

Annex 6

Responses to Concluding Remarks

ANNEX 6: RESPONSES TO CONCLUDING REMARKS

PARA.	ISSUES /CONCERNS	RECOMMENDATION	RESPONSES
ARTICLE 3 – NATIONAL MACHINERY FOR THE ADVANCEMENT OF WOMEN			
16	Department for Women	<ul style="list-style-type: none"> State to give urgent priority attention to the national machinery for the advancement of women and to provide it with adequate authority, decision-making power, and human and financial resources to work effectively for the promotion of gender equality and women's rights. 	<p>The Department of Women (Department) was established in 1987 under the Ministry of Social Welfare, Women and Poverty Alleviation. Post 2014 elections the Ministry has been renamed as the Ministry of Women, Children and Poverty Alleviation, which indicates the Fijian Government's recognition on the vital role women in sustainable development.</p> <p>The Department is the agency responsible for policy advice to the Fijian Government on issues pertaining to gender equality, economic empowerment and the development of Women.</p> <p>The work of the Department is guided by the Women's Plan of Action 2010-2019 (WPA) which focuses on five critical areas of concern stemming out of the Beijing Platform for Action 1995 (BPA). These are:</p> <ol style="list-style-type: none"> 1. Formal Sector Employment and Livelihood 2. Equal Participation of Women in Decision Making 3. Elimination of Violence Against Women and Children 4. Access to Services – Health, Education, HIV and AIDs etc 5. Women and the Law <p>In the last 7 years the annual programing budget of the Department has increased by a total of 300%. This manifests the Fijian Government's commitment to women's empowerment and protecting and promoting women's rights in Fiji. For example in 2007 the Department of Women received FJD\$1,086,200, 2010 saw a 33% increase in the annual allocation of the budget to FJD \$1,443,700. The 2014 allocation was \$2,347,000 and in 2015 the Department saw an unprecedented allocation of over FJD\$3 million which is a 42% increase from the year 2014. In the 2015 Budget announcement the Fijian Government has committed \$52.2 million to the Ministry of Women, Children and Poverty Alleviation for the year 2016, which is an increase of \$6.4 million from</p>

