



# Balance

"HELPING TO BALANCE THE SCALES"

MARCH

1/2010

## What does the Crimes Decree change for sexual offences?

ON NOVEMBER 5, 2009 the interim government promulgated the Crimes Decree which came into effect on February 1, 2010. The Decree replaces Fiji's Penal Code. The Penal Code was drafted in the 1940s and many of its provisions were adopted from the Indian Penal Code.

The Decree was drafted and brought into effect without consultation or input from women's organisations or any other civil society organisations. The Fiji Women's Rights Movement (FWRM) and other feminist organisations in Fiji have worked towards reforming the Penal Code for more than two decades. For example, one of FWRM's first campaigns was the "Anti-Rape Campaign" in 1986. FWRM's advocacy work was targeted at reforming provisions within the Penal Code which dealt with sexual violence against women and children.

### Effect of the Decree

The Decree has broadened the definition of the offence of rape, which now includes the various forms of sexual violence. The Decree has made the offence of rape gender-neutral – rightly recognising that boys and men can also be victims of sexual assault. The Decree has also removed discriminatory provisions of common law such as corroboration laws and the use of past sexual history of a victim as a means of discrediting the victims' testimony. Penalties have increased by an average of three years for offences such as attempted rape, defilement of a young person between the ages of 13 and 16 years, defilement of intellectually impaired persons, procuring defilement by threats or fraud or administering drugs. The Decree has substantially increased the penalties for offences such as incest, "householder permitting defilement of a child on premises", "householder permitting defilement of a person less than 16 years" and "conspiracy to defile".

These changes may be viewed as positive in their intent to update Fiji's legislation to better

recognise and deal with sexual crimes. Although there are positive elements in the Decree, it still retains provisions that fail to provide women and girls with adequate redress under the law. For instance even with the increase in penalties for certain sexual offences, the Decree still fails to set a minimum sentence for these offences. Rape and attempted rape have always (even in the old Penal Code) carried a sentence of life imprisonment. However, in practice FWRM has noted that convicted rapists and child sexual abusers are frequently given suspended sentences or sentences of less than two years' imprisonment. By not providing for a minimum sentence the Decree allows concerns to remain regarding the consistency of sentencing with the issue left entirely to an individual judge's discretion. It is therefore important that sentencing guidelines (a common practice in many jurisdictions) be formulated and applied.

The Decree does not, in our view, use a human rights framework where the laws and legal language used is around the fundamental issues of protecting a person's dignity, integrity and sexual autonomy. Because of this FWRM's view is that the Decree fails to protect women and girls' fundamental rights.

The Decree has retained and not replaced terminology that was used in the Penal Code. During the review process in 1996 FWRM's submissions highlighted that the law should move away from Victorian moralistic language – such as *carnal knowledge*, *indecent assault*, and *defilement* which are all terms that are based



**The Rape of Lucretia by Titian (1571)** This painting portrays the rape of the legendary Lucretia in 509BC by Sextus Tarquinius, son of Tarquin, the king of Rome. Lucretia was the wife of Collatinus, one of the king's aristocratic retainers. As a result, Lucretia committed suicide. Her body was paraded in the Roman Forum by the king's nephew. This incited a full-scale revolt against the Tarquins led by Lucius Junius Brutus, the banishment of the royal family, and the founding of the Roman Republic. Image: Creative Commons/Wikipedia.

on notions of women's sexuality and chastity as property that requires protection. Due to its use of archaic language the Decree fails to comply with the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), where Article 2: on the obligation to eliminate discrimination against women requires,

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## From the Director's desk

Adolescent girls who participated in FWRM's day camp where they designed T-shirts with messages for International Women's Day.



## Welcome to our first publication for 2010!

On the first day of the year FWRM was hit hard when one of its founding mothers and current board members, Imrana Jalal was charged by the Fiji anti-corruption body FICAC for operating a restaurant without a license from Suva City Council. Imrana has always been a strong and vocal supporter of democracy, the rule of law and human rights. Despite this small set back, Imrana knows that we stand in solidarity and support with both her and her family in this difficult time.

From statements that have been made in the media by the regime, 2010 is going to be a difficult year for human right defenders. Therefore we are mindful of the security situation and how we can best to continue to do our work without bringing unnecessary risk to ourselves, our families and friends, our work and our organisations. In this issue, our dear friend from Tonga, Ofa Guttenbeil who shares her frontline experiences.

In February, the Crimes Decree was promulgated and in it are changes made to sexual offences, prostitution and abortion laws. According to the regime these changes have heralded in compliance to both the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child. This issue also analyses this position from a feminist perspective. This area of law reform has been an area that FWRM has been heavily involved in for more than two decades and therefore it is of great interest to us.

I would also like to take this opportunity to introduce three interns who have been working with the FWRM in the last two quarters. All three are graduates of FWRM's flagship – the Young Women in Leadership (YWL) Programme. The longest serving member is Mamta Sylvia Chand who is working with our human rights desk, Nainasa Bati who is assisting the YWL programme

and our latest recruit, Filo Tuivanualevu who has been coordinating the publication of this newsletter. All three young women have been a great asset to our team.

Finally, we would like to congratulate the Fiji Women's Crisis Centre who have taken over as chair and secretariat of the NGO Coalition from FWRM. At the NGOCHR retreat – we had some interesting discussions on the way forward for the coalition and the strategies that we are going to work on together. We wish FWCC well in its new role and look forward to the continued promotion and protection of human rights for all, under its leadership.

We wish you a happy international women's day and hope you enjoy reading this quarter's publication.

