely link between the country's report to the UN, and the audience at home.

### **Back home: what next?**

The CEDAW reporting process is an ongoing one. There are a few key issues to consider on returning home:

- CEDAW can be seen as a measuring or monitoring tool. The convention tends to have this undeserved image as something imported that is being inflicted on us, and threatens to change our cultures. It's not. CEDAW is a monitoring tool to assess the extent of discrimination against women, and to see what we are doing about it.
- CEDAW is a development issue which concerns us all. Try not to refer to CEDAW issues as women's issues. CEDAW may be widely known as the women's convention, but the issues involved are about equality, justice and progress for all.
- Never do CEDAW stories just for the sake of a CEDAW story. Do CEDAW stories because they are good news leads and are timely. Be aware that public interest in any issue will never maintain a permanent high, no matter how important. Know when to raise the issues. Know when we need to be reminded about reporting obligations. Use trigger events to link us back to articles (such as March 8, the International Day for Women, or December 10, International Human Rights Day) or ask those compiling and working on the report to hold regular media conferences.
- And most of all enjoy the process of widening debate in local communities on areas that may be suffering from too much shadow and silence.

## **Chapter 18 Why get a Pacific Island representative on the CEDAW Committee?**

With their unique experiences and perspectives, Pacific Island women have much to offer CEDAW. Their struggles in getting women's rights recognised in the home, in the community, and nationally are highly relevant to women around the world. Having a Pacific Islander on the CEDAW Committee would add to the spirit of the Convention and truly reflect the diversity of the United Nations membership.

### **How are CEDAW Committee members appointed?**

Members are elected by their own States parties, although they do not serve as a representative of their State, but as individuals. They are elected for a term of four years – meeting twice a year in New York and corresponding regularly via email. The rules for electing members onto the CEDAW Committee are laid out in Article 17 of the Convention.

### **How the election process works**

At least three months before the date of each election, the Secretary-General of the United Nations will write a letter to each State party inviting it to submit its nominations for CEDAW. Government nominations must be made to the UN within two months of receiving the letter of invitation.

Nominees are then elected by secret ballot at a meeting of State parties at the UN headquarters. Each State party present has only one vote and the candidates with the largest number of votes are elected in.

Each UN region has a certain number of seats to ensure wide geographical and cultural representation in the Committee.

For example, 12 seats became vacant in 2002 – five from Africa, three from Europe and four from Asia. For example, if there were 22 nominations for these 12 seats – eight from

Africa, seven from Europe, four from Asia and three from the Pacific – at elections, the five African seats will be elected from among the African nominees, the four Asian region seats will be elected from among the Asian nominees and so on. The Pacific comes under the UN's Asia Pacific Region, which means that our nominees must compete with the four nominees from the Asian countries.

If a member unexpectedly has to vacate his or her position, that member's State party, appoints another expert from among its nationals, subject to the approval of CEDAW.

### **Choosing a candidate**

The CEDAW Committee needs to be balanced in terms of region, rather than nationality or country. Members from a particular region will play a huge part in bringing forward the views of that entire region. They do not have to be from your own country in order to represent your views, but remember you cannot nominate a person from a country that is not a State party to the Convention.

Members of the Committee must be “experts of high moral standing and competence in the field covered by the Convention”<sup>12</sup>. He or she must also be someone who has had a lot of international exposure and extensive background on gender.

Getting a delegate from the Pacific Islands on the Committee will require strategic planning. It will require united support for a proposed candidate by all Pacific Island States parties. One possible channel for discussion is the CEDAW Secretariat for the Pacific – the Secretariat for the Pacific Community's Pacific Women's Bureau. The Pacific Islands Forum is also a possibility.

### **NGO input**

It is important that NGOs monitor these elections as the independence and expertise of the CEDAW Committee members contributes to the progressiveness of this body. Without strong lobbying, governments may be overly cautious about who they nominate,

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<sup>12</sup> Article 17, Convention on the Elimination of All Forms of Discrimination Against Women

and may favour candidates from the “establishment” who will blindly support the government’s own agenda.

Contact your Ministry of Foreign Affairs and/or UN missions for updated information about nominations for the CEDAW Committee.

Should NGOs consider another candidate to be more suitable, they may wish to form a coalition to push for his or her nomination. They should then take the following steps:

- Find out which members’ terms are going to expire and when. This will tell you the number of vacant seats from your region. Remember that Pacific Island countries fall within the Asia Pacific region.
- Develop a list of all likely candidates from the Pacific. From this list decide on one person that will fill the criterion for membership of the Committee.
- Put together a profile portfolio of your candidate, including his or her curriculum vitae, and any other relevant information. Distribute this portfolio to all those you are lobbying.
- Urge your government to support your proposed nominee. Arrange meetings with your women’s minister, foreign minister, or even prime minister, and outline your candidate’s qualifications and experience. Even if government will not give their explicit support, you can find out who they will support and why. This will help you strategies on how to proceed. If your government will support your candidate, publicise this widely and use it to gain more support from other organisations or governments.
- Get in touch with all national NGOs, as well as other regional and international NGOs, and ask them to support your nomination. Some NGOs may be very influential in getting their own government to support your candidate.

## Chapter 19 Getting in and around New York

The United Nations headquarters are found in Midtown Manhattan – the heart of New York City on the east coast of the United States. If you're from the Pacific Islands, visiting Manhattan can be a scary experience – it's big, busy and noisy.

### Before you go

It is important that delegation members are prepared with the necessary documentation – passport, US visa, UN accreditation, onward or return air ticket and travel insurance. Hotel reservations must also be made well before arriving (see below).

By Pacific standards, temperatures in New York are extreme at the times of year the CEDAW Committee sits. The January session is in the middle of the cold, windy and snowy New York winter – so pack a lot of warm clothing – while the July session is right in the middle of New York's hot and humid summer.

But no matter what the season, it is important that the delegations dress smartly and appropriately when appearing before the Committee.

### Where to stay?

It is best to stay near the UN headquarters, especially if it is your first time in Manhattan. Good hotels within walking distance cost from US\$100-\$300 a night.<sup>13</sup>

#### For hotel listings contact:

\*The Hotel Association of New York City (Ph: (1 212) 754 6700; Website: [www.hanyc.org](http://www.hanyc.org))

\*US organisations such as The International Women's Tribune Centre

\*Travel guide websites, including Lonely Planet ([www.lonelyplanet.com](http://www.lonelyplanet.com)); City Search ([www.citysearch.com](http://www.citysearch.com)) and; Lets Go ([www.letsgo.com](http://www.letsgo.com)).

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<sup>13</sup> Prices listed are approximate at time of printing and are likely to change.

## **Getting around**

### a) Transport from the airport

There are two main airports on the Pacific route to New York – La Guardia and JFK.

La Guardia airport is nearer to Manhattan, about 30 minutes by taxi to the UN headquarters and nearby hotels. Taxis are available outside the airport and should cost about US\$20. JFK Airport is roughly 30-45 minutes from midtown Manhattan, and a taxi will cost about US\$40.

Hotel shuttle buses are also available from both airports – just look for the Ground Transportation Centre near the baggage collection areas.

### b) Transport around Manhattan

The easiest way to get around Manhattan is by subway (train). Central Station is 5-10 minutes walk from the UN (there are two exits, one on 42<sup>nd</sup> Street, the other on Lexington Avenue). Buying daily or weekly passes will save money. Buses are also available.

A more expensive option is travel by taxi – however, be warned, the roads in Midtown Manhattan are very busy and a lot of time could be spent caught in traffic.

## **Where to eat**

Finding something to eat in Manhattan is no problem. There are cafes, restaurants and fast food outlets everywhere. The UN also has a restaurant that serves a variety of really good food at very reasonable prices.

## **Tipping**

Tipping is expected for all services. Restaurant, bar staff and taxi drivers expect around 15 per cent, while porters expect \$1 for each bag carried.

### **Dangers to watch out for**

#### a) The fast pace

New York City is a fast and furious place. They say if you stand too long in one place, you'll get renovated! What this means is be ready for huge crowds – walk fast and don't try to walk in the opposite direction of the crowd.

#### b) Personal safety

It is true that New York has its fair share of muggers, pickpockets and other dangers. But it is no different from any other big city, and the same rules apply: stay out of dark side streets, always keep one hand on your tightly closed bag, look confident and you're as safe as anywhere else.

#### **Useful tip**

Be street smart! New York is a big place – carry the address and phone number of your hotel with you at all times in case you get lost.

#### c) Taxis

Be sure to only ever use the distinctive yellow taxis. Other hire car operators may try to push you into using their cars (often physically!), but these operators are not regulated, and are likely to rip you off. Be especially wary at airports and popular destinations like the UN headquarters.

#### **Things to do and see**

Nearly all of New York's major attractions are within five kilometres of Midtown Manhattan. Tourist offices can help with all types of information, from tourist attraction opening hours to shopping advice. Try the Times Square Visitor Centre (1560 Broadway, between 46<sup>th</sup> and 47<sup>th</sup> Streets, ph: (212) 869 1890). There are also many guides and websites on New York, listing the hundreds of entertainment options.

## **Annex A**

### **The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

*Adopted and opened for signature, ratification and accession by General Assembly Resolution 34/180 of 18 December 1979. Entered into force on 3 September 1981, in accordance with article 27(1).*

#### **The States Parties to the present Convention,**

*Noting* that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

*Noting* that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

*Noting* that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal right of men and women to enjoy all economic, social, cultural, civil and political rights,

*Considering* the international conventions concluded under the auspices of the United Nations and the specialised agencies promoting equality of rights of men and women,

*Noting* also the resolutions, declarations and recommendations adopted by the United Nations and the specialised agencies promoting equality of rights of men and women,

*Concerned*, however, that despite these various instruments extensive discrimination against women continues to exist,

*Recalling* that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

*Concerned* that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

*Convinced* that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

*Emphasising* that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism, neocolonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

*Affirming* that the strengthening of international peace and security, relaxation of international tension, mutual cooperation among all States irrespective of their social and economic systems, general and complete disarmament, and in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realisation of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

*Convinced* that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

*Bearing in mind* the great contribution of women to the welfare of the family and to the development of society, so far not fully recognised, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

*Aware* that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

*Determined* to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

*Have agreed on the following:*

## **PART I**

### ***Article I***

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of

human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

### *Article 2*

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

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

### *Article 3*

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

### *Article 4*

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

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

#### *Article 5*

States Parties shall take all appropriate measures:

- a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

#### *Article 6*

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

### **PART II**

#### *Article 7*

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

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

#### *Article 8*

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

#### *Article 9*

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

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

### **PART III**

#### *Article 10*

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

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

#### *Article 11*

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

- a) The right to work as an inalienable right of all human beings;

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

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

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

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

### *Article 12*

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

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

### *Article 13*

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

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

#### *Article 14*

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

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

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

### **PART IV**

#### *Article 15*

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

### *Article 16*

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

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

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

## **PART V**

### *Article 17*

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilisation as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two-thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
6. The election of the five additional members of the Committee shall be held in accordance with the provisions of Paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

#### *Article 18*

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

- a) Within one year after the entry into force for the State concerned;
- b) Thereafter at least every four years and further whenever the Committee so requests.

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

#### *Article 19*

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

#### *Article 20*

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with Article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

#### *Article 21*

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

#### *Article 22*

The specialised agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialised agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

## **PART VI**

### ***Article 23***

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- a) In the legislation of a State Party; or
- b) In any other international convention, treaty or agreement in force for that State.

### ***Article 24***

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realisation of the rights recognised in the present Convention.

### ***Article 25***

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

### ***Article 26***

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

### ***Article 27***

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

#### *Article 28*

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

#### *Article 29*

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organisation of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by Paragraph I of this article. The other States Parties shall not be bound by that Paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with Paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

#### *Article 30*

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

## **Annex B**

### **Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women**

*Adopted by General Assembly resolution A/54/4 on 6 October 1999 and adopted for signature on 10 December 1999, Human Rights Day. Entered into force on 22 December 2000.*

#### **The State parties to the present Protocol,**

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Also noting that the Universal Declaration of Human Rights (Resolution 217 A (III)) proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Recalling that the International Covenants on Human Rights (Resolution 2200 A (XXI), annex.) and other international human rights instruments prohibit discrimination on the basis of sex,

Also recalling the Convention on the Elimination of All Forms of Discrimination against Women (Resolution 34/180, annex.) (“the Convention”), in which the States parties thereto condemn discrimination against women in all its forms and agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women,

Reaffirming their determination to ensure the full and equal enjoyment by women of all human rights and fundamental freedoms and to take effective action to prevent violations of these rights and freedoms,

#### **Have agreed as follows:**

##### **Article 1**

A State party to the present Protocol (“State party”) recognises the competence of the Committee on the Elimination of Discrimination against Women (“the Committee”) to receive and consider communications submitted in accordance with Article 2.

##### **Article 2**

Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State party. Where a communication

is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.

### **Article 3**

Communications shall be in writing and shall not be anonymous. No communication shall be received by the Committee if it concerns a State party to the Convention that is not a party to the present Protocol.

### **Article 4**

1. The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted unless the application of such remedies is unreasonably prolonged or unlikely to bring effective relief.

2. The Committee shall declare a communication inadmissible where:

(a) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;

(b) It is incompatible with the provisions of the Convention;

(c) It is manifestly ill-founded or not sufficiently substantiated;

(d) It is an abuse of the right to submit a communication;

(e) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State party concerned unless those facts continued after that date.

### **Article 5**

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State party concerned for its urgent consideration a request that the State party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.

2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.

### **Article 6**

1. Unless the Committee considers a communication inadmissible without reference to the State party concerned, and provided that the individual or individuals consent to the disclosure of their identity to that State party, the Committee shall bring any

communication submitted to it under the present Protocol confidentially to the attention of the State party concerned.

2. Within six months, the receiving State party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been provided by that State party.

#### **Article 7**

1. The Committee shall consider communications received under the present Protocol in the light of all information made available to it by or on behalf of individuals or groups of individuals and by the State party concerned, provided that this information is transmitted to the parties concerned.

2. The Committee shall hold closed meetings when examining communications under the present Protocol.

3. After examining a communication, the Committee shall transmit its views on the communication, together with its recommendations, if any, to the parties concerned.

4. The State party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the light of the views and recommendations of the Committee.

5. The Committee may invite the State party to submit further information about any measures the State party has taken in response to its views or recommendations, if any, including as deemed appropriate by the Committee, in the State party's subsequent reports under Article 18 of the Convention.

#### **Article 8**

1. If the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention, the Committee shall invite that State party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.

2. Taking into account any observations that may have been submitted by the State party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State party, the inquiry may include a visit to its territory.

3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State party concerned together with any comments and recommendations.

4. The State party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.

5. Such an inquiry shall be conducted confidentially and the cooperation of the State party shall be sought at all stages of the proceedings.

#### **Article 9**

1. The Committee may invite the State party concerned to include in its report under Article 18 of the Convention details of any measures taken in response to an inquiry conducted under Article 8 of the present Protocol.

2. The Committee may, if necessary, after the end of the period of six months referred to in Article 8.4, invite the State party concerned to inform it of the measures taken in response to such an inquiry.

#### **Article 10**

1. Each State party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognise the competence of the Committee provided for in Articles 8 and 9.

2. Any State party having made a declaration in accordance with paragraph 1 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General.

#### **Article 11**

A State party shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.

#### **Article 12**

The Committee shall include in its annual report under Article 21 of the Convention a summary of its activities under the present Protocol.

#### **Article 13**

Each State party undertakes to make widely known and to give publicity to the Convention and the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular, on matters involving that State party.

#### **Article 14**

The Committee shall develop its own rules of procedure to be followed when exercising the functions conferred on it by the present Protocol.

#### **Article 15**

1. The present Protocol shall be open for signature by any State that has signed, ratified or acceded to the Convention.
2. The present Protocol shall be subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

#### **Article 16**

1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

#### **Article 17**

No reservations to the present Protocol shall be permitted.

#### **Article 18**

1. Any State party may propose an amendment to the present Protocol and file it with the Secretary-General of the United Nations. The Secretary-General shall there upon communicate any proposed amendments to the States parties with a request that they notify her or him whether they favour a conference of States parties for the purpose of considering and voting on the proposal. In the event that at least one third of the States parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States

parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States parties that have accepted them, other States parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.

#### **Article 19**

1. Any State party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under Article 2 or any inquiry initiated under Article 8 before the effective date of denunciation.

#### **Article 20**

The Secretary-General of the United Nations shall inform all States of:

- (a) Signatures, ratifications and accessions under the present Protocol;
- (b) The date of entry into force of the present Protocol and of any amendment under Article 18;
- (c) Any denunciation under Article 19.

#### **Article 21**

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in Article 25 of the Convention.

## **Annex B**

### **CEDAW Committee Reporting Guidelines<sup>14</sup>**

#### **A. Introduction**

A.1. These guidelines replace all earlier reporting guidelines issued by the Committee on the Elimination of Discrimination against Women, (CEDAW/C/7/Rev.3) which may now be disregarded. The present guidelines do not affect the Committee's procedure in relation to any exceptional reports which may be requested which are governed by the Rule 48.5 of the Committee's Rules of Procedure and its Decision 21/1 on exceptional reports.

A.2. These guidelines will be effective for all reports to be submitted after 31 December 2002.

A.3. The guidelines should be followed by States parties in the preparation of initial and all subsequent periodic reports.

A.4. Compliance with these guidelines will reduce the need for the Committee to request further information when it proceeds to consider a report; it will also help the Committee to consider the situation regarding human rights in every State party on an equal basis.

#### **B. Reporting obligations in the Convention concerning reports**

B.1. Every State party, upon ratifying or acceding to the Convention, undertakes, under Article 18, to submit, within a year of the Convention's entry into force for that State, an initial report on the legislative, judicial, administrative or other measures it has adopted to give effect to the provisions of the Convention and progress made in this respect; and thereafter periodic reports at least every four years and further whenever the Committee so requests.

#### **C. General guidance for contents of all reports**

C.1. The articles and the Committee's general recommendations. The terms of the Articles in Parts I, II, III and IV of the Convention must, together with general recommendations adopted by the Committee on any such article, or on a theme addressed by the Convention, be taken into account in preparing the report.

C.2. Reservations and declarations. Any reservation to or declaration as to any article of the Convention by the State party should be explained and its continued maintenance justified. Taking account of the Committee's statement on reservations adopted at its nineteenth session (A/S3/38/Rev.1, Part I), the precise effect of any reservation or declaration in terms of national law and policy should be explained. States parties that

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<sup>14</sup> Advance unedited version, United Nations Division for the Advancement of Women ([www.un.org/womenwatch/daw/](http://www.un.org/womenwatch/daw/))

have entered general reservations which do not refer to a specific article, or which are directed at Articles 2 and/or 3 should report on the effect and the interpretation of those reservations. States parties should provide information on any reservations or declarations they may have lodged with regard to similar obligations in other human rights treaties.

C.3. Factors and difficulties. Article 18.2 of the Convention provides that factors and difficulties affecting the degree of fulfillment of obligations under the Convention may be indicated. A report should explain the nature and extent of, and reasons for every such factor and difficulty, if any such exist; and should give details of the steps being taken to overcome these.

C.4. Data and statistics. A report should include sufficient data and statistics disaggregated by sex relevant to each article and the general recommendations of the Committee to enable it to assess progress in the implementation of the Convention.

C.5. Core document. Where the State party has already prepared a core document, this will be available to the Committee: it should be updated as necessary in the report, particularly as regards "General legal framework" and "Information and publicity" (HRI/CORE/1, annex).

## **D. The initial report**

### **D.1. General**

D.1.1. This report is the State party's first opportunity to present to the Committee the extent to which its laws and practices comply with the Convention which it has ratified. The report should:

- Establish the constitutional, legal and administrative framework for the implementation of the Convention;
- Explain the legal and practical measures adopted to give effect to the provisions of the Convention;
- Demonstrate the progress made in ensuring enjoyment of the provisions of the Convention by the people within the State party and subject to its jurisdiction.

### **D.2. Contents of the report**

D.2.1. A State party should deal specifically with every Article in Parts I, II, III and IV of the Convention; legal norms should be described, but that is not sufficient: the factual situation and the practical availability, effect and implementation of remedies and sanctions for violation of provisions of the Convention should be explained and exemplified.

D.2.2. The report should explain:

Whether the Convention is directly applicable in domestic law on ratification, or has been incorporated into the national Constitution and or domestic law so as to be directly applicable;

Whether the provisions of the Convention are guaranteed in a Constitution or other laws and to what extent; or

If not, whether its provisions can be invoked before and given effect to by courts, tribunals and administrative authorities;

How Article 2 of the Convention is applied, setting out the principal legal measures which the State party has taken to give effect to Convention rights; and the range of remedies available to persons whose rights may have been violated;

D.2.3. Information should be given about the judicial, administrative and other competent authorities having jurisdiction with respect to the implementation of the provisions of the Convention.

D.2.4. The report should include information about any national or official institution or machinery which exercises responsibility in implementing the provisions of the Convention or in responding to complaints of violations of those provisions, and give examples of their activities in this respect.

D.2.5. The report should outline any restrictions or limitations, even of a temporary nature, imposed by law, practice or tradition, or in any other manner on the enjoyment of each provision of the Convention.

D.2.6. The report should describe the situation of non- governmental organisations and women's associations and their participation in the implementation of the Convention and the preparation of the report.

### **D.3. Annexes to the report**

D.3.1. The report should contain sufficient quotations from or summaries of the relevant principal constitutional, legislative and other texts which guarantee and provide remedies in relation to Convention rights. The reports should be accompanied by copies of these which will not be copied or translated, but will be available to members of the Committee.

## **E. Subsequent periodic reports**

E.1. In general the subsequent periodic reports of States parties should focus on the period between the consideration of their previous report and the presentation of the current reports. There should be two starting points for such reports:

- The concluding comments (particularly "Concerns" and "Recommendations") on the previous report;

- An examination by the State party of the progress made towards and the current implementation of the Convention within its territory or jurisdiction and the enjoyment of its provisions by those within its territory or jurisdiction.

E.2. Periodic reports should be structured so as to follow the articles of the Convention. If there is nothing new to report under any Article it should be so stated. Periodic reports should also highlight any remaining obstacle to the participation of women on an equal basis with men in the political, social, economic, and cultural life of the State party.

E.3. The State party should refer again to the guidance on initial reports and on annexes, insofar as these may also apply to periodic reports.

E.4. There may be circumstances where the following matters should be addressed:

- A fundamental change may have occurred in the State party's political and legal approach affecting Convention implementation: in such a case a full article-by-article report may be required;
- New legal or administrative measures may have been introduced which require the annexure of texts, and judicial or other decisions.

## **F. Optional protocol**

F.1. If the State party has ratified or acceded to the Optional Protocol and the Committee has issued Views entailing provision of a remedy or expressing any other concern, relating to a communication received under that Protocol, a report should include information about the steps taken to provide a remedy, or meet such a concern, and to ensure that any circumstance giving rise to the communication does not recur.

F.2. If the State party has ratified or acceded to the Optional Protocol and the Committee has conducted an inquiry under Article 8 of the Optional Protocol, a report should include details of any measures taken in response to an inquiry, and to ensure that the violations giving rise to the inquiry do not recur.

## **G. Measures to implement outcomes of United Nations conferences, summits and reviews**

G.1. In light of paragraph 323 of the Beijing Platform for Action adopted at the Fourth World Conference on Women in September 1995, initial and subsequent reports of States parties should contain information on the implementation of the actions to be taken in regard to the 12 critical areas of concern identified in the Platform. Reports should also contain information on the implementation of the Further actions and initiatives to implement the Beijing Declaration and Platform for Action agreed by the twenty-third special session of the General Assembly, "Women 2000: gender equality, development and peace for the twenty-first session" in June 2000.

G.2. Taking into account the gender dimensions of declarations, platforms and programmes of action adopted by relevant United Nations conferences, summits and General Assembly special sessions (such as the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Second World Assembly on Ageing), reports should include information on the implementation of specific aspects of these documents which relate to specific articles of the Convention in light of the subjects with which they deal (for example, migrant women, older women).

## **H. The Committee's consideration of reports**

### **H.1. General**

H.1.I. The Committee intends its consideration of a report to take the form of a constructive discussion with the delegation, the aim of which is to improve the situation pertaining to Convention rights in the State.

### **H.2. List of issues and questions with respect to periodic reports**

H.2.1. On the basis of all information at its disposal, the Committee will supply in advance a list of issues or questions which will form the basic agenda for consideration of periodic reports. Written answers to the list of issues or questions will be required from the State party several months in advance of the session at which the report will be considered. The delegation should come prepared to address the list of issues and to respond to further questions from members, with such updated information as may be necessary; and to do so within the time allocated for consideration of the report.

### **H.3. The State party's delegation**

H.3.1. The Committee wishes to ensure that it is able effectively to perform its functions under Article 18 and that the reporting State party should obtain the maximum benefit from the reporting requirement. The State party's delegation should, therefore, include persons who, through their knowledge of and competence to explain the human rights situation in that State, are able to respond to the Committee's written and oral questions and comments concerning the whole range of the Convention's provisions.

### **H.4. Concluding comments**

H.4.1. Shortly after the consideration of the report, the Committee will publish its concluding comments on the report and the constructive dialogue with the delegation. These concluding comments will be included in the Committee's annual report to the General Assembly; the Committee expects the State party to disseminate these conclusions, in all appropriate languages, with a view to public information and discussion.

### **H.5. Extra information**

H.5.1. In the course of the consideration of a report, the Committee may request or the delegation may offer further information; the secretariat will keep a note of such matters which should be dealt with in the next report.

### **I. Format of the report**

1.1. Reports should be submitted in one of the six languages of the United Nations (Arabic, Chinese, English, French, Spanish or Russian). They should be submitted in hard and electronic form.

1.2. Reports should be as concise as possible. Initial reports should be no more than 100 pages; periodic reports should be no more than 70 pages.

1.3. Paragraphs should be sequentially numbered.

1.4. The document should be on A4-sized paper; and presented in single-spaced format.

1.5. The document should be printed on one side of each sheet of paper so as to allow for reproduction by photo-offset.

## Annex C

**The Republic of Fiji Islands' presentation to the  
Twenty-sixth Session of the Committee on the Elimination of All Forms of  
Discrimination Against Women  
United Nations, New York  
16 January, 2002**

### 1.0 INTRODUCTION & BACKGROUND

Madame Chairperson, Ms Abhaka,

We bring you and members of the Committee of Experts on the Convention on the Elimination of All Forms of Discrimination Against Women, greetings from the Government and peoples of the Fiji Islands. Ni sa bula vinaka.

Ideally we would rather the Committee had come to our island home to receive our initial report. The weather in Fiji right now is 30 degrees with a cool south easterly breeze blowing through the islands, but Fiji has come to the chilling January weather of the United Nations.

Madame Chairperson,

We have braved the weather and long distance, traveled day and night because as a member of the United Nations family we believe in the spirit and the goals of the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). The Republic of the Fiji Islands is committed to human rights. Therefore the implementation of CEDAW is an obligation that we *take seriously*. In this connection following Cabinet approval, Fiji withdrew its second and last reservation, which was made at accession under Articles 5(a) shortly before submitting the initial report in early 2000.

Madame Chairperson,

The Fiji initial report is the collaborative effort of State and non-state actors. All Government sectors in partnership with civil societies and non-governmental organisations in Fiji engaged in a series of meetings at national, district and community levels in the compilation of the draft report. The Ministry of Women then organised a national consultation for stakeholders to finalise the report.

Madame Chairperson,

You have read the **Initial Report**. I will now update the report with additional information since early 2000.

## **1.1 Location, land & people**

The isolation of Fiji and her Pacific island neighbours from the rest of the world make us susceptible to global economic and consequently, sporadic political upheavals. Changing weather patterns makes them susceptible to the fierceness of the elements. Our national goals and priorities are inevitably affected by social, economic and environmental vulnerabilities. These constraints impact on our reporting obligations to various treaty bodies. Despite these difficulties Fiji has always attempted to comply as much as possible within its resources.

Fifty-three per cent of the population of Fiji is rural based, living in villages and settlements. The urban population is concentrated in the two cities of Suva, Lautoka and in Labasa town. Women, who make up 49.2 per cent of the population, are also predominantly rural dwellers.