			<p>2015. The Ministry plans to expand existing programmes and generate new initiatives. This increase will facilitate assistance targeted towards those Fijians who are most in need, including women, children, and people living with disabilities, the elderly and the poor.</p> <p>The systematic increase in the national budget has allowed the Department to strengthen its work in many areas including:</p> <ol style="list-style-type: none"> 1. Establish and fund the Fiji Women’s Federation Unit (established in 2010) 2. Construction of the Women’s Resources and Extension Centers in order to enhance and promote rural women’s economic empowerment and assists with women’s participation in decision making at the community level. <p>The Construction of Women’s Resources and Extension Centers (Centers) is aimed at creating a platform for rural women to access income generating skills and leadership. The Centers also provide women with a market place where they can sell their products and handicraft in order to secure financial independence and economic stability.</p> <p>The construction of the Centers also provides an enabling environment for women in different communities to:</p> <ul style="list-style-type: none"> ▪ Develop their leadership skills ▪ Undertake training in Programme Management Skills Development ▪ Strengthen knowledge base through planned training programmes ▪ Have access temporary Women’s Health Clinic ▪ Ensure quality control of women’s income generating products ▪ Centre for the production, display and making of handicrafts ▪ Access monitoring and evaluation mechanisms <p><u>National Gender Policy 2014</u></p> <p>The Fijian Government is committed to removing gender inequality in Fiji through the National Gender Policy (Policy) formulated by the Ministry. The Policy is the guiding principle for the work undertaken by the Ministry in addressing women’s needs, interests and aspirations economically, socially, legally and politically. The Fijian Government is committed to the aims and strategies set out in this Policy, and to the</p>
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			<p>realization of all policies designed to promote gender equality in Fiji;</p> <p>The objective of this Policy is to promote gender equity, equality, social justice and sustainable development in Fiji with the aim to:</p> <ul style="list-style-type: none"> ▪ Improve the quality of life of not just women and girls but also men and boys, at all levels of society through the promotion of gender equity and equality. ▪ Reinforce the inextricable links between gender equality and sustainable development goals in national development. ▪ Promote active and visible gender mainstreaming in all sectors and within civil society to ensure agency for gender equity and equality in all spheres of national life. ▪ Remove all forms of gender inequality and gender discrimination in Fiji. <p>Since its establishment in 1987, the Department has been the agency responsible for policy advice to the Fijian Government on issues pertaining to gender equity and the development of women.</p> <p>The Department has also formulated the Women’s Plan of Action 2010-2019 (WPA) which covers five major areas of concern including:</p> <ul style="list-style-type: none"> ▪ Mainstreaming Women’s and Gender Concerns ▪ Women and the Law ▪ Micro Enterprise Development ▪ Balancing Gender in Decision making ▪ Violence Against Women and Children <p>The WPA also provides the platform for action taken by the Fijian government; its development partner’s stakeholders and Civil Society Organisations to promote gender equality and reduce inequality and discrimination against women in all sectors of the economy;</p> <p>The WPA also serves as a conduit in achieving Fiji’s obligations under international and regional commitments such as CEDAW, the Beijing Platform for Action and the Revised Pacific Platform of Action, in order to advocate for women’s empowerment for the benefit of all Fijians.</p>
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	Fiji Women's Federation	<ul style="list-style-type: none"> The National machinery to enhance its cooperation with women NGOs for the effective implementation of programmes for the advancement of women. 	<p>Moreover, the Department The Department, uses the WPA to address and implement the critical areas of concern as outlined in the BPA namely:</p> <ol style="list-style-type: none"> 1. Formal Sector Employment and Livelihoods; 2. Equal Participation in Decision Making; 3. Elimination of Violence Against Women and Children; 4. Access to Services; and 5. Women and the Law. <p>Fiji Women's Federation (FWF) which has been set up by the Department acts as a conduit between the Ministry of Women, Children and Poverty Alleviation (Ministry) and the Women's NGOs.</p> <p>The FWF comprises of 23 Women's NGOs, faith based organizations and community based organizations. The FWF members meet the Minister for Women, Children and Poverty Alleviation (Minister) on a quarterly basis to advise the Minister on issues of concerns in areas such as women's access to services, health, legal literacy, and gender based violence and other issues pertaining to the advancement of women and children etc.</p> <p>The Department also provides grants to organizations and groups that work in the area of women's empowerment such as women in sports, women in fashion design, women in floriculture and horticulture and women in agriculture.</p> <p>The Department of Women (Department) recognizes that it is vital to collaborate not just with women's NGOs but with all NGOs working the five critical areas of concern listed above to assist the empowerment and promotion and protection of women's rights in Fiji. As such the Department continues to work with relevant NGOs (such as the Fiji Women's Crisis Centre, Pacific Centre for Peace Building, Medical Services Pacific, Empower Pacific) to inter alia address the root causes of violence against women and children.</p> <p>The FWF also plays a vital role in representing and safeguarding women's human rights in Fiji. It also provides the linkages from the Department to various other Organizations throughout Fiji.</p> <p>The FWF was established to advise the Minister for Women, Children and Poverty</p>
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			<p>Alleviation on public sector policies, programs, projects, legislation, regulation and other emerging issues that impact women and gender. Such advice includes an advisory role in relation to the National Gender Policy.</p> <p>A key objective of the FWF is to expand women networks including NGO networks. These networks now form an Advisory Committee who through the Department which provides advice to the Minister on gender sensitive policies and programs.</p> <p>The FWF focuses its activities in the following areas:</p> <ul style="list-style-type: none"> ▪ <u>The Advisory Committee Meetings:</u> <ul style="list-style-type: none"> ▪ The Advisory Committee made up of umbrella women NGO's and rural women NGO's meet every quarter with the Minister. Advisory meetings are convened on a quarterly basis. ▪ The on-going meetings provide an avenue to women NGOs and CSOs to dialogue with the Minister on key areas pertaining to women and sustainable development. ▪ The forum also serves as an opportunity for the Fijian Government to inform women on relevant legislations, policies and programs that are there for them and their members and direction taken by government to meet the needs of women. ▪ <u>The Construction of Women Resource Centers:</u> <p>The construction of rural Women Centers is envisaged to provide an enabling environment for:</p> <ul style="list-style-type: none"> ▪ Institutionalization of women's community development programmes; ▪ Nurturing a consultative environment; ▪ Women's Leadership skills development; ▪ Women's Programme Management skills development; ▪ Strengthen knowledge-base through planned training programmes; ▪ Temporary Women's health clinic; ▪ Representation at the FWF Advisory Committee enables participation of rural women at decision making level of government; ▪ Quality control of women's income generating products; ▪ Centre for the production, display and marketing of handicrafts, etc.; ▪ Networking with other women NGOs; ▪ Opportunity for improved monitoring and evaluation mechanism;
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		<ul style="list-style-type: none"> Ensure that the registration requirements of FWF for non-governmental organizations does not infringe upon the right to freedom of association & assembly or restrict the opportunity of NGOs to engage in consultative processes towards gender equality and the promotion & protection of women's rights. 	<p>The Ministry welcomes and encourages NGOs in particular women's organisation to apply to be a member of the Fiji Women's Federation. All organisations must fill out an application form which is then processed and approval of membership is then conveyed to the applicant accordingly.</p> <p>There have never been any restrictions placed on any organisations with regards to engaging on issues pertaining to gender equality and the protection and promotion of women's rights in Fiji.</p>
ARTICLE 5 – STEREOTYPES & CULTURAL PRACTISES			
21	Review of Legislations/ Effective measures to understand gender equality.	<ul style="list-style-type: none"> Put in place without delay a comprehensive strategy including the review and formulation of legislation and the establishment of goals and timetables – to modify or eliminate stereotypes, patriarchal attitudes and cultural practices that discriminate against women in conformity with Articles 2 (f) and Article 5 (a) of the Convention. Measures should include efforts to raise awareness about this subject, targeting women and men at all levels of society, in collaboration with civil society. 	<p>1. <u>Constitution of the Republic of Fiji</u></p> <p>The Constitution has a progressive and robust Bill of Rights Provision. The Bill of Rights inter alia, guarantees the rights of not just women but all Fijians to equality and freedom from discrimination. Section 26 of the Constitution unequivocally states –</p> <p>26(1) Every person is equal before the law and has the right to equal protection, treatment and benefit of the law.</p> <p>(3) A person not be unfairly discriminated against, directly or indirectly on the grounds of his or her –</p> <p>(a) actual or supposed personal characteristics or circumstances, including race, culture, ethnic or social origin, color, place or origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy;</p> <p>These provisions constitute a broad range of protection of discrimination against women and allow for the legal articulation of intersectional discrimination.</p> <p><u>Employment Relations Promulgation 2007 (ERP)</u></p> <p>The ERP in its preamble expressly states inter alia, that it helps to prevent and eliminate direct and indirect discrimination in employment on the basis of race, colour, gender,</p>

