Security Council Resolution 1325:
Civil Society Monitoring Report 2014

WOMEN COUNT

A project of the Global Network of Women Peacebuilders

Afghanistan, Azerbaijan, Burundi, Canada, Colombia, Democratic Republic of Congo, Fiji, India, Kenya, Libya, Iraq, Nepal, Netherlands, Nagorno-Karabakh, Philippines, Serbia, Sierra Leone, South Sudan, Sri Lanka, Sweden, and Uganda
Fiji

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**Acknowledgements:**
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**List of acronyms**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination and Discrimination against Women</td>
</tr>
<tr>
<td>FWCC</td>
<td>Fiji Women’s Crisis Centre</td>
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<tr>
<td>FWF</td>
<td>Fiji Women’s Forum</td>
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<tr>
<td>PIFS</td>
<td>Pacific Islands Forum Secretariat</td>
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<tr>
<td>RAP-WPS</td>
<td>Regional Action Plan-Women Peace and Security</td>
</tr>
<tr>
<td>RDSSED</td>
<td>Roadmap for Democracy and Sustainable Socio-Economic Development</td>
</tr>
<tr>
<td>RRRRT</td>
<td>Regional Rights Resource Team</td>
</tr>
<tr>
<td>SODELPA</td>
<td>Social Liberal and Democratic Party</td>
</tr>
<tr>
<td>SPC</td>
<td>Secretariat of the Pacific Community</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNAMI</td>
<td>United Nations Assistance Mission to Iraq</td>
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<tr>
<td>UNDOF</td>
<td>United Nations Disengagement Observer Force</td>
</tr>
<tr>
<td>UNMIL</td>
<td>United Nations Mission to Liberia</td>
</tr>
<tr>
<td>UNMISS</td>
<td>United Nations Mission to South Sudan</td>
</tr>
<tr>
<td>UNSCR</td>
<td>United Nations Security Council Resolution</td>
</tr>
<tr>
<td>WPS</td>
<td>Women, Peace and Security</td>
</tr>
</tbody>
</table>
I. Women, peace and security profile

Nature of the conflict

On Monday September 22, 2014, the Fiji Women’s Forum congratulated the eight women who have been elected into Fiji’s House of Representatives in the first democratic elections since the beginning of the military rule in December 2006. The elections, which were a historical achievement, had been made possible by an elaborate constitution-drafting exercise that took place in 2012. They had initially commenced under the chairmanship of Professor Yash Ghai of Kenya, with relentless advocacy by civil society including women’s rights groups.

In March 2012, Commodore Bainimarama announced a process for democratic transition through a series of decrees, with a timeline for the drafting and adoption of a new Constitution, including the establishment of a Constitution Commission. Professor Yash Ghai from Kenya led the Commission. Professor and his Commissioners travelled extensively around Fiji for three months and heard more than 7,000 submissions, which served as a basis for People’s Draft Constitution.

In January 2013, Fiji’s interim government declared that the People’s Draft Constitution was unsuitable and on March 21, 2013, Prime Minister Commodore Voreque Bainimarama announced the release of the Government’s Draft Constitution. At the same time, he introduced significant changes to the constitution-making process, including the abolishment of the Constituent Assembly. The Government’s Draft Constitution allowed Bainimarama to remain in power until the elections.

Following the promulgation of the Fiji Constitution on September 6, 2013, the Elections Commission was established in January 2014.1 The Commission included two women. On March 28, 2014, the Electoral Decree2 was promulgated paving the way for the staging of elections to return Fiji to parliamentary democracy on September 17, 2014.

Eight women were elected to the new parliament, constituting of 16 percent of the total of 50 members. This is a great achievement for women in politics, yet there is still a long way to go for women in Fiji, as the country, and region, lag behind the rest of the world in terms of women’s participation.

The Fiji Women’s Forum (FWF), established in 2012, has worked to increase the number of women in Fiji’s democratization. It consists of a number of civil society organizations, including FemLINKPACIFIC, the Fiji Women’s Rights Movement, the National Council of Women Fiji, and the Soqosoqo Vakamarama Itaukei. It has worked with women candidates, as well as female voters.

The FWF worked alongside many of the 44 women who put themselves forward as candidates in Fiji’s first democratic elections in eight years. It hopes to continue to work with them to provide a space to share their experiences and knowledge, to mentor future politicians, to re-strategize for 2018 elections, or to work together in developing and implementing gender-responsive laws.

Impact of conflict on women

The coup d’état in 2006, the military rule, and the long and subsequent protracted road to elections resulted in human rights abuses and a sense of injustice that prevails in some communities in Fiji. The 2013 Constitution does little to restore the sense of peace and security. There is no Truth and Reconciliation Commission, nor any other transitional justice mechanisms provided for in the constitutional framework. Such mechanisms would help to move Fiji towards sustainable peacebuilding, democracy and nation building, which would help ensure human security for women and men.

