

Report on Fiji

7th Round of the Universal Periodic Review – February 2010

This report is submitted by **Lechuga Foundation** (Fiji) and the **Sexual Rights Initiative**¹. It starts by providing background information –including on the overall situation of women and children- to then focus on forms of **child abuse** like early marriage and incest.

Background

1. Fiji ratified the Convention on the Rights of the Child (CRC) in 1993. This convention sought to protect the interests as well as the rights of the child. Since then, both Government and nongovernmental organizations have introduced initiatives such as law and policy reforms in order that the socioeconomic environment of the nation reflects the spirit of the CRC. Heinous acts against children such as commercial sexual exploitation (CSE) and sexual abuse (CSA) are in direct violation of Articles 19, 34, 36 of the CRC. As advocates for children, we are educated on how to recognize CSEC and CSA and consequently we are able to positively indicate that forms of CSEC and CSA are in existence in Fiji.
2. Fiji signed the Stockholm Declaration and Agenda for Action against the Commercial Sexual Exploitation of Children in 1996. Upon becoming a signatory, the Fiji government undertook appropriate action to protect its children against commercial sexual exploitation. This undertaking was reaffirmed at the Pacific Regional Workshop on Combating Poverty and Commercial Sexual Exploitation of Children and Youth held in Nadi, Fiji in September 2003 and the Post-Yokohama Mid-Term Review of the East Asia and Pacific Regional Commitment and Action Plan against Commercial Sexual Exploitation of Children held in Bangkok, Thailand in November 2004.
3. The first step to combating CSEC and CSA in Fiji is to understand the setting in which these issues can occur. Fiji, like most countries in the Pacific region, has little consolidated information on CSEC and CSA. This analysis is an attempt at consolidating that information and providing an understanding of the CSEC/CSA issue in Fiji, as well as responses taken by stakeholders to combat the problem.

Country Profile

4. The Republic of the Fiji Islands is made up of approximately 330 islands that total 18, 333 square kilometers in land area. It is regarded as the hub of the Pacific as its location makes it a key destination point for both air and sea transportation. Fiji's population according to the last census in 1996 was 772, 655. It is estimated that the number has by now grown to 845,000 people. Fiji has a relatively young population with about 54% below the age of 25 and 46% below the age of 19 according to the 1996 census. While the majority of people reside in rural Fiji, the urban population is fast growing due to internal migration, especially with the search for jobs and the impact of displacement of cane farmers in the sugar industry. The economy of Fiji, while diversified, relies

¹ A coalition including Mulabi – Latin American Space for Sexualities and Rights; Action Canada for Population and Development; Creating Resources for Empowerment and Action-India, the Polish Federation for Women and Family Planning, and others.

heavily on tourism as its main earner of foreign exchange. Politically, Fiji has a democratically elected government. However tensions remain between various political parties particularly over the 2000 coup.

5. Ethnicity remains a dominant factor in the country and affects the country's politics, economy and society. Fiji's population is a multi-cultural, multiracial mix, with indigenous Fijians comprising 51%, Indo-Fijians (descendants of Indians from the Indian subcontinent) approximately 44%, and Asians, Caucasians, and other Pacific Islanders making up the rest. The ethnic division is illustrated by the contrast between the private and public sectors; Indo-Fijian families largely control most private businesses, while indigenous Fijians largely head government ministries and the armed forces.

6. Tension between ethnic Fijians and Indo-Fijians has been a longstanding problem. The stated purpose of past military and civilian coups was to ensure the political supremacy of indigenous Fijians and to protect their traditional way of life and communal control of land. Control of the land remains a highly sensitive issue. Ethnic Fijians communally hold over 80% of land, the government holds another 8%, and the remaining land is free of hold. Indigenous Fijians' traditional beliefs, cultural values, and self-identity are tied to the land. A number of agricultural landlord (indigenous Fijians) and tenant (Indo-Fijian farmers) agreement leases have expired, and many more continue to expire. The uncertainty over future land tenure arrangements is a significant cause of tension between the indigenous Fijian and Indo-Fijian communities.

7. Fiji's religious diversity includes all the major religions of the world, in particular Christianity, Islam, and Hinduism. The predominant religion is Christianity, which exists through many denominations. The official language of Fiji is English, a remnant of her colonial past, although Hindi, Fijian and Urdu are also taught in schools.

The situation of women

8. Women in both the indigenous Fijian and Indo-Fijian communities have functioned primarily in traditional roles. Men head most households in Fiji, but poor households have a higher proportion of women as their heads than any other income groups.

9. There is a clear link between economic need and sex work. Women sex workers are often pressured into this work by lack of money caused by unemployment, divorce, desertion, failure of men to pay child maintenance and lack of support from relations. Men are usually better educated, which gives them advantages over women. Indo-Fijian rural women are most disadvantaged by lack of education. Women are generally paid less than men, a discrepancy that is especially noticeable in the garment industry. Garment workers, most of whom are Indo-Fijian, ethnic Fijian, and Chinese females, receive wages that are considerable lower than in other sectors. Poverty has many consequences for women, including ill health.