			<p>sexual orientation, age, physical or mental disability, HIV/AIDS status, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.</p> <p>Section 6 of the ERP states: <i>No person shall discriminate against any worker or prospective worker on the grounds of ethnicity, color, gender, religion, political opinion, national extraction, sexual orientation, age, social origin, marital status, pregnancy, family responsibilities, state of health including real or perceived HIV status, trade union membership or activity, or disability in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship.</i></p> <p>Section 75 of the ERP also states in relation to the prohibited grounds of discrimination at the workplace: <i>For the purposes of this Part, the prohibited grounds for discrimination whether direct or indirect are actual or supposed personal characteristics or circumstances, including race, culture, ethnic or social origin, colour, place or origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy;</i></p> <p>Section 78 of the ERP also states in relation to unlawful discrimination in rates of remuneration that an <i>Employer must not refuse or omit to offer or afford a person the same rate of remuneration as are made available for persons of the same or substantially similar qualifications employed in the same or substantially similar circumstances on work of that description for any reason including –</i></p> <ul style="list-style-type: none"> <i>(a) the actual or supposed personal characteristics or circumstances of that person, including race, culture, ethnic or social origin, colour, place or origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy; or</i> <i>(b) opinions or beliefs, except to the extent those opinions or beliefs involve harm to others or diminution of the rights or freedoms of others.</i>
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		<ul style="list-style-type: none"> Periodically review the measures taken in order to assess their impact and to take appropriate action and to report thereon. 	<p><u>Monitoring and Evaluation of Zero Tolerance Violence Free Community (ZTVFC)</u></p> <p>Community visits have been undertaken by the Department of Women (Department) to gauge the progress of ZTVFC's, from the visits the Department noted the attitudinal change amongst the majority of men living in the ZTVFC's and both men and women agreed that violence against women is a crime and therefore should be reported to the Police.</p> <p>It is prudent to note that the Ministry of Women, Children and Poverty Alleviation through the Department has collected anecdotal evidence which suggests a change in behavior and attitudes within communities that are part of its ZTVFC Programme and it is in the process of recruiting a consultant to conduct an external evaluation of the effectiveness of the Zero Tolerance Violence Free Communities Programme.</p>
VIOLENCE AGAINST WOMEN			
23	<p>Violence Against Women</p> <p>Responsible Agencies: DOW/POLICE/NGOs /FIBOS</p>	<ul style="list-style-type: none"> To give priority attention to combating violence against women and girls and to adopting comprehensive measures to address such violence, in accordance with its general recommendation No.19. Such measures should include the expeditious adoption of a comprehensive law criminalizing of all forms of violence against women, including domestic violence with regard to de facto relationships, marital rape, sexual violence, sexual harassment and institutional violence, as the development of a coherent and multisectoral action plan to combat violence against women. 	<p><u>Constitution of the Republic of Fiji</u></p> <p>As previously stated, in response to paragraph 21, Fiji has a robust set of domestic laws which combat violence against women. The Constitution has a robust Bill of Rights that protects not just women but all Fijians against discrimination. The Constitution further protects violence not just against women but against Fijians under section 11.</p> <p>Section 11 (1) of the Bill of Rights in the Constitution unequivocally states: Every person has the right to freedom from torture of any kind, whether physical, mental or emotional and from cruel and inhumane, degrading or disproportionately severe treatment or punishment.</p> <p>Section 11(2) further states – every person has the right to security of the person, which includes the right to be free from any form of violence from any source at home, school, work or in any other place.</p> <p>Section 11 of the Constitution arguably provides one of the strongest domestic protections against torture in the world. It extends to specific protection at home, at school and at work.</p>

		<ul style="list-style-type: none"> • State should investigate and prosecute all cases of violence against women including those involving women sex workers. 	<p><u>Domestic Violence Decree</u> The objects of this Decree are –</p> <p>(a) To eliminate, reduce and prevent domestic violence; (b) To ensure the protection, safety and well-being of victims of domestic violence; (c) To implement the Convention on the Elimination of all Forms of Discrimination Against Women, the Convention on the Rights of the Child and related Conventions; (d) To provide a legally workable framework for the achievement of (a) (b) and (c) above.</p> <p>Therefore the Decree aims provide greater protection from domestic violence, to clarify the duties of police in that regard, to introduce domestic violence restraining orders and other measures to promote the safety and wellbeing of victims of domestic violence and to promote rehabilitation of perpetrators of domestic violence and for related matters.</p> <p>The Decree protects family relationships which include relationships which are “de facto” (defined as the relationship between a man and a woman who live or lived with each other as spouses on a genuine domestic basis although not legally married to each other) and other family relationships which includes not just parents, children, brother, sisters and step-families, but also “clan, kin or other person who in the particular circumstances should be regarded as a family member”.</p> <p>Other laws which combat discrimination against women, and sexual harassment have been discussed in depth in the preceding sections, namely the responses outlined in relation to paragraph 21.</p> <p>With regards to the prosecution of cases of violence against all women, it is prudent to note that the Domestic Violence Decree, provides restraining orders against persons in domestic relationships. The act of violence falls within the ambit of the Crimes Decree and such perpetrators of violence would be charged for assault etc under the Crimes Decree.</p> <p>The Fiji Police Force has an internal policy in place where investigations stemming from complaints of sexual assault must be concluded or finalized within a 24 hour period. With regards to Domestic Violence, the Sexual Offences Unit of the Fiji Police Force highlighted there is in place a ‘no-drop’ policy, where all reports of domestic violence</p>
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		<ul style="list-style-type: none"> To publish and widely disseminate the Domestic Violence Decree and all relevant laws and policies established and/or envisaged to address violence against women in all its forms. 	<p>are to be thoroughly investigated and recorded. This essentially means that the police officers cannot enforce reconciliation and police officers must record the statement or complaints made and proceed with investigations until the relevant charges are laid.</p> <p>It is important to note that the Fiji Police Force under the Constitution of the Republic of Fiji is an independent body who conducts investigations into complaints and lays the relevant charge after which a prosecution will be filed in Court.</p> <p>Therefore all cases of violence against not just women but against all Fijians are promptly investigated and relevant charges are filed. Furthermore cases of rape and murder where sex workers have been victims have been investigated and prosecuted by the Fiji Police Force and the Director of Public Prosecutions.</p> <p><u>Legal Literacy Trainings:</u> The Ministry of Women Children and Poverty Alleviation in collaboration with relevant stakeholders like Fiji Police Force, Director of the Public Prosecution (DPP’s Office), Legal Aid Commission and Judicial Department has conducted and will be conducting more legal literacy training for women living the rural and remote communities in Fiji.</p> <p>Legal Literacy Trainings enables rural and remote communities in Fiji to have a clear understanding of the laws and legislations protecting human rights and accessing justice, legal services to eliminate discriminatory practices against women and children.</p> <p>Through the 10 Legal Literacy trainings conducted in 2012, people in rural areas were provided with information on the Domestic Violence Decree, Child Welfare Decree, Crimes Decree and CEDAW. The communities were informed on the relevant provisions of the Crimes Decree including the penalties imposed under the Crimes Decree for the perpetrators of violence.</p> <p>The community was also informed on provisions of the Domestic Violence Decree which protects victims of domestic violence and provides for restraining orders against perpetrators even over the phone from judicial officers during emergencies.</p> <p>The training complements the Zero Tolerance Violence Free Community Campaign and additions legal literacy training was also held in the years 2013 and 2014 under this campaign, where community leaders, women and youth leaders and religious organizations all work together with relevant agencies, in promoting and creating</p>
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			<p>pertaining to gender based violence and also to provide an evaluation report with regards to the impact and effectiveness of the projects undertaken by the Ministry in this combating violence against women.</p>
ARTICLE 6 – TRAFICKING & EXPLOITATION OF PROSTITUTION			
25	<p>Trafficking & Prostitution</p> <p>Responsible Agencies:</p> <p>FIJI POLICE/JUDICARY/ SG's Office/AG/DOW/DE FENCE</p>	<ul style="list-style-type: none"> Take concrete steps aimed at effectively implementing the Crimes Decree as well as decriminalizing sex work and strengthening programmes, in cooperation with relevant partners, to provide support, exit programmes and alternative livelihoods for women who wish to leave prostitution. 	<p>The agency responsible for implementing the Crimes Decree 2009 (Decree) is the Fiji Police Force. The Office of the Director of Public Prosecution (DPP) is the prosecutorial agency that is responsible for prosecuting crimes under the Decree. Although other agencies in Fiji are permitted to bring prosecutions subject to their own specific laws, these prosecutions remain subject to the direction and control of the DPP and is reviewed according to this two-step process. If the evidence is lacking or a prosecuting agency has brought a prosecution based on an erroneous understanding of the law, the DPP may intervene and end the prosecution.</p> <p>In deciding whether a prosecution is in the public interest, the DPP is guided by its Prosecution Code. The Code sets out factors in favour or against a prosecution. Where the offence involves violence or a child victim, it will almost always be in the public interest to prosecute. When the offence involves a child victim, processes are immediately put into place to ensure the child is supported through the criminal justice process. This often means ensuring that family members are not able to interfere with the procedure which will often mean that a restraining order under Fiji's Domestic Violence Decree is sought by the Police or DPP.</p> <p>Prostitution is still an offence under the Crimes Decree 2009. Section 230 of the Crimes Decree states —(1) A person commits a summary offence if he or she— (a) knowingly lives wholly or in part on the earnings of prostitution; or (b) in any public place persistently solicits or offers a person for immoral purposes. Section 231 provides, inter alia, that a person commits a summary offence who loiters in a public place for the purpose of offering himself or herself for sex in return for payment of any nature.</p> <p>It must be noted that decriminalization of sex work is a decision that will be made by the Fijian Parliament.</p>