As part of the South Pacific Islands family, Fiji is a founding member of the South Pacific Forum (Forum). Prior to that at independence we joined the administering powers in the region as members of the Secretariat of Pacific Community (SPC), which regional intergovernmental organisation is also represented in this Fiji delegation. Fiji actively participates in the pursuit of development within the region, sharing our experiences with our Pacific neighbours. At the 2001 CEDAW workshop conducted by the Division for the Advancement of Women (DAW) in New Zealand, Fiji shared its experiences in the preparation of our Initial Report.

Madame Chairperson,

For Fiji, like other small island developing states, the task of writing such a report is always challenging. It is subject to the conduct of relevant research or surveys to supply or update data. Other related factors and variables necessarily come into play.

Madame Chairperson,

Fiji is however very proud to be the first Pacific Island State to report to your Committee of Experts. Today is a historic day for Fiji and the Pacific region, signaling Fiji's unwavering commitment to the goals for the advancement of women nationally, regionally and internationally.

Madame Chairperson,

Fiji is party to the Pacific Platform of Action for Women, the Villa Declaration on Sustainable Development, the Yanuca Declaration on Healthy Islands and other relevant regional agreements.

Madame Chairperson,

Our migration in recent years of predominantly highly skilled and qualified professionals and their families has impacted on the nation. In 2001, over 50 per cent of the 5664 emigrants were women.

The extent and categories of professionals who emigrated is indicated on the next slide.

**Table I - Fiji citizens emigration by occupation  
January - November 2001**

		TOTAL				FIJIANS			INDIANS			OTHERS		
		TOT	%	M	F	TOT	M	F	TOT	M	F	TOT	M	F
	TOTAL	5664	10	282	284	457	22		497	248		236	112	124
						233			248					
1	Professional, technical and related workers	870	15	519	351	60	31		772	461		38	27	11
						29			311					
2	Administrative and managerial workers	362	6.4	275	87	16	9		325	251	74	21	15	6
						7								
3	Clerical, supervisors and related workers	491	8.7	195	296	39	18		422	168		30	9	21
						21			254					
	Sales workers	137	2.4	88	49	11	8	3	118	74	44	8	6	2
	Service workers		1.9	63	43	21	10	11	81	52	29	4	1	3
	Agriculture, animal husbandry, forest workers and fisherman	100	1.8	98	2	12	12	0	87	85	2	1	1	0
	Production workers, transport equipment operators and labourers	521	9.2	442	79	35	28	7	87	85	2	1	1	0
	Workers not classified	3077	54.	114		263	10		268	988	170	125	45	80
		193				155								

Source: Bureau of Statistics

In one year alone 730 professionals, architects, engineers, accountants, teachers, doctors, nurses, dentists and veterinary workers migrated. Fiji will take more than 10 years to recover from this brain -drain.

**Table II - Fiji citizen emigration for selected occupational groups  
January - November 2001**

	<b>TOTAL OTHERS</b>	<b>FIJIAN</b>	<b>INDIAN</b>	
Architects, engineers and related technicians	150	9	13	8
Accountants	166	3	156	7
Teachers	313	12	296	5
Medical, dental, veterinary and related workers	101	18	78	5

*Source: Bureau of Statistics*

## **1.2 Political system**

Madame Chairperson,

On 19 May 2000, an attempted civilian coup d'etat disrupted parliamentary rule by the democratically elected government. The President appointed a caretaker government.

The Presidential Constitutional powers were challenged by one Chandrika Prasad in the High Court of Fiji. The High Court upheld the 1997 Constitution and ruled in favour of Prasad. The final appellate body, the Fiji Court of Appeal, upheld the decision. In compliance with the court ruling, the President appointed an interim regime. This consisted of members of the previous interim government. The interim regime successfully conducted the general elections within 18 months of the coup, and thereby restored constitutional democracy and political stability. The 1997 Constitution remains intact. It was the basis for the 2001 election, which fielded 353 candidates contesting the 71-seat House of Representatives.

There were 26 women candidates. Five women were successful. Two are Cabinet Ministers, two hold Assistant Minister posts, and one in Opposition. The Senate has 32 members, with 3 women members in this House.

### **Economic System**

Madame Chairperson,

Amongst the challenges to the development of the Fiji Islands economy include the geographical isolation of the nation, its vulnerability to cyclones and droughts, the small domestic market and its reliance on a small export base dealing in an open market in international trade.

The political crises in 1987 and May 2000, deflated investor confidence which resulted in a lethargic national economy. The sluggish economy led to major job losses, outward

migration and brain drain, a lowering of living standard, and increased poverty and crime rate.

Madame Chairperson,

In 2000 the GDP declined to 2.8 per cent. Similar declines were registered in all sectors of production except in wholesale and retail trade (9.5 per cent) and community and social sectors (1.8 per cent).

The growth forecasts for 2001 are 1.5 per cent and 3.5 per cent for 2002. Improved predictions in the tourism sector, gold and fisheries industries are set to contribute well to future economic growth.

May 2000 saw the closure of several factories in the manufacturing industry. This impacted the labour market adversely, especially for women employed in the manufacturing and garment industry.

Madame Chairperson,

Poverty continues to be a growing concern for Fiji. The 'Fiji Poverty Study' 1996 based on the Household Income and Expenditure survey revealed that 25.5 per cent of households live below the poverty line. The report further identified single headed households to make up 20 per cent of the poor and one in seven of the poor are female-headed households. Government is taking steps to address this scourge.

The Government has accordingly reconstituted the Ministry for Women to sit alongside the Department of Social Welfare and the Department of Poverty Alleviation. The Department for Culture and Heritage is now relocated in the tourism sector. This structural reorganisation recognises the thread that links women, gender and poverty, as was correctly flagged in the 2000 Millennium Declaration. The Government also recognises that alleviating poverty will advance the course for women and take us closer to our goal for social equity.

A total budget of \$157 million has been allocated to poverty alleviation and rural development in the 2002 Government budget, an increase of \$56 million to the 2001 allocation.

### **1.3 Women's Development**

Madame Chairperson,

The Ministry of Women continues to function as a policy and service delivery arm for Government's development targets for women. The Ministry website is now online, and should facilitate the delivery of the Ministry's various functions. We recognise also the important benefits to be gained for women in the wider area of information communication technology.

Gender mainstreaming approaches are being pursued especially in the implementation of Government's Women Plan of Action. Specialist programmes are being pursued in line ministries to further mainstreaming objectives and targets that are coordinated via the appropriate Ministry Taskforce.

Government subsidises some efforts of civil societies and non-governmental organisations (NGOs) to provide programmes, advocate and lobby Government on women's strategic and practical needs. These compliment Government's own efforts, including in the areas of violence against women, women in politics, women in media, peace building and in legal reforms. Women and other NGOs and civil societies, led by the National Council of Women Fiji, held peace vigils and other peace initiatives to show solidarity for a return to democracy during the political upheaval of May 2000.

#### **1.4 Government's Affirmative Action for Indigenous Fijians & Rotumans**

Madame Chairperson,

The Strategic Development Plan 2002-2004 identifies the need to commit resources for the provision of programmes to groups or categories of persons who are disadvantaged to achieve effective equality. This Affirmative Action programme is enshrined in Chapter 5 of the Constitution. The Social Justice Act is crafted to give effect to this goal.

Part of this commitment by the Government includes economic support to promote a more equitable development for indigenous Fijians and Rotumans. The financial support will go towards the review of the Fijian Affairs Act, Review of the Native Land Trust Board and the Native Land Fisheries Commission, education, business and other economic activities. A total budget of \$28 million has been allocated for this affirmative action programme. These reviews promise positive benefits for women, with appropriate consultations and guided by the Women's Plan of Action.

### *2.0 COMMENTARY ON THE IMPLEMENTATION OF ARTICLES*

#### **2.1 Legal obligations**

##### **2.1.1 The Constitution**

Madame Chairperson,

The Constitution of Fiji underwent major challenges during the attempted coup and civilian unrest of May 2000. It remains intact and so continues to guarantee equality for all persons.

In addition to the principle of non-discrimination Article 43 (2) of the Constitution provides that: *In interpreting the provisions of this chapter [the Bill of Rights], the courts must promote the values that underlie a democratic society based on freedom and*

*equality and must, if relevant, have regard to public international law applicable to the protection of the rights set out in this chapter.*

The Government is committed to hold wide consultations with all communities on the review of the Constitution. A budget of \$300,000 is allocated for this task.

Reaffirming this objective in Parliament the Prime Minister gave his assurance that no existing rights will be removed, reduced or diminished.

### **2.1.2 Review of law & policies**

Madame Chairperson,

On the Review of Law and our legal obligation, the past two years of political crisis had our priorities fixed strongly on maintaining national security. However we have managed some progress in the following issues since our Initial Report.

Penal Code (Sexual Offences) Reference – Chapter 17 of the Penal Code 'Offences Against Morality' was the focus of this review. Sections 149-163 of the Penal Code have been reviewed to conform to the Constitution and international obligations under CEDAW and the United Nations Convention on the Rights of the Child.

Pre-trial Procedures and Committal Proceedings Reference – the Fiji Law Reform Commission is working with the Director of Public Prosecutions Office towards the improvement of the Criminal Procedure Code (Cap.21) and in the improvement of Pre-trial and Committal proceedings in criminal matters.

Madame Chairperson,

This has been a real concern with women in cases of domestic violence, rape and sexual assault. Many have reported that handling of cases have been insensitive to the needs of victims.

*Offences Against Children:* Following an increase in child paedophilia offences the Juvenile Act (Cap 54) was amended as an interim measure to address the loopholes in the legislation that deal with such cases.

*Family law reform:* The review covered the nine pieces of legislation enacted between 1892 and 1976 that govern family relationship. The Family Law Bill reached the second reading stage in Parliament in May 2000, when the coup took place.

*Wills and Succession Reference:* This reference looked at laws relating to wills and succession with a view of providing a comprehensive succession statute that simplifies the law in this area. The final report was submitted to the Attorney General in September 2001.

*Company and Commercial Law Reform:* The reforms addressed the following; Intellectual Property and Copyright laws, Consumer Credit, Hire Purchase and, Bills of Sale Act and Sales of Goods Act and Bankruptcy of Persons and Insolvency of Companies. The Copyright Act was passed by Parliament in 1999 and is in force.

Women in Fiji have followed this reform with interest especially in the protection of Intellectual Property rights in the Copyright Act. The protection of indigenous and cultural knowledge and property rights is of concern. Women with knowledge of traditional medicines and cure wish to guard this skill and infofilation and hope to benefit from the economic returns it may bring.

*Social Justice Act:* The Social Justice Act is to implement Chapter 5 of the 1997 Constitution, which requires Parliament to make provision for a framework for decisions on policy and legislation for affirmative action. The Bill was passed during the December 2001 seating.

*Equal Employment Opportunities:* the Public Service Commission adopted the EEO policy for implementation in all Government sectors in 2000. The Industrial Relations Bill is also on the legislative agenda. Although the maternity leave conditions in Fiji are relatively progressive compared to those in other countries, prospects to broaden these benefits look positive. It is highlighted in the manifesto of the governing party.

### **2.1.3 Violence against women**

Madam Chairperson,

The growing prevalence of violence against women in Fiji is reflected in Government's commitment at the Fourth United Nations Conference in Beijing, to campaign against violence perpetrated against women.

Government supports programmes and training workshops that educate the community on this issue and provides financial support to civil society organisations that provide support and shelter to victim of violence.

Civil societies are at the forefront of this work and have made this crime more visible to the public. They are involved in community-based workshops to educate women on their rights; they provide counseling and assistance to victims by way of support and referrals to appropriate government agencies or legal services.

### **2.1.4 Domestic violence**

Madame Chairperson,

The Ministry of Women Taskforce on Violence against women is working closely with women's organisations and civil societies, on a domestic violence reference for

appropriate legislation or remedies. The Ministry for Women hopes to realise this goal in 2002.

The following slide shows the number of domestic violence cases recorded by the Police for 1999-2000.

**Table III: Domestic violence**

	<b>1999</b>	<b>2000</b>
Murder	3	0
Attempted murder	1	1
Manslaughter	0	0
Act with intent to cause grievous harm	59	67
Assault occasioning actual bodily harm	696	687
Common assault	158	146
Other offences against person	14	47
Total	931	948

Madame Chairperson,

With the support of Government, civil societies have been the strongest lobby group and advocates for domestic violence legislation. At the forefront of this campaign, the Fiji Women's Crisis Centre has created milestones in having this issue addressed. Its records show the following number of new cases of domestic violence that were reported at the centre: 544 cases (1999), 361 cases (2000) and 401 cases in 2001.

### **2.1.3 Social development – Education, health, family, violence against women & rural women**

#### *a. Education*

Madame Chairperson,

The report of the Fiji Islands Education Commission/Panel November 2000 states that a lot of progress has been achieved in terms of access and participation of girls in education. An increase of 19.8 per cent was recorded from the period 1970 to 1999 for primary school and a colossal increase of 405 per cent in secondary school. The report also notes that the retention rate for girls in secondary schools is higher than boys.

Girls are doing well in external exams than boys as results of the 1999 eighth year exams and the Fiji Leaving Certificate Examination.

**Table IV: Results of a sample of 1999 Fiji Eighth Year Examination**

	Fijian						Indo-Fijians						Others		
	Female			Male			Female			Male			Female		
	total	pass	pass %	total	pass	pass %	total	pass	pass %	total	pass	pass %	total	pass	pass %
#110	639	628	98	672	634	94	47	455	95	56	507	89	56	54	96
#111	639	627	98	672	630	93	47	458	96	56	529	93	56	56	100
#120	639	599	93	672	612	91	47	458	96	56	537	94	56	54	96

#Subject code key: 110 English Composition; 111 English comprehension; 120 Mathematics

Source: Ministry of Education

**Table V: Fiji School Leaving Certificate Subject Statistics**

	Fijian						Indo-Fijian						Others					
	Female			Male			Female			Male			Female			Male		
	To t	Pass	Pass %	Tot	Pass	Pass %	To t	Pass	Pass %	Tot	Pass	Pass %	To t	Pass	Pass %	Tot	Pass	Pass %
210	547	502	91	604	504	83	57	507	88	52	434	83	66	62	93	73	71	100.
220	547	483	88	605	490	80	57	508	89	52	459	88	66	60	90	73	70	95.9
230	547	465	85	605	498	82	57	514	90	52	461	88	66	59	89	73	73	100

Subject code: 210 English; 220 Mathematics; 230 Basic Science

Madame Chairperson,

The Education Commission report further confirms the 1996 population census report, which states that women lag behind in the area of science and technology. It is a common practice in schools to have girls doing home economics and typing whilst boys do technical drawing, woodwork and metalwork. This practice has limited career choices for most girls.

At the tertiary level females dominate the area of humanities whilst male dominate science. The following table shows courses taken by Fiji students in 1999.

***Table VI: Courses taken by Fiji students at the University of the South Pacific, 1999***

	<i>Female</i>	<i>Male</i>	<i>Total</i>
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<b>Agriculture</b>	NA	NA	725
<b>Humanities</b>			
Education and psychology	2728	2046	4774
Literature and language	1299	794	2093
Library studies	137	30	167
<b>TOTAL</b>	<b>4164</b>	<b>4870</b>	<b>7034</b>
<b>Law</b>	203	348	551
<b>Pure and applied science</b>			
Biology	583	249	832
Chemistry	784	541	1325
Food and textiles	239	61	300
Mathematics and computing science	1820	3422	5242
Physics	155	593	748
Technology	28	755	783
<b>TOTAL</b>	<b>3609</b>	<b>5621</b>	<b>9230</b>
<b>Social &amp; economic development</b>			
Accounting & financial management	1498	1897	3395
Economics	1212	1246	2458
Geography	691	521	1212
History & politics	255	213	468
Land management	45	98	143
Management & public administration	870	985	1855
Sociology	286	201	487
Development studies	43	37	80
Marine affairs	48	39	87
Population studies	24	18	42
Tourism studies	237	144	381
Social science	244	213	457
<b>TOTAL</b>	<b>5453</b>	<b>5612</b>	<b>11065</b>
<b>Other</b>	<b>53</b>	<b>56</b>	<b>109</b>
<b>Overall Total</b>	<b>13530</b>	<b>14662</b>	<b>28714</b>

*Source: University of the South Pacific*

Madame Chairperson,

The Education Commission report further states that awards of scholarship are fairly distributed between the sexes. The awards clearly show that more males are studying at the Fiji College of Agriculture and the Fiji Institute of Technology.

**Table VII: Public Service Awards of Scholarship by sex 2001**

Year	Institute	Male	Female	Total
2001	University of the South Pacific	29	38	67
	Fiji School of Medicine	30	33	63
	Fiji Institute of Technology	2	4	6
	Fiji College of Advanced Education	82	68	150
	Fiji College of Agriculture	10	10	20
	Corpus Christi Teachers College	10	10	20
	Lautoka Teachers College	85	108	193
	Fiji National Training Council	0	4	4
	Overseas	5	5	10
<b>TOTAL</b>		<b>253</b>	<b>280</b>	<b>533</b>

*Source: Public Service Commission*

Curriculum materials at all levels continue to be a challenge to the gender stereotyping of women. Role models for science and technology for girls at primary and secondary schools clearly do not exist in textbooks and very few outside the classrooms.

The Fiji Institute of Technology enrolment statistics reveal that between 1997 and 1999, 21,303 males and 8270 women enrolled. Female enrolments were heavily weighted towards courses in commerce, hospitality and general studies. In the engineering and in other non-traditional women courses, a trend is developing of women's participation. This trend is attributed to targeted scholarships initiatives awarded by donor governments for women's entry into these courses.

Local institutions have since adopted similar scholarship initiatives, which should further improve this trend in the future. The following table shows enrolment for 1999

**Table VIII: 1999 Enrolment statistics for the School of Engineering**

Field of study	Males	Females	Total
Automotive engineering	1523	33	1556
Building & civil engineering	979	55	1034
Electrical engineering	947	41	988
Mechanical engineering	1086	68	1154
Commerce	1234	2116	3350
General studies	519	586	1105
General studies	519	586	1105

Hospitality & tourism	364	481	845
Maritime studies	743	20	763
Printing & graphic design	203	120	323

*Source: Fiji Institute of Technology*

Madame Chairperson,

The teaching profession has long been the forte for women yet they do not share equally with men the leadership of this sector. The following table shows teaching positions by post. The table shows that 57 per cent of primary school teachers are women and they make up 48 per cent of secondary school educators YET only they constitute 22.5 per cent of primary head teachers and 14 per cent of secondary school principals.

**Table IX: Teaching positions by sex, 1999**

	Primary			Secondary		
Teachers	2427	3180	5607	2197	2020	4217
Head Teachers	542	158	700			
Principals				124	20	144
Assistant Head Teachers	224	206	430			
Executive teacher	210	449	669			
<b>Head of Department</b>						
HOD Agriculture				19	5	24
HOD Commerce				66	28	94
HOD Home Economics				0	51	51
HOD Industrial Arts				81	0	81
HOD Language				31	86	117
HOD Maths				74	29	103
HOD PEMAC				50	15	65
HOD Science				48	60	108
HOD Social Science				36	51	87
<b>Total</b>				<b>405</b>	<b>325</b>	<b>730</b>

*Source: Ministry of Education*

Madame Chairperson,

The Commission report concluded that "despite high levels of access to education, gender is clearly an issue in the wider view of education in Fiji and females are a disadvantaged group".

The Deputy Secretary for Education is a member of the Ministry of Women's institutional mechanism, including the Inter-Ministerial Committee for the implementation of the

Women's Plan of Action, the Taskforces on Mainstreaming, Decision-making, Microenterprise development, Review of Law and Violence against women.

The Ministry of Women has conducted Gender Sensitisation training for all lecturers at the Fiji College of Advance Education which is a teachers' training institution. Several Educators who work at the Curriculum Development Unit of the Ministry of Education have also undergone similar training.

The taskforce on Mainstreaming which is chaired by the Permanent Secretary for Planning Plans to continue its programme of gender training within the public service in the next few years.

Schools now provide career counseling to encourage students into the right career choices. Girls are being encouraged to take up science and technology.

NGOs in Fiji have campaigned on this area of work encouraging girls that they can do any thing.

## **Health**

Madame Chairperson,

Fiji has a well-developed primary health care system when compared to other developing countries. Fiji has three major public hospitals (Suva, Lautoka and Labasa) one private hospital in Suva, three specialised hospitals (mental health, 15 tuberculosis and leprosy), 20 sub-divisional or district hospitals, 174 primary health care centres including nursing stations. The health care services are well distributed throughout Fiji.

The Ministry of Health is undergoing a reform and two of the strategies being addressed are:

- improving quality of lower level and rural based health facilities as part of a continuous effort in providing health services at all levels of society
- improving referral systems in order to increase access to health care and economic efficiency of the health sector.

Fiji is also party to the 'Yanuca Declaration on healthy islands' which Ministers of Health in the Pacific Island countries endorsed in 1995. Since this initiative Fiji has established the National Health Promotion Council comprising Government and civil societies. The aim of the council is to promote and inform the public, using people friendly information, on all health issues. Health information for 1999 show that for Maternal Child health coverage, in percentage of live births, over 99 per cent of pregnant women were cared for by trained personnel, and almost 99 per cent of deliveries were by trained personnel.

Cancer is becoming one of the major causes of mortality in women. The following slide shows the number of women suffering from this disease 1999 and 2000.

Cancer	1-14 years	15-24 years	25-34	35-44	45-54	55-64	65+	Total	Death
<b>Cervix</b>	0(0)	1(1)	12(12)	31(26)	25(17)	18(17)	10(3)	97(76)	60(0)
<b>Breast</b>	1(0)	7(2)	10(8)	27(23)	16(17)	11(15)	5(7)	77(72)	6(0)
<b>Uterus</b>	0(0)	1(1)	4(8)	10(8)	9(13)	7(7)	2(3)	33(52)	13(0)

Madame Chairperson,

Women's reproductive health is fairly well catered for and a multi-disciplinary approach is implemented to ensure community awareness and understanding.

40.36 per cent of women in the reproductive age group are using modern contraception. Injection and sterilisation remain the most popular methods.

UNFPA is running an adolescent reproductive health programme through the Ministry of Health. The programme focuses on developing research, policy guidelines, skills training for health care staff and peer educators training for policy implementation, and information dissemination on adolescent health issues including HIV/AIDS and the setup of Adolescent Health Clinics in Suva and other centres.

Women's mental health is often a neglected area. In 1999, 185 of the 324 mental disorder patients were women.

The Ministry of Women works with the Ministry of Health and civil societies to facilitate education programmes for women and their family health. Community based programmes include training in nutrition, good sanitation, reproductive health and basic health issues.

Civil society organisations provide and facilitate training workshops at community level for women on health concerns.

The Government budget for health for 2002 is \$106.6 million, an increase of \$15 million from the 2001 budget.

Sexually transmitted infections (STIs) continue to escalate at an alarming rate. The latest figures released by the Ministry of Health gives a cumulative total for HIV/AIDS infection for Fiji at 80, with females numbering 28 and of these 29 of them are between the ages of 20-29 years. This shows a trend that is explosive and will be a threat to the nation in the next 10-20 years.

There is now a multi-disciplinary committee made up of Government sectors, civil society, NGOs and technical support agencies such as UNAIDS, UNFPA and WHO. A Strategies Plan 2001 - 2003 has been launched for combating this threat to society. The overall goal is "to prevent and control the spread and impact of HIV/AIDS and STIs in the Fiji Islands". Work done in this area will be guided on the principle on the rights of individual to information, free voluntary screening, appropriate care and full community support and care without judgment.

The Ministry of Health has set the following priority areas in the combat of HIV/AIDS:

- Preventing people becoming infected with HIV
- Care and support of people living with HIV/AIDS
- prevention and control of STIs
- safe blood supply
- HIV testing
- Human rights and HIV
- Coordinating the multi-sectoral response

The Fiji delegation to the UN General Assembly Special Session on HIV/AIDS in New York in May 2001 included the Fiji Nursing Association, a National Council of Women's affiliate. This was followed by a Fiji delegation to the 6th International Congress on Aids in Asia and the Pacific (ICAAP) held in Melbourne, Australia in October, 2001, which was headed by Her Excellency the First Lady accompanied by the Director for Women and Assistant Director for Health.

Its outcome document expresses the unity of the participating First Ladies from Asia and the Pacific, in the global fight against the HIV/Aids epidemic. Addressing the profound impact of the epidemic on the population of rural and island women is a specific objective of that conference outcome.

The First Lady of Fiji continues to work on this issue through the Ministry of Women. The Ministry, as a member of the National Advisory Council on HIV / AIDS (NACA), plays an important role in the implementation of the National Strategic Action Plan on HIV/AIDS.

Madame Chairperson,

The health sector has suffered from the spate of migrations of health professionals. Fiji has had to recruit doctors from abroad, and reemploy retired nursing professionals to fill the gaps caused by this exodus of locally trained medical doctors and nurses.

### **Rural women**

Madame Chairperson,

Work done by rural women is rarely acknowledged in production unit by national statistics. Their time and labour input are not recognised in work done for export

commodities or domestic market. Figures are not available for female farmers, fisher women, forestry worker or rural businesswomen.

Rural women have access to education and health. However the quality of access needs improvement.

Government is now pursuing the development of the rural areas of Fiji and the Ministry of Women is making all efforts to ensure that women and gender mainstreaming is implemented by all sectors of Government to ensure equitable development is received by rural and urban women and men.

World Rural Women's Day 2001 was commemorated with a weeklong rural women's workshop which was conducted by the Fiji Council of Social Services. Its theme was Promoting Rural Women's Initiative, Development and Education Network (PRWIDE).

The workshop called upon Government to acknowledge and declare the contribution of rural women in Fiji's development. It also set the following priorities:

- Establishment of a rural women's bank
- Establishment of a national marketing agency for rural producers
- Community programmes on enterprise, business development and marketing, leadership and participation in decision making, community mobilisation
- Resource management and family management and improvement.

## **Women and Family**

Madame Chairperson,

Gender roles for men and women are deeply rooted in all the communities in Fiji. In spite of education and changes that have occurred in traditional gender roles, women continue to maintain the status that is unequal to men.

Changes are beginning to occur in urban families where both women and men work. These changes invariably occur in the area of practical gender needs rather than strategic needs. Shared responsibilities in childcare and domestic work have become more acceptable in most urban homes. Decision making continues to be the forte of men.

Domestic violence has only recently become a public issue. Most homes in Fiji regardless of social or economic status have endured some level of domestic violence.

The breakdown of the family unit is of major concern. The Legal Aid Commission provides assistance to disadvantaged persons to improve access to justice. Applications received for legal aid assistance in matters relating to the Family law matters have sharply increased since 1999 (20), 2000 (246), and in 2001 (377).

The following table shows case statistics of the Legal Aid Commission on matters relating to family.

**Table X: Case statistics**

APPLICATIONS	TOTAL RECEIVED AND PROCESSED			
	1998	1999	2000	01/01/01-30/11/01
Divorce	393	410	449	359
Maintenance	28	61	122	107
Affiliation	5	22	29	23
Variation	2	22	28	19
Custody	3	10	13	4

Source: Legal Aid Commission

The Ministry of Women in association with the Ministry of Health and civil societies has been promoting shared family responsibilities through its reproductive health programmes.

### **2.1.4 Women and Decision making, political participation**

#### **Madame Chairperson,**

Decision-making and political participation continues to be a big challenge for Fiji. Further to our update on the political system, women's participation and/or membership of Government Boards and Committees continue to show a fluctuating trend as evident from the following table.

**Table XI: Members of Boards / Council / Commissions / Tribunals 2000 – 2001**

Type	2000			August 2001		
	M	F	T	M	F	T
<b>Boards</b>	973	264	1237	1022	280	1302
<b>Councils</b>	586	128	714	585	118	703
<b>Committees</b>	342	43	385	331	50	381
<b>Commissions</b>	41	11	62	70	16	86
<b>Tribunals</b>	2159	527	2686	41	4	45
<b>Local</b>	153	62	215	247	68	315
<b>Authority</b>						

<b>Total</b>	2304	353	2657	3256	393	3649
<b>% Total</b>	19.5			18.9		

*Source: Public Service Commission, MIS Unit, August 2001*

Madame Chairperson,

Women in decision-making and political participation has improved in all spheres of life in Fiji. The National Council of Women has a Women in Politics project to facilitate the political empowerment of women. The project also conducts voter education and training for women with political aspirations.

