

**UNIVERSAL PERIODIC REVIEW – HUMAN RIGHTS COUNCIL  
UNICEF INPUTS - FIJI**

**I. Background and Framework**

**A. Constitutional and legislative framework**

1. The Convention on the Rights of the Child (CRC) has not yet been incorporated into domestic law.<sup>1</sup>

2. UNICEF is currently compiling a Child Protection Baseline Research Report (CPBR) in partnership with the Government of Fiji that contains legislative recommendations for Fiji based on the research findings.<sup>2</sup> The following list names the major ones:

- Create a national child protection policy
- Reform Juveniles Act 1973
- Reform Adoption of Infants Act 1944
- Amend the Education Act 1966
- Draft a new Crimes Act (which replaces the existing Penal Code 1944) and Criminal Procedure Code
- Support the Draft Domestic Violence Bill from the Fiji Law Reform Commission
- Reform the Employment Promulgation 2007 and associated regulations
- Create a child-friendly complaints process for all government services.

**B. Institutional and human rights structure**

3. Both, the office of the Attorney General, who is responsible for drafting legislation, and the Fiji Law Reform Commission which recommends reforms upon referral by the Attorney General, are extremely understaffed. The backlog for legislative drafting work is significant.<sup>3</sup>

4. The Child Abuse and Sexual Offences Unit (CASO) does not deal with cases of non-sexual abuse of children. There is no specialized police unit for child victims generally.<sup>4</sup>

**C. Policy measures**

5. The National Women's Plan of Action (1999-2008) specified violence against women and children as one area of major concern amongst four others.

6. As a plan of action, UNICEF and the Fiji Government have developed the Child Protection Regional Results Framework (RRF) for 2008-2012 and the 2008 Child Protection Fiji Annual Work Plan (AWP) to address violence against children in Fiji. The RRF outlines the child protection work (including all work addressing violence against children) to be completed by the Fiji Government in partnership with other organizations at national and community level until 2012.<sup>5</sup>

7. The Annual Corporate Plan 2007 of the Ministry of Education outlines the direction for education in Fiji for 2006-2015 envisioning that all children are protected from all forms of discrimination in line with one of the Millennium Development Goals.

8. A National Policy on Persons Living with Disabilities 2008-2018 was developed between the Fiji National Council for Disabled Persons with the Ministry of Health, Women and Social Welfare as a result of wide stakeholder consultation. One strategic policy area out of twelve is 'Promoting the Rights of Women and Children with Disabilities'.

## **II. Promotion and protection of human rights on the ground**

### **A. Implementation of international human rights obligations**

#### **1. Equality and non discrimination**

9. Disabled or chronically ill people in Fiji are at high risk of living in poverty. Although education opportunities for disabled children have recently widened, many older youths and adults have only a chance to attend primary school at most. Many disabled people cannot therefore get good paying jobs and they often face discrimination in the work place.<sup>6</sup>

10. The Government provides health services throughout Fiji, either free or at minimal cost to users including children. However, the level of health services varies across this multi-island country. The quality of rural health services particularly has deteriorated with the loss of a lot of medical staff through emigration. Communities in remote places and small islands often depend on one health professional.<sup>7</sup>

11. In 2008, UNICEF Pacific supported the government in conducting campaigns to combat the stigma and discrimination faced by many people living with HIV and AIDS.<sup>8</sup>

12. On 16/07/2009, the Cabinet approved Amendments to the Marriage Act. The minimum marriageable age for females will be lifted from 16 to 18 years. It has already been 18 years for males. This equalizes the marriageable age for both genders at 18 years.

#### **2. Right to life, liberty and security of the person**

13. Domestic Violence is an issue that the Government now recognizes as a pervasive social problem across all communities and the Fiji Police have put in place mechanisms such as a 'no-drop' policy to better report and deal with it. The problem itself, however, remains.<sup>9</sup> In UNICEF's CPBR 7% of 16-17 year old respondents said that they were inappropriately touched at home or in the community in the past month of the research.

14. UNICEF's CPBR found that 31% of 16-17 year old respondents stated they had been physically hurt by a teacher in the past month. While corporal punishment has been outlawed in Fiji's schools, it is still practiced in many areas due to the lack of knowledge on alternative discipline methods and the need for awareness and understanding of the reasons behind children's rights.

