national statistics and accounting

Overall, the conference was an eye opener for me. Despite the fact that each organisation is focused on a particular aspect of WIS; our vision and goals are the same. And these are

* Recognition for women's work in the informal sector
* Empowerment of women (awareness raising, access & control of resources, self empowerment of women through networking ...)
* Security (job security, social protection, maternity leave, sick leave etc)
* Democracy & participation (women running their own markets, women making decisions)
* Equity (women to have a fair share of resources)

I was privileged that I was part of this group to produce a handbook for the design and implementation of programs for women in the informal sector. But even more so, that I was provided with an opportunity to 'view' WIS programs before FWRM 'actively' resumes its campaign on 'Count Women, Count Women's Unpaid Work'.

The New Voting System

By Esther Tining

Fiji's new voting system has seen by many as the biggest achievement in the country's political development.

The new system has altered the previous one, known as "First past - the - post counting." which allowed political parties and candidates to win, even with less then 50% of the casted votes.

CCF believed that the alternative system also gives voters more choices in electing whoever they think might well represent them in the government despite their racial backgrounds

This will be possible through the open seat and communal seat system. The latter allows voters to choose one candidate from their own ethnic group and another

of their own choice irrespective of ethnicity.

Because the previous system of "first-past-the-post" allows people to elect candidates from their own community of ethnicity, the n new new new system aims to allow voters to vote freely regardless of ethnic differences.

According to the Election Office, the introduction of the 25 open seats is an attempt to gradually move away from voting along ethnic lines.

Mrs Tessa Mackenzie of the CCF highly commended such a move and said that the concept would help ease the strong ideology of ethnicity in a multicultural society like Fiji. She stated, that in order for such a system to really exist, eligible voters have to fully understand the system and vote effectively to have a fair representation in the government.

She said "the government should have a fair system in which all citizen's are fairly represented. This will create more security and thus bring happiness to the community as a whole".

Under the alternative system, registration and voting are compulsory.

According to the Election Office, any eligible voter who fails to register without a reasonable excuse will be liable to pay a fine of $50.00

Eligible voters who failed to register will have to apply for registration within 30 days. Failure to comply with this provision will result in an additional fine of $500.00 or a month imprisonment.

During a press conference at USP, Suzie Naisara-Grey from the Electoral Office told third year journalism students that registered voters who delibrately fail to vote without a reasonable excuse, will pay a fine of $20.00

Failure to comply with this requirement will also result in a further fine of $200.00 or one month in prison as well.

She stressed that because this new system is newly introduced in the country, it is important that all Fiji Islanders are well educated about it.

Meanwhile, Ms Naisara-Grey explained that the Electoral Office has been conducting awareness programes to educate the community at large about the new voting system.

The CCF has also helped to spread the election "gospel" by producing pamphlets and distributing them out via its theatre group to local community.

It is important that people are educated about the election so that they know what they are going to do when they go to polling stations.

Under the previous Election system-the casting of votes, voters had to tick their preferred choice. With the new system, the ballot paper is divided into two sections. Below the line and Above the line. "Above the line" has only parties listed and voters have to tick their preferred choice. By chossing a party, the voter is agreeing with the party's preferences. Below the line represents the Alternative/Preferential Voting system where candidates vying forthe seat are listed (in no particular order).
Voters are to mark their preference in terms of numbers. "People must know that they should use numbers in order of their preferences to enable the selection of a candidate".

"If they tick instead of numbering, their vote is automatically disqualified. Therefore it is important that Fiji citizens be educated very well about how they should be voting during the election" stated Mrs Mackenzie.

Under the electoral Act, Fiji citizens at the age of 21, who have been living in the country for more then two years are eligible to register and vote.

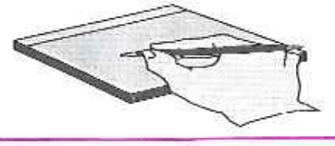
A 20-year-old Fiji citizen can also apply for registration on special arrangement, if his or her birthday falls within the days before the election date.

The Act requires a voter to be registered for a particular constituency if he or she has lived in the area immediately after registration.

Voters who have not resided in a particular constituency for at least a period of three months need to be registered in the constituency in which he or she has previously lived.

Because the Alternative voting system is viewed by many as a complicated system, Mrs Mackenzie advices women in particular to know
the new voting system. She urges women to think seriously about electing someone who will best represent them in the government. All eligible voters must vote to avoid any penalties that has been laid under the new Amendment act, she added.

The Alternative system, however, is not perfect. This is the first time it has been introduced in Fiji, thus there is still room for improvement if the need arises, Mrs Mackenzie said.



Teen speak:
Can Girls Really Do Anything?

