**Soqosoqo Vakamarama i-Taukei (SSV) Submission to The Committee on the Elimination of Discrimination against Women (CEDAW) General Recommendation No. 39 on the rights of indigenous women and girls DRAFT**

**About us**

Soqosoqo Vakamarama i- Taukei is the largest and the oldest Indigenous women’s organization in Fiji.

This is a non-political, non-sectarian organization that was founded in 1924. The Soqosoqo Vakamarama’s mission is to empower and promote the culture of cooperation amongst I Taukei women to enhance their status, strengthen and preserve I Taukei culture and heritage; uplift the standard of living of I Taukei village and rural communities.

This is implemented with the establishment of SSV groups in each I Taukei village through which information has been sent and networks linked over the years. The organisation is self-funded by its members through the provincial members levy fee that is submitted annually.

Some of the key achievements of SSV includes participation and mobilisation of communities for submissions in the 2013 Constitution process where 200 submissions were sent in collaboration with The Fiji Women’s Forum. SSV was part of the National Initiative of Civic Education (NICE) project towards the 2014 elections. SSV assisted the implementation of programs with AusAid Law & Justice and worked with UN on elimination of violence against women. In the 1980s and 1990s, SSV promoted reproductive health and family planning through a project initiated called the “nasi ni koro” (community nurses) and created the term “coordinators” for people involved in the project. As a result, there were coordinators in every province. Reports were provided on regular basis known as “lewe ni noke”. Along with FWRM, SSV lobbied government to ratify CEDAW in 1995.

SSV has the mandate to speak for indigenous people on indigenous issues and as such SSV is represented at every provincial council, provincial boards, provincial committees/ councils. There are 1,171 villages in the 14 provinces and SSV is the legitimate organisation that represents all indigenous women in Fiji.

The Government of Fiji is not a signatory to UNDRIP. Therefore, SSV is urging the State to follow the recommendations that has been tabulated