### **Conclusion**

Madame Chairperson,

We have attempted to update your Committee of experts on the initial report of the implementation of CEDAW in Fiji. Women in Fiji have become more aware of their rights and are using them; and community leaders are becoming better acquainted with the changes that are happening with women.

Fiji is using CEDAW as a vehicle for creating a society that considers and respects the rights of all regardless of race, age or colour. Where relevant we are packaging women's and children's issues under the respective UN Conventions. This strategy has been of great utility.

The Ministry of Women's Vision statement encapsulates the implementation of CEDAW, the Beijing Platform for Action and the Fiji Women Plan of Action.

### **VISION**

That Fiji is a nation where WOMEN are valued and  
Treated with respect and dignity  
Where women are free from discrimination  
Where equal opportunities are available to women  
And where equality is cherished by all.

### **Constraints**

Madame Chairperson,

Permit me to conclude with a brief reference to some constraints which we face in implementation of CEDAW. The political commitment to the advancement of Women, as encapsulated in Beijing Platform for Action and Beijing + 5, and in the Pacific Platform for Action in pursuit of the goals of the Convention CEDAW, is well

established in the report and in this presentation. This commitment stands despite the many constraints we face in Fiji, which we have briefly reported on, and including financial and technical needs and appropriate skills. Our specific vulnerabilities underscore the need to strengthen technical support and assistance at the international and regional levels, and the significance of building effective networks and partnerships with NGOs, civil societies, and private sector groups.

We thank you for this opportunity to present our report and look forward to a positive dialogue with you, and the Committee of Experts on the Convention for the Elimination of All Forms of Discrimination Against Women.

I Thank You.

## **Annex D**

### **Questions by the CEDAW Committee to the Fiji Government**

Following is a list of questions asked of the Fiji Government. The names and nationalities of the CEDAW Committee members are included to indicate special areas of interest. Some questions were repeated by the Committee members, indicating the gravity of the issue to the Committee. It is also important to note that many questions were overlapping and inter-connected cross-Article.

#### ***General Observations***

*(Ms Heisoo Shin – Korea)*

Ms Shin congratulated the government delegation on being the first country from the Pacific Islands to file a report and appear before the Committee. She was very complimentary and said how she admired Fiji for making such an exemplary effort despite the grave difficulties facing Fiji currently.

She also said that it was important for the State party (ie. the Fiji Government) to list the names of all NGOs that it had consulted in the making of the report. She stressed the importance of stating when the consultation with NGOs had taken place, the nature of the consultation and how recent the consultation had been in terms of the report.

#### ***Articles 1 and 2 (Obligation to eliminate discrimination)***

*(Ms Savitri Goonesekere – Sri Lanka)*

1. There is no definition of discrimination in the Constitution and Article 38 of the Constitution guarantees for women freedom from discrimination by the State. Does the guarantee in Article 38 cover the private sector too so that the private sector is bound to comply with non-discrimination principles? If the private sector violates Article 38 what happens? Can non-conformity by the private sector result in a remedy?
2. Has the Blueprint on Affirmative Action for Indigenous Peoples looked at the problem from a gender perspective? Have you studied the effects of the programme on women of other racial groups? Is the Blueprint based on statistics? Does the Blueprint provide for women of other races (ie non-indigenous races)?

*(Ms Ivanka Corti – Italy)*

3. What is the place of CEDAW in the Fiji Constitution and in other legislation? Is it legislated for?

4. There seems to be a lack of equal opportunity legislation. Has the government prepared an equal opportunity law? If so, what stage is it at?
5. The practice of *bulubulu* is a very old and patriarchal custom. Has government attempted to eliminate this practice in law and in reality (practice)? What has the Ministry of Women done to eliminate this practice?

*(Ms Hanna Schopp-Schilling, Germany)*

6. What is the legal status of CEDAW? Does it automatically become part of local law? Or are independent legal acts required to amend separate pieces of discriminatory legislation?
7. You mentioned Article 43(2) of the Constitution, which apparently allows the Courts to apply international human rights law to domestic situations. Is this article used often?
8. This Committee applauds you for your law reform agenda. The words in this article of the Convention “without delay” are very important. Given these words, which indicate a strong obligation on the part of State parties, with regards to the Family Law Bill, the Evidence Bill and the Industrial Relations Bill, are there any timeframes set by government for the reforms to be put before the legislature?
9. There is information that there are moves for a new constitution in Fiji. Will the 1997 Constitution stay or will the Blueprint influence a new constitution? If there is a new constitution, will it continue to guarantee women equality? We need these matters about the Constitution clarified.

*(Ms Frances Livingstone Raday, Israel)*

10. I am interested in the number of women in the justice system. What is the number of women justices at all levels in Fiji both before and after the crisis? Have any efforts been taken to get back the women (for example, two female magistrates) who had resigned?
11. Article 38 of the Fiji Constitution guarantees equality of all citizens – will it be amended by this government? I would like clarification on this.
12. A vocal critical NGO, the Citizen’s Constitutional Forum (CCF), was de-registered by your government. Has this decision to de-register the CCF been reviewed? Are there proposals to protect NGOs from the right to free speech? How do you propose to protect NGOs?
13. Evidence of past sexual history is still used to disadvantage victims and for imposing light sentencing on men. Corroboration is still used in rape matters. Are these issues covered in the Evidence Bill? Where does the Evidence Bill now stand? What is the Fiji Law Reform Commission doing

about violence against women? I urge the State to put the legal regulation of violence against women back on the legislative agenda.

*(Ms Fatima Kwaku – Nigeria)*

14. Congratulations on establishing the very important Fiji Human Rights Commission. Does the composition of the Commission include membership of females? And how is the Commission running?
15. Does the Commission help to implement CEDAW?
16. Who provides funding for the Commission?

*(Ms Yolande Ferrer Gomez, Cuba)*

17. Although Article 38 guarantees equality there is still differential treatment between men and women. What steps can be taken to ensure that this is implemented?
18. The practice of *bulubulu* in regard to violence against women appears to be an escape route for men to commit crimes against women. When will this practice be made illegal?
19. When will government enact equal opportunity legislation for women in employment (for example, equal pay for work of equal value)?
20. Is there legal protection for women who work in the informal domestic sector?
21. Is there a timeframe for the Family Law Bill to be passed?
22. I am encouraged by your commitment to put violence against women back on the agenda of government. These are pressing matters. I urge your country to do this without delay and hope that you do so this year (2002).

*(Ms Heisoo Shin, Korea)*

23. Do you have a timetable for legislative reform? Do you have a specific timeframe for sexual violence and domestic violence legislation?

*(Ms Feride Acar – Turkey)*

24. The NGO efforts must be commended for their efforts in Fiji and government should continue to take advantage of the NGOs. NGOs should be treasured for what they do. They should have full legal protection. Only then can CEDAW be fully implemented. And the laws to protect NGOs must be fully consistent with international human rights norms. Civil society has the right and freedom to fully exercise free speech without fear. Therefore it is important for government to ensure an enabling environment

for NGO activities. Is there a timetable for the legislative reforms for NGOs to register and function? What are the dates that government has in mind for the reforms? Have these dates been shared with NGOs?

*(Ms Françoise Gaspard – France)*

25. We congratulate the Government for its so many achievements. What is the status of CEDAW in Fiji's legal system? Are judges trained in the Convention? Are there seminars and training provided?
26. Do women have recourse to the Ombuds? Of the cases reported to the Ombuds office how many were by women and what were they asking for?

*(Ms Fumiko Saiga, Japan)*

27. Who appoints the members of the Fiji Human Rights Commission? Has there been any discrimination cases brought before the Commission?
28. Can you show some concrete cases from the Ombuds office and how they were treated?

*(Ms Savitri Goonesekere – Sri Lanka)*

29. Does the Constitution recognise socio-economic rights, like health, education etc? Is there a specific provision on the right to life?
30. What is the enforcement mechanism/process of claiming rights in the Constitution?
31. What freedoms do NGOs have to function?
32. Can negative cultural practices be challenged using Article 38 of the Constitution?
33. I am pleased that NGOs were included in the Women's Advisory Council to advise and help the Ministry. What is the status of the Women's Advisory Council? Has it been revived or will it be? How are the councillors chosen and who chooses them?

**Article 3 (Measures to guarantee comprehensive advances for women)**

*(Ms Maria Da Silva, Portugal)*

34. Thanks for updating us. Congratulations on your very promising policies, your change of name as a ministry and the embracing of poverty. Given the high education levels of women that you have said in your report, why are women so under-represented in the labour market? There is a contradiction

in de facto attitudes about women in the labour market. Why do women have fewer opportunities to training when girls are doing well in school? Are women aware of this contradiction?

35. Does the Ombuds receive complaints on discrimination?
36. Does government's ambitious Women's Action Plan (2000-2010) have the support of civil society organisations?
37. With regards to the Women's Plan of Action, why is there no taskforce on employment? Why is there no law guaranteeing full maternity right?
38. The gender budgeting concept is a very good approach. What are the achievements of gender budgeting so far?
39. What does the gender audit consist of and what are the achievements so far?

*(Ms Rosalyn Hazelle, St Kitts and Nevis)*

40. You have mentioned the Inter Ministerial Committee involving 17 Ministries which also monitors gender matters as consisting of Deputy Permanent Secretaries. Is the gender management system, the same as the COMSEC? It should be the highest level of civil servants and not tokenism. Are DPSs the highest level? *(This expert thought DPSs were like typists or lower level civil servants)* Is the Finance Department involved?
41. How does this Committee interface with the Gender Focal Points in government?
42. What is the Committee's relationship with the taskforces in your ministry? How does the Committee interface with the Women's Advisory Council?

*(Ms Hanna Schopp-Schilling, Germany)*

43. Tell us about the Blueprint – are there monitoring processes and structures? Have targets been set so that achievements can be measured?
44. Is the Women's Advisory Council still in existence?

*(Ms Ivanka Corti, Italy)*

45. The Fiji Human Rights Commission (FHRC) is a very important Commission and national institution. What is its function? Why did you mention CERD and not CEDAW in regard to the FHRC?
46. How are the NGOs involved in the Women's Advisory Council?
47. Why is Finance not involved in the Gender Budget Initiative?

*(Ms Naela Gabr, Egypt)*

48. I congratulate you for coming here and for filing your report despite the troubles in your country. It is clear that you have made an enormous effort. I would like to know why there is so much emigration out of your country? Why are the numbers of different ethnic groups changing so much?

*(Ms Yolande Ferrer Gomez, Cuba)*

49. Are there specific programmes for poor women? How are women considered in the Poverty Alleviation Budget programme?
50. The report admits that the cause for prostitution is poverty and that prostitution is against the law. Has government given consideration to training for prostitutes?

*(Ms Heisoo Shin, Korea)*

51. The Women's Plan for Action has a 10-year period. Is there a target for each year? Is there a monitoring and evaluation mechanism for this?
52. Is the Women's Advisory Council still functioning? Are NGOs still involved?
53. Is gender mainstreaming considered in the Blueprint Affirmative Action programme for various groups (for example, Fijians in business)? Are women included in AA?

**Article 4 (Acceleration of equality between men and women – for example, affirmative action)**

*(Ms Savitri Goonesekere, Sri Lanka)*

54. With the Blueprint is there an in-built monitoring mechanism so that there are no abuses?
55. Is there effective monitoring of how the Blueprint is working?
56. Is there a possibility that there may be a negative impact of the Blueprint on other groups? What about the impact on women who are not indigenous?
57. Is there an independent organisation, agency or commission to monitor the Blueprint?
58. Is there an in-built gender component to see how this is working?
59. Is statistical data available to ensure that women do not suffer further?

*(Ms Hanna Schopp Schilling, Germany)*

60. I am intrigued by Article 44 of your Constitution, which allows affirmative action. What practical experience have you had in implementing Article 44 because it does not allow negative discrimination of other groups in Paragraph 8?
61. Is there a gender dimension integrated into the ministry's plans for AA and who does the monitoring?
62. There are only four references to women in the Social Justice Act (SJA) – how can this be explained?
63. If women are not in high-level decision making, how do you expect to measure the impact of the SJA on women?

**Article 5 (Measures to change sex roles and stereotypes)**

*(Ms Ferrer Gomez, Cuba)*

64. It is clear that there are patriarchal values that exclude women from good jobs. Has gender training at the centres continued? What type of training is given? Are the teachers at these centres also given training? Are professionals such as teachers and doctors also given training?
65. Does the “values education” at secondary schools include gender and women's issues?
66. What is the role of the media in gender issues? Are journalists given training on gender?
67. What work is being done to educate the public on the law reforms?

*(Ms Françoise Gaspard, France)*

68. What is the percentage of women in the police force?
69. Do the police receive gender training?

*(Ms Charlotte Abaka, Ghana)*

70. Does the Constitution have a provision on the right to life?

*(Ms Maria da Silva, Portugal)*

71. The media is responsible for much stereotyping of women. Is there gender training for the media? If not, we encourage you to do something about that.

*(Ms Hanna Schopp-Schilling, Germany)*

72. Stereotyping of women has a specific nature. Are there any cultural values in the Fijian culture that women have to battle?

**Article 6 (Suppression of the exploitation of women)**

*(Ms Maria da Silva, Portugal)*

73. Prostitution in Fiji is illegal and the law penalises women only. Why does it not penalise men?
74. What is the view of the State on this? How is the issue of prostitution approached by the Law Reform Commission?
75. Why has the Penal Code not been reviewed?

*(Ms Savitri Goonesekere, Sri Lanka)*

76. Prostitution grows due to economic reasons and the absence of pro-active interventions for young girls can make them easily turn to prostitution. What is government doing to address this issue?
77. Is trafficking in women a problem in Fiji?

*(Ms Aida Gonzalez, Mexico)*

78. What measures have been taken to address the problem of sexual violence against women and girls? What penalties are there for perpetrators?
79. Is there prostitution at child level? Is there data indicating this?
80. What opportunities is government offering prostitutes to reintroduce them back into the community? Is there data on sexual violence against women?

**Article 7 (Public life and political participation)**

*(Ms Françoise Gaspard, France)*

81. What plans do you have to increase the numbers of women in decision making?

**Articles 8 and 9 (No questions – this was adequately covered by government)**

**Article 10 (Equality of cultural rights and of the right to education and training)**

*(Ms Hanna Schopp- Schilling, Germany)*

82. Since there are a lot of religious schools in Fiji, does government still have the power to regulate the curriculum and change textbooks?
83. More and more women are going away to study abroad on scholarships. What was done to achieve this? Can this model be applied in other areas?
84. What is government planning to do to raise the number of women teachers at higher levels?
85. Are all sports equally open to girls and boys? Are state resources spent equally on both male and female sports?

*(Ms Rosaria Manalo, Phillipines)*

86. At secondary school level emphasis is placed on values education. What about the value of gender equality and equal opportunities?
87. What about the value of human rights, non-discrimination and non-stereotyping?

*(Ms Francoise Gaspard, France)*

88. There is a big difference in your data about technical education for boys and girls – what is being done about this?

*(Ms Sjasiah Achmad, Indonesia)*

89. Education is a cross-cutting sectoral issue needing specific attention. In terms of legal reforms gender training is not only important for the civil service but also for lawmakers. When was gender training integrated into the civil service training? Have there been any changes to attitudes since the training started?
90. What are your plans for gender training for lawyers, legislators, judges etc? What about labour unions?

*(Ms Heisoo Shin, Korea)*

91. Is the Fiji Human Rights Commission involved in education for schools?
92. Is there gender education programmes provided for students? Who is in charge of managing these programmes?
93. At university level, are there any women's studies courses?
94. Is there any adult education for men and women about changing the traditional roles of men and women?

## **Article 11 - Employment**

*(Ms Aida Gonzalez, Mexico)*

95. The current Health and Safety Act does not have any provisions on health and safety of women at work. Has there been any thought to review or reform this law so women at work enjoy safety and security at work?
96. There seems to be no law mandating equal pay for equal work in Fiji. Is it possible to include the question of making amendments in the labour laws so women get paid for equal work?

*(Ms Savitri Goonesekere, Sri Lanka)*

97. Is there any monitoring in the Free Trade Zones of the impact on women?
98. What is the situation of reforms for the Industrial Relations Bill? Does it cover the removal of discrimination against women? Are there any monitoring mechanisms there?
99. Do you have legal provisions on sexual harassment in the workplace?

*(Ms Christine Kapalata, Tanzania)*

100. It is important to stress the importance of legislation that governs employment. When are you going to address this?

*(Ms Hanna Schopp-Schilling, Germany)*

101. Serious work needs to be done if Article 11 is to be a living document in your country. Maternity laws need to be put in place.

*(Ms Francis Raday, Israel)*

102. A lot of work seems to have gone into the Industrial Relations Bill 1998, which may help solve some of these problems. The IRB seems to have been accepted by government. Why is it not back on the legislative agenda?
103. Why is there a low rate of women in the formal workplace (30 per cent)?
104. What is being done to encourage women who have children to stay at work?
105. What affirmative action is done to ensure that equally qualified women are promoted in the civil service?
106. What is being done to make sexual harassment a civil offence?

*(Ms Heisoo Shin, Korea)*

107. All laws should have a gender dimension. How do you intend to ensure this?

**Article 12 (Health care and family planning)**

*(Ms Charlotte Abaka, Ghana)*

108. Do the tobacco laws in Fiji contain heavy taxation on tobacco?
109. There seems to be a big difference between the numbers of women and men optioning for permanent birth control. Does culture play a role in Fijian males' non-acceptance of vasectomy?
110. Has there been any research on whether those with AIDS and tuberculosis die earlier than those who only have AIDS?

**Article 13 (Social and economic benefits)**

*(Ms Fatima Kwaku, Nigeria)*

111. The report admits the disadvantage of rural women in credit and loan. Why are there only 5 per cent of loans to women?
112. With regards to credit loans, the Development Bank approved loans to 577 women. How many of these women were from the rural areas?

*(Ms Francis Raday, Israel)*

113. The FNPF laws do not cover domestic workers who are mainly women. What can be done about this?
114. What comparisons can be made between men and women's pensions?
115. What budgetary provisions are being made by the ministry to reduce poverty for older women?

**Article 14 (Rural life)**

*(Ms Hanna Schopp-Schilling, Germany)*

116. How much property do women in the rural areas hold?
117. Please explain how the land laws affect women?

**Article 15 (Equality before the law)**

*(Ms Aida Gonzalez, Mexico)*

118. What measures are there to turn formal equality into real equality? What obstacles are there to this? Culture? Attitudes of legal people?

119. How do you intend to make Article 15 a living article?

*(Ms Rosario Manalo, Philippines)*

120. What measures have been taken to turn Article 38 of the Constitution into reality in other legislation?

121. Are there laws against marital rape?

### **Article 16 (Personal and family law)**

*(Ms Corti, Italy)*

122. The family laws are fundamental to women's equality. *(This Committee member spoke for about 20 minutes on the need for family law reform as the current laws were so bad).* Not only is there discrimination between men and women, but also between women of different races. Indo-Fijian women seem to be the most disadvantaged. Is it possible for the Family Law Bill to be passed immediately?

123. With regards to domestic violence it is disturbing that women have to wait three years to divorce, especially in violence cases. Since there is wide acceptance of the Family Law Bill what is stopping this Bill from becoming law?

*(Ms Savitri Goonesekere, Sri Lanka)*

124. The connection between women's private life and health are obvious. Are there any customary practices that still consider a child as a child in spite on the marital status of the parents?

125. Does the Family Law Bill provide for attachment of earnings to salaries to force payment in maintenance laws?

*(Ms Christine Kapalata, Tanzania)*

126. We urge you to be very vigilant in this area of family law. Reforms are badly needed. We appeal for collaboration between government and NGOs. What is being done to remove the discrimination against illegitimate children?

*(Ms Raday, Israel)*

127. We urge you to give high priority to the Family Law Bill and family violence. Send a clear message. I understand that this is a tall order as you have had many problems since May 2000.

128. What are the levels of prosecutions for domestic violence?
129. What are the levels of sentences for domestic violence? What types of sentences are given?
130. Does the law prohibit marital rape?
131. Can victims of violence get protection orders? Are orders implemented?

*(Ms Heisoo Shin, Korea)*

132. I congratulate the Fiji Government delegation on its candour and honesty. It is of the highest priority that the Family Law Bill gets passed into law.
133. There is no mention of the inheritance system in Fiji. Can daughters inherit property? Do they inherit differently if they are married?
134. Do men and women have the same property rights?

## **Annex E**

### **Fiji Government dialogue with the CEDAW Experts United Nations, New York, 22 January, 2002**

Madam Chairperson,

To the best of our abilities, we have prepared replies to the huge load of questions put to our delegation by the Experts. We endeavour to clarify on the remaining issues in the next report.

#### **Article 1**

**What was the NGO participation like in writing the report? List the NGOs that participated?**

As requested a list of NGOs is attached to the written replies, which is submitted to DAW. Apex women's organisations that have extensive networks throughout the country and which are actively involved in community development were represented in the 150 participants.

These included the Soqosoqo Vakamarama I Taukei representatives from each of the 14 districts, the 52 member affiliates of the National Council of Women Fiji such as the Fiji YWCA, Catholic Women's League, Dorcas Welfare, Poor Relief Society, Fiji Nursing Association, Fijian Teachers Association-Women's Wing, National Maathar Sangam-Women's Wing, Soroptimists. Other major NGOs that work in ecumenism, violence against women, human rights, legal literacy and reform, disability, the media, the environment, nuclearisation and independence struggles.

Women's activists, researchers, academics, professionals and gender specialists were also part of the consultations.

Representatives also attended from government ministries, departments and agencies, as well as from bilateral agencies, tertiary educational institutions and regional government organisations.

The CEDAW Committee prepared the draft report. It was chaired by Ms Mere Pulea, pro-Vice-Chancellor of the University of the South Pacific (USP), and Director of the Institute of Justice and Applied Legal Studies (IJALS) at USP. Other Committee members were Ms Imrana Jalal of the Regional Rights Resource Team (RRRT) and two representatives each of the Office of the Director of Public Prosecutions and the Ministry of Women.

#### **Article 2**

Madam Chairperson,

**What was the status of the Convention in relation to the domestic law? Was it a living legal reality? Are judges and legal people trained about this Convention?**

**The lack of EO legislation causes de facto discrimination, differential treatment of women in work areas, and in violence.**

**Questions were asked about the functioning of the national machinery for the advancement of women, including the Human Rights Commission, the Ministry of Women's Affairs and the Office of the Ombudsman. Also of interest were the means of enforcing the laws already in place in order to avoid de facto discrimination against women.**

**Does the constitution cover the private sector, including employment standards?**

As the supreme law, the Constitution must be adhered to by all (Article 2). In interpreting a provision of the Constitution, a construction that promotes a provision's underlying object or purpose is to be preferred (Article 3 (a); and in 13 (b)).

Regard must be had to the context in which this Constitution was drafted and to the intention that constitutional interpretation takes into account social and cultural developments, especially developments in the understanding of the content of particular human rights, and developments in the promotion of particular human rights.

Chapter 4 (the Bill of Rights) binds the legislative, executive and judicial branches of government at all levels: central, divisional and local; and (b) all persons performing the functions of any public office (Article 21).

Article 22 guarantees the right to life.

**Does the Blueprint look at the issue of gender and its implication on the other ethnic group? Were preparations on the Blueprint based on ethnicity, and on gender disaggregated data? Show figures to justify this?**

Cabinet endorsed a Blueprint for the protection and advancement of Indigenous Fijians and Rotumans at its meeting on 11 July, 2000. The Blueprint seeks to provide an enabling environment via legislative actions and policy directives. These can leverage Indigenous Fijians and Rotumans to fully exercise their rights of self-determination, safeguard the paramountcy of their interests, and to improve and enhance their opportunities, amenities and participation.

The Blueprint was endorsed by the Great Council of Chiefs on 13 July, 2000, wherein the Prime Minister reported that Fijian and Rotumans make up over 51 per cent of the population of Fiji. The 1996 census records that their numbers continue to grow at 1.8 per cent per annum, compared to the national population growth of 0.8 per cent per annum.

They also comprise the majority of land owning units, with customary proprietary rights to more than 83 per cent of all land, and to associated traditional fishing rights or *i qoliqoli*. Clearly, any measure that affects them will impinge on the nation. Ensuring the paramountcy of their interest and their equitable participation in all aspects of life is thus a precondition for the achievement of long-term peace, stability and sustainable development in the country.

What is needed is an enabling environment to facilitate the achievement of these objectives and interests in our multi-ethnic and multi-cultural society.

The Ministry for Women has provided to government information seeking the gender mainstreaming of the Blueprint. This aims to give appropriate focus to Indigenous Fijian and Rotuman women, and provide them with equitable measure of opportunities and benefits under the Blueprint.

Government recognises the essence of, and is already embarked on detailed preparation from all ministries and departments, in formulating the 10-year and 20-year plans under the Blueprint. Individual cabinet papers are detailing specific measures to be taken by each ministry or department. As well, grassroots awareness programmes have also already begun, as we speak beginning in Rotuma this week to sensitise local indigenous communities to the programme and the 20-year plan.

#### **What is status of CEDAW in the domestic law?**

There is no implementing legislation to incorporate CEDAW, or any other international convention, in domestic law. Ratification triggers its domestic application, and necessary legislative reform agenda to align domestic law with international standards. This is now doubly guaranteed by Articles 42 and 43 of the Constitution. We have informed you of the status of Article 43 (2) in interpreting the Bill of Rights chapter to defer to public international law where relevant.

Article 42 establishes a Human Rights Commission. Its functions are to educate the public about the nature and content of the Bill of Rights, including its origins in international conventions and other international instruments, and the responsibilities of the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and other organs of the United Nations for promoting respect for human rights;

To make recommendations to the government about matters affecting compliances with human rights, including the making of a recommendation that a particular question about the legal effect of a provision of the Bill of Rights be referred to the Supreme Court for its opinion.

The constitution thus recognises CEDAW as a living reality.

In the area of law reform, the trend is for the terms of reference of an enquiry to be guided by, and to ensure that the law consists with the CEDAW, CRC, or other relevant international human rights instrument, as the case may be.

**Do judges refer to CEDAW and is it applied in practice by judges and legal practitioners?**

Judge Shameem, the only woman member of the bench, makes reference to CEDAW in her judgments. In the magistrates courts level CEDAW has also been cited in the judgment, which we cited in the initial report, paragraph 1.9.

**Is there a draft equal opportunity law? If so at what stage of the legislative process is it at?**

Likewise Article 38 guarantees equality and the non-discrimination principle, direct or indirect, on the grounds of one's actual or supposed characteristics or circumstances, including inter alia, gender.

On that basis the identified need is to develop relevant policy and programmes to reflect gender equality, such as the Equal Employment Opportunity instituted by the PSC in the civil service.

**The custom of *bulubulu*, whether you have provided to eliminate this custom practice in reality?**

'Bulubulu' is a vital custom of the indigenous Fijian community for reconciliation and cementing kinship ties. Government is addressing its recurrent abuse in relation to the modern court processes and legal system in the handling of sexual offences such as rape. Acceptance of *bulubulu* has led to women victims not reporting the crime, discharge of the offender, or the mitigation of the sentence.

Improved awareness on this ill practice has increasingly allowed the law to take its course on sexual offences. In some cases, families have opted to decline the offer of a *bulubulu*. In other instances, families have accepted the *bulubulu*, but have agreed nonetheless that the law takes its course.

The reform of the sentencing law, which is also at an advanced phase, aims to codify sentencing options and guidelines and do away with ad hoc sentencing practices that have crept into the court system.