In solidarity  
Virisila Buadromo

## What does the Crimes Decree change for sexual offences?

From page 1

as stated in the UNDP and UNIFEM publication entitled *"Translating CEDAW into Law: CEDAW legislative Compliance in Nine Pacific Countries"* (2007) that such language should be removed as it perpetuates the understanding that women and girls are "damaged" by the offences.

Laws dealing with sexual offences should emphasise the violence in crimes of sexual assault, therefore offences should be drafted using terms such as *"aggravated sexual assault"*, *"sexual assault with a weapon"* using moralistic language such as *"carnal knowledge"*, *"indecent assault"* takes away from the violence of the act and also perpetuates myths around women's sexuality.

It is of concern that child sexual abuse

offences are similar to the Penal Code and using Victorian terms of defilement of children under 13 years. FWRM had lobbied to have a separate chapter within the law to deal with sexual crimes against children and young people. As stated in FWRM's Draft Sexual Offences Legislation (1996) the aim was to recognise the fact that child sexual abuse is a pervasive problem and also to assist in incorporating the specific experiences of minors into the law.

### Conclusion

FWRM believes that the law plays an important role in society providing protection for women and children. FWRM submissions for reform are based on the belief that the criminal justice system can play a significant role in the process of replacing

the myths about rape and sexual assault and the stereotyped views of the situations in which such crimes occur.

While the Decree contains some improvements from the Penal Code to protect women and girls, and men and boys from sexual offences, those positive changes are on paper, and the standard set by the Penal Code was not a high one. Concerns remain regarding how the Decree will be applied in the courts, particularly in relation to consistent sentencing of offenders. By failing to update the language to incorporate a human-rights based approach to sexual offences the Decree has fails to take the opportunity to provide adequate protection for women and girls or replace myths about rape and sexual assault.

# Trends and concerns on women in the justice system

OVER the years, levels of awareness on violence against women have increased and so too have women's knowledge of their rights. With greater awareness and information, women experiencing violence have come forward to report these crimes that have been perpetrated against them. In our 25 years of operation, we at the Fiji Women's Crisis Centre have seen many women and have taken on the role of advocates at other agencies which they access.

Dealing with the trauma, societal pressure and attitudes, reporting to police, getting a medical report, accessing the justice system, finding emergency accommodation and assistance for herself and her children is hardly a walk in the park. In fact, to some it is a gruelling trek through a treacherous forest which you have to be well-equipped to deal with. Over the years, through the hard and consistent lobby efforts of groups like the FWCC, that road has become somewhat easier for those trying to access justice. It became easier to find more empathetic people in the various agencies and judges and magistrates were more aware of international conventions pertaining to women's human rights and definitely more aware of the loud voices from the women's groups about insensitive comments, low sentencing and demand for sensitivity and justice for survivors going through the justice system. While the shift in mindset was slow, it was evident that there was more discussion with women's groups and there was an openness to ensuring the empowerment of women victims in such processes. If there was injustice, one could quickly resort to appealing the case after negotiations with the DPP's office or of course there was the useful ally – the media. Highlight the case, mobilise public opinion and generate discussion through the media.

Public opinion on issues such as rape, sexual assault and domestic violence have also shifted over the years. Previously there was little or no community support, including the lack of support from family members for the victims themselves. If you were raped, you hung your head low with shame carrying all the labels that society had put on you. While the community responses still leave a lot to be desired, the increasing numbers of reported sexual offences is evidence that victims are encouraged to report by others in the community. Women are less likely to tolerate violence in the homes as they become aware of their rights and even though some may



Courtesy of FWCC

By **Edwina Kotoisuva**  
FWCC

choose to reconcile in court, they believe that the criminalising of the violence perpetrated against them in the privacy of their homes is an indication that someone recognises their right to live a life free of violence.

For many victim/survivors of violence the culmination of the case which they have chosen to take through the justice system is a critical point in their lives and the decision to report a case which was not made on a whim. It is a point when her story is examined and there is a confirmation – yes, you were raped or yes, you were assaulted and this should never have happened. No one had the right to treat you this way. That affirmation is enough to make one overlook the difficulties experienced over the past few months or years since the first report was lodged. It does not take away the trauma but it can be empowering knowing that the legal system has offered you the protection you know you deserve.

So, imagine what it might feel like when you are told that you probably hallucinated about the rape because other people's stories conflicted with yours. Imagine the ordeal when a repeat sexual offender gets away with rape because his excuse that he was drunk when he raped you is accepted by the magistrate. Imagine being told to try and reconcile with an abusive husband because your

marriage is at stake. This is the experience of a number of the women accessing justice in Fiji's courts today.

In terms of Fiji's history of cases of violence against women in court, these experiences of yesteryear have resurged in a time of political turmoil and a less than stable judicial system. Following the take-over of government, those in power have had to resort to picking magistrates and judges with little or no experience to the bench. This problem was exacerbated by the purported abrogation of the Constitution and the sacking of the judiciary because they are picking from a pool of mediocre people who jump at the chance to wield some power in the once esteemed court rooms in Fiji and earn money while doing it.

Even more crippling is the realization when you know that complaints around this issue will not do any good. Do we raise it in the media knowing it will not get past the military appointed censors? Do we raise it with the Chief Registrar who is a military officer? Do we complain to the Attorney-General knowing he is a part of a system which justifies its existence while it sits on layers of illegality and injustice? If they were to get rid of magistrates in the likes of Muir and Hudson, won't they simply turn to the same pool of mediocre, reactionary possibilities for our bench?