By Raijieli Nicole

The 'Girls Can Do Anything' campaign, which encourages young girls to open up their career choices to include non traditional jobs, was launched during the International Women's Day celebrations this year.
School visits are an integral part of this campaign and these discussion sessions always turn out to be a 'boys versus girls' kind of scene with stimulating and thought provoking exchanges taking place. Sadly but expected, responses are colored with myths about men & women's role in society that continue to pervade our cultures, homes, education system and so forth. But at the same time it is encouraging to hear students articulate their thoughts on the unequal status of women in society.

Discussions center around questions such as Can girls really do anything?; What are some barriers to 'Girls Can DO Anything'?; What are some socialisation agents in our community that reinforce the view that girls CANNOT do everything?; Is it possible to encourage a more 'Girls Can Do Anything' attitude?

Below are some examples of responses, statements and exchanges that have been shared during these school visits.

Can Girls Really Do Anything?

* Group of male students stated that girls cannot do everything because they would need a parachute to jump out of the

plane .. the response - do boys have hidden wings?!!

* No. If a woman becomes a bus drivers she may get raped
* No. Because women can't lift anything heavier than a lipstick
* Yes. Women are too compromising ... no one is putting any effort to change the antique system which still being carried on
* Yes. Women are not given the opportunity to prove themselves
* No. If women stop doing their household job then men won't be able to cope

General statements

* A male student stated that women should stop blaming men for having typical women's jobs, if women want equal rights than they can compete with men. Women should not blame their weakness on males they should do something about it ... the response - two qualified people, a man and a woman, apply for an engineering job, who gets the job? Male. Why? (The female student did not have to elaborate)

Looking at the list (on the board) of typical women's & men's jobs, what sort of cnclusions can you draw from it:

* 'Men have jobs with better working conditions, they have high profile jobs, and they earn more then women'
* Men's jobs are more laborious and requires a great deal of physical activity. Women do all the easy & paper work kind of job
* 'Women are not given the opportunity to prove themselves'
* Because men think that women will do much better than them so they don't favour them doing tough jobs

What are some barriers to Girls Can Do Anything?

* Women see themselves as weak people
* Culture, pundit, in-laws, family

These school sessions are so important and it always reinforces the fact that there is a desperate need to review the school teaching material & curricular to be gender sensitive.

Meeting with Mr Nemani Buresova, Permanent Secretary of Ministry for Women and Culture on Thursday 7 August 1998 at 10.00am

By Gina Houng Lee

Background

The Department of Women and Culture became a Ministry in April 1998 and Mr Buresova was appointed as the Permanent Secretary (PS). We decided that it would be good for us to invite the PS to brief him on our activities and to hear from him the strategies and the direction of the Ministry.

Overview

The meeting between Mr Buresova and FWRM was a fruitful one in which amongst other issues he highlighted the:

* National Implementation Plan of Action approach
* Ministry's committment to take on a more policy oriented Ministerial role
* Ministry's committment to improving its relationship with NGO's.

Mr Buresova also commended FWRM's work in the last 10 years and reaffirmed the Ministry's support in follwoing up with concern raised by FWRM to them

Issues

Gina presented an overview of FWRM outlining the structure, achievements, projects and project partners. Ema presented a more detailed overview of the National Legal Literacy Program and an insight into the Nalalawa workshop. Mr Buresova was interested in the target group and was impressed that men were involved in the workshop. Moreover he was impressed that the approach of the workshop was to include agencies and key players in the community, for example, the "turaga ni koro".(village headman)

Raijieli outlined the WEER Project and the research project that would be undertaken with the funds provided by NZODA through the Ministry. He stated that it was important not to duplicate the work of government department. While we supported his view, we also stated that we undertake a particular approach if we believe that government will not make a commitment to change (for example, the Draft Sexual Offences Legislation).

FWRM expressed the need

Designing Programes for ♀ in Informal Sector

By Raijeli Nicole

The Asia Foundation extended an invitation to Fiji Women's Rights Movement to attend the workshop on 'Designing & Implementing programs for Women in the Informal Sector (WIS)' in Bangkok, Thailand from the 6th - 10th July. Altogether, 18 participants attended the workshop, with the majority being from South-East Asian region.

The workshop objectives were:

* to identify the critical steps, skills and processes used to design effective programs for organising WIS;
* to identify and analyse a range of obstacles to programming in the informal sector (including political, legal economic and social barriers) and mechanisms for overcoming them;
* to identify effective strategies for organising WIS, including strategies aimed at changing policy, public education, capacity building, legal literacy etc;
* to produce a handbook of guidelines for organising WIS based on case studies and discussions of the workshop for publication and dissemination;
* to strengthen networking and collaboration among Asia-Pacific organisations working with WIS.

