



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

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

Twenty-sixth session

Summary record of the 531st meeting

Held at Headquarters, New York, on Wednesday, 16 January 2002, at 3 p.m.

Chairperson: Ms. Abaka

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Initial report of Fiji



The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Initial report of Fiji (continued)
(CEDAW/C/FJI/1)

1. *At the invitation of the Chairperson, the members of the delegation of Fiji took places at the Committee table.*

2. **The Chairperson** invited Committee members to continue with their questions and comments.

Article 5

3. **Ms. Gaspard** remarked that education and, above all, teacher training would help to modify stereotypes and promote equality. Providing gender training for the police would make it easier for women to lodge complaints of domestic violence. She asked what proportion of police officers were women, whether there were female officers at every police station and whether women were encouraged to join the police force.

4. **The Chairperson** expressed concern about the very disturbing information supplied in paragraph 5.4 of the report and asked whether the Constitution contained a provision on the right to life and whether urgent measures were being introduced to guarantee women's basic right to life.

5. **Ms. Tavares da Silva**, noting that violence against women was prompted by sexual stereotypes, said that, while the independence of the media must be respected, it was incumbent upon them to heighten public awareness of the injustice that flowed from such stereotypes. Family education was vital, because children learned their social and domestic roles within the home. The whole extremely broad issue had to be addressed by means of political measures.

6. **Ms. Schöpp-Schilling** asked whether any specific stereotypes were connected with ethnicity or particular ethnic traditions in Fiji.

Article 6

7. **Ms. Tavares da Silva** asked why prostitutes were punished but not their clients, and what the approach of the Law Reform Commission was to that subject.

8. **Ms. Goonesekere** observed that the Penal Code of Fiji dated from 1944 and therefore probably reflected out-of-date attitudes from the colonial period, when women who engaged in prostitution were regarded as offenders and both they and the procurers were punished, but the clients were not. She wondered why the many new laws which had been tabled with a view to promoting gender equality and the rights of women had not rectified the situation. She assumed that the Sexual Offences Act did not deal with the sexual exploitation of women either. It would appear that the increase in prostitution could be largely ascribed to economic hardship; she had been appalled to learn that schoolgirls sometimes traded sex in return for transport to school. She asked why no action had been taken to eradicate the underlying causes of the problem and expressed the fear that, although trafficking in women did not currently exist in Fiji, it might occur in the future.

9. **Ms. González** said that she had been alarmed by the increase in incest and crimes against women mentioned in the report and asked whether the Government had taken steps to educate the public in order to prevent such offences. She asked what punishment was meted out to offenders and if rehabilitation treatment was available for victims. She also wished to know whether child prostitution existed in Fiji and whether there was any data on the subject. If it did exist, was it run by criminal gangs? She enquired whether prostitutes were offered any training so that they could change their occupation. She requested more data on violence against women and lastly wondered who cared for the victims of the frequent acts of violence referred to in the report.

Article 7

10. **Ms. Gaspard**, noting that Fiji was in the process of revising the Constitution, asked whether any thought had been given to constitutional and legislative measures to boost women's participation in the decision-making process. Gender equality could be promoted most effectively if women held office in the bodies where decisions were taken.

Article 10

11. **Ms. Schöpp-Schilling** asked whether the Government had the power to regulate the curriculum of religious schools and whether those schools were Government-funded. She requested more details about

the action taken to raise the number of women receiving scholarships to study abroad. Had girls been encouraged to apply? Had gender bias in examinations been removed? Had the selection committee received gender consciousness training? Were girls given preference? She also requested information about any plans to increase the number of women teachers in senior or decision-making positions. Lastly, she enquired whether cultural or religious factors impeded girls' access to sports.

12. **Ms. Manalo** welcomed the emphasis on values education at secondary level mentioned in paragraph 10.5 of the report, but thought that the curriculum was excessively narrow. It should be broadened to encompass non-discrimination and equal opportunities.

13. **Ms. Gaspard** wished to know what measures were being taken to persuade more girls to opt for scientific, technical or vocational subjects.

14. **Ms. Achmad** commended the progress made with legislative reforms and in setting up mechanisms to secure equality. Noting that education was crucial to the efforts to eliminate all forms of gender discrimination, she said that the provision of gender training for civil servants represented a major step forward. She asked when that training had been integrated into the instruction given to civil servants and whether it had had any impact on their attitudes. Were there any plans to extend such training to legislators, the judiciary, the police, public prosecutors, educationalists, politicians, trade union officials and the media?

15. **Ms. Shin** asked whether educational programmes on gender equality and sex education were offered in schools, and whether the Inter-Ministerial Committee on Women (IMCW) had discussed such topics in relation to sex-role stereotyping. She also wished to know whether courses in women's studies were taught at the tertiary level, and whether there were courses for adult men and women on the importance of changing ideas regarding traditional roles.