		<ul style="list-style-type: none"> • Take effective steps to ensure that sex workers who are victims of violence, torture or ill-treatment are provided an opportunity for a fair trial and where appropriate, receive medical and psychosocial services as well as compensation including reparations and guarantees of non-repetition. • To fully implement Article 6 of the Convention including speedy enacting specific and comprehensive national legislation and programmes on the emerging phenomenon of trafficking, ensuring that offenders are punished and victims adequately protected and assisted. 	<p>Any person who is a victim of violence, has the right to report the matter to the relevant authorities regardless of whether the victim is engaged in sex work. The charge would be that of assault or any other charge that falls within the ambit of the Crimes Decree. As stated in the preceding paragraphs once the relevant charges are laid and the relevant documents are then filed to initiate court proceedings.</p> <p>The Constitution guarantees the right of all Fijians indiscriminately the right to health care. Section 38 of the Constitution mandates the State to take all reasonable measures within its available resources to achieve the progressive realization of the right of every person to health and to the conditions and facilities necessary to good health and to health care services including reproductive health care. This section also provides that a person must not be denied emergency medical treatment.</p> <p>Fiji has not ratified the Trafficking in Persons Protocol however Fiji has robust laws in relation to trafficking, including deceptive recruiting, slavery, debt bondage and sexual servitude is identical to Australian law and is compatible with the Protocol. Division 5 of the Crimes Decree 2009 (Decree) deals with Slavery, Sexual Servitude, and Deceptive Recruiting.</p> <p>Section 104 of the Decree defines the term “sexual servitude” as a condition of a person who provides sexual services and who as a result of threats or force, is not free to cease providing sexual services, or is not free to leave the place where the person provides sexual services. There is a further definition of the word “threat”. Section 104(2) provides that “threat” means a threat of force, a threat to cause a person’s deportation, or a threat to cause detrimental action in connection with the provision of sexual services. All offences under Division 5 are triable by the Fijian Courts whether or not the conduct occurred in Fiji.</p> <p>Section 106 sets out the offences of sexual servitude. It provides that a person whose conduct causes another person to enter into or remain in sexual servitude and who intends to cause or is reckless about causing such sexual servitude commits an offence. The sentence is 15 years imprisonment, but where the offence is aggravated under</p>
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			<p>section 114(1) and (2)</p> <p>Section 115 duplicates section 112 except that it is about the domestic trafficking of persons. That is organising or facilitating transportation or proposed transportation of persons from one place in Fiji to another. The maximum sentence is 12 years imprisonment and the offences are aggravated on the same evidential basis as for international trafficking. Similarly the domestic trafficking in children has the same elements as for international trafficking. The maximum sentence for domestic trafficking in children is 25 years imprisonment</p> <p>During the reporting year, the Fijian government continued its anti-trafficking efforts, particularly through investigations that led to its first prosecution of an internal sex trafficking case, as well as another prosecution involving Thai nationals. Despite its limited resources, the Fijian government continues provided a range of victim protection services throughout the reporting period.</p> <p>The Fijian Government sustained its anti-trafficking law enforcement efforts during the reporting period. The Crimes Decree 2009 includes comprehensive anti-trafficking provisions for both domestic and international cases. The prescribed penalties of up to 25 years' imprisonment, and possible fines of up to the equivalent of approximately \$400,000, are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The anti-trafficking unit investigated nine cases, compared to eight investigations during the previous reporting year, of which two were prosecuted during the current reporting period. In a case involving three Thai nationals subjected to forced prostitution by two foreign nationals and two Fijians, the government prosecuted and obtained convictions of the two offenders, who received sentences of seven to 10 years' imprisonment without parole. Prosecution of the first internal sex trafficking case, which involved two adults who allegedly had sexually exploited children, remained in court at the end of this reporting period. The government continued to fund the Police Human Trafficking Unit's training workshops to detect and investigate trafficking cases.</p> <p>Fiji continues investigate, prosecute, convict, and punish trafficking offenders under the</p>
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ARTICLE 10 – EDUCATION			
29	<p>Traditional Attitudes on Education</p> <p>Responsible Agencies: MOE/MOH/ Reproductive Health/DOW</p>	<ul style="list-style-type: none"> To take steps to overcome traditional attitudes that, in some rural areas and outer islands, may constitute obstacles to girls and women’s education and to the retention of girls in school. 	<p>The Fijian Government has embarked on an Inclusive Education Policy which was formulated on the basis that all children should be given the opportunity to learn together wherever possible regardless of difficulties, disabilities or differences. Relevant adaptations and modifications has been facilitated in the current curriculum to meet needs of students with special needs, for example, training of braillists and the number of braille publications has increased. Furthermore, disability friendly school facilities and infrastructure has been improved in a number of schools.</p> <p>The Fijian Government recognises that having a limited number of specialized teachers in mainstream schools is a challenge. However, the Fijian Government is committed to ensuring that all children including children with special needs are given proper care and access to quality education to bring about an educated and productive society. It is</p>