Currently, the Women's Employment & Economic Rights (WEER) project is actively addressing the needs of women in the formal sector and our work in the WIS has been mainly on the level of 'awareness raising' only. So, in comparison to other participants at the workshop, I believe I was probably the only participant that went in with so much to gain.

This is probably due to the difference (in terms of area of work & approach) between FWRM and the other organisations represented at the workshop. FWRM does not 'actively' organise women in the informal sector or formal sector. Other workshop participants were heavily involved or rather their organisations worked with market women, home based workers, providing credit & savings for WIS, training & awareness raising for WIS.

Through their presentations I was able to get a first hand account about their work, their success, strategies used to empower women in the informal sector, techniques in dealing with contractors, difficult middle men, strategies in sustaining the fight in a world where women are only to be seen but not heard and also we looked at some projects that 'failed' or activities that had low impact/benefit.

Specifically, presentations were made in the following areas:

* Research methods by the Urban Sector Group, Cambodia
* Credit & Savings schemes for women in the WIS by the SHAKTI Foundation, Bangladesh
* Marketing by the Siyath Foundation, Sri Lanka
* Distribution & Marketing by the Promotion & Education Center on Home workers in Thailand, Thailand
* Training programs for Women in the Credit & Savings Scheme by the Agromart Foundation, Sri Lanka
* Education & Awareness Raising by the Rural Women Knowing All, China
* Advocacy work - Piece Rate Workers by the Arhat Foundation, Pakistan
* Advocacy Work - Legal Advocacy, Bangladesh National Women's Lawyers Association, Bangladesh
* How to organise Home based workers by the PATAMABA, Philippines
* Sustainable Monitoring & Evaluation

The experiences and information generated from each presentation will be used to put together a Handbook entitled 'Designing & Implementing Programs for Women in the Informal Sector'.

In terms of what FWRM was able to share with the other participants, I believe this could be manifested in the question - how can we represent women without actively organising them? Through my presentation, it was important to demonstrate the link or the importance of legislative and policy change (FWRM's main role) to support the work being done on the 'ground' level. Most of these organisations worked with a specific target group and worked on improving the specific group's status in society. The session I shared on FWRM's work in the 'Count Women, Count Women's Work' demonstrated how our area of work was for all women- that is the recognition for women's unpaid work in the

were extensively stressed during the workshop.

According to the report, the Police stated that Ra has one of the highest rates of rape and marijuana cases in Fiji. In view of Legal Literacy, however, Ra is the only province, which has been very receptive to legal literacy. "We have almost covered the whole province and it is a very satisfying experience. FWRM can be proud of being an ambassador for human rights and especially when the new constitution comes into effect the following week" stated Ema.

Zarina's Radio Programs

By Zarina Begum

FWRM's Zarina Begum conducts radio programs on one of the local radio station, Fiji Island Network. Below is an excerpt from one of her programs.

"I have been conducting radio programs on the Bula 98FM station July 1997 to July 1998. Unfortunately I had to quit this program due to the Snippet system that was introduced. However, I have continued to conduct radio programs in Hindustani on Radio Fiji II on Wednesday mornings at 9.30. The name of the program is "Nari Shakti" which means "Women Power".
Initially, I started the radio programs with a session on Feminism and received a lot of feedback, both positive and negative, from men and women nationwide. Recently, I spoke about the Patriarchal System, which generated a lot of discussion and interest from the Indo-Fijian community to know more.
Patriarchy means the rule of the father or the patriarch. It refers to a social system whereby the father controls all members of the immediate and extended family, assets, and makes all the decisions. Linked to this social system is the belief or ideology that men are superior to women, that women are and should be controlled by men and are part of a man's property.
This line of thought forms the basis of many of our religious laws and practices and also social practices where women are confined to the home, and are viewed as second-class citizens. This double standards of morality give more rights to men than women and are also based on patriarchy.
One, Mr. Sukhram from Labudi, Ba wrote a poem in Hindi titled "Nari Apman" or "Disgraced Women" which is dedicated to women's lives. So when one hears the term, "Patriarchy", one thinks of the system that oppresses and subordinates women in both the private and the public sphere.

'नारी अपमान'

(लेo - सुखराम, लबूदी, बा)