**The number of women judges/magistrates in Fiji? How many resigned after the coup? How many have been reinstated?**

One woman sits on the bench as a High Court Judge. At the magistrate's court level, four women are still serving. Two women magistrates resigned in the wake of the May 2000 coup. One has joined a private practice. The second former magistrate now heads the Legal Aid Commission. Since magistracy and judicial appointments are by application to and appointment by the Judicial Services Commission, automatic reinstatement is not appropriate following resignation.

**Following the recent crisis in the country, were there plans to amend the 1997 Constitution? What is the status of the constitutional review? Is Article 38 on equality and non-discrimination up for amendment in the proposed review? Would women's socio-economic rights be recognised in that instrument? Would women's NGOs have legal protection?**

See next report.

**How many of the reform references listed in your report may have been adopted? What is the timeframe of the reforms? What are the dates? Do these comply with Article 2 of CEDAW requiring such reforms to be undertaken without delay?**

See next report.

Most of the draft bills that came out of the law review and reform processes will now need to go through the re-introduction in Parliament, since the political crisis intervened in May 2000.

**What is the reform status of the Evidence Bill? Do you involve civil society in the planning of reform?**

The Evidence Reform Reference produced two Bills, namely Civil Evidence and the Criminal Evidence Bills. The Civil Evidence Bill was ready for the President's signature before the Coup in 2000. The Criminal Evidence would improve the Law on Corroboration, which is an area of major interest to women.

NGOs are consulted at various phases in law reform.

**On freedom of expression for NGOs, in light of CCF deregistration, what are the prospects of review of the governing law and whether protection of NGOs including women would be enhanced?**

See next report.

### **The Human Rights Commission**

**Need some updates on the Human Rights Commission? Number of female membership of the Commission? Who appoints members of the Human Rights Commission? Does it help and monitor CEDAW? Where do they get funding sources? [Does the Fiji Legislation protect discriminations?]**

The Human Rights Commission is an independent, autonomous body, established by Article 42 of the Constitution, which functions under the Paris Principles.

It is also a member of The Asia/Pacific Forum for National Human Rights institutions and reports directly to the Human Rights Commission.

The Fiji Human Rights Commission Act 1999 empowers the Commission to investigate allegations of human rights violations and unfair discrimination in employment. Although it does not specifically monitor CEDAW, it functions to protect and promote the Human Rights of all persons in Fiji and any other functions conferred on it under the Fiji Human Rights Act or any other written law.

The Commission is chaired by the Ombudsman. One of the three inaugural Commissioners was a woman.

The President appoints the Ombudsman on the advice of the Prime Minister.

Funds are appropriated by Parliament which must be adequate to fund the Commission's operations and functions and to maintain its independence and impartiality; also any funds derived from other lawful source and accumulations thereof.

### **The Office of the Ombudsman**

**Do women raise their request to the Ombudsman? Can you show some of the concrete cases brought up in the Ombudsman Office? (What if you have customary articles in customary law?) (What is the status of women in the industrial relation bill?)**

The Ombudsman Office was established in 1970 but has been underutilised as a mechanism for recourse to discrimination complaints and unfair treatment.

The Human Rights Commission and the Ombudsmen Office provides for all avenues for addressing violations of human rights.

### **Gender audit**

**What were some of the difficulties in gender piloting? Explain thoroughly, what is the purpose of gender auditing?**

Fiji made a commitment at Beijing to mainstream women and gender concerns in all government policies, programmes and projects. For this purpose a gender audit will be incorporated in our strategy to test gender responsiveness.

In the different sectors development indicators will be identified and outputs measured with the view to detecting gender gaps and integrate gender concerns in policies, programmes and projects.

The gender audit is being piloted in two ministries, namely the Ministry of Health and the Ministry of Agriculture.

### **The structure of the Ministry of Women**

**How the structure of the MOW interfaces with finance in cases of Budget? What is the monitoring structure like?**

- Ministry of Women - structure attached
- MOW interface with Finance on the budget

The government machinery for budget is as follows:

Ministry of Women (Individual Ministries) □ Ministry of National Planning or Finance □ Budget and Aid Co-ordinating Committee □ Development Subcommittee □ Development Coordinating Committee □ Cabinet □ Parliament.

### **Mainstreaming committee**

The selection of members to all taskforces was made to ensure that implementation and networking would be implemented within government and civil society organisations.

The Department of Social Welfare was considered a priority stakeholder in the Violence Against Women taskforce where they were selected chairperson.

Their participation in the Inter-Ministerial Committee would ensure their involvement in mainstreaming and other commitment areas.

### **What measures have you taken to improve the social and cultural rights of women?**

The biggest barrier of working in the area of social and cultural rights is the lack of understanding on gender and development-by-development agents in government, the private sector and the community.

Social and cultural beliefs are deeply entrenched in all levels of society and with women and men alike.

The challenge for the Ministry of Women and women's rights advocates is to create awareness and educate decision makers of government and community leaders, including women and men in the community.

The Ministry of Women, through its field operations programme, provides women's social and cultural empowerment programmes. These programmes include legal literacy, voter education, leadership training, negotiating skills training, conflict management and economic empowerment.

At the national level, the Ministry of Women has promoted women's strategic concerns through all levels of decision making for national and community developments.

The other strategy being employed to creating a JUST society is the provision of gender training. The starting point for this is within the government sector. The ministry plans to establish a partnership with civil societies to ensure community education on this.

Civil societies involved in women's rights issues have also provided community awareness.

We recognise that the task is a major one and with limited resources, we are doing the best we can.

### **Women in decision making**

#### **50 per cent of women are board members; does it have the support of civil societies?**

The Public Service Commission figures as at August 2001 show women's participation in boards, councils and commissions as 18.9 per cent of total membership.

Government target contained in the Women's Plan of Action is 30 – 50 per cent by 2008.

The Ministry of Women upon request by appointing authority provides names of appropriately qualified women for boards and committees. To do this, the Ministry of Women sends out to civil societies and individual women, nomination forms that are completed by individuals who have an interest in this. The Ministry of Women maintains a database of women.

Most women who are in these boards, now and in the past, are active members of a women's civil society organisation.

### **Poverty alleviation**

Government's poverty alleviation programmes address the following areas:

- The family assistance fund is given to persons who show that they are unable to work because of age, disability or sickness;
- Housing – the poverty alleviation funds has an allocated provision for building homes for the homeless;
- Micro-enterprise development – the poverty alleviation funds will provide seed money as grant to assist family under poverty to start an income generation project;
- The Ministry of Women has a micro-credit project that targets women under poverty. The project is a social and economic development project. Women are trained before a small loan is given, they are closely monitored and up-skilling programmes are provided throughout the programme. The ministry incorporates legal literacy, reproductive health and other social empowerment programmes for women under this project;

- The Ministry of Commerce under its micro-financing scheme also assists with women under poverty. The micro-finance unit is working with a women's organisation to implement some of its programmes in the Western division of Fiji.

### **Domestic violence**

**Is the law on family violence enacted? If not, what is the time factor of the reform? What concrete measures do you have to address domestic violence?**

As reported, the ministry hopes to get this reference underway in 2002. Aspects of family violence are also covered under the Family Law Bill (which we will elaborate on later).

### **NGOs**

**Does government provide an enabling environment for NGOs? In light of the CCF deregistration, is there a move to review the law that governs NGOs that will guarantee the continued participation of NGOs? What is the timetable for reform?**

No announcement is yet made on this point. However, we will update the Committee of Experts on any new developments in this area in our next report.

**What is the status and composition of the Women's Advisory Council?**

The policy to establish a Women's Advisory Council (WAC) was mooted and approved during the Labour Government administration. Ten women were appointed for a two-year term. The Council was composed of women experts in law, social science, women activists, academics and community leaders. Their appointment lapsed in 2001.

The ministry is reviewing the institutional mechanisms, including WAC for the implementation of the Women's Plan of Action (WPA). Its function was to provide advice to the Minister for Women on women's issues and to monitor the implementation of the WPA.

**Interface between WAC and the Inter-Ministerial Committee**

To be covered in the next report.

### **Violence against women**

We will deal with this issue under Article 6 below.

**Regarding violence against women, an Expert said that the role of the law of the country seemed "somewhat unsatisfactory". For example, evidence of past sexual experience of the victim was still allowed in courts when cases of rape were tried, and corroboration of evidence in such cases was still required. She**

urged the government to place the issue of violence prevention high on its agenda. Protection for the victims of domestic violence was needed, another Expert added.

Addressing the issue of family law, an Expert noted that divorce was practically impossible for women. She wondered about efforts to address the problem.

Another speaker wondered if the provisions of the Convention were studied by law students in the country. Were seminars organised to promote the goals of the Convention? An expert wanted to know about specific training of teachers and doctors in order to achieve gender sensitivity, and the role played by the mass media with regard to women's issues.

It was pointed out that Fiji's report referred to some "very promising policies", including those on poverty alleviation and achievement of sustainable development. Were women's issues mainstreamed in the government's efforts in various areas?

In that connection, a speaker noted that the list of programmes undertaken by the government included only four or five programmes directed specifically at women. Was the gender dimension integrated into ministries' plans? If women were not in decision-making positions, it was hard to ensure implementation of gender-equality goals.

Entrenched patriarchal attitudes were affecting the position of women in the country, a speaker said. Were women aware of that and what was done to address the situation? The problems of unequal pay and segregation in the labour market, as well as "inadequate protection of women during pregnancy", needed to be addressed along with other policy priorities.

An Expert asked if there were specific programmes to combat women's poverty. The problem of prostitution was linked to the issue of poverty. Was the government providing training to poor women and taking measures to prevent them from turning to prostitution?

Clarification was sought regarding the composition of various bodies, including the gender focal point and the membership of the committees dealing with women's issues. In order to see the decisions implemented, it was important to seek the highest level of participation in the national gender machinery. Was there communication between the women's advisory council and the inter-ministerial committee, as well as various task forces and the women's committees?

An Expert said that despite the progress achieved in Fiji, there was a certain discrepancy between goals and accomplishments there. It was important to reflect on the causes of such distortions, which included tribal traditions. What actions did the government contemplate to redress the situation in that respect?

**Many other questions were asked in the debate, including affirmative action efforts; Constitutional guarantees for women in the private sector; differential treatment at work; the “gender budgeting” initiative and “gender audit” of policies; the extreme poverty of households headed by women and gender mainstreaming.**

### **Article 3 and Article 11**

Madam Chairperson,

**What is the maternity law like in Fiji?**

Refer to Article 11 replies.

**Why was Social Welfare not included in the gender mainstreaming committee?**

**There is a distortion of objectives and achievements, what are the causes of these distortions? What is your policy in this regard?**

**The WPA goals set by government are until 2008. The 10-year period is too long. Is there a systematic plan for monitoring and evaluation of these goals?**

See next report.

**How do you consider women in the poverty alleviation programme?  
Can government provide basic and income generating training to supplement prostitution in the poverty alleviation? Whether other various programmes include women?**

Refer to the next report.

### **Employment legislative framework and labour market restrictions**

**Whether government has legislation on equal opportunities in employment?  
Is there a law guaranteeing equal pay for work of equal value? Is there legal protection contemplated for women who perform domestic duties?**

There is no specific legislation providing for equal pay for work of equal value.

Fiji is a young nation and women began entering the paid formal labour market in the early 1950s. Women entered the labour market through 'traditional' vocations such as stenographers, nurses and teachers.

**Restriction to the Labour Market is contradictory. Are women aware of this?**

Women are becoming aware of the restrictions within the labour market. Restrictions whose causal factors are derived from established traditional gender

roles and an educational curriculum and practice that further entrenched this stereotyping.

Women are now applying for positions that traditionally belonged to men and are undergoing training to widen the scope of employment available to them.

Government, through the Ministry of Women's social and economic programmes, the Ministry of Education through career counseling, and civil societies are promoting and empowering girls and women in this area of development.

### **Equal Employment Opportunities**

In 1999, government, through the Public Service Commission, established its EEO policies. The policies provide a guideline and set a standard model for other government ministries own policies.

The Police Department established its EEO policy in 1994.

The conditions of employment are governed by the Employment Act (Cap 92), which was enacted in 1965. Its protective regime for women and children workers was satisfactory for that era. In light of evolving international minimum standards of protection in human rights arena, and the conventions that Fiji has ratified, updated legislation is now critical. Hence the successive government's efforts to draft new law to bring the industrial relations regime in line with CEDAW and CRC. Interim measures in recent years include the fast-tracked amendment for women in night work to balance gender-biased aspects in Part III, sections 57 - 73 (Women Young Persons and Children).

The domestic workers are more commonly known as "house girls". The Employment Act defines domestic servants as involved in connection with work of a private dwelling house which is not associated with any trade, business or profession carried out in such a house and this includes a cook, house servant, child's nurse, gardener, washer woman, watchman and driver.

Despite the shortcomings of the Act, protection for domestic servants includes;

Legally binding 'verbal' contracts (Section 15)

Right to timely payment of wages

Right to notice of dismissal or payment in lieu of the dismissal Protection against summary dismissal

Right to receive wages on lawful dismissal

Protected against practices such as wage deductions for bad or negligent work or for excessive (over 50 per cent) wage deductions

### **Article 4**

**Is gender mainstreaming reflected in the affirmative action?**

**On the issue of sex role stereotyping, a speaker stressed the importance of training teachers to promote change in that area. It was also important for women to be able to lodge complaints in cases of domestic violence. What percentages of women were in the police force? Were there incentives for women to become police officers in Fiji? Another speaker reiterated the need to encourage the media to publicise the issue of violence against women. A speaker noted that children often learned about violence in the home.**

**In affirmative action measures, does the Blueprint and the Social Justice Act have an impact assessment mechanism to allow its monitoring and evaluation to avoid distortions? A gender audit may need to be incorporated into the Blueprint. Have you built in the concept of Gender audit in the Blueprint? The reverse discrimination permitted in social justice framework under Article 44 (8) of the Constitution is curious. How does it work in practice? Including in presenting the Social Justice Bill 2001?**

**Is the gender dimension mainstreaming generated into the ministries and how are these monitored?**

**Is there a gender commission?**

**Any gender disaggregated data?**

**Affirmative Action programmes?**

- **Is there a gender dimension integrated into the Blueprint?**
- **Commends the reported gender training in the training centre for development which did not seem to consider gender training of professionals like doctors and teachers.**
- **Does the values education in secondary schools include gender?**
- **The role of the mass media, and whether journalists are involved in gender training?**

#### **Affirmative action for Indigenous Fijian and Rotumans (The Blueprint)**

The affirmative action programme for Fijians and Rotuman (the Blueprint) is a policy of the present government which came into power in September 2001. Government, through programmes of the different sectors, will monitor and ensure the implementation of the affirmative action programme.

The gender audit initiative will be piloted in the Ministries of Agriculture and Health. Affirmative action programmes in these ministries will undergo this auditing initiative. Government is presently working on the report for the Convention of the Elimination of Racial Discrimination; any discriminatory practices will be reported.

#### **Values education**

Values education promotes peace, justice and shared responsibilities in the home.

## Gender Commission

Fiji does not have a gender commission. The Ministry of Women performs the functions of monitoring women and gender development in Fiji.

## Article 5

Madam Chairperson,

**The Committee Chairperson, endorsing the concerns raised by the Experts, asked whether the Fijian Constitution contained a provision for the right to life. Noting that most cases of homicide were related to domestic violence, what urgent measures were being put in place to ensure the basic right to life of women?**

**Another expert asked about the specific nature of stereotypes. With Fiji's ethnically diverse population, were different values attached to women from Fijian and Indian backgrounds?**

- **Are you going to continue gender sensitisation?**
- **What type of training is done?**
- **Do you train the trainers?**
- **Does this gender training involve teachers and doctors?**
- **What is the role of the mass media like in CEDAW?**
- **Related matters?**
- **Do women receive training in mass media?**
- **What work has been done so far?**
- **What is the percentage of women in the police force?**
- **Are there incentives for women to become police officers in Fiji?**
- **What urgent measures are being taken to accommodate female basic rights to life?**
- **Are any values or specific stereotypes derived from Fijian/Indian culture?**
- **Stress on education, training esp. of trainers/teachers to affect social roles and stereotypes**
- **Police gender sensitised training (Gaspard)**
- **Changing stereotypes in education and media is due to the culture of education and media. Family education on these stereotypes is very crucial as home is where education begins so early and can sustain and be bolstered by formal education (Da Silva)**
- **The specific nature of stereotypes may be inherited from British colonial values. Are there any that derive from indigenous, Indian, Chinese or other ethnic grouping in Fiji. If so, we can list them so you know what stereotypes you are battling against. (Schopp- Schilling).**

## Right to life

Chapter 4 of the Constitution of Fiji contains the Bill of Rights.

Article 22 states: “Every person has the right to life. A person must not be arbitrarily deprived of life.”

### **Domestic violence**

Domestic violence has been for too long considered a private affair. It has only recently been brought out publicly. Awareness is growing to the fact that any form of violence perpetrated anywhere, including the home, is a crime.

Public media campaigns and community workshops are being implemented to create this awareness and to educate men and women on this issue.

The police are executing a 'No Drop' policy whereby women reporting spousal abuse to police cannot withdraw cases. This means that perpetrators of domestic violence must appear in court even if reconciliation has taken place.

### **Stereotyping**

Research has shown that women from Indian families often have a difficult time within their “marriage home”. Abuse by in-laws makes them more susceptible to suicide or a higher degree of tolerance.

Typically an Indian woman/girl is always accompanied in public by her spouse, in-law or children. In contrast public movement for Fijians and other ethnic women/girls are less restricted.

These stereotypes are changing as girls/women become more exposed to education. Officers of the Ministry's of Women, Health and Education conduct community-based trainings to promote shared responsibilities in the home. Women NGO's and civil societies provide similar programmes.

### **Gender training**

The Ministry of Women through a UNDP gender facility has been able to do the following programmes in terms of gender training:

#### **Phase 1**

- Hire a Trainer/ Consultant to Train Trainers in Gender sensitization. Trainers trained were from the Government Centre for Development & Training, Ministry of National Planning, Health, Education (Curriculum Development unit), Agriculture and Ministry of Women.
- Develop a training manual for Fiji. Those who trained, as trainers were involved in all the processes of developing the manual.

#### **Phase 2**

- The same trainer/consultant is contracted to train the second group of trainers. They were from the Ministry of Education (four lecturers from the Teachers' College, Agriculture Communication and Information Unit, two lecturers from the College of Agriculture), the Fiji Police Academy,

Military Officers Training Academy and the Ministry of Women.

- Up-skilling of first group of trainers
- Training of trainers for TOT programmes
- Gender training for Senior Executive Service level of the Public Service of Fiji.

The Ministry of Women with Trainers from the different sectors has facilitated training for public servants from most sectors of government. Most are from middle management. With more trainers having been trained, the ministry plans to move out to other centres, including rural areas, so that the public service is gender sensitised and a gender- friendly environment is created within government.

The Ministry for Women plans to implement the gender audit initiative this year. This project has a training component, which will provide skills for gender impact analysis. The project will be piloted with the Minister's of Agriculture and Health.

### **Police Department**

The Police Academy has integrated gender concerns in all aspects of training and two Officers from the academy have undergone gender sensitisation training and one has been trained as a trainer.

The Police Department is an equal opportunity employer and women are encouraged to apply for posts as police officers.

### **Mass media**

Women civil societies have worked with the media in educating journalists on gender stereotyping, especially in reporting on sex crimes such as rape. The National Council of

Women, with the assistance of the Secretariat of the Pacific Community, conducted a media- training programme for women in the media.

There is a need for the Ministry of Women and the Ministry of Information to be actively involved in the training and dissemination of the CEDAW to media organisations and personnel.

### **Innovative policies, programmes, projects and good practices**

The media is a very powerful medium that shapes attitudes and promotes sex roles stereotyping in the minds of the public. Fiji Islands has the three forms of media – print, audio and vision. Most families in Fiji have access to one form of medium or another, with TV having the most limited coverage. Radio programmes are aired. Newspapers are printed in the three main languages and are therefore able to influence the public more significantly. No national survey has been conducted on programmes on what people hear, read or watch most on TV and the other media. It appears news, entertainment, soap operas and sports head the list. It is difficult to say without proper surveys as to whether programmes that typecast women and

men in a variety of roles have a significant effect on members of the public and the way they behave.

### **Media Watch**

Media Watch is a non-government organisation which was established in 1993 with the main purpose of educating the public about the mass media. Membership extends to both individuals and organisations. Since its inception, Media Watch has implemented a number of activities such as media awareness workshops in Ba, Tavua, Nadi, Bau and Tailevu. They have also visited schools in these areas to raise awareness on media related activities such as media literacy in order to analyse and to make informed choices over programmes and the medium through which these programmes are presented.

Funding for the activities is drawn from membership fees (\$5 for individuals and \$10 for organisations) and from international agencies such as the World Association of Christian Communication (WACC); NZODA, Bread for the World (a German church based NGO) and the Canada Fund. A coordinator has been hired recently to implement more media literacy training programme and public awareness rising.

### **The Fiji Media Council**

The Fiji Media Council (formerly the Fiji News Council) is an initiative of the industry, with membership drawn from the industry and the public. Its main purpose is to receive complaints about the media but it does not have a "moderating" role. The impact of the media, not just the mainstream media, but also new forms of global communication would need to be addressed as access to the internet brings many images and issues of different dimensions which may be subject to complaints.

### **The National Council of Women**

The Fiji National Council of Women has started a project on women and the media. A training workshop was organised for their affiliates so that women are empowered in dealing with the stereotyping of women by the media. The FNCW plans to pursue this work in the next few years.

### **Obstacles encountered**

It is expected that Media Watch and the Fiji Media Council with more support and funding will play a key role in the future. There are however a number of concerns that have been raised by women and these include:

#### **Advertisements**

Women are portrayed as glamour objects to sell cars, boats, or any other type of machinery, wine, food and toiletries, whilst men are cast in roles of selling

chainsaws, beer, men's clothing and boots, among other things. At this stage, there appears to be no concerned efforts made to change some of the more offensive ways in which women are portrayed in advertisements.

### **Sexual abuse and sensational reporting**

The sensational and sometimes inaccurate coverage of rape and sexual assault cases involving women as victims, police raids of hotels/motels involving female prostitutes, including the graphic descriptions of the circumstances of the victims' experiences, are areas of concern. Women are sometimes portrayed as being ultimately to be blamed for the action. The way the headlines are given and descriptions of the harrowing experiences of female victims continue to display popular misconceptions about women and that they are ultimately to be blamed for the crimes committed against them.

### **Use of language**

The use of language can significantly affect the way viewers, listeners and readers perceive women. This is a concern raised from time to time and it points to the fact that training in this should be expanded.

### **Commitment to further action and initiatives**

Networking and concerted efforts should be made to improve the image of women in the media and to assist the media to be more responsive to women's issues and development needs. There is low participation of women in the executive levels of the media. This could change in the future as more women undertake the journalism program with the University of the South Pacific and in other institutions.

No data is available documenting the levels of women's participation in the media, their working conditions, training initiatives, work related problems and the types of work women journalists are expected to cover. Media monitoring groups such as Media Watch and the Fiji Media Council are important vehicles to provide feedback on the types of publications and programmes and advertisements that adversely affect women. The dissemination of government information is carried out by the Ministry of Information. This can ensure women's perspectives are taken into account on such issues as government, economics and social development policies. In this way women's views are not simply confined to issues of health, education, nutrition and family welfare.

As there is a low level of awareness in the media of women's concerns, there is a need for advocacy to utilise the media to enhance the advancement of women and give greater visibility to women's points of view. Some feasible strategies could include:

- Encouraging women to participate in formulating and implementing media policies that will reduce discrimination against women and gender bias;
- Encouraging Media Watch, the Fiji Media Council and the Ministry of Information to actively advocate for the media to present a more balanced image of women and to accurately portray their abilities in the wide variety of roles they play;

- Working towards eliminating harmful stereotype images of women from advertisements;
- Reviewing and revising media related legislation and policies to eliminate discriminating provisions and gender bias;
- Reviewing and upgrading the media curricula in the University of the South Pacific Journalism Programme to include gender responsive components;
- Strictly enforcing prohibitions against pornography;
- Conducting training at all levels of the media on gender sensitivity, the use of language, and report writing;
- Institute training programmes, workshops, seminars and other forms of training including advertising and management training to maximise skills in the use of the media to deal and to advance the concerns of women. This could be carried out by the Ministry of Women, Ministry for Information, Fiji Media Council and Media Watch. The training should be sensitive to the culture of the community. Programmes and commercial producers should be trained to monitor adverse impact of programmes and advertising on women;
- Conducting regular surveys and obtain feedback from media users, especially women on women and family related concerns raised in the media;
- Establishing a taskforce with the primary objectives of developing gender perspectives and gender sensitive guidelines and to enable women to better achieve the objectives set out in the Beijing Plan of Action.

The media industry has played a key role in their self-regulation. This needs to be continued reinforced, as the media is an evolving industry. Media organs and their audience (listeners, viewers, readers) need to proactively achieve the aims and objectives under critical concern J of the Beijing Platform for Action on Women and the Media. These strategic objectives increase the participation of women to expression and decision-making in and through the media and new technologies of communication; promote a balanced and non-stereotype portrayal of women in the media.

## **Article 6**

Madam Chairperson,

**Turning to the issue of prostitution, a speaker noted that while prostitution was illegal, clients were not punished. The report alluded to the fact that prostitution was growing for economic reasons, one speaker noted. That was particularly worrisome, especially in the case of girls dropping out of school. What was being done to address the issue? The problem of trafficking in women must also be studied, since that phenomenon was often the result of economic hardship. Why were the victims of prostitution punished while clients were able to go free?**

**What was the view of the State in that regard? The issue was a human rights problem. Another Expert, noting that the penal code dated back to 1944,**

asked whether the penal code was derived from the same legislation that had traveled to other former British colonies. She assumed that the Sexual Offences Act did not cover the area of sexual exploitation of women.

**On an interrelated issue, sexual violence against women and girl children, an expert noted an alarming increase in the number of incest cases. What measures had the government adopted to come to grips with that problem? What sanctions were imposed on offenders and what kind of rehabilitative treatment was accorded to victims? Did prostitution exist at the child level? Was there data on violence against women?**

The Fiji Law Reform Commission is recommending that:

- Prostitution be decriminalised
- Prohibition on prostitution be substituted with the regime of licensing and regulation
- Breach of license and regulation should result in penalties
- Penalties to be increased for repeat offenders

Regulations are to cover aspects of public health areas of solicitation, of medical checks, safe sex practices, etc. Prostitutes are themselves to be involved in licensing and regulations formulations. A more extensive study on the prevalence of prostitution in Fiji and explore options in other jurisdictions as to licensing and regulations of the profession.

Decriminalising prostitution, given the dominant values in Fiji, is a controversial issue. A 1997 Tebbutt Poll survey registered 29 per cent as favouring legalisation, 68 per cent opposed. However, given that prostitution is driven largely by poverty and economic deprivation, intervention is now needed.

### **Police enforcement**

The elusive nature of prostitution makes law enforcement against it difficult. Police concerns on the extent of the problem have increased. They are duty bound to arrest and charge prostitutes. Often they merely issue them warnings. Clean-up weeks have been conducted to rid street beggars, prostitutes and children found loitering in Suva. The police and the courts often find sympathy with prostitutes. If arrested they are often likely to be released or acquitted. The view is increasingly that “these females are really doing no harm to anybody compared to those that break and enter, who really give us trouble and we have to be on the lookout for, so it will be waste of time to go after these girls”.

Alternatively, strictly enforced law will only drive prostitution underground, nor will it eliminate the demand or supply for such services. Police consider prostitution a serious economic problem that warrants government attention for which they suggest two options:

- Increase family assistance allowance
- Increase maintenance allowance for single mothers

### **AIDS Task Force**

In contrast, the AIDS Task Force considers police attitudes towards prostitutes ranging from intimidation to harassment. That vulnerable sex workers are

susceptible to abuse and exploitation. Anecdotal reports suggest that the vulnerability of prostitutes has allowed them to be abused and exploited. The task force reports a notable proportion of the police use their services.

#### **Legal issues: the current law**

The Penal Code, sections 162, 163, 168 and 170, provide for prostitution related offences. Exchange of Sex for Payment does not, but how the transaction is arrived at that attracts the criminal sanctions. Police usually make arrests for “loitering or soliciting in a public place for the purposes of prostitution” (section 168). Section 168 sets out the Like any received law the solicitor for the service goes unpunished while the prostitute, who usually is a woman, is penalised.