		<ul style="list-style-type: none"> To actively encourage the diversification of educational and professional choices for women and men and to provide incentives for young women to enter traditionally male-dominated fields of study. Ensure the budgetary allocation necessary for the continued implementation of programmes to facilitate the education of children especially girls from poor families and to strengthen reproductive and sexual health programmes including sex education targeting adolescent girls and boys, with special attention accorded to the prevention of early pregnancy and the control of sexually transmitted infections including HIV and AIDS. 	<p>prudent to note that girls are encouraged to take up optional technical subjects taught in Elementary and Secondary schools such as mental work, wood work and technical drawing. Moreover, Tertiary Institutions also encourage women to take up traditionally male dominated technical areas of studies such Automotive Engineering, Electrical Engineering etc.</p> <p>The Ministry of Health in recent years has noted an increase in teenaged pregnancies nationally. In order to address this, there are now a number of programs that focus on children, adolescents and youths in regards to sexual and reproductive health (SRH) .</p> <p>The Adolescent Health Development Clinic located centrally in Suva provides all SRH services. It is staffed mainly by peer educators which allow young people to visit the clinics in a safe and enabling environment to discuss their SRH issues.</p> <p>The Ministry has also negotiated with the UNFPA a 3-year project focusing specifically on taking SRH services to the rural and maritime women’s groups. For 2015, the Fijian government has allocated \$1.82 million to the implementation of the WPA, this is an increase of 52% from the 2014 budget. With this, the Department for Women was able to strengthen the implementation of the 5 thematic areas of the WPA. This is through the engagement of Project Officers focusing on areas such as Gender-based Violence, Climate Change, and Analysis of Information. Also assisting the Ministry in participating at international forums and strengthening Bilateral relationship.</p> <p>The Ministry of Health has also developed a National Strategic Plan on HIV and STIs (2012-2015), building on work done in the last decade, and addressing recommendations of the last review. The new strategy is being informed by the emerging initiatives and will focus on Prevention, Continuum of Care, Monitoring and Evaluation, Governance, Coordination and Partnerships. Gender, Human Rights, Stigma and Discrimination will be addressed in each of the priority areas.</p> <p>With the support of the Ministry of Education, peer educators have SRH sessions with students; the main focus is with primary schools but this is slowly branching out to secondary schools. These peer educators also have an out of school program in the communities in stages. Stage 1 is called stepping stones and the others include Community Education where SRH topics are discussed including topics such as HIV. This</p>
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ARTICLE 11 – EMPLOYMENT			
31	<p>Equal opportunities for women in labour market</p> <p>Responsible</p>	<ul style="list-style-type: none"> Ensure equal opportunities for women in labour markets in accordance with Article 11 of Convention. Adopt effective measures in the formal labour 	<p>Our Constitution protects all Fijians from unfair discrimination including on the grounds of sex, gender identity and expression, pregnancy, marital status, culture, religion, social origin, conscience and social or health status. These grounds are all new grounds and weren't in any of the previous Constitutions. Fiji is proud to have successfully conducted general elections on 17 September with 84.6 per cent of the registered</p>