Submissions to the Constitution Commission of Fiji in 2012 revealed that rights relating to health; education; water and food; work and livelihood; and social security were of predominant concern to Fijians. This has also been reflected in ongoing documentation undertaken by FemLINKPACIFIC and communicated through its monthly Women, Peace and Human Security Reports highlighting that the brunt of poverty continues to be experienced by women in the lower impact brackets. Moreover, the growing informal economy includes rural women who are particularly impacted by poor infrastructure development that further impedes their ability to access and participate in political processes. The concerns of food security and human security continue to be the major factor affecting the lives and wellbeing of women in Fiji, in particular in rural areas.3

The ownership of land has been one of the contentious issues in Fiji, with numerous conflicts surrounding access to land and leasing arrangements. Land ownership is a gendered issue, which means that women are often not involved in the traditional mechanisms of distribution and utilization of natural resources, including land. This contravenes the provisions of the Convention on the Elimination and Discrimination against Women (CEDAW), which Fiji has ratified, and constitutes a violation of women’s rights. Moreover, it threatens their human security, by making them dependent on men. The 2013 Constitution does not adequately address or stipulate measures regarding the underlying causes of these conflicts. Thus, land governance continues to be a serious political and human rights issue in Fiji.

The 2013 Fiji Constitution is predominantly focused on state security, and contains provisions on national security and security forces that all invoke a protectionist approach. The constitutional framework fails to characterise a human security approach, and address women’s security needs.

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3 For more information, please refer to http://www.femlinkpacific.org.fj/.
In February 2014, FemLINKPACIFIC released the “Women’s Human Security First” report, which highlights that in the 2013 Fiji Constitution, there are substantive provisions on children’s rights and the rights of people with disability. However, there is no mention of women’s rights, rights of the Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) community, or the elderly community. The Constitution does not contain any substantive provisions on gender equality, or provisions responsive to gender-specific needs, and is thus gender-blind.

Despite the gender-blindness of the Constitution, a National Gender Policy was adopted in February 2014. As Fiji transitions to parliamentary democracy, there is a critical need to ensure that rural women are able to hold their elected members of parliament accountable for the implementation of this policy. However, with only one single national constituency, members of parliament will not have designated constituencies, and therefore there accountability to voters at local level will be limited, which can further exacerbate the already existing lack of democratic spaces for women’s participation.

It is anticipated that after eight years of military regime, and absence of parliamentary democracy, the primary focus of the members of parliament will be on addressing the numerous legislative issues, with very limited attention given to gender-responsive provisions, despite the ratification of UN Conventions and Treaties, including CEDAW, as well as the UN Security Council Resolution (UNSCR) 1325, which has been written into the National Women’s Plan of Action (NWPA).

The return to parliamentary democracy requires a transformation from a military-led government to one that is more accountable with regards to peacebuilding, democratization and development. Therefore, a strong form of representative governance and democracy would positively impact the human security agenda, reducing the level of conflict and marginalization. In this context, the recent elections can be viewed as a positive development. The greatest challenges to realizing human security nationally will be in the interpretation and application of the new 2013 Fiji Constitution, and incorporating the concept of human security, as well as the women, peace and security agenda, into Fiji’s Constitution and other domestic laws and policies.

Prevention strategies must also include investing in women’s peace and security by ensuring women can inform and influence decisions that affect their lives through equal participation in local and national governance. The efforts of community-based women’s movements must also be recognized and supported to bring about long-term prevention and social transformation, so that all women and girls can claim their right to peace and security.

In this context, women’s participation in politics is particularly important. However, eight years of military rule without parliamentary elections, coupled with limitations on other basic rights, such as the right to freedom of information during that time, created a gap in women’s political consciousness.

In early 2014, FemLINKPACIFIC interviewed older women in rural centres to compare how they participated in, and prepared for, elections in 2006 and 2014. The responses were not surprising. Many admitted that they were not politically active during their younger days and had mainly relied on information from their elders, or their husbands. Many could not recall who they had voted for in previous elections. Therefore, civil society efforts, led by organizations such as the Fiji Women’s Forum and the Young Women’s Forum have been an opportunity for women to re-engage with the political process.

Since the elections in 2006, FemLINKPACIFIC has provided a participatory and interactive process to link rural women’s networks with initiatives, such as the Fiji Women’s Forum and other women’s groups, through rural community media network meetings, consultations, and community radio broadcasts. It has also provided relevant support to enable rural women to engage proactively in the process of democratization, including organizing around the Constitution-making process as well as in the lead up to the elections of 2014.

In 2012, in response to the announcement of the beginning of the Constitution-Making Process and as a co-convenor of the Fiji Women’s Forum, FemLINKPACIFIC revived the “Not Just Sweet Talk” campaign of 2001 and 2006, to enhance the current media outputs of the organisation’s rural community media network on UNSCR 1325 on Women, Peace and Security. The purpose of the campaign was, in particular, to enhance the visibility of female leaders on television and mainstream radio, as well as to inform broader civil society action.

FemLINKPACIFIC also tracked network members’ access to voter information programs organized by the Fijian Elections Office (FEO), political parties and their candidates (subject to the Political Parties Decree), as well as the civil society (subject to Section 115 of the Electoral Decree).

However, civil society’s involvement in the period leading up to the elections has been limited by section 115 of the Electoral Decree, which restricts any group receiving foreign funding for organizing debates, public forums, meetings, panel discussions, and publishing information related to the elections, under the penalty of up to 10 years’ imprisonment and a USD $27,000 fine. This section was of great concern to the civil society, since it rendered much of the work of many NGOs redundant, and considerably limited and slowed down civil society’s efforts in the period leading up to the elections.