Article 11

16. **Ms. González** noted that existing legislation, as outlined in paragraphs 11.1 and 11.2 of the report, seemed not to comply with the Convention or international labour conventions with respect to the protection of women workers, and asked whether the Government had considered reform of the 1996 Health

and Safety at Work Act in order to improve working conditions and to ensure the safety and health of women at the workplace.

17. Noting, from paragraph 11.9 of the report, that women earned the equivalent of 88 per cent of wages paid to men and that there was no national basic minimum wage nor any legislation to regulate equal remuneration, she urged the Government to amend its labour legislation in order to provide the appropriate framework for equality. Similarly, she expressed the hope that Fiji would implement the series of recommendations made by the International Labour Organization (ILO) in 1997, as set forth in paragraph 11.18, to improve conditions of employment for women and to remove discriminatory practices.

18. **Ms. Goonesekere** wondered about the situation with regard to reform of employment laws inherited from Fiji's colonial past, and asked for further details on the Industrial Relations Bill and whether that bill was designed to eliminate discriminatory aspects of earlier labour laws. She also wondered whether labour laws were enforced and conditions in the free-trade investment promotion zone monitored, whether any steps had been taken to address pay differentials in the formal sector and what legal provisions existed to protect women from sexual harassment.

19. **Ms. Kapalata** noted that the Committee needed to know what legislation was being enacted and what time frame was envisaged for such action. She concurred with the Government's position as stated in paragraph 11.19 and underscored the urgent need for ratification of the ILO Conventions concerning equal remuneration and discrimination.

20. **Ms. Schöpp-Schilling** said that serious work was needed on measures to implement the provisions of article 11. Critical times could heighten awareness of the need for legislative reform and lead to the initiation of programmes that maximized the potential contribution of women. Referring specifically to the conditions of women working in export promotion zones, she said that while she understood the attraction of encouraging such ventures, it was necessary to adopt ethical standards which guaranteed respect for human rights.

21. The issue of promotion of women in the public sector also involved the notion of merit and the means by which it was measured. All too often merit was narrowly based on a model which did not set a high

value on work in the informal sector or homemaking, areas in which women were traditionally occupied.

22. **Ms. Livingstone Raday** asked what was holding up the adoption of the Industrial Relations Bill and whether the bill contained provisions on non-discrimination in employment and equal remuneration. She asked why there were so few women in the work force and what was being done to increase their numbers. She also sought further clarification on the pay differential and wondered whether the comparison of wage levels was based on the amounts paid for the same type of work. In general terms, she wished to know what measures were being envisaged to improve women's chances of being promoted in the public service and the possibility of pursuing civil liability claims in cases of sexual harassment.

23. **Ms. Shin** stressed the urgent need for a legislative strategy to ensure equality in all areas of employment.

Article 12

24. **The Chairperson** shared the concern expressed in the report regarding the effects of the "brain-drain" and remarked that recruiting foreign professionals was a costly exercise. The Government should take a serious look at the remuneration of local professionals and at ways of improving facilities and infrastructure so as to encourage professionals to remain in Fiji. She commended it on the adoption of a bill on tobacco control in 1998 and she said she would welcome information on the content of the bill.

25. She wondered whether cultural factors played a role in the fact that men were more reluctant than women to undergo procedures leading to permanent sterilization, and whether there were statistics on the number of persons with both HIV/AIDS and tuberculosis infections, and their life expectancy.

Article 13

26. **Ms. Kwaku** was pleased that the Government had taken positive steps to improve the lot of rural women and said she looked forward to receiving feedback on the results of those efforts. With reference to paragraph 13.5 of the report, she was curious to know how many of the 577 women granted bank approved loans were from rural areas.

27. **Ms. Livingstone Raday** asked for a comparison, in absolute terms, between pensions paid by the national provident fund and payments made by the Department of Social Welfare and for a breakdown, according to gender, of recipients of such disbursements. In addition, she wished to know what provisions had been made to help reduce poverty among older women.

28. **Ms. Schöpp-Schilling** asked how much land was owned by rural women and to what extent women were involved in fishing as an occupation.

29. **Ms. Tavares da Silva** said that it seemed as though equality of men and women before the law (section 38 of the 1997 Constitution) was being undermined by the manner in which the law was being interpreted and applied. She asked whether any literacy or awareness-raising campaigns were being envisaged in order to overcome ignorance of the law — or the limitations on it being imposed by traditional practice — so as to ensure genuine equality.

30. **Ms. Manalo**, also referring to article 15, enquired what changes to existing law or new legislation were being envisaged in order to translate into reality the constitutional provision on equality before the law. Discriminatory criminal legislation on prostitution was still on the books and she had seen no evidence, as yet, that women could sue for marital rape or harassment in the workplace.