10. Reliable estimates indicate that 10 percent of women have been abused in some way. However, following the political crisis in 2000 and the resulting sense of lawlessness and downturn in the economy, reports of domestic violence and police brutality against women increased. Suva, Ba, Labasa, Lautoka, and Nadi have women's crisis centers funded by foreign governments, which offer counseling and assistance to women in cases of domestic violence, rape, and other problems such as child-support.

The situation of children

11. The link between poverty, poor living conditions, poor nutrition and ill-health is most evident in children primarily because of their vulnerability. Children in poor households must often go without many of the important things that they need like adequate housing and water supply. Poor water supply and inadequate sanitation causes many health problems. Although people do not have to pay tuition fees at primary school, the costs associated with uniforms, shoes, books, and transportation fees are obstacles to education for children. As a result up to 5 percent of children fail to enroll into Class One and enrollments slowly drop with each class as they go higher. Education is critical in getting better paid and secure employment. With these trends of child enrollments and drop outs, a lot of children will have few opportunities to get the better paying sort of jobs when they are adults. Children who drop out of school are rendered more vulnerable to illegal activities like child labor and CSEC.

12. People most at risk of poverty in Fiji are those with limited education, both adults and children. These groups of people get caught in a cycle of poverty, some children dropping out of school because of financial pressures. They then work to support their families either in menial jobs or fall prey to CSEC. Some children move to the streets. They are pushed away from their homes because their basic needs are not met. While the government has a Family Assistance Scheme it does not meet the needs of the majority of people. It caters only for the worst cases of destitution, and even then it is inadequate. Furthermore, it is based on families, thus street children are left out; their survival then becomes dependent on whatever skills they may possess including being involved in CSEC should the need arise.

13. Closely related to poverty is the lack of job opportunities in Fiji. It was stated that the biggest challenge for Fiji over the next decade would be the creation of employment. The most at risk will be those without access to land or educational qualifications. However, even those in school see unemployment as a problem, irrespective of ethnicity. Government efforts at creating employment have concentrated on largely urban-based industries such as garment factories. These however pay low wages and involve monotonous work that can be unappealing to young people while on the other hand, CSEC may involve higher incomes.

Early Marriage

14. The culture of early and arranged marriages, particularly in the Indo-Fijian community, sets the platform for potential CSEC situations. The two main reasons for early marriages occurring are: the belief that the girl child is an economic burden, and the opportunity for a better life especially, if the groom is a foreigner.

15. Currently, the Marriages Act allows for girls aged between 16-21 years to get married with parental consent. The same act has provisions for boys aged between 18-21 years to get married with parental consent. There has been strong lobbying from concerned NGO's for the age of early marriage for girls with parental consent to be increased from 16 years to 18 years as failure to so may increase the vulnerability of young girls to exploitative situations such as sexual abuse and CSEC. Despite such lobbying, the Marriages Act with

reference to early marriages remains unchanged.

Incest

16. There have been far less cases of incest reported to the police than those of rape in the years 1999-2003. In those years, a total of 42 cases were reported, with 2003 having no recorded cases. Like in the case of rape, Fijian children between the ages of 14-16 years have reported the most cases, except in 2002 where 9 of the 15 cases were of children below 13 years. ⁱ

17. Suggestions and recommendations

The Government must:

On violence against women and on violence against children:

- ↔ Create, implement, and monitor a national action plan for prevention of violence against women and a similar one against violence against children.
- ↔ Define priorities for, and support research on, the causes, consequences, costs, and prevention of both kinds of violence.
- ↔ Promote primary prevention responses.
- ↔ Strengthen responses for victims.
- ↔ Integrate violence prevention into social and educational policies, and thereby promote gender and social equality.
- ↔ Increase collaboration and exchange of information on violence prevention.
- ↔ Prosecute all forms of sexual violence against children, including violence in schools.
- ↔ Ensure that all rape survivors have access to timely post-exposure HIV prophylaxis.
- ↔ Investigate and prosecute crimes of sexual violence.
- ↔ Inform victims and their families about their rights and judicial proceedings, offer counseling to adult and child victims through trained staff, and avoid re-traumatizing or stigmatizing victims during the judicial process.
- ↔ Ensure that all victims whose cases are investigated or prosecuted receive adequate medical and psycho-social support.

On the rights of children:

- ↔ Allocate education resources to ensure that underserved populations, including particularly vulnerable children, have equal access to education. This may entail building additional schools in these areas and allocating additional teachers and ensure that all schools are funded on a non-discriminatory basis, and where necessary, allocate additional resources to close existing gaps, including the physical condition of school buildings, additional educational facilities or equipment, and teacher training.
- ↔ Support programs that educate parents, teachers, and society at large about the harm of corporal punishment and about nonviolent methods

of discipline.

- ↔ Implement measures to protect the safety of schoolchildren, particularly girls, while on their way to and from school.
- ↔ Develop concrete plans and mechanisms to identify and reach out to populations of children that are underserved by the education system. Such mechanisms could include a special office or unit to focus on effective strategies for ensuring that these groups have equal access to schooling.

ⁱ <http://www.mfn.gov.fj/Documents/Strategic%20Development%20Plan%202003%20-%202005%20.PDF>