Nonetheless, FemLINKPACIFIC has been able to obtain authorization for some meetings, workshops, and media productions involving the political parties and female candidates. It also organized consultations and community meetings in five rural districts (Ba, Labasa, Nadl, Nausori and Ta’uva), which reached almost 200 people.

Women’s rights networks, such as FemLINKPACIFIC’s community

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media network, have a key role to play in promoting and advocating for the inclusion of women's rights-based institutional provisions at both national and sub-national levels.

Women's participation provides a new perspective, one that implies a broader notion of security, defined in human, rather than in military terms. Until women feel secure in their homes and communities, countries cannot be assured of sustainable peace in the nation. When women feel secure, peace is possible. When they feel secure enough to organize for peace – expressed through theatre, public demonstrations and civil disobedience – peace is on its way.

Although the 2014 elections and the inclusion of eight women in the new parliament have been a step forward, it is essential to further increase women's participation, and ensure greater gender-responsiveness of the Constitution, as well as other national laws and policies, in order to effectively protect women's rights and provide human security for women and men in Fiji.

C. Relevant legal and policy framework

At the regional level, the Pacific Regional Action Plan on Women, Peace and Security 2012-2015 provides a framework, through which UNSCR 1325, CEDAW and the Beijing Platform for Action are translated into region-specific and focused commitments. This legal framework aims to help the Pacific Islands’ Forum members and Pacific Territories to improve participation of women and young women in conflict prevention and peacebuilding, mainstream gender into security policy-making, and ensure that human rights of women and girls are protected in humanitarian crises, transitional contexts and post-conflict situations. It also sets out a regional mechanism that will support regional and national efforts. The Regional Action Plan, launched in October 2012, focuses on three strategic pillars:

- Gender mainstreaming and women’s leadership in conflict prevention and management, political decision-making and peacebuilding and peacekeeping;
- Gender mainstreaming and women’s participation in security sector oversight and accountability;
- Protection of women’s human rights in transitional and post-conflict contexts.

The details of the Regional Action Plan, and the process of its development, are discussed in the Fiji Civil Society Monitoring Report from 2013.

It should be noted that until the adoption of the National Gender Policy on Women, Peace and Security in February 2014, which incorporates the obligations set out by the UNSCR 1325 and subsequent resolutions, as well as the CEDAW General Recommendation 30 on Women in Conflict Prevention and Conflict and Post-conflict Situations, there has not been a specific focus on Women, Peace and Security in Fiji.

The National Gender Policy specifically addresses Women, Peace and Security issues, by setting out to:

- 1. Ensure an ongoing commitment to peace, security and an environment of non-violence for all citizens of Fiji, including women's security in all policies related to human security.
- 2. Ensure an ongoing commitment to the implementation of the Crimes Decree (2009) on offences against women, the Domestic Violence Decree (2009), proposed legislation on Cyber Security, proposed amendments to the Arms and Ammunitions Act (2003), and consideration of the ratification by Fiji of the Arms Treaty and the Small Arms and Light Weapons Convention.
- 4. Ensure that humanitarian relief is administered and distributed in a gender-sensitive process.
- 5. Include conflict resolution and peacebuilding skills in the schools’ curriculum for children in grades one to six of the Ministry of Education.
- 6. Mainstream gender into national security policies, and promote the leadership of women and young women in conflict prevention and management, in political decision-making, in peacebuilding and in peacekeeping.
- 7. Ensure gender mainstreaming and women’s and young women’s participation in security sector oversight and accountability.

In addition to this framework, the Geneva Declaration on Armed Violence and Development (first adopted in 2006) further exemplifies international recognition of civil society’s role in conflict resolution and peacebuilding. It represents a high-level diplomatic initiative, designed to support states and civil society actors to achieve measurable reductions in the global burden of armed violence in conflict and non-conflict settings by 2015 (and beyond). It has now been endorsed by over 100 states.

The Geneva Declaration commits states to “work individually together” to, amongst other goals, “promote a comprehensive approach to armed violence reduction issues, recognizing the different situations, needs and resources of men and women, boys and girls, as reflected in the provisions of UN Security Council Resolutions 1325 and 1612.” The Declaration has been endorsed by the Fiji Government.

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II. Data presentation and analysis

A. Participation

Indicator 1 – Index of women’s participation in governance

Legislative

Prior to the 2014 elections, there was a single female member of the military cabinet, who headed Ministry of Women, Poverty Alleviation and Social Welfare. The September elections have been a significant development for Fiji as a state in general, and for Fijian women in particular. This section of the report discusses women’s participation after the elections. The participation before (in 2013) and after the elections is compared in Table 1.2.

In the 2014 elections, eight women were elected, thus constituting 16 percent of the new parliament. Five of the new women parliamentarians are members of the ruling Fiji First Party, while three are part of the opposition parties: one is a member of the National Federation Party, and two are from the Social Democratic Liberal Party. The Fiji Women’s Forum (FWF) views this number as a success for women in national political leadership, since it constitutes a 45 percent increase from 2006, when only eight out of 71 lower house members were female. The success of the eight women parliamentarians means that Fiji has surpassed the regional average of 12.6 percent.8 One of the elected women was appointed as the Speaker of the Parliament, for the first time in Fiji’s history.