Despite the relatively light penalties, this offence is frequently prosecuted compared to other offences because of its public visibility. In 1997 police arrested and charged 23 women.

No formal prostitution reference has been given to the Fiji Law Reform Commission for 2002. Public discussion has been roused on the issue to penalise beneficiaries. NGOs and civil society organisations have been strong advocates for it.

#### **Trafficking**

Recent media reports highlight Chinese migrant women workers who were recruited on the pretext of gainful employment but found themselves forced to engage in prostitution. Government is currently looking into this matter.

#### **Violence against women and children**

Violence against women and children is the most pervasive violation of human rights. For women, it is considered as a major impediment to their participation in development. Violence against women and children occurs at every level of society, and in diverse forms.

Some entrenched forms are not recognised by society and our institutions as they are explained as “family discipline” and therefore ignored, condoned or tolerated. These social attitudes perpetuate violence. It so requires more than punishment of the perpetrators to change these attitudes and behaviours.

At the national level, the prevalence of violence can only be understood in the context of its socio-economic milieu. A great deal of importance is placed on family relationships, which is generally defined by the caring and sharing attitudes among the wide network of kin. This network of family relationships is seen as a social and economic safety net.

However, the increasing social problems such as crime, drug abuse, poverty and abuse of women and children indicate the changes occurring in the family. Perceptions with regard to the roles played by family members have changed with

the entry of women into the cash economy. Where the husband and father was head of the household, increasingly women have taken over that role.

Although the dynamics that determine family relationships have changed, society continues to view violence against women and children as an encroachment into family privacy and a threat to family unity.

Therefore, there is a deep-seated resistance to accepting violence in the home as an offence and a violation of individual rights. Government is addressing the issues of violence and abuse through the Ministry of Education's Family Life Education Programmes. As well, NGOs such as the Lifeline Wesley Church, Fiji Women's Crisis Centre, Fiji Women's Rights Movement, YWCA, and other CSOs and religious organisations provide counseling services, family life education and support for victims. Shelters and refuges provided by NGOs and CSOs provide a safe-haven for abused women and children.

Apart from the lack of knowledge and understanding of the dynamics of violence and abusive relationships, studies have indicated a low reporting rate in spousal abuse in Fiji.

Economic dependency is a major reason of women's high tolerance for violence. Approximately 30 per cent of women in employment are concentrated at the lower wages level, with the government and manufacturing sectors being the largest employers of women. Violence against women and children is a multi-faceted problem. The law is an avenue of tackling the problem. However, law reform is inadequate. Supportive services and the training of care providers and law enforcement agencies are also necessary to protect victims of violence and to expedite the access to justice for such victims.

Ingrained biases against women and the stigma attached to victims of sexual violence are some of the obstacles to obtaining justice for women.

Legislative remedy is now critical to address violence against women and children, side by side with policy and procedural changes for child abuse cases.

### **Article 7**

Madam Chairperson,

**On the participation of women in political and public life, in terms of constitutional revision, had thought been given to legislative means to increase the participation of women in decision making? In this transition period, and probable constitutional review, is there any thoughts given to constitutional, legislative or other non-legal measures to encourage women participation in public spheres? (Gaspard)**

Article 38 of the Constitution promotes gender equality and the non-discrimination principle. The current government is committed to facilitating 50 per cent of women membership in decision-making level, bodies and entities.

The Ministry for Women:

- Is working with the taskforce on gender balanced decision-making to implement the
- WPA;
- Makes recommendations to appointing authorities for the inclusion of women in
- government appointed bodies;
- Monitors government's policy of increasing women members by 50 per cent;
- Facilitates funding for NGOs conducting training in this area.

The WPA sets the following policy directives:

“Gender-balanced partnership at all levels of decision making, and assigning 50 per cent of representation, participation, trainings, appointments and promotions at all levels of government to women on merit, as appropriate, and encourage the same in the private sector.”

The strategic objective of balancing gender in decision making is:

- To promote gender balanced representation in boards and committees, councils, commissions and tribunals;
- To strengthen women's accessibility to, and full participation in power structures and decision making;
- To create an enabling environment for equal opportunities in trainings, promotions, recruitment and appointments in the public service, and encourage the same in the private sector;
- To create an enabling educational and social environment where equal rights of girls and boys, men and women are recognised, including special groups such as the disabled and immigrant women are encouraged to achieve their full potential.

Madam Chairperson,

### **Articles 8 & 9**

No questions

### **Article 10**

**Penal law governing prostitution is colonial and archaic as it penalises the victim and solicitor or other beneficiaries of the trade are allowed to go free and to use the trade. Have noted the FLRC effort. BUT Prostitution is really a human rights issue.**

**Penal Code 1944 implies that it is received law and colonial concepts persist whereby women are the victims, men are the beneficiaries of such law. The impressive law reform initiatives seem to not have touched this issue at all. Why?**

**Why is there no proactive intervention to help school girls who are plying the trade to support basic educational burdens, and poor women (because the Fiji report attributes prostitution to economic deprivation/purposes). There seems to be no trafficking problem in Fiji but caution that prostitution has potential connection with trafficking.**

**Violence against women, and within the family (incest, abuse, violence against older women etc). Does the sexual offences reform touch on prostitution. Need data on child prostitution. Any programme proposed to take up children engaging in prostitution?**

**Turning to education, an Expert asked whether the government had the power to regulate the curriculum of religious schools. On the number of girls applying for scholarships, had girls been encouraged to apply for scholarships or had they been given preference? What did the government plan to do regarding the low number of women teachers at higher levels? Were all sports equally open to girls? Another speaker wondered whether measures had been taken to encourage girls to pursue technical training. Were students offered courses on sex education? Were courses on women's studies offered at the university level?**

**Another expert emphasised the importance of gender training for lawmakers and not just for civil servants. When had gender training been integrated in civil service training, and was it possible to observe changes in the attitudes of civil servants as a result of that training? To what extent was similar training being planned for lawmakers, law enforcement officials, prosecutors and judges?**

- Prostitution

The references for Law Reform for 2002 is not yet available.

There has been a lot of public discussions on the need to penalise beneficiaries of prostitution. Civil societies have been strong advocates for this.

- Government interventions for school girls in prostitution

Government through the Department of Social Welfare and Women has attempted to include young girls in its social and economic skills training programme.

- Education

#### *Curriculum*

School curriculum is given by government to schools. Schools owned by religious organisations have special programmes for religion. Students from other faiths undergo this training but each student has the right to religious freedom.

#### *Higher level teaching posts*

All posts including higher level posts are advertised and equal opportunity is given to women.

### *Scholarships*

Scholarships are advertised publicly and females and males are encouraged to apply. Affirmative action was in place to ensure equity.

### *Technology*

Most secondary schools now give technical drawing options to boys and girls.

### *Women's studies*

The University of the South Pacific does not offer a Women's Studies programme. During the Secretariat of the Pacific Community- organised Triennial Conference on Women, Fiji recommended that the secretariat pursue with the University the need to offer this programme.

### *Gender training*

Government programmes on gender training will address officers in the judiciary and law enforcement agencies.

Civil society organisations have conducted programmes for judges in the Pacific region.

Madam Chairperson,

## **Article 11**

Refer to our replies under Article 3.

**Taking up the issue of employment, an expert noted that the 1996 law on the health and safety of the workplace did not contain provisions on the specific needs of women. Had thought been given to reform of that law to ensure the safety and security of women in the workplace? What kind of working conditions were women**

**afforded? Noting that women earned some 88 per cent of men's salaries, she exhorted the government to ask the Legislative Reform Commission to incorporate into legislation guarantees of equal pay for female workers. Had anything been done with regard to pay definitions and were there legal provisions for sexual harassment in the workplace?**

**Another speaker reiterated the urgency of the need to ratify legislation that addressed matters of discrimination. Serious work needed to be done as regards women's employment if the Convention were to be a living document in Fiji.**

**While some would argue that the current economic situation might not be favourable for change, one Expert thought that times of crisis could be used to promote new legislation that would be beneficial to women. A country would not be prosperous if its prosperity was based on the exploitation of women. She was concerned with the non-existence of paid maternity leave. The issue of merit, as enshrined in many constitutions, was often narrow. Discussion on**

the concept of merit should include the work experience of women in the informal sector or as homemakers. Some European States had expanded the notion of merit to include skills gained in areas not before recognised.

Another speaker stressed that the question of employment was central to solving many women's issues in Fiji. Relevant provisions for non-discrimination needed to be promulgated in the country. She asked why women's participation in the labour market was so low and what was being done to address the situation. What was being done in terms of affirmative action to ensure that qualified women could find employment?

Criminal prosecution was not the most effective way of dealing with sexual harassment, she added, asking if it was possible to file civil action in connection with that phenomenon. Another speaker agreed that legislation on equal employment was needed, which should guarantee equal opportunities for employment, pay, retirement and promotion.

- Health and Safety at Work Act 1996 violates CEDAW.
- Is there no provision for Equal Pay for Work of Equal Value, to remedy the anomaly whereby as reported women earn only 88 per cent of men's salary?
- What progress, if any, has been achieved on the recommendations in paragraph 11.18?
- Employment/Industrial Relations Bill – does this continue the differential work conditions that women presently face?
- Is there any way of monitoring working conditions of women in the Tax Free Zones?
- What, if any, provision is available for sexual harassment of women in the workplace?
- Status of ILO Standards 100 and 111.
- Serious work on women's employment in public and private sector is now in need to satisfy the CEDAW standards.
- Remedies may lie in developing specific programmes.
- Times of economic and/or political crises often are opportune for work to advance for social improvement and equity. Government needs to seek out credible employers in private sector organisations that can generate employment but that can also promote human rights and women.
- The merit-based recruitment/promotion provision in Art 140 of the Constitution can be reinforced through appropriate legislation. Despite this constitutional guarantee, differential treatment abounds especially at the senior civil service level. Caution that merit is in fact a narrow-based “masculine” concept. Government is best advised in exploring this concept to broaden its scope and genderise it.
- Explain the low rate (30 per cent) of women participation at the (senior level of the public service?)
- Women earning 88 per cent of men's salaries is very good indicator.

However, need to clarify if it is on average salary differentials or whether only at a certain level of the service etc.

- Given the associated burdens of criminal prosecution of sexual harassment in the workplace, is there provision for civil remedies?
- Maternity leave – report says poor. Oral presentation says progressive with good prospects for broadening these conditions.
- Queries whether EO/IRB/EPWEV would offer protective measures on gender issues. (eg. sexual harassment).
- Does government regulate and/or fund private or religious schools?
- As reported, how did government achieve the goal of increasing women scholarship recipients for overseas studies? Can we follow similar strategies to achieve greater number of women in upper echelons of the education sector, sporting arenas, and so forth?
- As Values Education in Secondary School level is usually formulated to address human rights concerns, although it is appropriate, it is also a narrow-based approach. If it promotes respect for others, elders and so forth, it has the potential to be a vehicle for wider issue areas in gender, children's rights, ethnic minorities etc. What special measures are prepared to increase girls entry into the sciences and technology courses/career preparations?
- Education is a cross-cutting issue, so is gender. Welcomes gender training initiatives for civil servants. And, commending the law reform agenda and progress to date, considers it essential that law reformers and stakeholders thereto are also given gender training.
- When was this gender training for civil servants incorporated? Any resulting changes measured in attitudes and practice of law enforcers, legislatures, judiciaries, prosecutors, defense lawyers, curriculum officers, political parties, labour unions (see also Schopp Schilling comments under Art 10). Is sex education in school available?
- Are there any gender programmes/trainings in school (which is very important for stereotyping). If so, who controls/is in charge of it?
- Are gender studies for men and women available at tertiary education level to change stereotypes?
- Similarly, do adult or continuing education department offer similar gender studies for men and women?

## Article 12

An expert also addressed the issue of the "brain-drain". It was important to look at that question very seriously, for eventually it became prohibitively expensive to bring specialists from outside. Pointing out the impact of tobacco on the health of women, she praised the government for the bill regulating tobacco in the country.

- Brain drain is costly to rectify. Preventive measure is more economical and sustainable in the long term. It happens not simply due to political upheavals, it happens when poor facilities and poor remuneration is available to the professionals: And women do suffer greatest when decrepit social services occur, even more so in these days of

### **privatisation and globalisation**

- **Commend the progress on the Tobacco Act 1998 and query if relevant penalties i.e. heavy taxation on tobacco, are also imposed, or other relevant information etc?**
- **Commend the progress in reducing infant mortality rate. Some concern in contraception, the differential practice with the permanent methods – hysterectomy at 30.09 per cent, and vasectomy at 0.21 per cent.**
- **Note the increasing level of TB, STIs, HIV/AIDS etc. Query if HIV/AIDS infected die earlier with the presence of opportunistic infections like TB.**

### **Tobacco**

Smoking has been identified as one of the risk factors for life-style diseases in Fiji. The Ministry of Health estimates 23 – 39 per cent of the population smoke and the health care costs of smoking is estimated to be at least \$5 million per year in preventable health care costs.

Sex diseggregated data is not available but circumstantial evidence show that a large proportion of females smoke.

The Ministry of Health has the following strategy to fight smoking:

- (i) increase enforcement of the tobacco legislation,
- (ii) training of health workers to facilitate smoking cessation,
- (iii) public education on the effects of smoking on people's life.

In implementing the above strategies, the Ministry of Health hopes to achieve these objectives:

- (i) to reduce smoking uptake,
- (ii) to reduce the effects of passive smoking,
- (iii) to increase awareness of the dangers of smoking,
- (iv) to decrease the social acceptability of smoking.

The Tobacco Act stipulates a Tobacco tax and the 2002 Appropriation Act specifies an increase of 5 per cent fiscal duty and 3-5 per cent excise rate on cigarettes.

### **Contraception**

Vasectomy - a public media campaign was conducted by the Ministry of Health promoting vasectomy but due to incorrect social stigmatization, men have not opted for this form of contraceptive.

### **Article 13**

**Happy to see the initiatives taken on rural women and the 4 priority areas noted in the oral report. Query though how many rural women make up the 577 FDB loan recipients in 1993. Over 50% of these loan recipients were rural women.**

**Any social security or pension protection for older women in rural areas?**

Social security for rural women was not an issue because of the safety net provided by extended family in villages and communities. With the changes to family structure and urban drift, older women and men have had to look to government and organisations outside their family for support.

Government does not have a social security structure in place to address this, however elderly women can apply for family assistance to provide for their needs. Housing can also be provided under poverty alleviation for women who receive the family assistance from the Department of Social Welfare.

**In absolute terms how does the Destitute Allowance alleviate older women poverty? What budgetary provision, if any, is allocated to address older women poverty?**

See next report.

#### **Article 14 (Rural women)**

**Rural women were disadvantaged as far as many services and credits and loans were concerned, a speaker said. It was important that the Government was trying to address that problem, and she hoped that the next report by Fiji would contain some information on the progress achieved in that regard.**

**Is there any (cumulative or individual) amount of property that is owned by rural women, for e.g. in fisheries, or is it usually communally owned?**

Fijian land and sea resources are communally owned. Women have access to both resources. The odd ones own their own farm property.

#### **Article 15**

**It was pointed out that no measures were indicated in the report to turn formal equality into reality. It was important to educate the population, improve legal literacy in the country and train lawyers and public employees. While the country's Constitution upheld equality before the law, specific instances were lacking to protect women and allow them to sue for such offences as job discrimination, harassment and marital rape.**

**What is being done to make sure Article 15 become a living one?**

**Despite the list of law reforms it seems that there is no specific reform to give women the needed legal protection, or capacity to sue, and to bring women**

further within the benefits envisaged by CEDAW (for example, in prostitution, criminalisation of marital rape)

See earlier comments.

Madam Chairperson,

### **Article 16**

**In many instances, Fiji's family law was inconsistent with the Convention, an Expert said, drawing the Committee's attention to the fact that the marriage age was set at 16 for women and 18 for men. A woman asking for a divorce had to prove that she was a victim of violence, and that made divorce practically impossible. Such inequality needed to be redressed. Also important was discrimination against women belonging to various ethnic groups. Under the common law, women's rights were subject to the traditional interpretation of their role in society. The law also differentiated between legitimate and illegitimate children.**

**The government's broad gender policies needed to be harmonised with the family law, several speakers agreed. The contradictions and discrimination needed to be eliminated, for they had a bearing on the everyday existence of women. One of the Experts presented as an example the fact that early marriages often led to women dropping out of school. They were also connected to a number of health issues. It was said that there was an urgent need to adopt a new family code, with enforcement procedures built into it.**

**Family violence was obviously not regarded in Fiji as the dreadful phenomenon it was, an Expert said. Special education programmes were needed in schools, and domestic violence programmes should be introduced to train the police, the prosecutors and other civil servants. Society should not tolerate domestic violence, and prosecution of some exemplary cases with exemplary punishment should send a clear message in that respect.**

**Among other issues addressed in the debate were methods of contraception; infant and maternal mortality; the spread of HIV/AIDS and other communicable diseases; family benefits and women's property rights.**

**One speaker expressed surprise not only at the alarming reality of inequality within the family but also at the report's frank description of the problem. Deep awareness of the problem would be the beginning of solving it. On the inheritance system, did children have the same property inheritance rights?**

**Family Law in Fiji is not consistent with, and violates CEDAW. Can it be possible that such a law for families can exist for so long? Divorce is fault-based and available only after 3 years of separation. Maintenance for women and children is discriminatory on the bases of their legal status-married and legitimacy. With all the machinery in place in Fiji for monitoring human**

**rights, family is the most logical start. Political will does not cost money, and the Family Law Bill does not depend on economic stability.**

**The Family Law Bill is about more than just divorce. Existing set of legislation violate CEDAW as well as the CRC – eg, early marriage, which flows on to maternal mortality, premature ceasing of basic and potential higher education, teenage pregnancy (which is a health issue), and domestic violence (which is a public health issue).**

**In Matrimonial Property, if property acquired after marriage belongs to the family, why then is equity in distribution of the same property not available for property distribution after divorce?**

**Legitimacy of children may not consist with more flexible customary practices with respect to children's status.**

**On the ground activities and CEDAW appear to be not connecting so well, but appreciate also that the FLRC is working on the cited law reforms in this report. Legitimacy is a colonial concept that Tanzania also inherited, but has now removed.**

**Has there been any prosecution on family violence – what sentencing options and actual sentences were meted out?**

**Is marital rape criminalised? Do protection orders exist?**

The Family Law Bill originated from a reference by the Rabuka government for reforms in this area of law. The incoming Labour administration ran with the reference and adopted the Bill in its legislative agenda. These signify the political will of Fiji's government of the day. The NGOs have been consulted, even though this reference clearly did not originate from that quarter. Understandably, intervening political events have delayed its parliamentary route. However, it is the intention of the Attorney General's Chambers and the Ministry of Women to reintroduce this Bill in 2002.

With this commitment most of the concerns of the Experts in the Committee on CEDAW in relation to early marriage, matrimonial causes, maintenance, matrimonial property, divorce, custody and access for children, family violence, as well as structural and procedural blockages in the court system will be overhauled. Funding for the first phases of structural and administrative reforms in the courts were already secured by government prior to the introduction of the Bill to Parliament. That, I hope well portrays the outcome that government has set its eyes on, in family relations.

### **Inheritance system**

**Does the inheritance system provide differently for sons and daughters?**

Inheritance is governed by the 1940 Inheritance (Family Provisions) Act Cap 61. Other relevant statutes include the Wills Act Cap 59 (1972), Succession, Probate and Administration Act Cap 60 and Public Trustee Act Cap 64 (1968). Section 3 of the Inheritance (Family Provisions) Act provides for court orders for payment out of the testator's net estate as follows:

*Where ... a person dies domiciled in Fiji leaving:*

*a. a wife or husband;*

*b. a daughter who has not been married, or who is, by reason of some mental or physical disability, incapable of maintaining herself;*

*c. an infant son;*

*d. a son, who is by reason of some mental or physical disability, incapable of maintaining himself; or*

*e. a parent who is on account of old age or by reason of some mental or physical disability incapable of maintaining himself or herself,*

*and leaving a will, then, if the court on application by or on behalf of any such wife, husband, daughter, son or parent as aforesaid ... is of opinion that the will does not make reasonable provision for the maintenance of that dependant, the court may order reasonable provision ... for the maintenance of this dependant.*

All other property distribution is stipulated by the above group of legislation.

In practice, prevailing traditional and cultural norms provide family property inheritance differentially for sons and daughters. Sons are typically seen as carrying on the family name and tradition; daughters move to a new family upon marriage and there perpetuate the family tree and line of another male. Religious influences tend to similarly favour males in the family.

As we have reported, this area of the law is also under review given the archaic state of the received law in this area. The final report on succession law was presented to the Attorney General in September 2001.

The Adoption of Infants Act Cap 58 (1967) and the Legitimacy Act Cap 57 (1932) are also relevant in property disposition. These two areas, however, are covered in the Family Law Bill generally.

Madam Chairperson,

We have deferred a number of questions to be clarified in the second periodic report and seek the indulgence of the Committee of Experts in this regard. Finally, I wish only to add that indeed Fiji is a signatory of the CEDAW, and apologise to Ms Corti for that omission in the initial report, an inadvertent assumption on our part.

I thank you.

## Annex F

### Agenda – 26<sup>th</sup> Session of the CEDAW Committee

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<i>Date / Time</i>	<i>Agenda item</i>	<i>Documentation/programme</i>
<b>Monday, 14 January 2002</b>		
529th meeting 10 a.m.	Item 1	Opening of the session
	Item 2	Solemn declaration by new members of the committee
	Item 3	Adoption of the agenda and organisation of work
	Item 4	Report of the chairperson on activities undertaken between the Twenty-fifth and Twenty-sixth Sessions of the Committee.
	Item 6	Implementation of Article 21 of the Convention: introductory statements
	Item 7	Ways and means of expediting the work of the Committee: introductory statement
3 p.m. (closed)	Item 6 and 7	Working group of the Whole: composition of Working Groups I and II and issues of discussion
<b>Tuesday, 15 January 2002</b>		
10-11.30 a.m. (closed)		Informal meeting with United Nations bodies and specialised agencies
11.30 a.m. – 1 p.m. (closed)	Item 6 and 7	Working Group of the Whole
3-4.30 p.m.		Informal meeting with non-governmental organisations
4.30-6 p.m. (closed)	Item 6 and 7	Working Group of the Whole
<b>Wednesday, 16 January 2002</b>		
<b>530th meeting</b>		
		<b>Consideration of the reports submitted by States parties under Article 18 of the Convention</b>
10-10.30 a.m. (closed)	Item 5	Fiji, initial report (CEDAW/C/FJI/ )
10.30-11.30 a.m.		Introduction by the representative of the State party
11.30 a.m.-1 p.m.		Questions by experts and dialogue with the Committee
<b>531<sup>st</sup> meeting</b>		

3 p.m.  
(closed)

**Item 5** Fiji (continued)  
**Items 6 and 7** Working Group of the Whole

**Thursday, 17 January 2002**

**532<sup>nd</sup> meeting**  
10-11 a.m.

**Item 5** Iceland, combined third and fourth periodic reports  
(CEDAW/C/ICE/3-4)  
Introduction by the representative of the States party  
Questions by experts and dialogue with Committee

11 a.m.-1 p.m.

**533<sup>rd</sup> meeting**

**3 p.m.**  
(closed)

**Item 5** Iceland (continued)  
**Item 5 and 6** Working Group as a Whole

**Friday, 18 January 2002**

**534<sup>th</sup> meeting**  
10-11 a.m.

**Item 5** Portugal, fourth and fifth periodic reports  
(CEDAW/C/PRT4 and (CEDAW /C/PRT/5)  
Introduction by the representative of the State Party  
Questions by experts and dialogue with Committee

11 a.m.-1 p.m.

**535<sup>th</sup> meeting**

**3 p.m.**  
(closed)

**Item 5** Portugal (continued)  
**Item 5 and 6** Working as a Whole

**Monday, 21 January 2002**

**536<sup>th</sup> meeting**

10-10.30 a.m. (closed)

**Item 5** Trinidad and Tobago, combined initial  
second and third periodic reports  
(CEDAW/C/TTO/1-3)

10.30-11.30 a.m.

11.30 a.m.-1 p.m.

Introduction by the representative of he State party  
Questions by experts and dialogue with  
the Committee

**537<sup>th</sup> meeting**

**3 p.m.**  
(closed)

**Item 5** Trinidad and Tobago (continued)  
**Item 6 and 7** Working Group of the Whole

**Tuesday, 22 January 2002**

**538<sup>th</sup> meeting**

10 a.m.  
(closed)

**Item 5** Replies (Fiji)  
**Items 6 and 7** Working Group of the Whole

3 p.m.  
(closed)

**Items 6 and 7** Working Group of the Whole

**Wednesday, 23 January 2002**

**539<sup>th</sup> meeting**

10-10.30 a.m. (closed)

*Item 5*

Estonia, combined initial second and third period report(CEDA W/C/EST/I-3)

10.30-11.30 a.m.

Introduction by the representative of the state party

11.30 a.m.-1.00 p.m.

Questions by experts and dialogue with the Committee

**540<sup>th</sup> meeting**

3pm  
(closed)

Item 5  
Item 6 and 7

Estonia (continued)  
Working Group of the Whole

**Thursday, 24 January 2002**

**541<sup>st</sup> meeting**

10 – 11am

Item 5

Uruguay combined second and third periodic reports (CEDAW/C/UFY/2-3)

Introduction by the representative of the State party

11 a.m.-1 p.m.

Questions by experts and dialogue with the Committee

**542<sup>nd</sup> meeting**

3 p.m.  
(closed)

Item 5  
Items 6 and 7

Uruguay (continued)  
Working Group of the Whole

**Friday, 25 January 2002**

**543<sup>rd</sup> meeting**

10-11 a.m.

Item 5

Russian Federation, fifth periodic report (CEDAW /C/USR/5)

Introduction by the representative of the State party

11 a.m.-1 p.m.

Questions by expert and dialogue with the Committee

**544<sup>th</sup> meeting**

3 p.m.  
(closed)

Item 5  
Items 6 and 7

Russian Federation (continued)  
Working Group of the Whole

**Monday, 28 January 2002**

**545<sup>th</sup> meeting**

10-11 a.m.

Item 5

Sri Lanka combined third and fourth periodic reports

11 a.m.-1 p.m.

**546th meeting**

3 p.m.

Item 5

(CEDAW/C/LKA/3-4)

Introduction by the representative of the State party

Questions by experts and dialogue with  
the Committee

Sri Lanka (continued)

**Annex G**

**NGO Report on the Status of Women  
in the Republic of the Fiji Islands**

***Authored by***

Fiji Women's Rights Movement (FWRM)  
Fiji Women's Crisis Centre (FWCC)  
Ecumenical Centre for Research Education and Advocacy (ECREA)

***in consultation with members of***

Women's Action for Change  
Fiji Nursing Association  
fem'Link Pacific  
Fiji Women's Catholic League  
Stri Sewa Sabha / Girl Guides Association

**12 January, 2002**

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**Article 1 – A definition of discrimination**

**Article 2 – Obligations to eliminate discrimination**

**Article 4 – Acceleration of equality between men and women**

**Article 9 – Nationality and citizenship**

**Article 10 – Equality of cultural rights and the right to education and training**

**Article 11 – Employment**

**Article 12 – Health care and family planning**

**Article 15 – Equality before the law**

**Article 16 – Personal and family life**

**Women and the media**

***Annexures on women’s organisations***

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***INTRODUCTION***

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Fiji ratified the Convention on the Elimination of All Forms of Discrimination Against Women in August 1995 with initial reservations on Articles 5 (a) and 9, which were lifted in 2000.

However, very little of real substance has been done by the State to incorporate and implement the provisions of the Convention through legislation, policies or resource allocations.

One of the problems is that the advancement of women has depended greatly on the agenda of the various governments that have been in power since the ratification of the Convention. Any progressive changes have been driven by women’s NGOs.