While we recognise these challenges that are posed at this higher level, we also recognise that something needs to be done for our women who are brave enough to access the justice system.



(left) Virisila with the Girls In Action artists Fredrica, Petarasi, Jemima and the Deputy British High Commissioner, Martin Fidler. (right) T-shirt art on display

# Engaging creatively with young girls

International Women’s Day was creatively expressed by 12 adolescent girls from Suva through their favorite or unique slogans which were printed on t-shirts under this year’s IWD theme “Equal rights, equal opportunities: Progress for all”

These slogan t-shirts were created during a two day camp that was funded by the British High Commissioner’s Fund and Oxfam New Zealand, which was held on the long weekend of February 2010. The girls were part of a programme called “Girls in Action” where over two days, using creative art forms such as dance, music and screen painting – they were introduced to International Women’s Day and some of the issues that affect adolescent girls and women in Fiji and around the world.

By **Michelle Reddy**

The two day camp was also an opportunity for the girls to be part of a focus group where they could their views and experiences on issues that matter to them- in particular challenges of being young, female and growing up in a patriarchal society. These ideas would feed into FWRM’s needs analysis that will determine the direction and content of a programme for girls aged between 10-14 years.

This age group has been highlighted in a research presented at the *Expert Group Meeting on the Elimination of All forms of Discrimination and Violence against the Girl Child* held in September 2006, that

girls between 10 and 14 years of age are particularly vulnerable, as it is during these years that gender-based disempowerment becomes entrenched. At the meeting attended by FWRM, experts highlighted that girls in this age group are falling through the gap between child-focused and women-focused agencies, organisations and programmes. At the two day-camps, participants developed and printed their own or favorite slogan or message on T-shirts under the International Women’s Day theme “Equal rights, equal opportunities: Progress for all”. The final 15 individually designed T-shirts and messages will be launched on International Women’s Day at the MHCC foyer in Suva.

## Celebrating women Celebrating women Celebrating women

THE United Nations earmarked 1975 as International Women’s Year, with March 8 as International Women’s Day (IWD). Two years later, the UN General Assembly adopted a resolution proclaiming a UN Day for Women’s Rights and International Peace to be observed on any day of the year by member states. The official UN International Women’s Day has been March 8 since 1975.

The day is used to focus attention on the economic, political and social achievements of women, but it is also a time when the gap between targets and reality of achieving full equality for women

By **Filomena Tuivanualevu**

is also examined.

This Year’s Theme: “**Equal Rights, Equal Opportunities, Progress for All**”

This year’s IWD theme looks at the concept of gender and reminds everyone that there are still many changes necessary in society and its institutions for women to take their rightful places as equal partners to men in all spheres of life. It reminds us that if full equality is achieved, sustainable development, peace and security are more achievable. It also highlights the urgency that’s needed in empowering women so that social, economic and political issues across the globe are addressed. The 2010 IWD theme emphasises the fact that gender equality is a universal concern and its achievement will be beneficial for all.

**Putting the IWD theme into action**

**Government**

- Rectifying conventions that allow for equal participation, for example, CEDAW and passing legislation that further enforce such principles in the laws of countries.

**Workplaces**

- Adopting organisational guidelines that protect the concept of equality in the process of recruitment, wages, training, promotions, etc of employees.
- The setting up of committees that specifically deal with issues regarding the rights of workers with objectives that protect the core values of equal rights and equal participation in the workplace.

**NGOs**

- Acting as watchdogs over governments so that conventions and bills that promote equality are adhered to at all time and to call to attention legislation that may appear discriminatory to certain groups of people.

**Individuals**

- If you feel that you or another person is being discriminated against for reasons such as gender, age, ethnicity or creed, speak out about it and make sure the issue is addressed by the relevant people satisfactorily. If you won’t, who will?





Courtesy of Fiji Times

# Violence and the 'culture' justification

By **Nainasa Bati**

IT SEEMS that there is an increase in cases of young women being beaten for not adhering to so-called traditional protocol. One such case was reported in the Fiji Times on January 15.

Asenaca Vunibola, a 16-year-old, was beaten because she was wearing trousers cut below the knee and sleeveless tops which in traditional protocol is prohibited. The manner in which Asenaca was treated and how the matter was handled is deplorable and the perpetrator should be taken to task. It also brought up an issue than many young people today have to deal with: Does change come at the expense of our culture? Which parts of our culture should we adhere to and which should we disregard?

The village and the city are polar opposites in terms of what is deemed acceptable and what may contradict the norms and the rules of the village. Even the wearing of pants by young women on village boundaries is frowned upon. One either has to wear a skirt or sulu over the pants. These are protocols that always have to be adhered to and it is also a way in which elders maintain law and

order as well as respect for culture and traditions.

I believe that one can accept modernisation without being totally assimilated. Although I was brought up in the city I am still expected to dress in a certain manner, in certain places and under certain circumstances. I may have been quite reluctant at first but it is tradition which one is expected to adhere too so as not be labelled as disrespectful or "viavia levu". Now I have come to realise that while these norms and rules may have been introduced, they are now part and parcel of my culture and of who I am.

Being a young woman – and a young Fijian woman at that – I have a dilemma. I can see what led to her beating, but on the other hand as a women's rights advocate I cannot condone her beating.