It should be noted that ahead of the September 2014 general elections, three of the registered political parties had appointed female Presidents. The women’s leadership had provided important impetus for the participation of women, both as candidates and as voters, across the political spectrum. As a result, women made up 16 percent of the 249 registered and approved candidates, compared to 6 percent in the contested 2006 elections.9

Women candidates came from across the political spectrum: they constituted nine out of 50 candidates endorsed by the Fiji First party, nine out of the 46 candidates from the People’s Democratic Party (PDP), eight out of the 49 candidates from the Social Democratic Liberal Party (SODELPA), seven out of the 49 candidates from the National Federation Party (NFP), five out of the 37 candidates from the Fiji Labor Party (FLP) and three out of the 13 candidates from the One Fiji Party. The Fiji United Freedom Party was the only party without a female candidate. There was also one independent female candidate.

The inclusion of female candidates by most parties participating in the elections was a positive step. Many of the candidates had “a wealth of experience, outstanding academic qualifications and longstanding community service.”10

The Fiji Women’s Forum supported the female candidates. In the run-up to the elections, it organized a training program “Candidate Capacity Strengthening Workshop,” which was designed to equip the female candidates with skills needed to succeed in the elections, and to define the role of women’s in parliaments. The five-day workshop brought together women from across Fiji’s political spectrum, enabling them to share their experiences, and welcoming the new women entering the political arena. The workshop covered a range of issues including engaging with the media, campaign tips, public speaking and developing effective campaign messages. The workshop also addressed the barriers to women’s participation in Fiji’s parliamentary future. The participants learned strategies to assist in overcoming election challenges, such as having a single national constituency, staying informed about their party’s manifestos, finalizing a campaign diary, collaborating on fundraising, and strengthening their spheres of influence. The importance of funding and having a competent, trustworthy and organised campaign team was also discussed.

The participants of the workshop agreed that a non-partisan women’s caucus would be a key instrument to demonstrate the women’s ability to support each other across political and personal differences to create a stronger democracy, and to advocate for greater gender equality within political parties, as well as within the parliament. The facilitators, Dr. Lesley Clarke and Dame Carol Kidu, told the research team that the experience has convinced them that the women have the ability to create change. It is yet to be seen how the newly elected female parliamentarians will impact politics in Fiji.

It should be noted that there has been limited state support for women during the elections. While two women were appointed as members of the Fiji Electoral Commission in January 2014, there was no significant change to the Electoral Decree provisions regarding recommendations for temporary special measures such as reserved seats or parliamentary quotas. The Office of the Supervisor of Elections did provide gender-disaggregated data on registered voters. However, gender analysis of the election results was not provided by the state, it was an initiative of women’s civil society organizations such as FemLINKPACIFIC.

Executive

Following the elections, the Fiji First Party became the majority government and appointed a female Speaker of Parliament, two female Cabinet members (Ministers) – in the Ministry of Women, Poverty Alleviation and the Ministry of Lands and Mineral Resources, and two female Assistant Ministers – in the Ministry of Tourism and the Ministry of Health.

There are three women in the opposition party. The Social Democratic Liberal Party (SODELPA) is the biggest opposition party. One of the two elected women MPs from SODELPA is now the Leader of the Opposition and the third female MP in the opposition is the President of the National Federation Party.
However, women are not represented on other levels of decision-making. There are no elected women in local governments. Furthermore, there has been a six percent drop in representation of women at the management level of the public service, and also in appointed positions. This drop might be attributed to retirement and migration.

Table 1.1: Index of women’s participation in governance (2014)

<table>
<thead>
<tr>
<th>No. of women</th>
<th>No. of men</th>
<th>Percentage of women</th>
</tr>
</thead>
<tbody>
<tr>
<td>National government (total)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minister for Women, Social Welfare and Poverty Alleviation</td>
<td>4</td>
<td>16</td>
</tr>
<tr>
<td>Minister for Lands and Mineral Resources</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assistant Minister for Finance, Public Enterprise, Public Service, Trade and Tourism</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assistant Minister for Health</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legislature</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local government (total)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Women in Senior Positions in Local Government Structures (Special Administrators)</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Provincial Development Board</td>
<td>45</td>
<td>128</td>
</tr>
<tr>
<td>Divisional Development Board</td>
<td>28</td>
<td>239</td>
</tr>
<tr>
<td>Chief Executive Officer</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td>District Advisory Council</td>
<td>24</td>
<td>226</td>
</tr>
<tr>
<td>Total</td>
<td>98</td>
<td>615</td>
</tr>
</tbody>
</table>


Table 1.2: Percentage of women’s participation in governance in 2013 and 2014

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>National government</td>
<td>11.3%</td>
<td>16%</td>
</tr>
<tr>
<td>Local government</td>
<td>15%</td>
<td>13.7%</td>
</tr>
</tbody>
</table>

Despite the positive outcome of the 2014 elections regarding policy and legislative reform, the reality is that women continue to be underrepresented at all levels of decision-making within the local and national structures of governance. If the underrepresentation of women in government continues, they will not be involved in defining local and development priorities.

Women must participate in the post-2015 agenda, which focuses on economic security and environmental priorities such as climate change and natural disasters.