	<p>agencies: MOL/DOW/Micro Finance Institutions/NEC</p>	<p>market to eliminate both horizontal and vertical occupational segregation, narrow and close the wage gap between women and men and apply the principle of equal remuneration and equal opportunities at work.</p> <ul style="list-style-type: none"> Regulate the informal sector to ensure that women in the sector are not exploited and are provided social security and other benefits. Encourage to enact specific legal provisions to prohibit sexual 	<p>voters exercising their constitutional right to vote. Apart from the changing attitudes and legal improvements propelled by Government in the past 8 years the new electoral system which allows for proportional representation through an open list encouraged political parties to field more youth and women candidates. This has resulted in an unprecedented 14% of the members of Parliament being women. Parliament has commenced its sittings with our first woman Speaker of Parliament and first woman leader of the Opposition. The Secretary General of Parliament and the Secretary to Cabinet are also women. Further all women members in the Government side of Parliament are Ministers or Assistant ministers. Furthermore, as stated earlier in the report, the Fiji's progressive employment and labour law ensure equal opportunities for all Fijian.</p> <p><u>Fiji National Provident Fund</u></p> <p>The Fiji National Provident Fund (FNPF) is Fiji's largest financial institution. We are the only superannuation fund that is mandated by law to collect compulsory contributions from employees and employers, towards the retirement savings of all workers in Fiji. Apart from retirement savings, the FNPF also provides its members other financial services such as housing, medical and education assistance. We have branches and agencies in Suva, Lautoka, Labasa, Nadi, Ba, Savusavu and Valelevu.</p> <p>FNPF was established in 1966 under the FNPF Act. Over the years the Act has been amended to address the changing needs of members inclusive of the introduction of the Pension Scheme in 1975; allowances for members' to withdraw their contributions for housing assistance in 1976 and again in 1982; the introduction of the Village Housing Scheme in 1985; and the review of pension in 1999. The FNPF Decree 2011 was promulgated in November, 2011 announcing major structural changes to the Fund, including the adoption of the new pension business based on fair and sustainable rates. FNPF also provides for voluntary membership which applies to unemployed, self-employed, domestic workers and also students.</p> <p><u>Employment Relations Promulgation 2007 (ERP)</u></p> <p>The ERP in its preamble expressly states inter alia, that it helps to prevent</p>
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		<p>harassment in the workplace to introduce special protections measures for women with disabilities in the workplace, and to ensure proper and fair compensation for civil servants who have been forced into early retirement.</p>	<p>and eliminate direct and indirect discrimination in employment on the basis of race, colour, gender, sexual orientation, age, physical or mental disability, HIV/AIDS status, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.</p> <p>Section 6 of the ERP states: <i>No person shall discriminate against any worker or prospective worker on the grounds of ethnicity, color, gender, religion, political opinion, national extraction, sexual orientation, age, social origin, marital status, pregnancy, family responsibilities, state of health including real or perceived HIV status, trade union membership or activity, or disability in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship.</i></p> <p>Section 75 of the ERP also states in relation to the prohibited grounds of discrimination at the workplace: <i>For the purposes of this Part, the prohibited grounds for discrimination whether direct or indirect are actual or supposed personal characteristics or circumstances, including race, culture, ethnic or social origin, colour, place or origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy;</i></p> <p>Section 78 of the ERP also states in relation to unlawful discrimination in rates of remuneration that an <i>Employer must not refuse or omit to offer or afford a person the same rate of remuneration as are made available for persons of the same or substantially similar qualifications employed in the same or substantially similar circumstances on work of that description for any reason including –</i></p> <ul style="list-style-type: none"> <i>(c) the actual or supposed personal characteristics or circumstances of that person, including race, culture, ethnic or social origin, colour, place or origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy; or</i> <i>(d) opinions or beliefs, except to the extent those opinions or beliefs involve harm to others or diminution of the rights or freedoms of others.</i>
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		<ul style="list-style-type: none"> Urges the State to fully implement the principle of freedom of association in accordance with International Labour Organization Convention Nos. 87 and 98, which Fiji ratified. 	<p>With regards to sexual harassment at the workplace, the ERP also places liability on an employer together with a worker who sexually harasses another worker if the employer fails to take the reasonable steps necessary to prevent sexual harassment of the employer's worker. Moreover, an employer must also develop and maintain a policy to prevent sexual harassment in his or her workplace, consistent with any national policy guidelines.</p> <p>It is prudent to note that the ERP (Amendment) Act 2015, extends the grounds of prohibited discrimination to those set out in section 26 of the Constitution.</p> <p>Under the current Fijian Labour laws, all workers are free to join trade unions and engage in collective bargaining. Moreover the right to freedom of association is guaranteed in the Fijian Constitution. It is prudent to note that the ERP (Amendment) Act 2015 expressly provides that all workers including those in Essential National Services and Industries have the right to freedom of association, namely the right to either organize themselves as Bargaining Units if they so choose or to join an existing Trade Union, or to register itself as a Trade Union.</p>
ARTICLE 12 – HEALTH			
33	<p>Allocation of Resources for quality and accessible health services.</p> <p>Responsible Agencies: MOH/DOW</p>	<ul style="list-style-type: none"> Take all necessary measures, including the allocation of adequate resources to improve women's access to health care and health-related services, within the framework of the Committee's general recommendation No. 24. 	<p>The Constitution of the Republic of Fiji – Section 38 provides that –</p> <p>(1) The State must take reasonable measures within its available resources to achieve the progressive realization of the right of every person to health, and to the conditions and facilities necessary to good health, and to health care services, including reproductive health care.</p> <p>(2) A person must not be denied emergency medical treatment.</p> <p>In applying any right under this section, if the State claims that it does not have the resources to implement the right; it is the responsibility of the State to show that the resources are not available.</p> <p>The Ministry of Health and Medical Services (Ministry) has a decentralized service for women and their children under the Maternal and Child health program. These programs range from community awareness programs to hospital based. More than</p>