In many of our villages young women are still the victims of gender-based violence under the pretext of preserving cultural norms and traditions. Women are often taught from birth that if they are seen to be in breach of village rules the form of punishment meted out is usually a beating. Village elders should be mindful of the fact that times change and that modernisation has encroached on village life and as such young people, especially

young women, find themselves in a quandary. In traditional settings we are expected to behave and dress in accordance with traditional protocols but what we see contradicts what is expected of us: advertisements, movies and television shows compound the matter further. Because of this young men and women may need to be reminded of cultural protocols in a firm manner without the need to resort to violence. Violence does not solve anything. The use of violence as an accepted form of preserving our cultural norms is archaic and wrong. It will only fuel rebellion and hate for those norms and traditions that they try to preserve.

The question that should be asked is, "is violence really necessary?" A person does not like being force-fed so how can we teach respect and adherence to cultural norms when the rules are being enforced with a stick.

I believe that one can accept modernisation without being totally assimilated, and there is a conviction that a loss of one's culture is a loss of one's identity. We need to be proud of where we are from but how can expect young men and women to have pride in who they are and where they are from if violence is part of their culture. The assault on Asenaca can never be justified.

# Rethinking old age through CEDAW

Discrimination of older women is often based on deep-rooted cultural and social ties. Men and women experience ageing differently. Both experience discrimination based on old age but, for older women, this is exacerbated by a lifetime of gender-based discrimination, poverty and of working in poorly paid jobs with little access to formal social security to provide a regular income for them in old age.

The agreed cutoff standard criterion for old age by the United Nations is 60-plus years. According to the 2007 census, older women make up 4 per cent of Fiji’s total population of which 2 per cent live in rural areas.

It is momentous to note that the Committee on CEDAW has given generous attention to older women’s rights. It recognises that the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an important tool for addressing the human rights of older women and the elimination of discrimination they face throughout their lifetime.

The Committee made a number of concluding comments on discrimination against older women on a range of issues such as, poverty, early retirement policies for women, high illiteracy rates, lack of detailed information on older women living in rural areas and violence against older women. At its 42nd session in 2008, based on Article 21 of the Convention, the Committee adopted a new general recommendation on older women and protection of their human rights.

According to femLINKPACIFIC’s Rural Consultation Report 2010, critical issues faced by older women are access to transportation, health care, insufficient social welfare assistance of \$60 a month, a sum not adequate to even meet basic needs given the increase in the cost of food. Furthermore, the majority of older women do not receive social welfare assistance nor do they receive any form of support from family.

The report stated: “The prices of groceries are really high and the vegetable prices are also rising

By **Susan Naidu**

constantly due to other factors such as natural disasters and flooding which makes it harder for the senior women to get fresh produce necessary for good health. Good nutrition is also important for many of the seniors who now rely on a range of medication for ailments ranging from high blood pressure and cholesterol, diabetes and heart conditions, but many do not have the money to cover their medical expenses.”

Negative stereotyping of older women, unfair resource allocation, maltreatment, gender-based violence, prevention of access to basic services, inadequate old age pensions and the impact of climate change, natural disasters and conflict situations are specific areas of vulnerability and challenges.

Every article of the CEDAW Convention is relevant to older women if interpreted through an ageing perspective, but there are a number where discrimination against older women is more common, systematic and widespread.

Article 16 of the Convention on Property and Inheritance states that in many cases widowhood or being single due to divorce or never having been married profoundly changes older women’s status in society and can result in discrimination both in law and in practice, particularly

in terms of property and inheritance rights.

The general recommendation on older women would enable the Committee to focus on specific areas so that effective recommendations and guidance can be provided to States parties. It would also give older women and their rights greater visibility and priority among States parties, non-governmental organisations and the wider United Nations human rights system. The general recommendation on older women would contribute towards the fulfilment of the International Day of Older Persons, commemorated on October 1.

## CEDAW Committee Membership

A total of 104 experts have served as members of the Committee since 1982. The officers of the Committee consist of a Chairperson, three Vice-Chairpersons and a Rapporteur. Office-bearers serve for two year terms and are eligible for re-election “provided that the principle of rotation is upheld”. The current Chairperson of the Committee is Ms. Naela Mohamed Gabr.

### Membership of the Committee on the Elimination of Discrimination against Women

(As of 1 January 2009 and up to 31 December 2010)

Name	Nationality	Term expires
Ms. Nicole Ameline	(France)	31.12.2012
Ms. Ferdous Ara Begum	(Bangladesh)	31.12.2010
Ms. Magalys Arocha Dominguez	(Cuba)	31.12.2012
Ms. Violet Tsisiga Awori	(Kenya)	31.12.2012
Ms. Barbara Evelyn Bailey	(Jamaica)	31.12.2012
Ms. Meriem Belmihoub-Zerdani	(Algeria)	31.12.2010
Mr. Niklas Bruun	(Finland)	31.12.2012
Ms. Saisuree Chutikul	(Thailand)	31.12.2010
Ms. Dorcas Coker-Appiah	(Ghana)	31.12.2010
Mr. Cornelis Flinterman	(Netherlands)	31.12.2010
Ms. Naela Mohamed Gabr	(Egypt)	31.12.2010
Ms. Ruth Halperin-Kaddari	(Israel)	31.12.2010
Ms. Yoko Hayashi	(Japan)	31.12.2010
Ms. Indira Jaising	(India)	31.12.2012
Ms. Soledad Murillo de la Vega	(Spain)	31.12.2012
Ms. Violeta Neubauer	(Slovenia)	31.12.2010
Ms. Pramila Patten	(Mauritius)	31.12.2010
Ms. Silvia Pimentel	(Brazil)	31.12.2012
Ms. Victoria Popescu	(Romania)	31.12.2012
Ms. Zohra Rasekh	(Afghanistan)	31.12.2012
Ms. Dubravka Šimonović	(Croatia)	31.12.2010
Ms. Zou Xiaojiao	(China)	31.12.2012

\* Ms. Hazel Gumede Shelton ( South Africa) was elected at the fourteenth meeting of States parties in June 2006 to serve until 31 December 2010. Ms. Shelton resigned in 2007 and another expert will be appointed by South Africa in accordance with article 17, paragraph 7.