Without legislative quotas at national and local government levels the barriers communicated through FemLINKPACIFIC’s rural community media network, such as the lack of operationalization of policy in decision-making consultations, inequalities in natural resource management and access to land, along with poor rural infrastructure and services, gender inequalities in decision-making will persist.

The full and equal participation of women requires that communities be supported to claim their right to freedom of the media and information, especially through access to community media and the ability to claim freedom of expression.

RATING: Significant progress

Indicator 2 – Percentage of women in peace negotiating teams and detailed breakdown of gender issues addressed in peace agreements

There was no formal peace negotiating process in Fiji in 2013.

Indicator 3 – Index of women participation in the justice, security sector, and peacekeeping missions

Table 3.1 and 3.2 below provide an overview of women’s participation in justice and peacekeeping missions. For the justice sector, the data obtained includes the number of women and men in the divisions of the Resident Magistrate, the Justice of the high court, and among Supreme Court Judges. The data was obtained from the Fiji Judicial Department’s website. Since there are no active UN missions in Fiji, the data collected for the peacekeeping missions reflect the number of women and men that Fiji is contributing to the United Nations Assistance Mission to Iraq (UNAMI), United Nations Disengagement Observer Force (UNDOF), United Nations Mission to Liberia (UNMIL) and United Nations Mission to South Sudan (UNMISS). However, it was not possible to attain the data for the security sector.

Table 3.1: Index of women participating in the justice sector (2014)

<table>
<thead>
<tr>
<th></th>
<th>Number of women</th>
<th>Number of men</th>
<th>Percentage of women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Magistrates</td>
<td>8</td>
<td>18</td>
<td>31%</td>
</tr>
<tr>
<td>High Court</td>
<td>1</td>
<td>16</td>
<td>5.9%</td>
</tr>
<tr>
<td>Supreme Court</td>
<td>1</td>
<td>5</td>
<td>16.7%</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
<td>39</td>
<td>20.4%</td>
</tr>
</tbody>
</table>

**Table 3.2: Index of women participating in peacekeeping missions (troop contributing, as of August 2014)**

<table>
<thead>
<tr>
<th></th>
<th>Number of women</th>
<th>Number of men</th>
<th>Percentage of women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military experts</td>
<td>0</td>
<td>2</td>
<td>0%</td>
</tr>
<tr>
<td>Troops</td>
<td>30</td>
<td>611</td>
<td>4.7%</td>
</tr>
<tr>
<td>Individual police</td>
<td>1</td>
<td>60</td>
<td>1.6%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>31</strong></td>
<td><strong>673</strong></td>
<td><strong>4.4%</strong></td>
</tr>
</tbody>
</table>


**Judiciary**

There has been a slight increase in the women’s participation in the judiciary. The increase in the number of women appointed to the judiciary, as well as in women’s recruitment in the military might partially be attributed to the state’s recognition of its commitments to gender equality. However, no public statements have been made to confirm such an assumption.

**Police**

Human resource policy of the Fiji Police Force, adopted in 2003, states a commitment to reserving 35 percent of forces for women. In 2012, a woman was appointed as the first female Deputy Divisional Commander of Police. It is clear that there is a need for women within the police force to support the advancement of women to leadership positions in frontline operational roles. A review of media reports from the Fiji Police Force reveals a lack of gender-sensitive reporting, but readily available gender-disaggregated data, or information does not exist.

**Peacekeeping**

The civilian troops deployed in June 2013 to the Golan Heights in the UN peacekeeping mission included women. However, more specific data on the number and percentage of women deployed is not available.

**Military**

The involvement of the Republic of Fiji Military Forces (RFMF) in peacekeeping missions to the Golan Heights included a new phase of recruitment for the forces in 2013, primarily as medical service providers. According to an RFMF statement from February 2014, there is no intention of increasing the number of women in the army. The military stated that women will only be recruited when need arises, and that recruitment drives will focus solely on men. As of February 2014, there were 92 women in the RFMF, of which nine were officers and the rest were warrant officers, senior non-commission and junior officers non-commission ranks. In 2013, the Cabinet approved two recruitment drives to enlist 900 reserves. These were held in Suva, Lautoka and Labasa. However, no women were enlisted.

While providing equal opportunities for women’s participation at all levels of decision-making, including in the military, is crucial, increasing the number of women in the army is not the priority of the Fijian civil society’s efforts to implement the UNSCR 1325. This is because we believe the mere increase in the numbers will not have a positive impact on women’s positions in terms of peace and security in Fiji. Instead, it is far more important to meet the targets set for women’s leadership in the Police Force in order to address issues of enhancing gender inclusive responses, promotion of women’s rights within the policy force and enhancing community level security for women and their families.

**RATING: No change**

**Indicator 4 – Number and percentage of women participating in each type of constitutional legislative review (including security sector review)**

There has been no constitutional or legislative review in Fiji in 2013 or 2014.

The last legislative review took place in 2012 and resulted in the “People’s Draft” of the Constitution, which has been rejected by the interim government, as discussed in the background section of the report. Even though this review has been inclusive of women and of the civil society, its work has been obstructed by the government, its office raided by the police, and the copies of the final report confiscated.

There has been no further legislative review because parliament did not convene until after the September 2014 elections.