			<p>99.9% of women in Fiji access the health facilities at least once during their period of pregnancy. (Fiji EPI Coverage Survey 2013).</p> <p>The Ministry has been working on improving early booking for mothers who are pregnant to reduce risk of any maternal and child complications to reduce maternal and child mortality and morbidity. The programs in this regards are from developing Safe Motherhood and Child health manuals which train the community health workers on safe motherhood and child health, and encouraging for early health seeking behavior in the communities.</p> <p>Recently the Ministry launched a safe motherhood tool kit which uses the community health workers to reach expecting mothers and their families to be better prepared for pregnancy. This is in relations to birth preparedness and complication readiness. Advocating men to be important partners in this program.</p> <p>The Fijian Government through the Department of Social Welfare has introduced the Expanded Food Voucher Rural Pregnant Mothers program that caters to the needs of pregnant women in rural settings.</p> <p>Fiji has just launched a new Cervical Screening Policy for a targeted population amongst women and this is to address the second most common cause of deaths secondary to cancers. Slowly improving our coverage numbers for early detection is important. The Cervical Screening program is more active rather than being passive.</p> <p>Fiji has through the years continuously progressed in the area of health provisions and services that is beneficial to women and girls both in the urban and rural areas. Areas of improvement from Health care facilities that is hospitals, health centers and nursing stations that has enabled easy access of health care services such as maternal (ante and post natal care), mental health, HIV/AIDS, sexual reproductive health and nutrition.</p> <p>The Ministry of Health promotes ‘Wellness Training’ and as part of its wellness program through training of community health workers who are not in the health profession but have influence and status within the communities they live in, have addressed health issues such as matters of nutrition, HIV/AIDS, early pickup of childhood conditions,</p>
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		<ul style="list-style-type: none"> • Urges to reform the Mental Health Treatment Act to protect the rights of persons with psychosocial disabilities and to take effective steps to raise awareness about the full and equal human rights of people with mental and psychosocial disabilities. 	<p>sexual reproductive health, cancer awareness and aged care.</p> <p>In 2010 the Fijian Government promulgated the Mental Health Decree, which has effectively repealed the Mental Health Treatment Act. The Decree aims to provide for the following:</p> <ul style="list-style-type: none"> (a) to provide for the care, treatment, management, rehabilitation and protection of people with mental illness and other mental disorders; (b) to regulate mental health care, treatment and rehabilitation services in a manner that makes mental health care, treatment and rehabilitation services available to the population equitably, efficiently and in the best interest of mental health care users within the limits of the available resources; (c) to co-ordinate access to mental health care, treatment and rehabilitation services by various categories of mental health care users; (d) to integrate the provision of mental health care services into the general and wider human services environment in the cultural context of Fiji; (e) to promote the rehabilitation of persons with mental disorders and their integration into the community at the earliest appropriate time; (f) to facilitate the development of community mental health services including the establishment of respite and halfway homes, residential facilities and group homes; (g) to clarify the rights and obligations of mental health care users and the obligations of mental health care providers; and (h) to regulate the manner in which the property of persons with mental disorders may be dealt with. <p>Section 6 of the Decree lists provides that persons and bodies exercising functions under the Decree, should as far as practicable and subject to available resources, aim to</p> <ul style="list-style-type: none"> (a) ensure that persons with a mental disorder or mental illness receive the best available care, support and, if required, treatment and protection; (b) support families and communities that are providing care and support for a person with a mental disorder;
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			<p>(c) provide proper recognition of the importance and significance to persons with a mental disorder of the person's ties with his or her family, extended family and family group, with proper respect for the persons cultural and ethnic identity, language, religious and ethical beliefs and with proper recognition of the contributions those links and the values make to the person's health and well being;</p> <p>(d) work towards lessening the adverse effects of mental disorder on persons with a mental disorder, their families and their communities;</p> <p>(e) strengthen, develop and co-ordinate services for persons with a mental disorder their families, extended families and their communities;</p> <p>(f) assist and encourage non-government agencies and organisations to provide care, support and other services for persons with a mental disorder, their families and their communities;</p> <p>(g) assist and encourage the development of services designed to reduce the incidence and adverse impact of mental disorder in the community;</p> <p>(h) promote informed public opinion, discussion and understanding of mental disorder and the rights of persons who have such a disorder;</p> <p>(i) seek to eliminate discrimination against, and abuse, mistreatment and neglect of, person's with a mental disorder;</p> <p>(j) promote a high standard of training for those responsible for the care, support, treatment and protection of persons with a mental disorder;</p> <p>(k) promote psychosocial rehabilitation; and</p> <p>(l) promote research into the problems of mental disorder.</p> <p>The Decree also provides in section 6(2) that –</p> <p>(2) Every Ministry, state entity or department responsible for health, housing, employment and community services shall subject to available resources determine and co-ordinate the implementation of its policies and measures so as to -</p> <p>(a) ensure the provision of the best available mental health care, treatment and rehabilitation services in establishments managed by it;</p> <p>(b) promote the provision of community-based care, treatment and rehabilitation services for mental health care users;</p>
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			<p>(c) promote the rights and interests of mental health care users;</p> <p>(d) where practicable, provide access to employment and employment support for persons who suffer or have suffered from mental disorder; and</p> <p>(e) generally, promote and improve the mental health status of the population.</p> <p>Section 6(3) also provides that a person exercising a function under this Decree, or under an order of a Review Board, in relation to a patient, must not, except in an emergency situation and to protect the safety or health of the patient or of other persons -</p> <p>(a) impose any restrictions on the patient's personal freedom, other than those authorised by this Decree or by an order made under it; or</p> <p>(b) infringe the patient's dignity and self-respect more than is inherent in the restrictions so authorised.</p> <p>The integration of Sexual Reproductive Health Clinics around Fiji has been an added advantage trying to ensure that the one stop shop for all sexual reproductive health services is available to both men and women to ensure appropriate wellbeing. In a non-discriminatory environment.</p> <p>Non-governmental organizations such as the Medical Services Pacific program has been providing comprehensive range of health and social services for women and youth with a focus of strengthening sexual reproductive health care services and family planning with increasing options in health services in Fiji. MSP works to ensure women and adolescents have access to quality and professional health services, particularly reproductive health, maternal and child health services and HIV/AIDS.</p> <ul style="list-style-type: none"> ▪ The Fijian Government is committed to ensuring efficient, timely and professional health care services is provided to the people of Fiji through its health programs. ▪ Health and Medical awareness consultations on Women's Reproductive Health and Teenage pregnancies and services provided by the Ministry of Health and Medical Services have been conducted. ▪ The Ministry of Women, Children and Poverty Alleviation with the Ministry of
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- Recommends that the State to take appropriate measures to increase access to health, including reproductive and sexual health services, especially in rural areas and the outer islands, and to enhance its efforts to address violence against women and the spread of HIV and AIDS.

Health has embarked on programs such public health checks from health booths constructed at various public events such a festivals.

Whilst addressing the issue for access to health services in the rural and maritime areas, the table below shows the breakdown of the number of hospitals and health centers that are available throughout the 4 Divisions in Fiji, namely:

Divisions	Specialised Hospital	Hospitals	Health Centers	Nursing Centers
Central	2	5	23	20
Northern	-	4	20	21
Western	-	6	27	28
Eastern	-	5	15	32

Access to Information

- Information was disseminated in relation to women's health, health tips and where to access services. [awareness and events such as the Hibiscus that occurs on a yearly basis] This was for them to make choices in relation to the condition of their health;
- All facilities under the Ministry of Health and Medical services provide Reproductive health Services from divisional hospital right to rural nursing stations level. Nurses are trained and regularly assessed on skill competency levels to practice some of the advance procedure such as jadelle insertion and removal , wherever nurses have not been trained on this special skills clients are referred to the closest Health Centre where Medical Officers are based;
- Every opportunity is utilized to the best where women and man are available to educate them of Family Planning whether is occasion like festivals around the country or when divisional teams go out for outreach activity. Even when clients visit facility for services like ante natal care and post natal care or cervical cancer screening and even for family Planning.
- The Ministry also has the new clinical guide line for Violence against women and girls, this is in the printing phase and will be launched in December.