15. Sexual abuse also occurs, with a high number of incest and sexual exploitation cases reported in media and dealt with in the courts. It appears that both boys and girls are equally involved in prostitution and pornography, and exploited both by local and foreign abusers.<sup>10</sup>

#### **3. Administration of justice and the rule of law**

16. Children are not always separated from adults in detention, partly due to limited facilities. In addition, anecdotal evidence suggests that young people have been held unnecessarily without charge for extended periods.<sup>11</sup>

#### **4. Right to work and to just and favorable conditions of work**

17. Poverty is the main cause of child labour in Fiji. Most children who work do so in informal ways, for families as domestic workers, labourers, or farm workers, often being passed from one family to the next with little consideration for their care. Some become 'street children' in the towns, working as wheelbarrow boys in the markets, shoe-shiners, or prostitutes.<sup>12</sup>

18. The 2007 census information on labour force contains statistical data on child labour. 9.5% of the 10-14 year old and 23.5% of the 15-19 year old were part of the labour force in Fiji in 2007.<sup>13</sup>

#### **5. Right to social security and to an adequate standard of living**

19. Poverty has become a national issue of increasing urgency. The latest Household Income and Expenditure Surveys (HIES 2002-3 and 2003-4) found that 34.4% of households were living in poverty, up from 29% in 1991. Forms of hardship noted by all communities in surveys conducted for the Asian Development Bank and UNDP were: an insufficient means of income, insufficient access to basic services, in particular water supply, electricity, and education; and increased social problems such as broken marriages, crime and community disputes due to the weakening of family and community structures.<sup>14</sup>

20. The Fiji Government allocates only a small proportion of its budget to social welfare, on the basis that it cannot afford a welfare state.<sup>15</sup>

21. UNICEF recommends in its CPBR to develop internal policies and protocols in the area of child welfare, including Court Directions for supportive and protective interventions and minimum standards of qualification and training of social workers.

22. Fiji is in the early stages of a possible HIV epidemic. At the end of 2005, 17 HIV positive pregnancies had been recorded, of which eight children were born HIV positive (four HIV negative, and five with unknown HIV status). Young people are generally at risk. 10% of known infections have been to people under the age of 20. To date, few children in Fiji have been orphaned by AIDS but if the number of infections continues to grow, this situation may deteriorate.<sup>16</sup> Preventative education, effective testing services and counseling and care services need to be implemented.

23. With the support of UNICEF and key partners, polio-free status was maintained in 2008 and there is steady progress towards universal coverage with routine vaccines, measles elimination and Hepatitis B control.<sup>17</sup>

#### **6. Right to education and to participate in the cultural life of the community**

24. School is free of tuition costs up to senior secondary classes but schools levy other fees and other essential expenses include uniforms, books, and transport. The principle

reason for those children that leave school early is that their families are unable to afford school costs. There is also a concern that there has been a significant decline in the quality of education and the standards achieved.<sup>18</sup>

25. Although Fiji has one of the best education systems in the Pacific, it is still not well adapted to the needs of the community and labour force. Each year more than half of Fiji's 15,000 school leavers join the ranks of the educated unemployed, yet Fiji is experiencing a critical shortage of skilled tradesmen and recruits around 6,000 overseas workers each year because local technical and vocational education and training (TVET) schools generally do not teach to industry standards.<sup>19</sup>

### **III. Achievements, best practices, challenges and constraints**

26. Fiji reached universal baby-friendly status with the award of the UNICEF-WHO Baby-friendly Hospital Initiative to all its 21 hospitals.<sup>20</sup>

27. Fiji is a member of the South Pacific Council of Youth and Children's Courts (SPYCC) that aims at supporting the development of youth justice and child protection systems and the maintenance of the rule of law.

28. The ministry responsible for youth established a youth-to-government mechanism through the National Youth Advisory Board which allows youth representatives to express their views to politicians, including the Minister for Youth. Fiji conducted two youth parliaments in 2003 and 2005 providing children with opportunities to discuss and raise awareness of issues of concern to youth and community, although these discussions did not always influence policy.<sup>21</sup>

29. Identifying the needs of particular groups and ensuring that they participate in appropriate activities is one of the greatest challenges for programming, some upland areas of Fiji's main island, Viti Levu are extremely isolated.<sup>22</sup>

### **IV. Capacity-building and technical assistance**

30. UNICEF Pacific supports the Government in the development and implementation of legislation and public policies to conform to the CRC obligations. It helps with child-centred monitoring and evaluation and also assists the government in CRC Reporting. With the findings of the forthcoming Fiji Child Protection Baseline Research Report UNICEF Pacific will particularly further legislative reform in child protection and facilitate capacity building in the Social Welfare Departments.<sup>23</sup>