**Indicator 5 – Percentage of civil society organizations (CSOs) in task forces on UNSCR**

**1325 and 1820 (out of total task force members)**

While FemLINKPACIFIC has been involved in the development of the Regional Action Plan (RAP) on Women, Peace and Security convened by the Pacific Islands Forum, there has been no national government involvement in the process. FemLINKPACIFIC and Leitana Nehan Women’s Development Agency are the two civil society members of the Pacific Islands Forum Regional Working Group on Women, Peace and Security tasked to support the implementation of the RAP.

There is currently no national process on UNSCR 1325 and 1820.

Even with the inclusion of peace and security in the National Gender Policy, there remains the need for a clear national strategy for the implementation of the Pacific Regional Action Plan on Women, Peace and Security, including concrete indicators or measures of accountability. This will also require support to integrate and contribute to women’s peace and security networks, with strong

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linkages to CEDAW and other gender equality mechanisms to strengthen the focus on prevention rather than reaction.

The Fiji Government needs clear strategies and action plans “with goals and timetables on the integration of gender perspectives in humanitarian operations, rehabilitation and reconstruction.”13 This would ensure a coordinated governmental approach, fully supported by civil society actors. Effective collaboration between Departments of Foreign Affairs and the women’s rights based civil society organizations, supported by international women’s organizations, CSO partners as well as military and police, in the development and implementation of a gender inclusive and responsive national security policy would be a clear demonstration that the government is taking gender equality commitments seriously.

B. Prevention and protection

Indicator 6 – Number and Percentage of SGBV cases during the rule of the presently non-elected government number and percentage of SGBV cases reported, investigated, prosecuted and penalized

There has been an increase in the number of reports of violence against women and children received by the Fiji Women’s Crisis Centre and all its branches in the first six months of 2014, compared to 2013. The number of reports received from January to June 2013 is: 1,058. This number increased to 1,084 for the same period in 2014. According to FWCC Coordinator Shamima Ali, although the increase is quite minimal, it must be taken seriously. Data on SGBV is often difficult to gather and interpret, as some victims do not come forward to report the abuse, but there are some inferences that can be made from this increase. The positive aspect of the increase is that it shows that women are slowly gaining confidence and are reporting cases of abuse. Data analyzed involved reported cases of rape, domestic violence, child abuse and sexual harassment, as well as ‘other’ forms of violence against women and children. A marked increase was noted in cases of domestic violence with 710 cases reported to the center and all its branches in the first half of 2014, compared to 652 for the same period in 2013. The number of reported cases of child abuse has also increased from 43 reported in the first half of 2013, to 51 for the same period in 2014. Rape and sexual harassment remained at 28 and 22 respectively between January and June 2013 and 2014. There was a drop in ‘other’ cases reported with 313 in 2013, compared to 273 in 2014.14

On the other hand, the high level of reported abuse and SGBV indicate that there are insufficient measures for protection of women and girls against violence. The table below shows the breakdown of reported cases of SGBV in 2013 and 2014, based on the type of abuse reported.

<table>
<thead>
<tr>
<th>Type of SGBV</th>
<th>Number of cases reported to FWCC in 2013</th>
<th>Number of cases reported to FWCC in 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic violence</td>
<td>652</td>
<td>710</td>
</tr>
<tr>
<td>Child abuse</td>
<td>43</td>
<td>51</td>
</tr>
<tr>
<td>Rape</td>
<td>28</td>
<td>28</td>
</tr>
<tr>
<td>Sexual harassment</td>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>“Other”</td>
<td>313</td>
<td>273</td>
</tr>
<tr>
<td>Total</td>
<td>1,058</td>
<td>1,084</td>
</tr>
</tbody>
</table>

Source: Fiji Women’s Crisis Centre

The Fiji Sentencing and Penalties Decree from 2009 sets out legislative guidelines that courts must take into account when deciding on the punishment for offenders, including domestic violence perpetrators. Section 4(3) of the Decree, located under Part II on Sentencing Guidelines, focuses on sentencing offenders for an offence involving domestic violence. Among the factors that should be taken into consideration while sentencing the offender, it mentions – among other things – the effect of violence on the emotional, psychological and physical well being of the victim, and the effect in terms of hardship, dislocation or other difficulties experienced by a victim. It also urges judges to consider whether the offender still poses a threat to the victim.15 Despite these provisions, there is complacency towards issuing and monitoring restraining orders, and punishing the perpetrators. The Coordinator of the FWCC said that women, who try to complain about the abuse and SGBV violence to the police face resistance and unwillingness to take down their statement, issue restraining orders, or initiate investigations. Civil society is advocating for greater responsiveness of the police and the judiciary to the SGBV cases.16

The actions necessary for effective protection of women from SGBV include an increase in the appointment of women to senior positions in the Fiji Police Force in order to transform the institution and change traditional perceptions of domestic and gender-based violence as a “private matter,” especially by the policeman who are often inclined to send women reporting abuse home to “reconcile” with their husbands. Moreover, better implementation of the existing legislation is needed, including trainings for official, judges and police officers, as discussed below, and awareness-raising about the rights and legal channels related to reporting SGBV.