(Source: Office of the United Nations High Commissioner for Human Rights website <http://www2.ohchr.org/english/bodies/cedaw/membership.htm>)



ELF ALUMNI: WHERE IS SHE NOW?

# A Pacific voice in the climate change lobby



Courtesy of WWF

IN 2004 I was a part of the first group of young women who took up the Emerging Leaders Forum Program with FWRM. I think we were quite privileged that something of this nature existed as it provided the exposure that's usually missing from our learning system. Through the ELF programme we were exposed to issues in the areas of feminism, environment, politics, the economy and taught essential interpersonal qualities and leadership skills.

I now work as the communications manager for climate change policy work at the WWF International, the headquarters for the global conservation organisation.

I do media relations and other communications-related work for the new global climate treaty that is to be drawn up and agreed by the 198 countries under the UN Framework Convention on Climate Change (UNFCCC). This is the highest level of negotiations to find solution to the climate change challenges. My current work involves dealing with international media such as BBC, CNN, AP, The Guardian, Xinhua, Al-Jazeera and many other leading media from various countries.

In 2009, civil society organisations mounted the biggest-ever climate campaign around the world and I had the challenge and pleasure of communicating and participating in various public campaigns such as TCK-TCK-TCK, Hopenhagen, Can't Drink Oil, Vote Earth and Earth Hour.

The ELF programme for me has an indirect

## By Ashwini Prabha

influence on my work as the exposure gained from it and the personal strength built from the programme encouraged us to take up daring jobs or be more creative in how we carry out our work.

While in Fiji some of the contacts built under ELF programme were useful for work partnerships.

For young women, the first step to dealing with climate change would be to integrate climate change and environmental sustainability issues in every field of work we are involved in, be it in teaching, the economy, private or government sector or agriculture. In Fiji we have so much greenery and resources that we take our environment for granted. However our uses of resources are not always sustainable. For example, large-scale logging which leads to an increase in carbon dioxide hence contributing to climate change and using our mangroves as firewood, depleting the natural barrier that provides coastal protection.

I think women actually have an advantage in this field as we are usually seen as more charismatic and have sometimes natural PR skills. However, when considering working at the international level, my challenge would be competition from other well-qualified and experienced people. One should strive to be in a decision-making position

so you can influence how you communicate your project. Sometimes our work can be controlled by donors and experts hence we should be able to negotiate enough freedom or learn enough about issues on which we communicate that we can actually write on them or sell them to the media without too many restrictions. The trick is to be able to communicate without losing any tears or faith in the process of political negotiations.

The Pacific is a very small player in the international climate negotiations and they are also not as vocal as Tuvalu, Kiribati and sometimes Samoa. My challenge is to try and get international media interest or even write about climate change impact in the Pacific. Most of the time the media focuses on places like the Maldives when talking about climate change, because that country's government has been more media savvy than our Pacific ones – they don't hesitate to raise their voice.

My challenge is seeing that some Pacific governments don't show leadership or clear understanding of climate issue and are not consistent with their participation in such political negotiations.

If the Pacific spoke as a united voice and for example backed the Tuvalu position, then we would be ensuring the survival of our countries.

While my work has an international focus, as an individual I speak up for our region whenever I get the opportunity.

# A time for learning and sharing

IN OCTOBER 2009, I was chosen along with three other international "Action Partners" by Oxfam Australia/Oxfam International Youth Partnerships to be part of a conference called Intersections – a learning and sharing event for Oxfam partners from across the world in South Africa.

The aim of this event is to create the opportunity for Oxfam partners to come together and share learning with each other with a focus on the lessons emerging from practice.

The meeting was held from October 24-28 in Pietermaritzburg, KwaZulu-Natal.

After much last-minute arrangements, I finally flew out on the nearly 24-hour flight through Brisbane and Singapore to Johannesburg and then Durban. My lips were badly cracked and ears blocked when I arrived in Durban. I missed the first connecting flight to Durban and my bags arrived a day later, having been stuck in Singapore.

Based at Oxfam's South Africa's lovely offices in Davenport, the Action Partners worked as interns preparing for the event and it was fun. We had to prepare kits for nearly 140 participants.

At the end of the week, on our free Saturday, one of the action partners from Rwanda was determined to visit the beach, so we went. It was beautiful and reminded me of our lovely Sigatoka sand dunes. Renovation work was being carried out for the 2010 FIFA World Cup starting in June in South Africa.

The drive to Pietermaritzburg, where the event was being held, was like a trip from Suva to Navua, and I realised most things reminded me of home. Someone spotted a zebra but I was dozing off so I missed it.

Part of our job was to register participants as they arrived. We had a great place to stay in and had a big tasty dinner that day. I got to see, for the first time, the traditional Zulu dance. Gosh! The kids had moves.

## By Mamta Chand

Before the first plenary session, the next day, I had to attend media training, as some of us were asked to be in the media team and be our toes with everything that was taking place at the meet. We had to take pictures, do interviews, and write blogs. Since my writing has gone from best to worst I struggled to read my own hand writing the day I had to blog. But I managed the task.