Article 16

31. **Ms. Corti** said that she had been surprised to find that Fiji's family law was inconsistent not only with article 16 of the Convention but with the country's own general policy on gender mainstreaming. The inconsistencies involved important matters such as age at marriage, divorce, matrimonial property, and maintenance. For economic reasons divorce was harder for women than men. Women also had greater difficulties adducing grounds for divorce and risked up to three years of legally-condoned violence before divorce could be considered. The reliance on common law in distributing matrimonial property meant that a judge could use traditional gender stereotypes to deny a wife's economic contribution to the marriage. Maintenance was unavailable to de facto wives. Over and above the discrimination between men and women, she deplored the inferior status accorded to illegitimate

children and the greater obstacles faced by women of Indian origin.

32. She was convinced that reform of matrimonial and family law depended not on a country's situation but on its political will. Given the machinery Fiji had established and its stated determination to mainstream gender and implement the Convention, reform was possible. Reform must begin with relations within the family, which was the basis of society. Unless and until Fiji reformed its family law, it could not claim to play a leadership role on gender equality in the region.

33. **Ms. Goonesekere** agreed with the previous speaker on the urgency of reforming family law. Due, in part, to its colonial legacy, there were contradictions between Fiji's gender policy and reality. For instance, property acquired by partners after their marriage should, by right, go into a common pool and be divided equitably at the time of divorce. She trusted that the new family law would make provision for salary attachment and enforcement of maintenance obligations. Also on the question of maintenance, there should be no discrimination between legitimate and illegitimate children. She wondered whether there were any positive aspects of traditional and customary law vis-à-vis illegitimate children, as sometimes happened in developing countries.

34. It was not just a matter of women's equality, but of their health and survival. Fiji's continuing contradictions in the field of equality were undermining its efforts in the area of women's health, for early marriage for girls led to increased school drop-out and maternal mortality rates. Moreover, domestic violence and suicide were also health issues.

35. **Ms. Kapalata** said that she shared the views expressed by the two previous speakers and appealed for urgent action. She was particularly concerned about discrimination against illegitimate children, yet another legacy of colonial law, and considered that NGOs could be useful in helping to combat it.

36. **Ms. Livingstone Raday** expressed the hope that the Government would give the highest priority to passing the reform bill.

37. A key issue under article 16 was family violence. She praised the report for its candour in acknowledging that most families experienced some violence. It was not clear whether marital rape was prohibited and whether protection orders were usually issued for

family victims. In a culture that condoned family violence, the problem should be tackled simultaneously through education and punishment. Education should begin in school with special programmes designed for children. Police, prosecutors and the judiciary should be given training about domestic violence. Offenders should be prosecuted and punished so as to demonstrate that society would no longer tolerate family violence.

38. **Ms. Shin** said that by openly describing the alarming inequalities that existed between men and women Fiji had taken a first step towards solving the problem. She trusted the situation would be addressed in the context of proposed reforms of the legislation relating to family law and hoped those reforms would be carried out as soon as possible. She would appreciate information on the inheritance law, which was not mentioned in the report, in particular, whether gender or marital status affected children's right to inherit property from their parents.

39. **Ms. Salabula** (Fiji) thanked Committee members for their attentive reading of her country's initial report and said her delegation would reply to their questions the following week.

*Report of the pre-session working group
(CEDAW/PSWG/2002/I/CRP.1)*

40. **Ms. Regazzoli**, speaking as Chairperson of the pre-session working group, introduced the latter's report (CEDAW/PSWG/2002/I/CRP.1) saying that it had considered the reports of Iceland, Portugal, the Russian Federation, Sri Lanka and Uruguay and had prepared lists of issues and questions relating to each one. It had based its work on reports from the International Labour Organization and the United Nations Children's Fund, which had helped it to visualize certain specific problems, the Committee's recommendations on the implementation of the Convention and the Beijing Platform for Action and the comments of other relevant treaty bodies.

41. The working group had sought to cluster questions to the States parties, and had managed to reduce their number to 30. In all five reports, the chief obstacles to the implementation of the Convention had been the persistence of stereotypes with regard to respective roles of men and women; structural adjustment and, as a consequence, unemployment and underemployment, which always hit women hardest;

and the underrepresentation of women at decision-making levels. Increased trafficking in women and prostitution was an additional obstacle to the implementation of the Convention. The pre-session working group had noted that national machinery often lacked the financial resources to deal with such complex problems.

42. Increased violence against women must be controlled by rigorous legislation, and by building women's awareness of their right to file complaints with specialized agencies. In some countries, alcoholism was also on the rise. The pre-session working group had found that, in general, more effective implementation of the Convention was necessary in order to ensure that de jure equality of women translated into de facto equality. The feminization of poverty went hand in hand with all the phenomena she had described.

43. **The Chairperson** said she took it that Committee members wished to adopt the report of the pre-session working group.

44. *The report of the pre-session working group was adopted.*

The meeting rose at 4.50 p.m.