RATING: Deterioration

Indicator 7 – Number and quality of gender-responsive laws and policies

The National Gender Policy was adopted in February 2014. The policy was submitted by the former Minister for Social Welfare, Women and Poverty Alleviation, Dr. Jiko Luveni. The adoption of the policy is a slight improvement in terms of gender-responsiveness of Fiji’s legal and policy framework. Ms. Nazhat Shameem, the Fiji's Goodwill Ambassador for Women, contributed to the policy and also participated in several consultations with the stakeholders, which informed the policy. In her keynote speech, during the launch of the policy, Ms. Shameem emphasized the role of the civil society in monitoring the implementation of the policy. The purpose of the policy is to promote gender mainstreaming into all sectors, and to eliminate gender inequality and discrimination in Fiji.

An implementation strategy from the Department of Women is pending.

The existing gender-responsive laws, and their purposes, are listed in the table below. More detailed descriptions of the content and implementation of the laws are available in the Fiji Civil Society Report from 2013.

Table 7.1: Names and purposes of gender-responsive laws and policies in Fiji

<table>
<thead>
<tr>
<th>Law name and year</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiji National Gender Policy, 2014</td>
<td>This Policy aims to improve awareness among policy makers, planners, implementers and the general public of the provisions of the local and international instruments related to gender, and to identify strategies to implement these instruments.</td>
</tr>
<tr>
<td>Domestic Violence Decree, 2009</td>
<td>The law clarifies the responsibilities of the police and allows for restraining orders and other measures to protect women from abusive partners.</td>
</tr>
<tr>
<td>Family Law Act, 2005</td>
<td>Protects the best interest of women and children during separation of married couples.</td>
</tr>
<tr>
<td>Child Welfare Decree, 2009</td>
<td>Protects the girl child against any sort of abuse/exploitation in any situation. Access to basic needs including education of the girl child.</td>
</tr>
<tr>
<td>Crimes Decree, the Criminal Procedures Decree and Human Rights Commission Decree, 2009</td>
<td>Exists to uphold the protection and non-discrimination of women diversity within the country.</td>
</tr>
</tbody>
</table>

The Domestic Violence Decree (DVD) and the Crimes Decree

Since 2009, Fiji's Domestic Violence Decree (DVD) and the Crimes Decree has been the legal framework to address cases of sexual and domestic violence. As discussed in the last year’s reports, there are several challenges to the implementation of these decrees. The DVD does not establish any training mechanisms for police officers, which could serve as the platform for the implementation of the decree. Even though the decrees endorse the No-Drop policy for police handling domestic violence cases, which could encourage women to report abuse, service providers report that the police have to be continuously reminded of the laws, as they are still inclined to send women home to reconcile with their husbands.

The Crimes Decree of 2009 has defined and criminalized rape in Fiji, recommending as punishment imprisonment of ten years. Spousal rape is also defined as a crime under the DVD. The DVD also removed the previous requirement that a couple attempts to reconcile before a case can be brought to the court. However, Fiji still requires further laws on sexual violence, and changes to the employment law to ensure gender equality and prevent sexual harassment and abuse. Moreover, the implementation of the existing laws needs to be improved. Better training of judges and lawyers, and wider consultations in the legislative process, as well as utilizing gender advisors and experts, are also required.

Family Code

In 2009, the Marriage Act was amended by decree, raising the age of consent to 18, and removing the possibility for minors under this age to marry with parental consent. Legislation also grants both parents equal rights with regards to upbringing their children, and – in the case of divorce – equal rights to custody. Legally, women and men have equal rights to inheritance. However, women have no inheritance rights to customary land. Tradition favors male heirs over their female counterparts, creating inequality with regards to inheritance.

A major challenge remains lack of awareness about women's rights. Women in Fiji have full ownership rights, including the same legal rights as men in access to land and access to property other than land. However, a recent 2010 CEDAW report states that women have relatively limited knowledge of these rights and frequently accept not being recorded as co-owners in documents concerning titles or other transactions of family assets.

The dominant perceptions of women in the society and harmful traditions and customs are also a challenge. Fijian women tend to be excluded from the decision-making process on disposition of communal land. Fijian law provides men and women with the same access to bank loans and credit. In reality, however, access is biased towards men as they are better positioned to provide collateral and/or an initial deposit, a situation hampered by the concentration of women in low-paying, less secure occupations.

It is likely that the same challenges – in particular a weak national machinery for women to be strong advocates for gender equality and women's rights will continue to exacerbate the
underrepresentation of women in decision-making, in particular at the local level. Without substantive resources for women’s rights’ groups, as well as for the Department of Women to implement its policies, the National Gender Policy will not be transformed into action.

There have been no major developments in relation to other gender responsive laws. Given the return to parliamentary democracy, it is critical that parliamentary procedures are inclusive of women’s rights groups. Such inclusion is likely to result in the emergence of new gender-responsive laws, and more effective gender mainstreaming, in line with the National Gender Policy 2014 and greater collaboration with women’s rights groups.

RATING: Slight/Moderate Progress

Indicator 8 – Number and nature of provisions/recommendations in the Truth and Reconciliation Commission (TRC) and other transitional justice reports on women’s rights
Currently there are no efforts by the state to initiate a TRC process in Fiji.