The event revolved around six themes:

- Balancing Acts
- Sustainability
- Beyond Access
- Policy Update
- Who's In, Who's Out
- Skills Building

It was tough signing up for sessions since most of the interesting sessions clashed. So the Action Partners decided that each of us would attend different sessions and then exchange notes.

Some of the sessions I attended were intense. Issues of LGBTI (lesbian, gay, bisexual, transgender, intersex), was the most interesting one for me, as the debate got heated up - in a good way. A movie was shown and stories shared about transgender men. Few participants were not able to relate to this issue and felt awkward and shocked to a certain point, and it was pointed out that race, culture and other societal factors affect the way we look at sex, gender and sexual orientation.

I couldn't help thinking about our organisations back home. I know it is a sensitive issue but if we are advocating about human rights aren't we committed to be balanced? These issues need to be addressed

and not ignored as LGBTIs exist in our communities. And as one of the participants at the event commented if we cannot understand LGBTI, how can we provide services to them when they knock on our door? How can we recognize their rights? Another important issue was put on the table was "Which wo/men are we referring to?"

Personally, many issues hit home. It was amazing to realise that so many issues surround us everyday, both professionally and personally, but sometimes, we tend to look past it. And this was a great opportunity to network and reflect on the themes and issues we work in and believe in.

An interesting and educational debate roused on the ABCs of sex. Some participants commented that it was no longer relevant taking into account today's youths and their lifestyle. Others argued that it was still relevant in their communities. The question of why HIV not being treated as a "normal disease" was raised and few comments were passed, that it is "us" who have portrayed HIV as a "sex" disease. Society automatically reacts negatively when this issue is addressed and since "sex" is a hush-hush subject.

Just as I was getting warmed up in the sessions, it had almost over. There were so many issues and so little time but I did learn many new and interesting things. I was also fortunate to be introduced to people who are working for positive changes in their communities and could feel their passion and commitment.

Conferences like this help build my capacity and make me a stronger and confident young woman. It was a great experience being exposed to advocates working within the same themes and issues as me, creating a network and, yes, making many new Facebook friends!





# Taking on the government over CEDAW

**“Get up, stand up, stand up for your rights, get up, stand up, don’t give up the fight” - Bob Marley**

By **Ofakilevuka Guttenbeil-Likiliki**

Coordinator of the Women and Children Crisis Centre in Tonga



Courtesy of Tonga Women and Children Crisis Centre

IN LATE September 2009, the Tongan government rejected a Bill to ratify the Convention for the Elimination of Discrimination Against Women (CEDAW). Eighteen members of Parliament voted against, with only one for it. The member who put up the Bill in the first place didn’t even back it. As a long-time advocate for women’s rights in Tonga it was a massive blow - fakatupu loto mamahi aupito! At the time I was also the general manager of the Tonga National Centre for Women and Children (TNCWC) – an NGO which provides counselling and support services for survivors of violence and performs community education training about women’s human rights. All the workers at the centre were bitterly disappointed about this result. To us it meant that our dream of seeing legislation which really discouraged violence and discrimination against women was just one more step away. If we couldn’t acknowledge women’s rights at such a basic level, what hope did we have of addressing marginalised women, such as those who are subject to years of abuse? The Prime Minister devoted a lot of media time to the rejection of CEDAW. He linked ratification to instant law reform at the hands of foreigners, to legalising abortion and to legalising same-sex

marriages. He spoke of how traditional systems in Tonga (such as the Fahu system where the paternal sister or aunt has the highest ranking in the family with certain privileges) place women on a pedestal, and that they do not need this Western interpretation of rights. The exact wording he used was that women are highly “cherished”. This coverage was completely one-sided. The PM had a half-hour panel on TV 1, the most popular (and government-owned) station in Tonga. There was not one opposing view provided, and the interviewer didn’t ask one difficult question, despite the fact that most of what the PM was saying was clearly factually wrong. As head of an NGO which promotes women’s rights, I just couldn’t believe what I was hearing. These assertions were total myths, tailored to play on the fears of mainstream Tongan society. It became the hot topic of the day – I heard my neighbours talking about it over their fences, workers discussed it over cups of tea and men talked about it at kava ceremonies. And not surprisingly, given what the PM linked it to, it became a dirty word. I started talking about CEDAW publicly as soon as I could to set the record straight. It’s clear to me, seeing the number of women who come in to the centre as victims/survivors of abuse, that women are far from “cherished” in our society. TNCWC had over 300 clients last year. To put that in perspective, Tonga has a population of a little over 100,000 people. That’s 0.003% of the population, and keep in mind that these are only the reported cases and represent Tongatapu island only. In the Princess Ashika Ferry sinking in August 2009, 0.001% of the Tongan population died, and it has been recorded as the single largest loss of life during peacetime in the Pacific. I made a submission to Parliament and approached several media outlets to make comments. On the first day this was well received. However, the next day it was different story. The government responded to our submission with a press release,