			<p>Guideline is basically for healthcare workers and what to do from the point of receiving to safe shelter to collection of forensic evidence and giving evidence in court.</p> <p>The Ministry of health and medical services has been working with the Australian aid in developing A gender training manual for Gender mainstreaming and social inclusion. After having completed the Gender Mainstreaming and Social inclusion manual. Ministry has done a training of trainers after which the first lot of trained staff had been the Senior managers for the Ministry.</p> <p>These approaches seem to have worked well for the Ministry as we have had some very important and good recommendations come out of it. Some of it being:</p> <ul style="list-style-type: none"> (a) Gender Mainstreaming and Social Inclusion needs to be part of the Policy and Planning Unit: it needs to be factored into all policies and planning processes. (b) Despite having a national gender policy. There is a need a for the health ministry to have its own gender policy. (c) Divisional trainings for Senior managers in the Divisions and more information to be disseminated further down (d) Proactive in relations to building codes etc to ensure that all construction work comply with it, especially in relations to the disability friendly structures. <p>Recognizing the issues of Violence Against Women and Girls in the Pacific and in Fiji, the Ministry has developed its first ever guidelines for health care workers on how to address sexual and physical assault against women and girls.</p> <p>This development has been a comprehensive collaborative work of many government agencies including the legal fraternity, Non-Government Organizations and advocates for women's and children's rights.</p> <p>The Development of these guidelines will strengthen and develop capacity of health care workers to address appropriately any violence case in their own community, refer to appropriate departments for continuum of care.</p>
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ARTICLE 14 – RURAL WOMEN			
35	<p>Support for Rural Women</p> <p>Responsible Agencies: DOW/I-Taukei/Provincial Development</p>	<ul style="list-style-type: none"> Urges to pay special attention to the needs of rural women and women heads of households to ensure that they participate in decision-making processes and have full access to justice, health, education and credit. 	<p>Under the Access to Services critical area of concern, the Ministry runs an annual craft fair on International Rural Women’s Day. This provides an opportunity for rural women to showcase and sell their handicraft. But, more importantly, it takes banking and health services to rural women, where the shows are held.</p> <p>Under the WPA critical area of concern on Livelihoods, rural and maritime women’s groups are assisted with \$5, 000 grant to set up income generating projects. The International Rural Women’s Day craft fair, provides direct links for them to potential markets. This leads to women’s economic empowerment and economic participation.</p> <p><u>Partnership with the Indian High Commission & Barefoot College of India</u></p> <p>A significant milestone under this thematic area is the partnership between the Ministry, the Indian High Commission and the Barefoot College of India. This enabled 10 i-Taukei rural women to study solar engineering at the Barefoot College in Tilonia, India. The women have since returned and are anticipated to develop the skills and solar electrify rural communities within their area.</p> <p>The Department also coordinates divisional celebrations on the contribution of rural women in the capital city of Suva. This is another opportunity for rural women to market and showcase their skills and talents. With all these strategies the Government aims to raise living standards and qualities by offering basic services to those women who do not access it and enhance skills and knowledge for those who have knowledge about the services in Fiji.</p> <p>With regards to health, awareness programmes have been undertaken by the Ministry where women able to better understand health conditions specific to women and the various services provided by the Ministry of Health with regards to women’s health.</p> <p><u>Legal Aid Commission</u></p> <p>In relation to access to justice for not just women but all Fijians, the Fijian Constitution mandates that all Fijians, particularly those geographically dispersed and those with limited or no access to social mobility, must have access to justice. The expansion of the services of the Legal Aid Commission through the provision of FJD 4 million in the 2014</p>

		<ul style="list-style-type: none"> • Encourages to take appropriate measures to eliminate all forms of discrimination against women, including older women, with respect to the ownership and inheritance of land. • Request to include comprehensive data on the situation of rural women including those in the outer islands in all areas covered by the Convention. 	<p>budget reaffirms the Government's commitment that all Fijians, particularly those in underserved and underprivileged communities, are able to access the legal infrastructure. This constitutes a substantial increase from an allocation of FJD 400,000 in 2006. Furthermore, the Government has established 5 additional Legal Aid Commission offices since 2006, and is scheduled to open more offices before the end of 2014. The total number of Legal Aid Commission offices will increase to 15 substantially increasing access to justice and free legal aid services for all Fijians. In the 2015 Budget announcement the Fijian Government has committed to FJD 5 million towards strengthening the Legal Aid Commission and the opening of more Legal Aid offices in Fiji.</p> <p>Regarding women participation in decision making, the Ministry of iTaukei Affairs passed the policy for women participation in all Boards and Councils. It must also be noted that under the iTaukei Administration, women participation is also encouraged. The Village Council a development forum makes no distinction of gender, everyone residing within the Village Boundary must participate, this is also extended to include the District (Tikina) Council, nevertheless it must be acknowledged that very few women become District Representatives to be a member of the District Council simply due to the nature of the responsibility which requires the member to visit all villages within the District. Acknowledging the importance of women and the responsibilities they oversee each village is required to establish a Committee for Women and Youths.</p> <p>Land is owned by Clan (Mataqali), this also includes women. On the decision for development or lease arrangements women consent is also relevant for any decision regarding development on land. The Ministry is in the process of developing a Free, Prior and Informed Consent Framework; this will ensure that the communities are fully informed on any programme/ development proposal regarding their land and natural resources, consent is obtained without coercion prior to implementation of programme.</p> <p>The iTaukei Affairs Board collects all relevant data regarding the rural iTaukei communities. This includes basic information on the number of houses constructed, types of construction, no of women, children, men including level of education these are wellbeing indicators such as; education, health, spiritual, resources, Social, Women, Youths and Economic/ Infrastructure. The objective is to enable an analysis to be carried out on the wellbeing of the community as a tool to facilitate strategic approaches for planning to ensure that the community continues to develop holistically.</p>
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