31. UNICEF Pacific helps ensure vaccine security in the Pacific through the Vaccine Independence Initiative (VII). The VII provides a mechanism to maintain an annual group procurement of vaccines while encouraging governments to finance and assume increasing responsibility for procurement of vaccines on the international market. An agreement has been developed between the Fiji Government (Ministry of Health) and UNICEF for the systematic procurement, delivery and payment of vaccines.<sup>24</sup> Financially supported from the Japanese government, UNICEF Pacific also supplied cold chain equipment to Fiji. Over 90% of facilities in Fiji are now equipped with the chain of freezers and fridges needed to maintain the correct temperature of vaccines.<sup>25</sup>

32. UNICEF Pacific's HIV and AIDS Programme assists the Government to implement activities as per their national HIV and AIDS strategic plan. In 2008, UNICEF Pacific trained health care providers in the delivery of Prevention of Mother-to-Child Transmission of HIV services.<sup>26</sup>

33. UNICEF Pacific works in partnership with regional Ministries of Education and other regional organisations to promote children's rights to, in and through education. Emergency Early Childhood Education materials have for example been put into a Pacific Early Childhood Education (ECE) kit for Fiji for use in post-disaster settings.<sup>27</sup>

---

<sup>1</sup> UNICEF, Innocenti Research Centre, Law Reform and Implementation of the Convention of the Rights of the Child, December 2007 – page 6, 1<sup>st</sup> column, 2<sup>nd</sup> paragraph and page 7, 2<sup>nd</sup> column, 3<sup>rd</sup> paragraph

<sup>2</sup> Forthcoming UNICEF Child Protection Baseline Research 2008 for Fiji, supplied by UNICEF Pacific (hereafter quoted as CPBR 2008 for Fiji)

<sup>3</sup> CPBR 2008 for Fiji

<sup>4</sup> CPBR 2008 for Fiji

<sup>5</sup> UNICEF and Save the Children, East Asia and the Pacific Region, Taking Forward the Recommendations of the UN Secretary General's Global Study on Violence against Children, June 2008, page 76, 2.2.

<sup>6</sup> Fiji, A Situation Analysis of Children, Youth & Women, Government of Fiji with the assistance of UNICEF 2007, Part 2, 4.2. (hereafter quoted as Fiji Situation Analysis 2007)

<sup>7</sup> Fiji Situation Analysis 2007, Part 2, 1.1., 1<sup>st</sup> paragraph

<sup>8</sup> UNICEF, Looking Back Moving Forward, UNICEF's Work for Pacific Island Children: A Review of 2008 and Update on 2009, page 23 (hereafter quoted as UNICEF, Looking Back Moving Forward)

<sup>9</sup> Fiji Situation Analysis 2007, Part 2, 4.3., 1<sup>st</sup> paragraph

<sup>10</sup> Fiji Situation Analysis 2007, Part 2, 4.3., 3<sup>rd</sup> paragraph

<sup>11</sup> CPBR 2008 for Fiji

<sup>12</sup> Fiji Situation Analysis 2007, Part 2, 4.2., 2<sup>nd</sup> paragraph

<sup>13</sup> 2007 Census of Population and Housing, No 09/2009, Fiji Islands Bureau of Statistics, Table 2a, page 20; <http://www.statsfiji.gov.fj/Census2007/Release%20%20-%20Labour%20Force.pdf>

<sup>14</sup> Fiji Situation Analysis 2007, Part 1, 3., 1<sup>st</sup> and 2<sup>nd</sup> paragraph

<sup>15</sup> Fiji Situation Analysis 2007, Part 2, 4.2., 4<sup>th</sup> paragraph

<sup>16</sup> Fiji Situation Analysis 2007, Part 2, 1.3., 3<sup>rd</sup> paragraph

<sup>17</sup> UNICEF, Looking Back Moving Forward, page 14

<sup>18</sup> Fiji Situation Analysis 2007, Part 2, 2.2., 1<sup>st</sup> paragraph and 2.1., 6<sup>th</sup> paragraph

<sup>19</sup> UNICEF, The State of Pacific Children 2008, page 33, last paragraph

<sup>20</sup> UNICEF, Looking Back Moving Forward, page 15

<sup>21</sup> UNICEF, The State of Pacific Children 2008, page 48, 2<sup>nd</sup> paragraph

<sup>22</sup> UNICEF, The State of Pacific Children 2008, page 54, 5<sup>th</sup> paragraph

<sup>23</sup> UNICEF, Looking Back Moving Forward, page 27, 28, 36

<sup>24</sup> [http://www.unicef.org/pacificislands/immunization\\_2881.html](http://www.unicef.org/pacificislands/immunization_2881.html)

<sup>25</sup> UNICEF, Looking Back Moving Forward, page 14

<sup>26</sup> UNICEF, Looking Back Moving Forward, page 23

<sup>27</sup> UNICEF, Looking Back Moving Forward, page 19