which was published, unadulterated, on page four of the independent publisher the Taimi o Tonga. The heading was “‘Ofa Likiliki and TNCWC Don’t Understand Full Meaning and Implications of CEDAW Articles”. Since when is the response to a parliamentary submission a press release? Suddenly journalists were informing us that the Prime Minister’s press secretary had informed the press outlets not to include any comment from TNCWC regarding CEDAW. Try as we might, we couldn’t get air time on the government-owned TV1, independent station TV2, and mid-discussion on the Christian Channel our programme got pulled. The level of self-censorship shown by the media was discouraging, to say the least. Editorials of a derogatory nature began to be written about myself. My personal life was brought into the arena – as it is so often with women in positions of leadership. The gossip was horrendous and included those who had nothing to do with the issue, such as my family. Many friends, family and colleagues called to offer support, but no one spoke publicly in support of me. My staff were very supportive, but the board of TNCWC was predominantly government representatives, who obviously were not supportive of my stance. So even within our organisation there was constant stress. Somehow a very clear-cut human rights issue became about my personality verses the government. It was hardly a level playing field, given that my media access was completely restricted and the government’s access was unlimited. The one-sided personality contest served to provide an even bigger distraction from what the Convention is about. For me, CEDAW is all about improving the quality of life of women by cementing their rights. I intend to do everything I can to increase understanding about ratifying CEDAW. It is the first step on a long road to giving women in Tonga access to everything that men do. Why should it be any other way?

# Gender and HIV in the Pacific

The publication *Gender and HIV in the Pacific Islands Region: a Literature Review of Evidence with Recommendations* provides a comprehensive analysis concerning the spread of Human Immunodeficiency Virus (HIV) with gender inequality in law and in custom in Pacific Island countries and territories.

According to the publication the key factor which makes it difficult to monitor prevalence of HIV and AIDS in the Pacific Island Countries is lack of data. It further recognizes that data collection and analysis is not gender responsive.

Gender-based issues are discussed in four sections within the publication: Gender –relation HIV vulnerability and impact in the Pacific Islands Region; Gender, culture and change in the Pacific Islands; gender consideration in HIV and AIDS policies and strategies, and; gender and policy challenges.

Some of the fundamental gender-based issues articulated in the publication is that women in low HIV prevalence Pacific Countries are increasingly



By **Susan Naidu**

vulnerable to HIV. Gender-based violence and violence against women is considered the main issue which increases the risk of the spread of HIV in the Pacific. Moreover, sex work and transactional sex are mainly outcomes of economic difficulty and lack of choices and opportunities open to women in the Pacific societies.

It further highlights, that, the construct of “*macho*” masculinity encourages high-risk sexual behaviour while, at the same time most men in the Pacific have sex with men are not transgender, nor do most of these men regard themselves as “gay” or homosexual.

The publication suggests that gender sensitivity and mainstreaming needs to be supported by transformative approaches, existing laws in the Pacific relevant to HIV issues do not enable a comprehensive human rights-based response

hence making the messages and approaches less effective.

Following are recommendations in the publication

- Mainstreaming gender equality into national and regional policies, strategies and programmes for HIV prevention and care and make them culturally relevant and human right- based.
- Address prevention of violence against women, children (both girls and boys) and sexual minorities as an integral part of preventing the spread of HIV.
- Promote measures to encourage positive models of masculinity among men and boys and increase awareness of and promote the exercise of rights of women and girls
- Improve the legal framework for gender equality and human rights as an integral part of preventing the spread of HIV
- Empower women and girls economically as an integral aspect of HIV prevention programmes.

This book is a joint publication by UNDP Regional HIV and Development Programme UNDP Pacific Centre, UNIFEM Pacific and the Secretariat of the Pacific Community.

## “Ghar Pardes” Highlighting the tragedy in some arranged marriages

“*Tuma zindagi ban jaayi*” (Your future will be secured financially) is the most common expression used by many Indo-Fijian parents to appeal their daughters into agreeing to marry abroad. The majority of these girls are happy with their lives here but because of the enormous pressure put on them by their parents, they are subdued into accepting a marriage proposal and dreaming that their “prince charming” has arrived. Little do these girls who may have limited education or exposure know what awaits them.

As for the boys, their story may be totally different or similar if their parents have forced them into agreeing to marry the daughter of their childhood friend or using traditions/culture/religion as a reason for not accepting the choice made by their son.

Such is the story that the locally produced movie *Ghar Pardes* is portraying. A movie made by local residents living in Australia (directed by Vimal Reddy) depicts the reality facing many locals who migrate overseas, where incompatible relationships created by relatives have led to serious social



By **Shabina Khan**

issues including divorces and displacements. Family disputes and bitterness between the new bride and mother-in-law are some of the underlying conflicts affecting young girls who are part of this arranged marriage tradition.

What I found most disturbing was the fact that a woman is seen as oppressing another woman’s freedom and rights. The mother-in-law enforces the stereotypical attitude that has been maintained in the family under the so-called traditions. For instance,

the daughter-in-law is expected to adjust to the new environment and immediately change from a typical “*gaaon wali*” to an urban, modern, working wife. The pressure also builds when the bride is asked to look for a job, while she is still recovering from the culture shock of realising that men and women both work, even at night as opposed the situation in Fiji. The discovery of the night life that

her husband enjoys almost every day awakens her from her dream and brings her back into reality about the importance of compatibility.

When she is unable to comply with all these demands she is ostracised and blamed for the arguments and the unhappiness she is causing in the family, particularly with her husband, who is also involved in drugs and is part of a gang. Eventually, she is sent back to Fiji after losing her integrity, dreams and hopes.

The underlying issue which this movie indirectly highlights is the issue of survival of the family especially in the poverty-stricken families in Fiji, where the girls are seen to the ones to provide for the rest of the family. By marrying off in a richer family overseas, it is hoped that she will send money back home or even support and sponsor other siblings to migrate.

The coordinator of the Fiji Women’s Crisis Centre, Shamima Ali, says that it happens more frequently in Indo-Fijian communities because the structures are still traditional, conservative and religion-bound, particularly in relation to early marriages which are more common in Fiji than people realise.