While the State’s Initial Report has made an effort to provide a status report of the situation of women in the Fiji Islands, it has not acknowledged the limitations and shortfalls of the Government of Fiji’s efforts to implement the Convention.

This NGO Shadow Report has been prepared within a very short time frame and by a variety of women. A full and proper Shadow Report on each article has not been possible as NGOs were not made aware that Fiji’s first hearing would be in

January 2002 until mid-December 2001 when the International Women's Rights Action Watch informed the NGO CEDAW Secretariat in Fiji, the Fiji Women's Rights Movement.

The purpose of the Shadow Report is not to aggressively criticise the State's Report or to challenge its veracity. The State Report is reasonable for the time it was written and filed (February 2000). However, there are important omissions as well as inadequate treatment of certain issues. In the commentary which follows, we have attempted to point out some shortcomings in the State Report and to comment on some significant changes that have occurred in the Fiji Islands since the Report was filed in March 2000.

The report also includes a political analysis of the environment in the Fiji Islands since the internal civil unrest of May 19, 2000 to explain the environment within which women and women's organisations work.

This commentary has been prepared jointly by members of the Fiji Women's Rights Movement and Fiji Women's Crisis Centre in consultation with members of the Fiji Women's Action for Change, Fiji Nursing Association, fem'Link pacific, Fiji Women's Catholic League and Stri Sewa Sabha / Girl Guides and the Ecumenical Centre for Research Education and Advocacy (ECREA).

All these organisations, including others that have not contributed to this report, have been actively lobbying for the withdrawal of Fiji's reservations on the Convention, demanding incorporation of the Convention's principles and provisions into state policy and programmes, providing training on the Convention and raising public awareness on the Convention.

A more detailed profile of some organisations is annexed.

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## ***BACKGROUND INFORMATION ON THE POLITICAL ENVIRONMENT***

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### ***Summary of the coup***

The most significant point to note about the status of women in the Fiji Islands is that real progress for women has been severely curtailed as a result of the attempted coup d'état in May 2000 and the ensuing political instability and loss of the rule of law.

As a result of the coup, existing forms of direct and indirect discrimination against women have been exacerbated. All reform bills and other lobbying towards equality for women have been obstructed, judicial processes have become chaotic,

poverty in general has increased, and democracy has been subverted, with obvious impacts on women.

In addition, since the coup illegally overturned the 1997 Constitution, the Bill of Rights and other articles on equality have also been ignored by the new government. The government has indicated an intention to write a new Constitution.

The women's NGO movement views political stability based on democracy as a pre-condition for the attainment of women's rights.

An analysis of women's status cannot be conducted without a full and proper understanding of the political and constitutional milieu that has existed since May 2000. This section of the report will outline the effects of the coup on the status of women in Fiji, particularly racial effects, activism effects, legal / justice effects, economic effects and effects on the implementation of CEDAW.

#### Background to the political crisis of March 2000

Fiji chiefs ceded sovereignty over the Fiji Islands to Queen Victoria in 1874 to end territorial conquests among rival kingdoms. In 1879, the British began bringing Indian labourers to work on the sugar plantations. At independence in 1970, the indigenous Fijian and Indo-Fijian populations were roughly equal in population.

Following 17 years of rule by the indigenous chiefly-backed Fijian Alliance Party, the 1987 elections brought the first Indo-Fijian-led government to power. Tensions increased between the indigenous Fijians, largely heading the government and the military sector, and the Indo-Fijians, who were perceived to be dominating the economic, educational and health sectors.

Backed by hard-line indigenous Fijians nationalists alarmed at the emerging political influence of the economically successful Indo-Fijians, Lieutenant Colonel Sitiveni Rabuka staged the first military coup in the Pacific area in May 1987. Rabuka declared Fiji a republic and withdrew the country from the Commonwealth. In September 1987, he mounted a second coup and repealed the Constitution.

In 1990, Rabuka imposed a constitution which created a legislature comprised of entirely separate indigenous Fijian and Indo-Fijian electoral constituencies, and required the Prime Minister to be an indigenous Fijian. Moreover, the Constitution guaranteed indigenous Fijians a perpetual parliamentary majority by reserving to them 37 of the 70 seats in the House of Representatives.

In July 1997, the Parliament unanimously passed a constitutional amendment ending the guaranteed indigenous Fijians parliamentary majority and permitting an Indo-Fijian Prime Minister. On 19 May 1999, the first elections under the new Constitution resulted in Mahendra Chaudhry, a Fijian of Indian descent, becoming Prime Minister.

#### **Summary of the political crisis of March 2000**

**May 2000:** On 19 May 2000, the first anniversary of the election of Chaudhry as Fiji's first non-indigenous Prime Minister, armed indigenous Fijian supremacists led by failed businessman George Speight took the Prime Minister and Cabinet hostage.

Following the coup, unrest took hold in many parts of the country, and many Indo-Fijian families suffered ethnically motivated attacks from coup supporters. Ten days later, the army intervened and President Ratu Mara was ousted in a non-violent coup to allow the declaration of Martial law.

Military Commander Voreqe Bainimarama appointed himself Head of State, attempted to abrogate the 1997 Constitution and began to rule by decree.

**4 July 2000:** Governmental power was transferred by the military to an interim administration after negotiations with the indigenous Fijian Great Council of Chiefs (a traditional indigenous council made up of hereditary chiefs).

**13 July 2000:** Under the Muanikau Accord (13 July 2000), the last group of hostages including Prime Minister Chaudhry was released after 56 days in captivity. The Muanikau Accord provided for amnesty for Speight and his group, and the commitment to redraft the Constitution in favour of the indigenous population, in return for releasing the hostages. Despite the immunity provision, Speight and advisors were arrested and charged with treason on 26 July 2000, as certain provisions of the Accord had not been fulfilled.

**1 March 2001:** A process of redrafting the Constitution, based on the “paramouncy” of indigenous Fijians (the indigenous *Blueprint*), was begun. However, the Constitution Review Committee (CRC) suspended its work in December 2000 due to a November High Court ruling that the CRC had no legal standing, as the 1997 Constitution still remained in force. The interim administration appealed the order and requested a stay. The Court of Appeal denied the request, heard the appeal, and ruled on 1 March 2001 that *the 1997 Constitution was still in force and that the pre- Speight coup parliament had to be recalled.*

**14-15 March 2001:** Following this decision of the Court of Appeal, the House of Representatives was dissolved by President Iloilo on 14 March 2001. On 15 March 2001, Laisenia Qarase, the Prime Minister in the Interim Civilian Government resigned and the President, under Section 109 of the 1997 Constitution, dismissed Chaudhry and re-appointed Qarase as the “caretaker” Prime Minister in order to open the way for new elections.

**1 September 2001:** Elections took place between 27 August and 1 September 2001. The interim government permitted foreign observers from the United Nations Commonwealth Secretariat and the European Union to monitor the national elections.

The general election in September 2001 saw the return of the Interim Prime Minister, Qarase, to power. Observers groups including UN groups have stated that in general the elections of September 2001 were free and fair elections.

## ***Racial repercussions***

The State Report at paragraph 1.5 gives the impression that Fiji’s peoples live in racial harmony. This is not wholly correct. The political crisis that occurred in May 2000 demonstrated the tenuous nature of multiracialism in Fiji.

For many months following 19 May 2000, many non-indigenous Fijians and some indigenous Fijians lived in fear of violence. Non-indigenous Fijians, especially rural Indo-Fijians were the victims of targeted and orchestrated violence. There were allegations of orchestrated rape and other forms of sexual violence by civilian groups against non-indigenous women. There were riots, looting and orchestrated violence in many parts of the country and a number of people were killed.

The following is an excerpt from Amnesty International’s *Human Rights Report 2001* on Fiji:

“A violent coup attempt in May led to widespread human rights abuses and a flagrant disregard for the rule of law. Scores of civilians, police and army officers were injured; some were killed. Thousands were forced to leave their homes as a result of racist or opportunist attacks and fear of violence. Decrees issued under martial law allowed for racial discrimination but preserved other basic human rights. These rights were, however, frequently violated during operations against suspected rebels. As many as six suspected rebels were reportedly beaten to death by soldiers following an attempted mutiny in November. Investigations into alleged human rights violations were hampered by fears of retaliation; no findings were made public.”

The coup was led by Indigenous nationalist Fijians, to overthrow the first ever Indian Prime Minister and his government. Indo-Fijians make just under half the population of Fiji, the other half being Indigenous Fijians, the rest Chinese, Europeans and other Pacific Islanders.

Since the coup, racial inequality has been entrenched both by the interim government, and the new elected government. On May 2001, the first anniversary of the May 2000 coup, the caretaker Prime Minister Qarase stated that “only indigenous Fijians should be Prime Minister at this stage of Fiji’s history”<sup>15</sup>.

There are several legal challenges currently before the Courts of law challenging various outcomes of the election and the composition of Cabinet. Fiji’s 1997 Constitution requires the formation of a multi-party Cabinet. The largest “opposition” party led by ousted Prime Minister Chaudry maintains its right to be part of Cabinet. The European Union, Fiji’s largest aid donor, has suspended all aid and support to the Fiji Islands until the court decision in February 2002. PM Qarase has publicly stated that his Government will comply with the Court ruling.

At this writing (January 2002) there is relative stability and the rule of law is generally followed. However, a new Social Justice Bill (attached), intended to legitimate affirmative action for mainly indigenous Fijians, was made into law on 24 December 2001. The State has attempted to prevent any challenge to nullify the social justice legislation by stating that the legislation effectively overrides the 1997 Constitution (section 8), a clear violation of Constitutional principles and the rule of law.

The Government has set up a Ministry of Reconciliation. The staff are all Indigenous Fijians except for two Indo-Fijians. The National Advisory Committee which advises the Ministry has representation from the Great Council of Chiefs, Government, the Fiji Council of Churches, the powerful Methodist Church, the Anglican Church and a few other individuals. Races that are either Hindu or Muslim are therefore effectively excluded. The main focus of the Committee and Ministry is to reconcile indigenous Fijian groups rather than to address the real problems between the major ethnic groups (see attachment).

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<sup>15</sup> See Pacific Islands Report, “PM Qarase says Fiji not ready for western democracy”, 19 May 2001.

## ***Activism repercussions***

During the coup, civil society organisations were stopped from exercising free speech and demonstrations and peace vigils were stopped by the Police. Fiji One Television was stopped from discussing rights issues during an intended live broadcast.

Until today, demonstrations and even peace or anti-war marches are not allowed by the State. As recently as December 2001, the State denied the right to assembly to a group of peaceful protesters, the NGO Coalition on Human Rights, to have a march protesting the war in Afghanistan.

In late 2001, the State in late 2001 de-registered a vocal human rights NGO, the Citizens Constitutional Forum (CCF), for challenging the legality of the Government and has threatened to de-register NGOs that do not toe the line. Activist women's NGOs are vulnerable to similar de-registration.

As NGOs are the driving force behind improvements to the status of women, such restrictions, combined with the absence of a legal framework for NGOs to register, have severely obstructed further work towards equality.

## ***Judicial repercussions***

Until the 19 May 2000 uprising, the judiciary was independent. Following the uprising, the Fiji military on 29 May 2000 attempted to abolish the 1997 Constitution and started to rule by decree, handing over to its handpicked "interim civilian government".

Within days of the political crisis the Chief Justice (CJ), assisted by two brother judges advised the military and drafted an administration of justice decree. This has been admitted and justified by the CJ. The Decree among other things, removed the final appellate court, the Supreme Court, and effectively gave the CJ five more years in office. The Fiji Law Society (FLS) then asked the Chief Justice to resign on the grounds that he had acted improperly; that his job was to defend the Constitution and he ought at the very least to have maintained a neutral stand rather than facilitate the abrogation of the Constitution. The Chief Justice reacted by banning every member of the Law Society council from appearing in Court. He also attempted to have constitutional cases transferred from the Lautoka Court under the jurisdiction of a neutral Justice to Suva Court under his own jurisdiction and control. One Council member challenged her ban by way of judicial review. These bans were lifted in January 2002.

As a result of the CJ's action and Constitutional crisis, four members of the Bench resigned – two male Judges and two female Magistrates, all on the grounds of the violation of the rule of law. They resigned and quietly supported pro-democracy activities. One male Judge, an indigenous Fijian high chief, openly worked to restore democracy with civil society organisations. The neutral Justice and the only

female Judge chose to stay. She remained on the bench and steadfastly refused to resign despite the enormous pressure and the isolation she suffered. In the ensuing months of crisis the female Judge delivered four judgements (none directly concerning the Constitution) one after the other. In each she applied the 1997 Constitution as a matter of course refusing to apply the illegal Decrees, acting throughout on the assumption that the 1997 Constitution was still legitimate and had not been abrogated.

The Court of Appeal in its landmark decision on 1 March 2001 ruled that the 1997 Constitution guaranteeing equality between indigenous Fijians and non-indigenous Fijians was still in force and that the pre-coup government should be re-called.

The last 18 months have been a time of great disarray and uncertainty within the Judiciary and legal fraternity and there are more troubles ahead for the legal fraternity despite the September 2001 election. In general the people of Fiji have lost their respect for the Judiciary, and speak about them in mocking tones.

### ***Economic repercussions***

Poverty is a significant problem in Fiji. The 1997 Fiji Poverty Report (based on statistics from 1990-91) has stated that 25 per cent of the population live in poverty and another 25 per cent are living very close to the poverty line such that any personal or national crisis would send them into poverty. Since that time, a Value Added Tax (VAT) has been imposed, there has been a devaluation of our currency plus large increases in the cost of water, and mass unemployment has resulted from the political upheaval of 2000 and its aftermath. It is possible to assume that the percentage of those living in poverty has increased far beyond 25 per cent. The recent Save the Children Fund report (2001) *Effects of the Coup on Children* notes that poverty and other problems existing before May 2000 have now increased considerably – with serious effects on women and children.

The Fiji Poverty Report also indicates that many who have regular employment are also living in poverty because their low wages cannot keep them and their families above the poverty line. Even when a husband and wife work, their combined incomes are often still below the poverty line. Government boasts that many jobs have been created in recent years in Tax Free Zones through attracting overseas investment in garment factories, fish factories etc. These jobs are mostly low paid jobs for women. Government has often attracted investors with promise of low wages so they increase their profits. It has been said that neo-liberal economic policies promoted through globalisation have often been gender-biased because they provide women with part-time and poor paid employment and thus promoted the "feminisation of poverty".

Many people who get help from the Family Assistance Scheme of the Department of Social Welfare receive only minimal token payments (\$15-\$80 a month) quite inadequate for their needs. Roughly 16,000 people receive such payments, yet over 25 per cent of the population live in poverty. Many of the 16,000 are women – widows, deserted wives, single mothers and women with disabilities.

## ***Repercussion for implementation of CEDAW***

Since Fiji ratified the Convention in 1995, only a few steps have been taken to incorporate the obligations under the Convention into national legislation.

Unfortunately, since the coup, the ground which had been gained has since been lost. Reform bills and other assurances by policy makers, which were on the agenda of the pre-coup government and other opposition parties at the time, have been largely ignored or obstructed by the new government.

Although the government is a committed signatory to CEDAW, it has not taken any systematic steps towards awareness or action programmes to create an enabling environment for the progressive implementation of the Convention. The bulk of the awareness programmes have been initiated by NGOs / CSOs with funding from donor organisations. The totality of these programmes, however, account for only a fraction of the national effort required to support and empower women and girls to fight the daily discrimination they face in social, political, economic and cultural life.

The following commentary will, on an article by article basis, focus on specific points and questions in relation to the Government of Fiji's Initial Report submitted for the consideration of CEDAW in its 26<sup>th</sup> Session.

### **Recommended measures**

1. We call on the government to develop plans to better improve race relations, with support of all races in Fiji.
2. We ask the government to ensure the future independence of the Judiciary.
3. We call on the government to provide an assurance that Article 38 of the Constitution, which guarantees equality and non-discrimination, and that women's equal rights will not be tampered with.
4. We call on the government to provide an assurance that it will not de-register activist NGOs which take a different perspective to government.
5. We ask the government to make sufficient budgetary allocations for Social Welfare Schemes to accommodate the increase in numbers of those living in poverty.

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## ***ARTICLE 1 - A DEFINITION OF DISCRIMINATION***

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There is no general legal definition of discrimination in the Fiji Constitution, nor is there any specific definition of discrimination against women in the legislation. According to the Constitution, equality is one of the supreme values of the Fiji constitutional order, in which everyone is equal under the law. The Fiji Courts usually interpret discriminatory actions as being against the Constitution looking at the definition in the Convention as a guide. This interpretation is often too narrow to be applied in practice and allows for various interpretations of discrimination, sometime to the detriment of women.

Due to the absence of an appropriate legal definition of discrimination against women, and to the lack of mechanisms to enforce anti-discriminatory practices, much discrimination goes on without proper legal prohibition or sanctions. In addition, there are few measures that could constitute positive action to remedy this situation.

The State has indicated its intentions to amend the Constitution. The current government coalition includes a party which has a hard line rightist religious agenda. Women fear the passing of a new Constitution, which may amend the Bill of Rights (Chapter 4) and jeopardise the new hard-won equal rights granted them in Article 38 of the 1997 Constitution. The State has already made clear its intention to remove sexual orientation discrimination from the list of grounds of discrimination.

The gains that Fiji women were slowly making prior to the political crisis in terms of progressive legislation designed to remove discrimination and promote equality have been curtailed.

So far 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 2000 (designed to remove endemic entrenched legislative and common law discrimination against women. See Article 16 State Report commentary.)
- The Industrial Relations Bill (promoting equality of women in the formal workplace)
- The Evidence Bill (designed to remove laws which discriminate against women in sexual crimes)
- Specific reference will be made to pertinent draft legislation under the appropriate articles.

<b>Recommended measures</b>
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1. 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).
2. 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.
3. We ask that all the bills specifically prepared be tabled in Parliament and passed – Family Law Bill, Domestic Violence Bill, Industrial Relations Bill.

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## ***ARTICLE 2 - OBLIGATIONS TO ELIMINATE DISCRIMINATION***

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### ***Implementation of CEDAW***

Fiji has not yet developed any legal provision for the incorporation of the principles and provisions of the Convention into its domestic legislation although Article 43 (2) of the Constitution specifically states that the courts, when interpreting the Constitutional Bill of Rights, must have regard to public international law applicable to the protection of the rights set out in the Bill of Rights.

There have been no amendments to legislation to deal with discrimination in the specific areas described in the substantive articles.

At present there is a great need for laws to protect the rights of women and to put into enabling legislation the anti-discriminatory provisions in the Constitution specifically in the areas of gender based violence and sexual offences against women, employment and family law.

The Fiji Government (1999) must be commended for establishing the Fiji Human Rights Commission (FHRC) – the first in the South Pacific region. However, the Commission receives no programme funding from the State. Therefore the Commission's programmes are reliant on intermittent funding by overseas aid donors. The independence of the Commission has been compromised by events since 19 May 2000. One Human Rights Commissioner resigned after 19 May 2000 and the other's term has expired. The Ombuds, who currently sits as the Chair of the Commission, is married to a Minister of the Government. At the time of writing, the government has not appointed the two independent Human Rights Commissioners (for the three-member Commission) as it is required to. The Commission is therefore unable to do the bulk of its work.

## ***Gender based violence and Legal Aid***

The State Report in relation to sexual offences and gender-based violence is sufficiently accurate and is based on 12 years of research by the Fijian Women's Crisis Centre.

Pre-coup, the Sexual Offences legislation had been drafted and a Commissioner appointed. Public forums were held in 1998 – 1999 to discuss and debate issues arising out of the draft. All the work that commenced has stopped since then. The Law Reform Commission has shown renewed interest in continuing with the Domestic Violence reference but we would like to see a time frame for this.

The Minister for National Planning had commissioned research on the Economic Cost of Domestic Violence in November 1999 and the Bureau of Statistics had already begun planning research for this in 2000 but May 19, 2000 arrested this development.

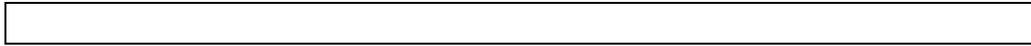
However, the PS for National Planning has expressed interest in reviving this research (September 2001). The Violence against Women Task Force has met only once since May 19, 2000 and is more or less defunct now. It needs to be revived since it was quite effective in lobbying for a domestic violence bill, sexual offences legislation and research on the economic costs of domestic violence. There has been no budgeting allocation for this.

No further work has been done to combat gender – based violence, nor is there a timeframe set for the passing of legislation in place to protect women against gender based violence.

Although legal aid is provided by the State, women still face great difficulty in accessing legal aid because of the strict criteria used, especially with women who earn a salary. With violent crimes increasing, demand for legal aid services is also increasing and criminally accused persons take precedence over women with financial problems. The services provided by some legal aid practitioners within the legal aid system are inadequate due to sexist and patriarchal attitudes. Work on evidence rules in rape cases has stopped though most courts are disallowing past sexual history of victims though corroboration is still widely used.

### **Recommended measures**

1. We call on the government to strengthen the various National Plan of Action taskforces through a strengthened financial commitment by the State for the taskforce programmes.
2. 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.



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## ***ARTICLE 4 - ACCELERATION OF EQUALITY BETWEEN MEN AND WOMEN***

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### ***Workplace equality***

The Government of Fiji report has mentioned a government policy on the quotas for women in membership of boards in the public sector. However, no initiatives to increase women's representation and recruitment on these boards have yet been made apparent. Likewise, no moves have been made to improve quota fulfillment by ministries, departments, corporations that have not been able to attain the quotas, nor to design legislation for the implementation of this policy.

### ***Affirmative Action***

The Government has put in place *a Blueprint for the Protection of Fijian and Rotuman Rights and Interests and the Advancement for their Development*. (See attached.) 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 affirmative action program. Neither is there a specific gender component for women in the Social Justice Bill.

*NB: It should be noted that the current 1997 Constitution fully protects indigenous political rights, and their lands and fishing rights through doubly entrenching protective provisions and by giving them a permanent majority in Parliament, in both upper and lower houses of Parliament. The Constitution effectively gives the 14 nominees of the Great Council of Chiefs in the Senate a veto power over all legislation affecting indigenous Fijians. It is therefore legally and constitutionally impossible for indigenous rights to be derogated or removed without the Great Council of Chief's support.*

It must be clearly stated that women's groups do not object to Affirmative Action programs per se. However, they are only justifiable if they are sanctioned by the legislature, if they contain strict monitoring devices designed to ensure that they are not abused and if they benefit the disadvantaged of all races. Poor Fijians of both genders will automatically benefit under a just scheme of affirmative action.

At its most basic level, the purpose of the Blueprint is to provide a framework and terms of reference for legal, political and resource advantages for the benefit of the indigenous Fijian people. The Blueprint is to be legalised in the proposed Constitution and other enabling legislation to be passed after the new Constitution is promulgated. Various privileges to encourage Fijian participation in the economy and business are outlined. The Government is already implementing some of these measures.

The first such measure (an agricultural scheme worth F\$30 million (US\$15 million)) has been the subject of intense investigation by the Ministry of Finance and the Auditor General and prosecutions of civil servants have been recommended to the Director of Public Prosecutions.

### ***Contravention of UN Human Rights Conventions***

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 Universal Declaration on Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) which together form the International Bill of Rights.

In particular the Blueprint offends the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD). The CERD, which Fiji Islands has ratified and is therefore legally bound by, states in Article 2 that it is unlawful discrimination to discriminate against any person or group on the grounds of race, colour or ethnic origin. This principle is repeated in Article 38 of the 1997 Constitution. The Blueprint is predicated on the notion that it is not racial discrimination to favour indigenous Fijians, but that it is affirmative action, permissible under Article 44 of the Fiji Constitution. The State also justifies its racial discrimination under the UN Draft Declaration on the Rights of Indigenous Peoples (DDRIP), an inaccurate and unreasonable interpretation of DDRIP.

The Blueprint excludes the largest and poorest of groups in Fiji – women of all races. Equally importantly, it excludes a specific group of people who need the assistance offered by the Blueprint – poor indigenous Fijian women. They do not have the knowledge, know how, or skills to tap into the available resources offered by the Blueprint. As it is drafted, and without strict safeguards, the Blueprint will only benefit indigenous women of the already advantaged, upper economic classes and indigenous women of Chiefly rank and power.

The political crisis has had a devastating impact on the economy, with women being the most affected. It is also feared that the large amounts of State resources required to implement the Blueprint will have a major impact on the resources available to implement women's programmes, those for poor women.

The State Report makes reference to a Women's Advisory Council (WAC) to assist the Women's Ministry promote the status of women. The WAC was set up prior to the crisis and consisted of women's NGO representatives. The WAC was disbanded following the crisis, and the new government has not set up similar machinery.

**Recommended measures**

1. *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 programmes.*
2. *We ask for a proper monitoring mechanism to be put in place for all affirmative action programs of government.*
3. *We ask that the government revise the Social Justice Act to include a specific component on women and to repeal section 8 of the Act which is unconstitutional.*
4. *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.*

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**ARTICLE 9 - NATIONALITY AND CITIZENSHIP**

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Of all the substantive areas of the Convention, the issue of citizenship is the only area where positive Constitutional changes have taken place for women. As indicated in the Government of Fiji report, crucial amendments to the citizenship provisions in the Constitution has meant that the removal of discriminatory provisions against Fiji Island women married to non Fiji Islanders and their children.

It should be noted that the citizenship amendment granting women equal citizenship rights was the work of an 11-member 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.

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## **ARTICLE 10 - EQUALITY OF CULTURAL RIGHTS AND THE RIGHT TO EDUCATION AND TRAINING**

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The Fiji National Report on the Implementation of the Beijing Platform for Action cites the education and training of girls and women as one of its critical concerns. In Fiji, gender has often been ignored as a key issue, as the primary focus of division in education, as with other issues, has been ethnicity. Most statistics, therefore, have ethnicity rather than gender as their categories.

Despite the fact that girls and women in Fiji participate very actively in seeking and acquiring education, there are still many areas of inequality. The education sector in Fiji can be said to be '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.

In terms of access and participation of girls in education, much progress has been made in recent decades.

The female literacy rate, often considered a crucial indicator in development, is on a virtual par with that of males: 91 per cent compared to 94 per cent for males. The discrepancy in favour of males is thought to be because of the lack of schooling of elderly Indo-Fijian women.

There have always been more boys than girls attending primary school, but the difference has markedly diminished. Since 1995, however, it has been noticeable that more girls than boys have attended secondary school. Statistics show that boys are leaving school earlier, and with fewer qualifications. This trend is common in many countries, and reasons for it tend to be speculative. The situation in Fiji is no different – in the absence of research, reasons tend to be anecdotal and based on conjecture.

Despite the positive indicators on access, participation and literacy rates, there are gender differences in different areas of the education sector.

### ***Science and Technology***

Girls tend to be under-represented in subjects such as physical sciences, information technology and technology at senior secondary and tertiary levels. It has been suggested that one of the contributing factors to this situation is the lack of female role models or mentors in these fields, either within educational establishments or in wider society.

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.

### ***Girls' achievements***

In terms of performance, girls achieve slightly better than boys in many external examinations. Girls tend to outshine their male counterparts in language-based subjects, rather than science and mathematics.<sup>16</sup>

### ***Sports and physical education***

Considerably more emphasis is placed on boys' sports, such as rugby and soccer, compared to those normally played by girls. Boys' sports take up more space and resources than girls' sports. There is an assumption that boys are more active, whereas the reality is that all students need physical education and sports.

### ***Gender bias in the curriculum***

A review carried out for the Education Commission 2000 showed that gender stereotypes and outdated perceptions of girls and women are not uncommon in curriculum materials used in Fiji schools.

### ***Girls and women in tertiary education***

At post-secondary level, males tend to slightly outnumber females. Of the Fiji internal students at the University of the South Pacific in 1999, for example, 54 per cent were male and 46 per cent female.

### ***Scholarships***

Scholarships for tertiary education are granted by various bodies in Fiji. Overall, statistics show a fairly even distribution of scholarships, but the aggregate figures mask the fact that certain bodies that awards scholarships favour males.