Indicator 9 – Percentage of women (versus men) who receive economic packages in conflict resolution and reconstruction processes
There has not been any relevant process in Fiji since October 2000.

Indicator 10 – Number and percentage of pre-deployment training and post deployment programs for military and police incorporating UNSCR 1325, UNSCR 1820, international human rights instruments and international humanitarian law
No data available.

It is not clear whether the level and content of any pre-deployment training for both military and civilian personnel are inclusive of human rights training.

Indicator 11a – Allocated and disbursed funding marked for women, peace and security projects and programs to CSOs
No data available.

Indicator 11b – Allocated and disbursed funding marked for women, peace and security projects and programs to Government
No data available.

III. Conclusion and recommendations

It has been clear that with a gap of almost eight years since the last parliamentary elections, and the political upheavals we have faced as a nation, civil society efforts such as the Fiji Women’s Forum and the Young Women’s Forum have been an opportunity for women to reengage with the political process.

With the return to parliamentary democracy, it is critical that as political decisions are debated by political and private sector leaders, the question is asked – what does this mean to a woman?

Fiji’s overall democratization process is also an opportunity to define a series of national strategies incorporating UNSCR 1325 and the subsequent resolutions on Women, Peace and Security and CEDAW General Recommendation 30 (2012), focusing on 4 pillars:

1. Prevention: Prevention of conflict and all forms of violence against women and girls;
2. Participation: Women participate equally with men and promotion of gender equality in peace and security decision-making processes at local and national levels;
3. Protection: Women’s and girls’ rights are protected and promoted; and
4. Relief and Recovery: Ensuring such responses highlight and meet relief needs of women and girls and to ensure that women’s capacities to act as agents in relief and recovery are reinforced in humanitarian crises situations.

This will require that the state not only simply integrates UNSCR 1325 into the National Women’s Plan of Action and the National Gender Policy, but also ensures that WPS is not just limited to the work of the Ministry of Women. It must be integrated across the sectors and becomes a key responsibility of the Ministry of Foreign Affairs, which is assigned the key responsibility of monitoring and reporting on treaty compliance. The development of a National Action Plan (NAP) should also link to, and build on, women’s civil society initiatives, such as FemLINKPACIFIC’s local “1325” network.

Fiji’s 2013 Constitution requires Legislative Power and Outreach, including ensuring that the Parliament proceedings are conducted in an open manner, including public sittings of parliament and committees, facilitating public participation and convening of oversight committees.

Recommendations

The key recommendations are articulated in the context of national and international legal obligations to which the State is obliged to adhere. The key recommendations are:

To the Government of the Republic of Fiji:

- Draft a National Women, Peace and Security Policy, in an open process, including public meetings and a parliamentary debate on UNSCR 1325, which will include human security experts
from the women’s rights movement. The Regional Action Plan on Women, Peace and Security (2012 – 2015) should be used to inform this process.

- Enhance gender-responsive budgeting, as a standard practice of compliance with the National Gender Policy to ensure government planning and programming respond to the actual realities of communities, with the system being accountable to women, including through parliamentary committee hearings.
- Ensure that the Public Accounts Committee invites advice from women’s rights groups to address gender analysis of national budgets and audit reports.
- Enhance collection of sex-disaggregated data in all ministries and departments.
- Establish a Parliamentary Committee to inform a constitutional review process to address temporary special measure provisions for national and local governance structures.
- Work in close collaboration with civil society, and review the criteria for qualification for high-level appointments and leadership positions to ensure that they do not continue to exclude women based on stereotypes and standards that are unrelated to real capacity to perform.
- Introduce gender-inclusive civil society oversight provisions in the context of the constitutional role of military and navy, with clear delineation of roles and responsibilities from the Fiji Police Force. These provisions must provide a public service that is based on the needs of the community within which it serves. It must serve as a crime prevention tool and take a more analytical approach to not only ensure improved and effective resourcing for community policing work, but to also undertake the necessary information collation/analysis regarding the police’s conflict prevention role.
- Undertake Security Sector Review of existing legislation and decrees, including the Fiji Defense Act, through a process of substantive consultations, including the full and effective participation of women’s human rights advocates and peace activists.
- Review the Media Decree in line with the National Gender Policy (2014) to ensure it provides a framework for a free and pluralistic media environment, including the recognition of community media, in particular community radio, which plays an important role in building participation and opinion sharing, improving and diversifying knowledge and skills, and in helping communities hold the state accountable.

To development partners including regional inter-governmental organizations:

- Dedicate at least 15 percent of funds to support the efforts of women’s peace activists working to improve the participation of women in conflict prevention and peacebuilding.
- Support the efforts of women’s organizations involved in localizing UNSCR 1325, 2122 and other Women, Peace and Security Resolutions including through the implementation of the Pacific Regional Action Plan on Women, Peace and Security.

To the United Nations:

- Support the integration of the Pacific Regional Action Plan on Women, Peace and Security into the National Security Framework, by collaborating with women’s peace activists to convene a parliamentary training and a special hearing on UNSCR 1325/Women, Peace and Security.
- Ensure that Fiji, as a UN Troop Contributing Country, is in compliance with human rights standards in all pre and post deployment programs as well as commitments to the Geneva Declaration on Armed Violence and Development.
IV. Bibliography


(Endnotes)