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|   | **GENERAL RECOMMENDATION**  | **COMMENT**  |
| **IV. General obligations of States parties in relation to the rights of indigenous women and girls: Articles 1 and 2 of CEDAW** |
| 1. **Equality and Non-Discrimination with a focus on Indigenous Women and Intersecting Forms of discrimination.**
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| **GR29(a)**  | The recommendation is supported included that there is meaningful consultation with indigenous women that translates into real change where discrimination against indigenous women are eliminated. It is also important to be clear on the definition of discrimination in this context. Every culture comes with its hierarchical structures that defines roles, responsibilities and practices. It is not completely discriminatory as these cultural practices, relationships, our land and its resources define us as indigenous people. We recommend that the policies recognize this aspect where, to the western world, is seen as discriminatory, but to indigenous people, it is a way of life. Additionally, State parties should collect sex and age disaggregated data on the forms of gender-based discrimination and violence faced by indigenous women and girls.  |
| **(b)** | The recommendation is support included that specific roles and responsibilities be given to National Human Rights Institutions to provide information on legislative, judicial, administrative, and other measures specific to indigenous women and girls in their periodic reports to the Committee. This is not happening in Fiji.  |
| **(d)**  | The recommendation is supported. In Fiji and the Pacific Islands, it was forbidden to speak your native indigenous language in schools and this has compounded negative impacts on children, whom some have completely lost their indigenous language.  |
| **(f)** | The recommendation is supported but we would like to also add that State Parties to update laws to ensure indigenous women and girls’ rights to use the land, water and other natural resources are recognized. In Fiji, laws on climate change and disasters have completed overshadowed the rights of indigenous people, let alone women. Making sure that the laws around the environment and on climate change does not contradict each other, and that the rights of indigenous women are considered throughout.  |
| **(h)**  | The recommendation is supported on the notion that the State Parties ensure that indigenous women are aware of the different social protection schemes and programmes available for women. In Fiji, we have fifty (50) social protection schemes and programmes and yet indigenous women do not have access to it because of the lack of awareness from the government who is providing such assistance. |
| **(i)**  | The recommendation is supported and we strongly recommend that the Fiji government adopt measures that not only protect the lands, territories, and natural resources of indigenous peoples, including indigenous women, but also protect the said lands from the Fiji government itself who has had the tendency is the part (and currently), to sell of lands, territories and natural resources of indigenous people without an informed consent from ALL indigenous people.  |
| **B. Access to justice and plural legal systems** |
| **GR40(a)**  | The formal justice system is recognized as the right avenue for effective access to justice. Other types of justice systems are not recognized in Fiji which can often clash with traditional practices and customs of resolving disputes and disagreements.  |
| **(b)**  | The recommendation is supported on the notion that the State Parties are able to provide technical expertise that can facilitate trainings to judges in both the ordinary and indigenous justice systems on the rights of indigenous women and girls and the need for an approach to justice that is guided by a gender, intersectional, indigenous women, intercultural, and multidisciplinary perspective.  |
| **(e)**  | The recommendation is supported. Clarity of the remedies provided as the context of each jurisdictions will differ, and perhaps as an addition, these said remedies to be accessible to all indigenous women. Are these legal remedies free? If so, include that in the wording.  |
| **(g)**  | Guarantee that judicial institutions, remedies and services are available, easily accessible and well-resourced in proximity to all The indigenous territories, including accessibility to indigenous women with disabilities.  |
| **(h)**  | The recommendation is supported. State Parties should not only consider the historical conditions of poverty, racism, and gender-based violence which have and still affect indigenous women and girls, but meaningful address these issues through holistic policies, proper resourcing and institutional reform that removes attitudinal barriers for indigenous women and girls. Additionally, the recommendation also calls on States to conduct studies on the causes and factors giving rise to conflicts of indigenous women and girls with the law. Proper resourcing and technical expertise in needed in this area in Fiji as this is not a key priority area of work for national women’s rights organisations.  |
| **V. State party obligations in relation to specific dimensions of the rights of indigenous women and girls** |
| 1. **Prevention of and protection from gender-based violence against indigenous women and girls (articles 3, 5, 6, 10 (c), 11, 12, 14, 16).**
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| **GR48(a)**  | The recommendation is supported as this is something that Fiji is already doing, although not specifically mentioning indigenous women and girls’ per say, it is implied in our laws that GBV is a crime and will be dealt with accordingly through the formal justice system.  |
| **(b)**  | The recommendation is supported as the laws in Fiji already recognize the different forms of gender based violence against women and girls.  |
| **(c)** | Ensure that all indigenous women and girls have effective access, knowledge and understanding to both ordinary and indigenous justice systems, including protection orders, free from discrimination and bias. In Fiji, we only recognize the formal justice system to deal with crimes and resolve issues.  |
| **(f)**  | Systematically collect data and undertake studies, in collaboration and in consultation with indigenous communities and organizations, to assess the magnitude and gravity of gender-based violence against indigenous women and girls, to inform measures to prevent and respond to such violence. Additionally, ensure proper resourcing of such initiative is provided to ensure continuation of work. Data collected to be available to said indigenous communities and territories the said study is being conducted in. State Parties must ensure that prior informed consent is provided by all individuals within the indigenous communities the said study is for.  |
| 1. **Right to effective participation in political and public life (articles 7, 8, and 14)**
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| **GR53(a)**  | This recommendation is supported provided that there is clarity on who is responsible for promoting and ensuring the meaningful participation of all indigenous women and girls in political and public life and at all levels, including in decision-making positions, which may include temporary special measures such as quotas, targets, and incentives.  |
| **(b)**  | The recommendation is supported. It is also paramount that if there are cases of alleged discrimination against indigenous women and girls, that these said accountable mechanism actively address and resolve the issues as it comes, and that appropriate remedies are provided to the victims.  |
| **(c)**  | The recommendation is supported provided that the information that is disseminated is accessible in all vernacular languages in the indigenous communities and territories the information is being shared to. The information to also be accessible to indigenous women with disabilities.  |
| 1. **Right to education (articles 5 and 10)**
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| **GR57(a)** | Ensure that all indigenous women and girls enjoy the right to education by ensuring that accessibility to learn in their own native/indigenous languages in addition to i-iv provided in the draft recommendation.  |
| **(b)**  | The recommendation is supported included that the State Parties ensure quality education that is accessible and affordable for all indigenous women and girls, and even more so in a global pandemic or future global phenomenon. Promote the updating of curriculums in schools around comprehensive sexuality education (CSE). |
| **(c)**  | The recommendation is supported and hopes that this can also extend to university and college education system.  |
| **(f)**  | This should also extend to teaching colleges for teaching trainees so that new graduates have an understanding on the rights of indigenous women and girls before they even are recruited into schools. |
| **(g)** | This recommendation might be problematic as it might contradict laws on non-discrimination based on race or ethnicity for other minority races in the country. Additionally, in Fiji for example, we have the open merit system and therefore such recommendations will go against the established policies. Therefore, where is the common ground where we strike that balance?  |
| **E. Right to work (articles 11 and 14)** |
| **GR59(b)**  | State Parties to actively promote and domesticate the ILO C190 convention on eliminating sexual harassment against women in the workplace, and to establish and enforce effective reporting and accountability mechanisms, including through regular labor inspections. Perpetrators of sexual harassment in the workplace to be dealt with accordingly so that there is a form of justice for the victims.  |