Overall this movie should be an eye-opener for all those match-makers who think they know the “best” for their son or daughter. It’s also a great movie for its local relevance.

# Development and déjà vu

MAURITIUS is full of déjà vu for a Fiji Islander. There are echoes of Fiji everywhere you go. The bus station we passed as we skirted the capital Port Louis was a double for an old Lautoka bus stand. The miles and miles of cane fields; the tropical mugginess and rain; the Fiji faces. Our minibus driver who picked us up from the airport looked like he had just stepped out from behind the wheel of a Regent taxi in Suva – except for the French-influenced accent as he spoke English, and the more comfortable Creole. Fiji has some shared history with this little island nation off the coast of Africa – British colonisers (as well as the French), indentured labour from India and the sugar industry. Mauritius and Fiji also share some of the challenges of being a small island developing state in a global political economy heavily influenced by neoliberalism, weakened by inequality based on gender, race and class, and facing intersecting financial, climate and care crises.

This was the site of the DAWN Development Debates, organised by the global network of feminist scholars and activists, Development Alternatives with Women for a New era (DAWN). The Debates, held from January 18 to 20 this year, brought together activists, academics and young feminists to discuss some of the critical challenges facing feminists in this “fierce new world”. Setting the scene, the DAWN concept note reads: “The first decade of the 21st century

**By Tara Chetty**

has been marked so far by two unprecedented critical events - the ‘war on terror’ and, more recently, the global financial crisis. There has also been an expansion of human rights institutions, including the International Criminal Court and the Human Rights Council. Externally generated crisis in its varied forms and the resolutions to crisis in all their complexities have come to preoccupy all sovereign nations and the peoples they govern. At the same time, these nations and peoples struggle to uphold values associated with sustainable livelihoods, poverty eradication, human rights promotion, freedom of expression and mobility, respect for identity and sexuality.”

To examine the contradictions and complications of this “fierce new world”, the debates were organised along four main pillars examining climate change and development, financialisation and global governance, advances and contradictions in human rights, and militarisation. All four pillars carry clear implications for the Pacific, including our vulnerability to climate change, our struggles with human rights and conflict, and serious impacts of the global financial crisis. Human rights is a particularly challenging area, as Pacific feminists attempt to defend the important gains we have made for women’s human rights in the face of

militarisation and conservative leaders, as well as deal with the dilemma of the human rights frame itself – effectively integrating economic justice issues, and debating the best ways to translate legal victory into better lives for women and girls.

Debate is the key word here. As Pacific feminists we need to be part of the conversation, even in areas that may seem unfamiliar. The global financial crisis, just the most recent emergency resulting from a profoundly unequal and gendered global economy, is devastating – but may open up space to enter the debate on what kind of region we want. There are many meetings and intergovernmental reports on the financial crisis, and this may be an opportunity to re-frame the debates in terms of women’s livelihoods. At the same time, powerful institutions like the International Monetary Fund, and other influential players who have in the past implemented policy that has worsened poverty in our region, will also seek to further their agenda. Pacific women are the experts on our own lives and livelihoods, so let’s debate this fierce new world.

*Tara worked with the Fiji Women’s Rights Movement for close to four years. She was awarded a Fulbright scholarship in 2009 to pursue a two-year Master of Arts programme in Women’s & Gender Studies at Rutgers, the State University of New Jersey.*



Fiji feminists Claire Slatter, Tara Chetty and Michelle Reddy at the DAWN Development Debates

# About us

The Fiji Women's Rights Movement is a multi-ethnic and multi-cultural non-governmental organization committed to removing discrimination against women through institutional reforms and attitudinal changes.

By means of core programmes and innovative approaches, FWRM practices and promotes feminism, democracy, good governance and human rights.

We strive to empower, unite and provide leadership opportunities for women in Fiji, especially for emerging young leaders, indigenous and locally-born women.

The FWRM vision is for the women of Fiji to be free from all forms of discrimination, have equal access to opportunities and to live in a healthy environment where the principles of feminism, democracy, good governance, multiculturalism and human rights prevail.

# Join us

YES! I want to support the  
Fiji Women's Rights Movement

ANNUAL FEE:

Waged - \$10 • Organisation - \$30

Non-waged/Student - \$5

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Ph: \_\_\_\_\_

Email: \_\_\_\_\_



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Email: [info@fwrmm.org.fj](mailto:info@fwrmm.org.fj)  
Mail: GPO Box 14194, Suva, Fiji Is

# LOOKOUT!

## FWRM AGM

The movement's Annual General Meeting will be held in the month of May. If you're a member, interested in being a member, or would like to hear more about FWRM activities over the past year, please join us at the AGM. Call FWRM on 3313156 or 3312711 for the confirmed AGM Date and Venue.

## ELF 5

ELF is a year long program run by FWRM for young women aged between 18 – 25yrs old which looks to introducing young leaders to issues facing women in Fiji and internationally, FWRM looks to engaging the 5th lot of ELF participants in May.

Keep a lookout in the local dailies for Emerging Leaders Forum 2010 call for applications.

## Girls In Action Camp

Watch this space for more information on the forthcoming camp for adolescent girls aged 10 – 14.

## FWRM Office Move

For security reasons and the growing size of the FWRM family we have moved office - we are located on the second floor of Lot 4, Gordon street, Suva.

## FWRM Vacancies

Keep an eye out in the local dailies because FWRM will be looking for a new Communications Officer as well as a new Young Women's Officer.