New Zealand Overseas Development Assistance (NZODA) did a comprehensive review of its various scholarship schemes to Fiji in 1999 and found that women

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<sup>16</sup> Learning Together: Directions for Education in the Fiji Islands, Report of the Fiji Islands Education Commission/Panel, 2000, p.252

succeeded in higher numbers than men, and at post-graduate level, the success rate of women students was 100 per cent.

### ***Non-formal and vocational education***

An estimated 14,500 young people enter the labour market every year and only about 8,000 of them find employment or further training. Whether in rural or urban areas, many young people in Fiji need opportunities to develop skills that they can use to earn a living. A significant proportion of young people do not find opportunities in either formal education or formal employment. Non-formal education (NFE) has the potential to teach skills in a cost-effective manner.

In Fiji, there are many initiatives in non-formal education, mainly run by non-governmental and church organisations. There is, however, a significant gender bias in the provision of NFE. Many more places are available on NFE programs for males compared to females. Programmes for females usually echo domestic roles and revolve around the domestic arena: home economics, cooking, sewing, traditional crafts etc. There is much scope for more lateral thinking in NFE programs for women. Courses need to be challenging and relevant, including practical skills as well as areas such as marketing and negotiation skills.

Several secondary schools in Fiji operate courses in technical and vocational education, generally for students who have not passed external examinations. In 2000, of the 1,730 students who were enrolled in such courses, only 544 were girls, compared to 1,186 boys.<sup>17</sup>

### ***Domestic roles of females in educational institutions***

In many schools, girl students are routinely required to undertake tasks such as sweeping, cleaning toilets, cleaning windows and making tea for teachers. Schools should provide a learning ground for all children, regardless of gender, to perform a wide range of tasks.

### ***Women in the education sector***

The teaching profession has long been a traditional field of employment for women in Fiji. Slightly over half of all primary teachers (57 per cent) and just under half of secondary teachers (48 per cent) were women in 1999. Yet only 22.5 per cent of primary head teachers and only 14 per cent of secondary school principals were women. This is a clear case of 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

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<sup>17</sup> Government of Fiji, Ministry of Education Annual Report for the Year 2000.

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.

The potential of female teachers is not being fully utilised. Women are thus unable to contribute to the education sector as effectively as they might and culture is being used as a justification to prevent them from taking leadership roles.

### ***Women in school management***

The vast majority of schools in Fiji are controlled by voluntary, or non-government organisations.<sup>18</sup> Such schools are run by committees, which are almost exclusively a male domain. This reflects the prevalent social and cultural attitudes in the country whereby women are confined to gender-specific, primarily domestic roles.

Many schools have ‘Mothers’ Clubs’ in addition to school committees. These groups are frequently involved with fundraising. Many Mothers’ Clubs provide hot nutritious lunches for school children. The women in these clubs do not make major decisions for schools, but have proved themselves as effective stakeholders in the education of their children.

#### ***Recommended measures***

1. We call on the government to develop policies to address the inequities in the education sector.
2. 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.
3. 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 girls, and men and women of their rights.
4. We ask the government to take steps to improve the teacher-student ratio which is

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## ***ARTICLE 11 - EMPLOYMENT***

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<sup>18</sup> Only two of the 715 primary schools in Fiji and 12 of the 154 secondary schools are controlled by government.

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### ***Workplace discrimination***

Most of Fiji's labour laws are archaic, mimicking now-discarded British statutes inherited during the colonial period, and with many dating back to the 1960s. As a general rule they project a strong employer bias. There are numerous ways in which women face discrimination under Fiji's employment laws:

- 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
- 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

### ***Non-recognition of unpaid work***

There is a glaring omission in the State Report on valuing and counting women's unpaid work. The government needs to implement measures to have women's work in the home accounted for in the national statistics.

### ***Gender issues in Industrial Relations Bill***

The section on Employment in the State Report highlights the gender issues and concerns as raised in the Fiji Women's Rights Movement's (FWRM) publications *Labouring Under the Law* and *Critique of the Industrial Relations Bill – Addressing Gender Issues in the Bill*. The publications are an integral instrument of FWRM's advocacy work and calls for labour reforms to the existing employment legislation to address women worker issues and needs.

Industrial Relations Bill, released in 1998, is a progressive Bill containing the above concerns raised by FWRM and women's groups. While the 2000 political events drastically affected legislative change initiatives; the administration of the tabling and discussions of 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.

The need for urgent labour reforms as recommended in the Bill and FWRM's critique cannot be over-emphasised. 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.

### ***Cheap female labour***

In post coup Fiji and in the absence of legislation to protect women workers, the government needs to put policies into place to ensure that women workers are not further marginalised and penalised with the drive to boost Fiji's economy.

Increasingly worrying is that the present day government like the post-1987 government is re-building Fiji on women's cheap labour with its aggressive marketing of Fiji's tax-free zone operations. While we understand that the economy needs to be boosted following the political crisis, government needs to ensure that there are policies put in place to protect workers especially women workers who are the main workers in the tax-free zone.

For example, post-coup 1987 ushered in the lifting of the "Night Work" ban on women while the Ministry said that this was to formalise an ongoing practise, essentially it was done to facilitate the garment industry and other manufacturing sector operations – that is the employers mandate. Women workers were further marginalised and penalised with this change in legislation. While workers were provided with overtime and meal allowance benefits, this was not properly enforced and monitored by the Ministry of Labour. There are numerous cases filed with the Ministry of Labour and coverage in the media on these issues. Furthermore, workers were not provided with transport facilities provided nor were they guaranteed protection of their jobs if they could not work at night.

However, it's interesting to note that industries which tend to be male dominated continue to enjoy better working and pay conditions. For example, in January 2002, the Ministry of Labour announced that the Printing Trades industry,

Building and Civil Engineering Industry and Wholesale and Retail industry (December 2001) would receive substantial wage increases, bringing their hourly rate to a range of \$1.60 to \$2.51.

Yet, the garment industry – the third foreign exchange earner in the country – received a pay increase in March 1999 and their starting wages begin at FJ\$1.05 for learners and for other workers FJ\$1.26 or US\$0.60. The garment wages council has indicated that this industry will not be reviewed until the economy picks up again<sup>19</sup>.

#### ***Recommended Measures***

1. 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 2002.
2. We call on 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.
3. We ask the Ministry of Women to ensure adequate budgetary allocations for the National Plan of Action.
4. We call on government to acknowledge the work and initiative of women's NGOs in the area of women's employment and economic rights.

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## ***ARTICLE 12 - HEALTH CARE AND FAMILY PLANNING***

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### ***Access to services***

Fiji's rural population makes up over 60 per cent of the total population. They are serviced by health centres and nursing stations which provide basic health services.

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. There should be a review of the services required in the various areas and an up-skilling of the trained medical staff who are posted to the rural areas.

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<sup>19</sup> Garment wages council legal notice No. 27 in Fiji government gazette supplement No 13 of 1999

There needs to be more appropriate, high quality health information made available to people in the rural areas.

### ***Lack of nursing staff***

The nursing profession is predominately made up of women. They provide general public health care from the nursing stations and health centres. However they are underpaid, do not have night allowances and there are no incentives for rural postings. The government is currently looking at providing a consolidated allowance. This allowance is inadequate and a small fraction of nurse's annual salary. Since the crisis of May 2000 there has been an exodus of nurses to overseas postings in England, Australia and New Zealand due to increased opportunities with better pay and incentives thus causing a brain drain in the nursing sector of more experienced and qualified nurses.

### ***Cervical cancer***

Cervical Cancer is still the leading cause of cancer deaths in Fiji and there has been no vigorous monitoring and follow up campaign in the last 5 years. Women lack access to regular screening and vigorous treatment.

### ***Adolescent reproductive health***

The services available are not conducive to young people accessing reproductive health services. Currently young people need to visit either the general outpatient wards or health centres. However the government has recently set up an adolescent and reproductive clinic which is under-utilised. Unfortunately the clinic is next to the STI Clinic, making it difficult to visit the clinic due to the stigma attached to visiting such centres.

### ***Sterilisation***

Women still require their husbands consent should they wish to have a tubal ligation. While there is availability of vasectomy for men, this is treated as a minor surgery available at the hospitals. The majority of men who have had vasectomies have been expatriates. Men who may have been receptive to the procedure may have withdrawn due to the delay with booking and waiting time. The media campaign of this service needs to be supported with immediate availability at the hospitals.

### ***Quality of care***

Sensitivity training should be undertaken for all health care providers. Because of the shortage of doctors, this had led to an increase in recruitment of expatriate doctors who at times do not speak the language and need more understanding of the cultural context in which they work in.

### ***HIV/AIDS***

There is now a Strategic Plan on HIV/AIDS. However there is a need to develop a policy on the treatment and care of HIV/AIDS patients. There is also a need to develop a policy on providing support in the community to sufferers and carers. There must be an increase in budgetary allocations to provide the necessary treatment. The majority of health care providers of AIDS patients are women who have no support.

### ***Teenage pregnancies***

This is major concern as there is a 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. Medical personnel are concerned with being sued by parents for providing such services. There needs to be review of the policy and legislation framework from a gender and human rights perspective.

### ***Suicide***

Mental disorders are a concern. There has been an increase of suicide and attempted suicide cases due to poverty, marginalisation, stress and the increasing incidence of domestic violence. There has been no integrated approach and strategy involving NGOs and government to address this issue.

### ***Abortion***

There has been no recognition of unsafe abortion as a major public health issue. Abortion was identified as a concern in the recent report of the review of the legislation under the Penal Code on Sexual Offences. However the report is still pending and has not been placed back on the agenda of the Fiji Law Reform Commission.

### ***Maternity leave and child care facilities***

There is a need for child care centres and spaces for lactating mothers in workplaces. This initiative should begin in government who is the major employer of workers.

A recent case at the Fiji School of Nursing saw the termination of a scholarship of a student nurse who fell pregnant in her second year of studies. The government should put in place an anti-discriminatory policy for all government institutions.

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## ***ARTICLE 15 - EQUALITY BEFORE THE LAW***

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Although Article 38 (1) of the Constitution provides for equal rights before the law for men and women in all spheres of state and public life, and Fiji did not reserve on Article 15 of the Convention, 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.

### ***Economic rights***

Women in Fiji face great difficulties in securing loans and credit in their own names. Even single working women who apply for loans are discriminated against by State-funded financial institutions and commercial banks.

### ***Legal rights***

In spite of the non-discriminatory provisions in the Constitutions, 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. Although CSOs/ NGOs advocate for the removal of the corroboration rule, there has been no legislative steps taken by government to ensure that such practices are discontinued. The testimony of a woman is not equal in weight to a man's. The attitudes of some judges and lawyers also perpetuate other discriminatory practices. Very little is being done by the government to discontinue these practices.

### ***Recommended measures***

1. 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.
2. We call on the government to implement gender training of all court officials.

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## ***ARTICLE 16 - PERSONAL AND FAMILY LIFE***

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The State Report in relation to the discriminatory family law is sufficiently accurate and is based on 12 years of research done by the Fiji Women's Rights Movement (FWRM) and the Law Reform Commissioner for Family Law, a member of FWRM.

However, it falls short in noting 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 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.

The Family Law Bill 2000 was tabled for its second reading the week of 19 May 2000. But for the attempted coup the Bill would have become law by the end of 2000. The intense lobbying effort by the Commissioner for Family Law, women's groups and by the Fiji Law Reform Commission with Parliamentarians of all parties and the general public witnessed an unprecedented level of support across, party, race and economic lines. This historic piece of legislation was curtailed by the crisis. The current government has not put the Bill back on the legislative agenda despite promises made in its manifesto and in its formal response to an

### ***Recommended measures***

1. We call on the government to put the Family Law Bill back on the legislative agenda.
2. We ask the government to provide an assurance that the Bill will be put to the House and provide a timeframe.
3. We call on the government to allocate financial resources to implement the Family Law Bill when it becomes law.

electoral questionnaire.

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## ***OTHER CONCERNS: WOMEN AND THE MEDIA***

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### ***Women's issues ignored***

Following the May 2000 political crisis in the Fiji Islands, gender issues and policies have been marginalised by the mainstream media. This is despite the fact that women have demonstrated considerable leadership in community and information organisations, as well as in public office. Socialisation and negative stereotyping of women and men, including media stereotyping, reinforce the tendency for political decision-making, including participation in conflict resolution and the reconciliation/reconstruction processes, to remain male dominated.

In the Fiji Islands, as in the greater Pacific region, women's NGOs have been working to promote the advancement of women for over 30 years. Since pre-Independence they have been campaigning for concrete legislation for women, lobbying local authorities and government, networking with other organisations. Much has been achieved in the arena of gender advocacy within the NGO network, however one of the biggest obstacles remains the media:

Throughout the Pacific, including Fiji, the news media is dominated by politics and economics, with issues of concern to women all too often ignored. With the increased commercialisation of the media, television and radio programming has become more and more 'ratings and advertiser driven', rather than public service driven.

Radio is by far the most immediate and wide reaching form of media communication. Unfortunately, private and privatised radio stations have emerged as a music jukebox with announcer contribution becoming nothing more than a DJ. Vernacular based public service broadcasting ration the airtime dedicated to women's issues, rather than undertaking mainstreaming initiatives.

### ***Lack of female representation***

This is despite the fact that women make up at least 50 per cent of the potential target audience for advertisers in any given medium (radio, television or print). The needs of this audience are hardly ever considered, or if they are, women's issues continue to be subjected to the traditional women's pages or radio programmes, blanketed within imported fashion, cosmetic and beauty tips.

It is acknowledged that most media organisations are independent commercial businesses, with their own 'shareholder driven' mandates. But this further exacerbates the frustration of gender sensitising the media, even though many owners have developed their own general policy guidelines, and are party to the Fiji Media Council's own Code of Ethics and Practice for the Fiji Islands. Most of

the media owners and executives tend to be men, and as such have no real desire to change the current status quo. Thus, women are not truly able to really influence the content and direction of the media – either on an individual or collective basis, despite the efforts of women’s NGOs

### ***Stereotypes***

There is a concern that no concerted effort has been made to address the ongoing use of discriminatory and gender stereotypical portrayal of women in the media, particularly through locally produced and imported advertising (radio/print/television). Media advocacy and lobbying of the mainstream media, once again is led by concerned women’s NGOs.

### ***Affirmative Action***

Through a Public Service Broadcasting contract with the Fiji Broadcasting Corporation Limited (FBCL) the Fiji Government funds programming on two vernacular radio stations – Radio Fiji 1(Fijian) and Radio Fiji 2 (Hindustani).

Despite the fact that at least 50 per cent of the radio organisation’s target demographics are women, only one woman, (out of a total of 8 positions available), has been appointed to the FBCL board since 1999. There were previously 2 women on the Board. There appears to be limited direct investment towards supporting the production and broadcast of women’s programmes, particularly for rural women.

This basically means that the government does not have a gender specific policy for broadcasting, and the onus is left on the media organisation itself to determine the number of hours dedicated to women-specific programming.

The other media organisation which the Fiji Government has shares in / direct involvement in, *The Daily Post* newspaper, has no women representatives on their Board.

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## ***CONCLUSION***

We acknowledge the work of previous governments in attempting to improve the status of women. However, the political crises of 1987 and 2000 have been most significant in hindering this progress. A functioning democracy, improved race relations, the protection of human rights, the rule of law and the independence of the judiciary are all essential preconditions for women’s groups that are trying to improve women’s status.

The State must provide an enabling environment to allow NGOs to function by passing legislation consistent with human rights standards, with special regard to free speech. It must commit financial resources to women's programmes and pass key Bills to make the current discriminatory laws compliant with International Human Rights Conventions including CEDAW.

We NGOs acknowledge that government cannot do this alone and the best progress will be achieved if the Government works in partnership with NGOs.

## **Annex H**

### **Fiji NGO oral presentation to the CEDAW Committee**

*By Virisila Buadromo (FWRM) and Imrana Jalal (RRRT)*

Members of the Committee, it is an honour for us to be allowed to make a presentation and we are grateful for this opportunity.

We do not object to the substance of the Fiji Government Report. It is an adequate report for March 2000. It only fails to acknowledge the significant impact of the attempted coup on women's lives and also the reality that women in Fiji are not only affected by gender, but by race, the lack of real democracy and poverty.

In Fiji we do not look at gender issues as separate from issues of race or democracy. They are interconnected and inseparable. This is our reality. Without democracy women cannot mobilise for change.

The most important issues for us currently are:

- Democracy – getting it back – and the full protection of civil and political rights
- Violence against women
- Analysis of current affirmative action policies of government so that they benefit women also
- Poverty and State resources for women
- Putting back important draft laws on the legislative agenda
- Independence of the judiciary

The most significant point to note about the status of women in the Fiji Islands is that real progress for women has been severely curtailed as a result of the attempted coup d'état in May 2000 and the ensuing political instability and loss of the rule of law.

As a result of the coup, existing forms of direct and indirect discrimination against women have been worsened. All reform bills and other lobbying towards equality for women have been obstructed, judicial processes have become chaotic, poverty in general has increased, and democracy has been subverted, with obvious impacts on women.

In addition, since the coup illegally overturned the 1997 Constitution, the new government has also ignored the Bill of Rights and other articles on equality. The government has indicated an intention to write a new Constitution.

The women's NGO movement views political stability based on democracy as a pre-condition for the attainment of women's rights.

An analysis of women's status cannot be conducted without a full and proper understanding of the political and constitutional environment that has existed since May 2000.

### ***Background to the political crisis of March 2000***

Fiji became independent in 1970 with, the Indigenous Fijian and Indo-Fijian populations were roughly equal in numbers.

Following 17 years of rule by the Indigenous chiefly backed Fijian Alliance Party; the 1987 elections brought the first Indo-Fijian-led government to power. Tensions increased between the two groups.

Backed by hard-line Indigenous Fijians nationalists, Lieutenant Colonel Rabuka staged the first military coup in the Pacific area in May 1987 and declared Fiji a republic. He withdrew the country from the Commonwealth. In September 1987, he mounted a second coup and repealed the Constitution.

In 1990, Rabuka imposed a constitution, which created a legislature comprised of entirely separate Indigenous Fijian, and Indo-Fijian electoral constituencies, and required the Prime Minister to be an Indigenous Fijian.

In July 1997, the Parliament unanimously passed a constitutional amendment, which guaranteed democracy and equal rights. As a result, in 1999, Mahendra Chaudhry, a Fijian of Indian descent, became PM.

### ***The May 2000 Coup***

On 19 May 2000, armed Indigenous Fijian supremacists took the Prime Minister and Cabinet hostage.

Following the coup, unrest took hold in many parts of the country, and many Indo-Fijian families suffered ethnically motivated attacks from coup supporters. Ten days later, the army intervened and the President was ousted in a non-violent coup to allow the declaration of martial law. The military began to rule by decree and appointed an interim administration.

A process of redrafting the Constitution, based on the "paramountcy" of Indigenous Fijians (the Indigenous Blueprint), was begun. The legality of the interim administration was challenged by NGOs. The Court of Appeal ruled on 1 March 2001 that *the 1997 Constitution was still in force and that the pre-Speight coup parliament had to be recalled.*

Following this decision of the Court of Appeal, the House of Representatives was dissolved. The interim civilian government resigned and the President re-appointed the same interim government as "caretaker" government opening the way for new elections.

Elections took place between 27 August and 1 September 2001. The interim government permitted foreign observers from the United Nations Commonwealth Secretariat and the European Union to monitor the national elections.

The general election in September 2001 saw the return of the interim Prime Minister, Laisenia Qarase, to power. Observer groups, including UN groups, have stated that in general the elections of September 2001 were free and fair elections.

### ***Racial repercussions***

The May 2000 political crisis demonstrated the fragile nature of multiracialism in Fiji.

For many months after 19 May 2000, many Indo Fijians and some Indigenous Fijians lived in fear, especially rural Indo Fijians who were the victims of targeted and orchestrated violence. There were allegations of orchestrated rape and other forms of sexual violence by civilian groups against non-indigenous women and a number of people were killed

Since the coup, racial inequality has been entrenched both by the interim government, and the new elected government. On May 2001, the caretaker Prime Minister stated “only Indigenous Fijians should be prime minister at this stage of Fiji’s history”<sup>20</sup>.

There are several legal cases currently before the courts of law challenging various outcomes of the election and who should be in the multi-party Cabinet as is required in Fiji’s 1997 Constitution. The largest “opposition” party led by ousted PM Chaudry maintains its right to be part of Cabinet. As a result, Fiji’s largest aid donor – the European Union – has suspended all aid and support until the court decision next month. PM Qarase has publicly stated that his Government will comply with the Court ruling.

At present, there is relative stability and the rule of law is generally followed. However, a new Social Justice Bill intended to legally justify affirmative action for mainly Indigenous Fijians, was made into law on last Christmas eve. The Act stops anybody from challenging its provisions on the ground that it’s discriminatory.

The Government has set up a Ministry of Reconciliation, which is staffed by mostly Indigenous Fijians. The National Advisory Committee, which advises the ministry, has also been set up and its main focus is to reconcile Indigenous Fijian groups rather than to address the real problems between the major ethnic groups. Representation of the Committee comes from the Great Council of Chiefs, government, the Fiji Council of Churches, the powerful Methodist Church, the Anglican Church and a few other individuals. Hindus and Muslims are excluded.

### ***Affirmative Action***

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<sup>20</sup> See Pacific Islands Report, PM Qarase says Fiji not ready for western democracy”, 19 May 2001.

The Government has put in place a Blueprint, which is a policy of affirmative action for Indigenous Fijians. There are no specific gender considerations for women in this affirmative action program. Neither is there a specific gender component for women in the Social Justice Act.

The current 1997 Constitution fully protects indigenous political rights, and their lands and fishing rights are doubly entrenched in protective provisions and by giving them a permanent majority in Parliament, in both the upper and lower houses.

At its most basic level, the Blueprint provides a framework and terms of reference for legal, political and resource advantages for Indigenous Fijians. It will be legalised in the proposed Constitution. Various privileges to encourage Fijian participation in the economy and business are also outlined and the government is already implementing some of these measures.

The first such measure (an agricultural scheme worth F\$30 million (US\$15 million)) has been the subject of intense investigation by the Ministry of Finance and the Auditor General and prosecutions of civil servants have been recommended to the Director of Public Prosecutions.

It must be clearly stated that women's groups do not object to affirmative action programs per se. However, they are only justifiable if they are sanctioned by the legislature, if they contain strict monitoring devices to ensure that they are not abused and if they benefit the disadvantaged of all races.

An important consideration for women's NGOs is having laws in place to allow us to exist and register and a space to function as NGOs.

### ***Restrictions on NGOs***

During and after the attempted coup, civil society organisations were stopped from exercising free speech and demonstrations and peace vigils were stopped by the police.

Until today, demonstrations and even peace or anti-war marches are not allowed by the government. As recently as December 2001, the government stopped the NGO Coalition on Human Rights from having a march to protest the war in Afghanistan.

In late 2001, the government de-registered a vocal human rights NGO for challenging the legality of the government. It has also threatened to de-register NGOs that do not toe the line. Activist women's NGOs are vulnerable to similar threats.

As NGOs are the driving force behind improvements to the status of women, such restrictions, combined with the absence of a legal framework for NGOs to register, have severely obstructed further work towards equality.

## ***Justice repercussions***

Until the May 2000 uprising, the judiciary was independent.

Within days of the political crisis the Chief Justice (CJ), assisted by two brother judges, advised the military and drafted an administration of justice decree. This has been admitted and justified by the CJ. The Decree among other things, removed the final appellate court, the Supreme Court, and effectively gave the CJ five more years in office. The Fiji Law Society (FLS) then asked the Chief Justice to resign on the grounds that he had acted improperly.

As a result of the CJ's action and Constitutional crisis, four members of the Bench resigned – two male Judges and two female Magistrates, all on the grounds of the violation of the rule of law.

The Court of Appeal then ruled that the 1997 Constitution guaranteeing equality between Indigenous Fijians and non-Indigenous Fijians was still in force. Despite this ruling the CJ remains in office.

The last 18 months have been a time of great disarray and uncertainty within the Judiciary and legal fraternity and there are more troubles ahead for the legal fraternity despite the September 2001 election. In general the people of Fiji have lost their respect for the Judiciary, and speak about them in mocking tones.

## ***Repercussion for implementation of CEDAW***

Since Fiji ratified the Convention in 1995, only few steps have been taken to incorporate the obligations under the Convention into national legislation.

Unfortunately, since the coup, the ground which had been gained has been lost. Reform bills and other assurances by policy makers, which were on the agenda of the pre-coup government and other opposition parties at the time, have been largely ignored or obstructed by the new government.

Although the government is a committed signatory to CEDAW, it has not taken any systematic steps towards awareness or action programmes to create an enabling environment for the progressive implementation of the Convention. The bulk of the awareness programmes have been initiated by NGOs/CSOs with funding from donor organisations. The totality of these programmes, however, account for only a fraction of the national effort required to support and empower women and girls to fight the daily discrimination they face in social, political, economic and cultural life.

The State has indicated its intentions to amend the Constitution. The current coalition government includes a party which has a hard line rightist religious agenda. Women fear the passing of a new constitution, which may amend the Bill of Rights (Chapter 4) and jeopardise the new hard-won equal rights granted them in Article 38 of the 1997 Constitution. The State has already made clear its

intention to remove sexual orientation discrimination from the list of grounds of discrimination.

The gains that Fiji women were slowly making prior to the political crisis in terms of progressive legislation designed to remove discrimination and promote equality have been curtailed.

So far the new government has not put the following Bills, all which have a profound impact on the status of women, back on the legislative agenda:

- The Family Law Bill 2000 (designed to remove endemic entrenched legislative and common law discrimination against women. See Article 16 State report commentary)
- The Industrial Relations Bill ( promoting equality of women in the formal workplace)
- The Evidence Bill (designed to remove laws which discriminate against women in sexual crimes)

### ***Contravention of UN Human Rights Conventions***

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 violates are the Universal Declaration on Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which together form the International Bill of Rights.

Also the Blueprint is against the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD). The CERD, which Fiji Islands has ratified and is therefore legally bound by, states in Article 2 that it is unlawful discrimination to discriminate against any person or group on the grounds of race, colour or ethnic origin. This principle is repeated in Article 38 of the 1997 Constitution. The Blueprint is based on the notion that it is not racial discrimination to favour Indigenous Fijians, but that it is affirmative action, permissible under Article 44 of the Fiji Constitution and under the UN Draft Declaration on the Rights of Indigenous Peoples (DDRIP). This interpretation is an inaccurate and unreasonable interpretation of DDRIP.

The Blueprint excludes the largest and poorest of groups in Fiji; women of all races. Equally importantly, it excludes a specific group of people who need the assistance offered by the Blueprint – poor Indigenous Fijian women. They do not have the knowledge, know how, or skills to tap into the available resources offered by the Blueprint. As it is drafted, and without strict safeguards, the Blueprint will only benefit Indigenous women of the already advantaged, upper economic classes and indigenous women of chiefly rank and power.

The political crisis has had a devastating impact on the economy, with women being the most affected. It is also feared that the large amounts of State resources required to implement the Blueprint will have a major impact on the resources available to implement women's programmes, those for poor women.

### ***Conclusion***

We conclude by making it clear that we bear no antagonism toward the government delegation or the State. We regard them as partners in development. The government must learn to work with us as partners too. We are even prepared to help them prepare their responses for the final hearing for next Tuesday.

We understand and accept that Fiji is a poor country with limited resources. Change will not happen overnight. It will be a slow and painful process with equally competing and needy groups competing for limited resources. The challenge is to identify those that are most in need of help and those in need of most help are poor women of all races. They are the priority. Any affirmative action programmes of the State must take this as the starting point.

Thank you for listening to us so patiently.

## **Annex I**

### **CEDAW Committee questions to the Fiji NGO delegation and responses**

Of 15 questions asked by the CEDAW Committee members during the NGO session, only two were directed to NGOs from Iceland and Portugal and the rest to the Fiji NGO delegation. The following is a transcript of the questions asked and the answers provided by the NGOs.

#### **1. Why is it important to have Affirmative Action (AA) programmes sanctioned by legislation and not by policy when example programmes for girls can be done by policy?**

The 1997 Constitution requires all AA programmes to be authorised by the legislature because it is a derogation on the rule of equality contained in Article 38 of the Constitution. At least the enabling legislation and the general safeguards have to be authorised by Parliament. This will also lessen the likelihood of abuse or at the very least the public has an opportunity to make an input. The mechanics of AA programmes can be done by policy. Also AA is so controversial because of its race based criteria. Programmes for girls are not controversial in the same way and are supported by all in Fiji generally.

#### **2. Have any women's groups mobilised across race lines for an interracial agenda?**

Yes, a few women's groups have. The women's NGOs that are progressive are generally multiracial. But most women's groups mobilise on race lines. The racially exclusive groups are significantly class based also.

#### **3. Most data is collected on the basis of race segregation – has there been any effort to collect data on the basis of gender and then to justify AA programmes for women on this basis? Have women NGOs attempted to collect their data?**

Yes, the Ministry of Women has collected data on the basis of gender. Some NGOs have collected specific issues data. The data system installed by the ADB at the Ministry is meant to be regularly updated. The results were produced in a booklet – *Women's Gender Profile* – but this has still not been used to justify AA programmes for women. It has not been used by the ministry to justify AA programmes for women in the Social Justice Act either.

#### **4. Why does your NGO report not cover Violence Against Women (VAW) more extensively? Are you happy with the government's response in regard to violence against women?**

The section on VAW in our NGO report was prepared by the Fiji Women's Crisis Centre (FWCC). In general the Government Report has adequately covered VAW.

Indeed, the report has used FWCC data and reports to make the status report. What is missing is a commitment to put VAW back on the agenda of *this* government. They can do this by putting the Family Law Bill, the Sexual Offences draft law and the Evidence Bills back on the legislative agenda. In addition there must be a commitment to putting the Domestic Violence reference back on the law reform agenda at the Fiji Law Reform Commission.

**5. Your family law is medieval and highly discriminatory against women. Are there any moves to change this? Why have you not covered this in your report?**

We have said in our NGO Report that the Government Report accurately states the gross discrimination against women in the Family Law. (P. Imrana Jalal) prepared the Family Law Report which led to the Bill. The Bill is based on (P. Imrana Jalal's) research and Book (*Law for Pacific Women*) which some of you have copies of and the Government Report has borrowed extensively from (P. Imrana Jalal's) research. The Family Bill 2000 was due to become law in May 2000. The attempted coup happened on 19 May 2000. The Bill has not been put back on the legislative agenda. We are calling for the Bill to be put before Parliament by this Government.

**6. Are women involved in the reconciliation process?**

Women were the first groups to organise across racial lines when the crisis happened. Women were meeting within days of the crisis to pray and have peace vigils until it was stopped. Unfortunately the National Reconciliation Commission is dominated by men of Indigenous Fijian origin who focus primarily on reconciliation between Indigenous Fijian groups. Women have argued that reconciliation must take place between all racial groups.

**7. Are women involved in the new constitutional reform process? Will there be any effort to incorporate CEDAW principles into the new constitution?**

Women's groups got equal rights into the 1997 Constitution. Women will be involved in the new constitutional process as well. We will insist on a woman being part of the Commission and will make submissions on keeping the Bill of Rights intact. We will not allow rights so hard won to be taken away from us.

**Two important private comments were also made by various Committee members after the NGO presentation:**

**1. We have never heard such a complimentary report from an NGO about their government.**

We pointed out to the Committee members that the NGOs had had input into the State Report and that government had been generally honest and candid.

**2. It is a shame that your official delegation is all Indigenous Fijian women.**

To be fair to the government team, FWRM and some others were asked by the Ministry of Women to send members as part of the official delegation. FWRM said no, only because once it did, it would not be allowed to be part of the NGO delegation or to make a separate presentation. It is unfortunate that the government did not include non-indigenous women from government in the delegation.

## **Annex J**

### **Key issues for women's NGOs in Fiji Islands** (Flyer handed out to CEDAW Committee members)

#### **Democracy**

Current laws do not provide for the full protection of civil and political rights for NGOs to register and function without fear of persecution if we challenge the Government. We want a framework for legal registration and freedom to operate. We also want a guarantee that the Bill of Rights ensuring equality for all citizens will not be amended.

#### **Violence against women**

Violence against women is a serious problem and has been worsened since the political uprising. The draft Sexual Offences legislation needs to be made into law. The reference on domestic violence needs to be put back on the legislative agenda. The Government must put financial resources aside to implement the new laws.

#### **Affirmative Action**

There needs to be an analysis of current affirmative action policies of Government so that they benefit women also. Poor women are the largest disadvantaged group in Fiji. We ask that proper safeguards and monitoring controls be put in place to protect against abuse of funds. The NGOs must be part of a State body to implement and monitor affirmative action.

#### **Putting women's draft legislation back on the legislative agenda**

The following bills must be made into law

- The *Family Law Bill 2000* (designed to remove endemic legislative and common law discrimination against women)
- The *Industrial Relations Bill* (promoting equality of women in the formal workplace)
- The *Evidence Bill* (designed to remove laws which discriminate against women in sexual crimes)

### **Independence of the judiciary**

Without an independent judiciary the people of Fiji including women cannot be guaranteed that the rule of law will prevail. We ask for an independent inquiry into the judiciary and the appointment of a new Chief Justice. The new CJ must be a person untainted by the constitutional crisis of 2000.

## **Annex K**

### **Concluding Comments of the CEDAW Committee on Fiji<sup>21</sup>**

#### ***Introduction***

15. The Committee expresses its appreciation to the State party for its initial report which, although delayed, was informative, contained data disaggregated by sex and complied with the Committee's guidelines for the preparation of initial reports.

16. The Committee commends the State party on its delegation, headed by the Assistant Minister of the Ministry for Women, Social Welfare and Poverty Alleviation.

#### ***Positive aspects***

17. The Committee commends the efforts made to ensure the implementation of the Convention through a wide range of laws, policies and programmes, with the support and active participation of women's civil society organisations. The Committee commends the State party for preparing its initial report in consultation with these organisations. It commends the launching of the Women's Plan of Action 1999-2008, which incorporates commitments of the Beijing Platform for Action.

18. The Committee welcomes the introduction of a specific provision on gender equality in the Constitution of 1997, and the establishment in Fiji of the first human rights commission in the South Pacific region. The Committee appreciates the recognition given to public international law in interpreting the Constitution and notes that this has helped courts to use the Convention in judicial interpretation. The Committee commends the State party for withdrawing its reservations to Articles 5 (a) and 9 of the Convention. It also welcomes the extensive programme of law reforms in critical areas in conformity with the Constitution and the Convention and commends in particular the enactment of a citizenship law based on Article 9 of the Convention.

19. The Committee commends the State Party for establishing the Ministry for Women, Social Welfare and Poverty Alleviation, and facilitating the integration of the central dimension of gender into social welfare and poverty reduction. The Committee also welcomes the creation of several institutional mechanisms, including the National Women's Advisory Counsel to promote gender equality and implement the Women's Plan of Action.

20. The Committee commends the efforts of the State party to strengthen gender mainstreaming and monitoring through the gender budget initiative, and a gender audit project and welcomes the initiatives taken on human rights education and gender training.

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<sup>21</sup> The Concluding Comments have been taken from the CEDAW Committee's draft report on Fiji. Paragraphs 1 – 14 of the report comprise general comments about the situation of women in Fiji.

## ***Factors and difficulties affecting the implementation of the Convention***

21. The Committee notes that stereotypical attitudes towards women's work and family responsibilities impede full implementation of the Convention.

22. The Committee recognises that periods of political instability, ethnic tensions, low economic growth and increasing poverty in a period of economic transition have impacted negatively on the State party's efforts to implement the Convention.

## ***Principal areas of concern and recommendation***

23. 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.

24. The Committee recommends that proposed constitutional reform should address the need to incorporate a definition of discrimination. The Committee urges the Government 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.

25. 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.

26. The Committee recommends that the Social Justice Act and the "Blue Print" be evaluated for their impact on both ethnicity and gender, to ensure respect for gender equality, and human rights in Fiji's multicultural 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.

27. 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.

28. 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.

29. The Committee notes the active participation of women's civil society organisations, and recommends that this rich resource should continue to be used for sustainable development and the promotion of gender equality in Fiji.

30. The Committee recommends that the participation of women's civil society organisations in the Women's Advisory Council be strengthened, and that the various governmental machineries should work in a coordinated manner with them in implementing the Women's Plan of Action 1999-2008.

31. The Committee notes that women shoulder a heavy burden of dual responsibility at work and in the family, and that there has been an increase in the number of female heads of households. It is concerned that entrenched stereotypical attitudes to women in society, and the idea of an exclusively male head of household encourages segregation in employment, and a denial of the economic contribution of women.

32. The Committee recommends an accelerated and broad-based programme of human rights education and gender training which includes dissemination of information on the Convention, with a view to changing existing stereotypical attitudes. It also recommends changes in laws and administrative regulations to recognise women as heads of households, and the concept of shared economic contribution and household responsibilities.

33. The Committee notes with concern that women do not receive equal wages for work of equal value and are denied equal access to employment and promotion. Furthermore, the working conditions of women, particularly in the tax-free zones, contravene Article 11 of the Convention. The Committee also notes with concern that pregnancy leave is not mandatory.

34. 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.

35. The Committee notes with concern the high incidence of ethnic and gender-based violence against women in periods of civil unrest. It is concerned that, despite the State party's positive initiatives to address gender-based violence, there are high levels of domestic violence and sexual abuse of girls and women. The Committee is also concerned that the social customs on the husband's right of chastisement, and "bulu bulu", gives social legitimacy to violence. The Committee also notes that the Evidence Bill, which introduces reforms in procedures with respect to sexual offences has not been adopted.

36. The Committee requests the State party to strengthen its initiatives to combat gender-based violence and adopt the proposed laws on domestic violence and sexual offences very early, prohibiting practices that legalise violence against women. In particular, it calls on the State party to reinforce its “no drop” policy by prohibiting the reconciliation of cases of rape and sexual assault on the basis of the “bulu bulu” custom. The Committee recommends the early passage and entry into force of the Evidence Bill.

37. 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 of girls.

38. The Committee recommends the introduction of targeted policies and programmes to reduce poverty, prevent early marriage, teenage pregnancies and girls dropping out of school.

39. 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.

40. 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.

41. The Committee is concerned that there is a growing problem of prostitution due to economic hardship, and that a colonial law from 1944 which penalises the conduct of only women who engage in prostitution continues to be enforced.

42. The Committee recommends a holistic and integrated programme of law reform, and policies and programmes to facilitate reintegration, and the criminalisation of the actions of only those who profit from the sexual exploitation of women.

43. 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.

44. 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.

45. The Committee urges the State party to sign and ratify the Optional Protocol to the Convention and to deposit, as soon as possible, its instrument of acceptance of the amendment to Article 20, Paragraph 1, of the Convention, concerning the meeting time of the Committee.

46. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. It particularly requests information on the impact of legislation, policies and programmes.

51. 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 organisations, 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".

## **Annex L**

### **Media releases**

#### **SPC Pacific Women's Bureau Press Release**

##### **Fiji's delayed Family Law Bill rouses UN interest United Nations, New York, 16th January 2002**

When will Fiji's ground-breaking Family Law Bill, pushed aside by the May 2000 coup, get its Parliament airing again?

That's one of the questions international experts sitting on the United Nations committee for the Women's Convention will be keen to put to Fiji's Government delegation today.

Eighteen members who turned up at the optional session yesterday heard submissions from civil society organisations, (also known as non-government organisations, or NGOs) and came away impressed by the presentations from Fiji Women's Rights Movement head Virisila Buadromo and Regional Legal Resource trainer Imrana Jalal.

They heard how the Family Law Bill, designed to remove aspects of current legislation in Fiji which discriminate against women, was timed for its Parliamentary debut on May 23rd 2000. Jalal outlined how the coup of May 19th had effectively sidelined that and two other key pieces of legislation affecting women at work and their treatment in Fiji's court system.

UN CEDAW experts, many of them with very little knowledge of the Pacific region, had their interest stirred up during the shadow reporting discussion. Shadow reporting provides a useful civil society input to the official reporting sessions which form most of the detailed discussion between the national delegations, and the CEDAW Committee.

Of the eight countries presenting, Fiji's shadow report seemed to rouse the most interest from the committee. CEDAW experts popped a question or two for Russia and Portugal, but wanted to hear most from the first Pacific Island to report to the UN on the Women's Convention.

Members asked for details on why affirmative action had to be legislated, how ethnicity dictated which civil society groups one belonged to, the role of NGOs and the draft constitution, and touched on the need for sex disaggregated data as opposed to data collated along ethnic lines.

These questions led to more discussions including domestic violence in Fiji, the impact of the coup on women, and the extent of collaboration between government and civil society on furthering the aims of the CEDAW Convention which Fiji ratified in 1995.

Buadromo and Jalal stressed the government report had the support and input of Fiji's many diverse civil society groups, but noted key areas where they would like to see questions raised by the committee – especially on when Fiji expects to reintroduce the ill-fated Family Law Bill to Parliament.

In response to committee concerns that the shadow report had not touched on the issues of domestic violence in detail, Jalal says these concerns were already fully detailed in the official initial report.

All 23 members of the committee will be present for the first official presentations, which begin at 10am this morning at the UN (around 1am Friday morning Fiji time). They will speak first with Fiji's official delegation the Assistant Minister for Women Losena Salabula, and National Council of Women President Miriama Leweniqila.

Salabula will lead an updated version of the initial report which was first given to the UN in 2000, before the expert committee works through a long list of questions on the situation of women in Fiji.

Fiji then gets three working days and the weekend to work on its formal replies to the questions raised, and will present these in its final meeting with the CEDAW committee on Tuesday next week.

While Fiji works on the replies, the CEDAW committee will catch up with the other seven countries attending its 26th session.

### **Fiji under the spotlight at the 26th session of CEDAW United Nations, New York, 15<sup>th</sup> January 2002**

Fiji's delegation and mission official at the 26th CEDAW meeting at the United Nations finished a marathon session on 15 January and now begin work on more than 150 questions raised by the expert group members.

Leading the questions, the issue of the delayed Fiji Family Law Bill and other legal measures which members overwhelmingly agree would put real kick into the Fiji reporting to CEDAW, the international convention which helps countries measure progress towards equal rights for women.

Expert group members were positive and welcoming in a day of talks with Fiji, which began when Assistant Minister for Women Losena Salabula gave a brief update to the Initial report filed in 2000.

Apart from congratulating Fiji on being the first Pacific country to report to the UN on CEDAW, the committee was also impressed with the open and honest commentary in the official report.

But many times, and despite the range of questions raised, concern would return to the Family Law Bill and other legislation aimed at updating laws which seem to contradict Fiji's position of commitment to real progress on CEDAW.

In tabling her comments and questions, committee member Ivanka Corti echoed the sentiments of her colleagues, asking why it should be taking so long to change "archaic and colonial" laws and table already-prepared changes which promise to fulfill what the official report is committed to.

CEDAW committee chair Charlotte Abaka also noted her concern on the need for change and asked that Fiji pay priority attention to questions on the timing of legislation.

Going through the convention article by article, the committee questions highlighted progress and gaps in equal measure, noting questions on all aspects of life for women of Fiji.

With such a long list and many questions calling for detailed responses needing some data to back it up, it's unlikely that Fiji will be able to put all the answers in its replies to the committee on Tuesday next week.

"We'll present the replies that we will be able to answer, and we've received wholeheartedly the comments you've given us in relation to the report," the Assistant Minister told the committee.

Outside the meeting, she said the day had gone very well, and thanked her delegation colleague Miriama Leweniqila and all Fiji mission staff for their support, "for making today one that Fiji will ever remember. It's a very historic event that we have been part of here."

Salabula said the long list of questions was expected of the Initial report, "and we'll give replies to those that we have information on - the rest will have to be given with our next report."

Attending the CEDAW session with the Assistant Minister, Fiji's Permanent Representative to the UN Amraiya Naidu said the personal attendance of the assistant minister to present the report had been a "great bonus" for Fiji's presentation.

He says the Chair and expert group on CEDAW, "have shown they really valued the commitment of the government through having the minister here to present the report, and that's a very big plus in terms of what we've done here today and what we've achieved in our presentation."

And the officials won't be the only delegation e-mailing home for information - presenters of the shadow report will be working through the questions as well, and provide their answers to the CEDAW committee.

Regional legal literacy trainer Wati Seeto says the government delegation presented well, and raised the interest of the committee in the positive aspects of the report.

As for the committee concerns on implementation of laws and policies in Fiji with regards to the recognition of women rights, Fiji NGOs at the meeting have offered to assist the government delegation as it drafts the answers to CEDAW.

"As a woman observing the process, I've realised we talk a lot about the reporting process for CEDAW without fully realising the importance of this need to report," says Seeto.

"The kind of questions the committee asked made me think deeply about what's happening in Fiji for women, and whether the laws that we say are good for us, the policies that we have for women, whether they are in reality a good thing."

## **Addresses**

Following are a list of addresses for relevant regional and international organisations and donor agencies:

### **AusAID**

37 Princes Road  
Tamavua  
GPO Box 214  
Suva, Fiji  
Website: [www.aushighcom.org.fj](http://www.aushighcom.org.fj)  
Ph: (679) 3382 475  
Fax: (679) 3382 695

### **Canada Fund**

*(for Cook Islands, Fiji, Kiribati, Samoa, Tonga, Tuvalu and Niue)*  
Canadian High Commission  
PO Box 12-049  
Wellington, New Zealand  
Ph: (644) 495 4102  
Fax: (644) 471 2082

*(for Papua New Guinea, Solomon Islands, Vanuatu, Palua, Marshall Islands, Federated States of Micronesia and Nauru)*  
Canadian High Commission  
Commonwealth Avenue  
Canberra, ACT 2600  
Australia  
Ph: (612) 6270 4000  
Fax: (612) 6273 3285

### **Fiji Women's Crisis Centre (FWCC)**

88 Gordon Street  
PO Box 12882  
Suva, Fiji  
Ph: (679) 3313 300  
Fax: (679) 3313 650  
Email: [fwcc@connect.com.fj](mailto:fwcc@connect.com.fj)  
Website: [www.fijiwomen.com](http://www.fijiwomen.com)

### **Fiji Women's Rights Movement (FWRM)**

115 Robertson Road  
PO Box 14194  
Suva, Fiji  
Email: [info@fwrm.org.fj](mailto:info@fwrm.org.fj)  
Ph: (679) 3313 156

Fax: (679) 3313 466

**International Women's Tribune Centre**

777 United Nations Plaza  
New York, NY 10017, USA  
Ph: (1 212) 687 8633  
Fax: (1 212) 661 2704  
Email: [iwtc@iwtc.org](mailto:iwtc@iwtc.org)  
Website: [www.iwtc.org](http://www.iwtc.org)

**International Women's Rights Action Watch (IWRAP)**

Hubert Humphrey Institute of Public Affairs  
University of Minnesota  
301-19th Avenue South  
Minneapolis, MN 55455  
United States  
Ph: (1 612) 625 5557  
Fax: (1 612) 624 0068  
Email: [iwraw@hhh.umn.edu](mailto:iwraw@hhh.umn.edu)

**IWRAP Asia Pacific**

2nd Floor, Block F, Anjung Felda  
Jalan Maktab  
54000 Kuala Lumpur  
Malaysia  
Ph: (1 603) 2691 3292  
Fax: (1 603) 2698 4203  
Email: [iwraw@po.jaring.my](mailto:iwraw@po.jaring.my)  
Website: [www.iwraw-ap.org](http://www.iwraw-ap.org)

**NZAid**

Level 10  
Reserve Bank Building  
Suva, Fiji  
Email: [nzhc@connect.com.fj](mailto:nzhc@connect.com.fj)  
Ph: (679) 3311 422  
Fax: (679) 3300 842

**Pacific Foundation for the Advancement of Women (PACFAW)**

6 McGregor Road  
PO Box 3940  
Samabula  
Suva, Fiji  
Email: [pacfaw@connect.com.fj](mailto:pacfaw@connect.com.fj)  
Ph: (679) 3304 961  
Fax: (679) 3301 222

**Pacific Islands Broadcasting Association (PIBA)**

68 Knollys Street  
Private Mail Bag  
Suva, Fiji  
Ph: (679) 331 5522  
Fax: (679) 331 5379  
Email: [piba@connect.com.fj](mailto:piba@connect.com.fj)  
[editor@pacnews.org](mailto:editor@pacnews.org)  
Website: [www.pacnews.org](http://www.pacnews.org)

**Pacific Islands Forum Secretariat**

Ratu Sukuna Road  
Private Mail Bag  
Suva, Fiji  
Email: [info@forumsec.org.fj](mailto:info@forumsec.org.fj)  
Ph: (679) 3312 600  
Fax: (679) 3305 573

**Pacific Islands News Association (PINA)**

46 Gordon Street  
Suva, Fiji  
Ph: (679) 330 3623  
Email: [pina@connect.com.fj](mailto:pina@connect.com.fj)  
Website: [www.pinanius.org](http://www.pinanius.org)

**Pacific Regional Human Rights Education Resource Team (RRRT)**

2<sup>nd</sup> Floor  
Pacific House  
Private Mail Bag  
Suva, Fiji  
Email: [registry@rrrt.org.fj](mailto:registry@rrrt.org.fj)  
Ph: (679) 3305 582  
Fax: (679) 3306 582

**Pacific Women's Bureau (PWB)**

**Secretariat of the Pacific Community headquarters**

BP D5, 98848  
Noumea Cedex  
New-Caledonia  
Ph: (687) 262000  
Fax: (687) 263818  
Emails: [spc@spc.int](mailto:spc@spc.int) (general)  
[lisaw@spc.int](mailto:lisaw@spc.int) (for information on CEDAW, publications and discussion listserve)  
[siviaq@spc.int](mailto:siviaq@spc.int) (for updates/queries on regional CEDAW initiatives and stakeholder issues)  
[rolandet@spc.int](mailto:rolandet@spc.int) (for French speaking countries)

**OR**

**Secretariat of the Pacific Community (SPC)**

3 Luke Street, Nabua

Private Mail Bag

Suva, Fiji

Website: [www.spc.int](http://www.spc.int)

Ph: (679) 3370 733

Fax: (679) 3370 021

**United Kingdom Department For International Development (UK DFID)**

Gladstone Road

GPO Box 1335

Suva, Fiji

Email: [ukinfo@bhc.org.fj](mailto:ukinfo@bhc.org.fj)

Ph: (679) 3311 033

Fax: (679) 3301 406

**United Nations Children's Fund (UNICEF)**

3<sup>rd</sup> Floor, FDB Building

Victoria Parade

Private Mail Bag

Suva, Fiji

Email: [suva@unicef.org](mailto:suva@unicef.org)

Ph: (679) 3300 439

Fax: (679) 3301 667

**United Nations Development Fund for Women (UNIFEM) Pacific**

6 Ma'afu Street

Suva, Fiji

Email: [registry@unifempacific.com](mailto:registry@unifempacific.com)

Ph: (679) 3301 178

Fax: (679) 3301 654

**United Nations Development Programme (UNDP)**

Reserve Bank Building

Private Mail Bag

Suva, Fiji

Email: [registry@undp.org.fj](mailto:registry@undp.org.fj)

Ph: (679) 3312 500

Fax: (679) 3301 718

**United Nations Division for the Advancement of Women (UNDAW)**

2 UN Plaza, DC2-12th Floor

New York, NY, 10017

United States

Fax: (+1 212) 963 3463

Email: [daw@un.org](mailto:daw@un.org)

Website: [www.un.org/womenwatch/daw](http://www.un.org/womenwatch/daw)

## **Websites**

Following are a list of websites on the CEDAW Convention, women's issues and human rights. The list is not exhaustive, but is provided as a starting point only.

### ***Pacific Island websites on CEDAW***

Secretariat of the Pacific Community

<http://www.spc.int/women>

UNIFEM Pacific

<http://www.unifem.undp.org/cedaw.htm>

### ***International websites on CEDAW***

UNIFEM: Website on the Convention

<http://www.unifem.undp.org/cedaw.htm>

UN Division for the Advancement of Women: Women Watch

<http://www.un.org/womenwatch/daw/cedaw/>

UN Information: General information on the United Nations

<http://www.hri.ca/uninfo/treaties/index/shtml>

The Office of High Commissioner for Human Rights: Treaty Body Database on the Implementation of the CEDAW and other UN Human Rights Conventions:

<http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet>

The United Nations Human Rights Treaty System

<http://www.bayefsky.com>

International Women's Rights Action Watch (IWRAW) Asia Pacific

<http://www.iwraw-ap.org/>

IWRAW – United States

<http://www.iwraw.igc.org/>

Amnesty International USA: Campaign for the Ratification of CEDAW in the USA

<http://www.amnesty-usa.org/cedaw/>

## ***Websites on women's human rights***

Human Rights Watch: Alerts and updates on women's rights

<http://www.hrw.org/women/>

International Women's Tribune Centre

<http://www.iwtc.org/>

Women's Human Rights Net

<http://www.whrnet.org/>

Women Action

<http://www.womenaction.org/>

Centre for Reproductive Law and Policy

[http://www.crlp.org/pri\\_humanrights.html](http://www.crlp.org/pri_humanrights.html)

Women's Caucus for Gender Justice: International Criminal Court

<http://www.iccwomen.org/>

BRIDGE: Development and Gender

<http://www.ids.ac.uk/bridge/>

## ***Websites on general human rights***

Pacific Regional Human Rights Education Resource Team (RRRT)

[http://www.undp.org/fj/Index\\_RRRT\\_PRAJA.htm](http://www.undp.org/fj/Index_RRRT_PRAJA.htm)

Human Rights Internet

<http://www.hri.ca/>

Human Rights Resource Centre

<http://www.hrusa.org/>

People's Movement for Human Rights Education

<http://www.pdhre.org>

Human Rights Net

<http://www.human-rights.net>

Human Rights Web

<http://www.hrweb.org>

Derechos Human Rights  
<http://www.derechos.org>

Interights  
<http://www.interights.org>

South Asian Human Rights Documentation Centre  
<http://www.hri.ca/partners/sahrdc/>  
<http://www.law-lib.utoronto.ca/diana/>

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Commonwealth Secretariat / United Nations / International Women's Rights Action Watch, *Assessing the Status of Women: A Guide to Reporting Under the Convention on the Elimination of All Forms of Discrimination Against Women*, New York, UNDAW, 2000.

International Women's Tribune Centre, *Rights of Women: A Guide to the Most Important United Nations Treaties on Women's Human Rights*, IWTC, New York, 1998.

Jalal, PI, *Law for Pacific Women: A Legal Rights Handbook*, Fiji Women's Rights Movement, Fiji, 1998.

McPhedran M, Brzilli S, Erickson M, Byrnes A, *The First CEDAW Impact Study: Final Report*, The Centre for Feminist Research, York University & The International Women's Rights Project, Toronto, 2000.

NZ Ministry of Foreign Affairs and Trade, *New Zealand Handbook on International Human Rights*, Ministry of Foreign Affairs and Trade, Wellington, 1998.

People's Movement for Human Rights Education, *Passport to Dignity: Working with the Beijing Platform for Action for the Human Rights of Women*, PDHRE, New York, 2001.

*South Pacific Regional Seminar on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women*, sponsored by the United Nations, and the Governments of Australia and New Zealand [held in Cook Islands, March, 1991].

United Nations, *The Convention on the Elimination of all forms of Discrimination Against Women / The Optional Protocol: Text and Materials*, UN Division for the Advancement of Women, New York, 2000.

## **BACK COVER**

The *CEDAW Roadmap: Reporting before the Committee* is a practical guide to reporting on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) for Pacific Island governments and non-governmental organisations.

The idea for a practical guide to CEDAW reporting specifically for the Pacific Islands came out of the experiences of Fiji NGOs and the Pacific Regional Human Rights Education Resource Team (RRRT) trainers when preparing for Fiji's Initial Report to CEDAW in 2002. Unable to find a "practical" guide to the CEDAW reporting processes anywhere, let alone one for small developing countries like those in the Pacific, RRRT decided to create one itself.

The **Pacific Regional Human Rights Education Resource Team (RRRT)** is a United Nations Development Programme regional project promoting human rights in the Pacific, funded by United Kingdom Department For International Development.