मत करो नारी अपमान नारी मां बहन और बेटी है
पुरुष की शक्ति वह नारी ही जीवन संगिनी है
नारी से हम जन्मे हैं मां का प्यार पाया है
एक नारी ने हमें पाल पोस कर बड़ा बनाया है
नारी रक्षा हम करें श्रीराम कृष्ण बनकर के
मां बहनों की कद्र करें हम सच्चे सपूत बनकर के
आंच ना आए नारी पर कभी अत्याचार ना हो नारी पर
समाज में नारी आगे बढ़े चले सदा उठा के सर
जिस घर में नारी निन्दा वह घर नहीं श्मशान है
सच पूछो ये दुनिया वालों नारी रूप महान है
नारी से है घर की खुशियां नारी है घर - संसार है
पतिव्रता नारी का सभी ओर सम्मान है
वीर - धीर, राजा महाराजा, पीर पैगम्बर और ज्ञानी
साधू था शैलानी ऋषि - मुनी हो या दानी
कवि लेखक साहित्यकार या हो खगोल शास्त्री
पैदा हुए सभी नारी से नारी सबकी है शक्ति
नारी से हम जन्मे हैं नारी को प्रणाम है
नारी को जो ठोकर मारे उसका बुरा अंजाम हो
विनय है सबसे बन्धु मेरे कि नारी रूप महान है
जब तक चमके चांद सितारे नारी का सम्मान है

DISGRACED WOMAN

Do not disgrace Women
Because Mother - Mothers, Sisters and Daughters
They are the Power of Men and they are Life Partners-
We all are both from Women and have found Motherly Love
She has brought us up
Let us protect them as Lord Rama & Krishna did
Let us respect them by becoming good sons
Keep problem away from them and do not discriminate
So let her work in the society with her head held high

A home where a Woman is discriminated or disgraced is not a house, but a cemetery
A family come about because of a Woman be it a warrior, a king, a saint, a wise man, a writer or a scientist - all are born from Women and women is energy.
So we salute them
One who treats them unfairly will Face the negative consequences
I Pray to all that the role of women is very great
And so till the Stars and MoonShine
Let US give women the respect that they deserve

Translated by Zarina.

for the Ministry to be more open to consultation and dialogue. We also stated the difficulty of working as an NGO externally and the need for support within government.

We concluded with the need for support for a building for Ngos as funding was a critical concern and the need for an undated statistical gender profile.

Keeping A Tab On The Budget

By Raijieli Nicole

Fiji Women's Rights Movement (FWRM), National Council for Women (NCW) and Women's Action for Change (WAC) were instrumental in articulating the women's NGO response on 'What Constitutes a People-Centered National Budget'.

We were part of a larger group which got together to formulate the Churches & NGOs Submission to the National 1999 National Budget. The submission contained issues such as the Principles for a People-Centered Budget, Globalisation & Economic Policies, Role of Government Under the Alternative Budget system, Priority issues ranging from Social Welfare services, Poverty Alleviation & Family Assistance, Education, Health, Housing, Women & People With Disabilities.

Our response:

Women are playing an increasingly important role in our country's economy. They also constitute half the country's human resources and should be actively involved in the process of defining their needs. Young women should have equal access to scholarships for higher education.

Many women are employed in the low wage sector for the economy. Their working conditions are often inadequate. Their low wages are inadequate for a decent, healthy living. Legislative measures are needed to address issues such as minimum paid sick leave, maternity allowance, overtime payments, better and more healthy working condition, safe guards against sexual harassment in the workplace, child care facilities and the lifting of restriction of employment for women in areas normally known as 'men's work'.

Sexual abuse of and violence against women and children is on the rise and there seems to be no ample resources allocated for programs that will cater for women in such situations. Such inadequacies raise the need for financial support to develop legislative provisions and safeguards for these women. There is also the need for resources to educate and equip police force in combating crimes of this sort with better understanding of the situation of sexually and violently abused women & children.

The submission was presented to the Ministry of Finance in June. 'What Constitutes a People-Centered National Budget' can be obtained from the Fiji Council of Churches office and members of the public interested in advocating for a people-centered budget can contact the Fiji Council for Churches for more information.

A MILESTONE IN PACIFIC LEGAL HISTORY:

Challenging the Corroboration Rule in Kiribati

Pole Atanroi; Crown Prosecutor of the Kiribati Attorney General's Chambers will be challenging the corroboration-warning rule that is applicable in sexual offence cases. Pole was one of the participants at the Feminist Legal and Theory Practice Training Workshop that was held in Suva in late June 1998.

There is little doubt that this will be a huge challenge, which may not be successful. However, the important thing is that one tries and can appeal it before a Court of Appeal if necessary. If it fails then it does not matter because then the legislative route can be taken. In any event, this case will create legal history for Pole, for the women's movement in Kiribati and as a whole in the Pacific. This will be the first ever challenge to a legal practice on the single ground that it discriminates against women.

Imrana Jalal, Kim Stanford-Smith and other staff of Regional Rights Resource Team (RRRT) have been very instrumental in providing legal advice and support to Pole with her preparations for the case.

Some possible approaches that have been suggested are:

* Unconstitutional Argument
The biggest problem is that Article 15(3) of the Kiribati Constitution, which defines discrimination, does not include sex discrimination. However, it can be argued that Article 15(1) says that no law shall make a provision that is discriminatory of itself or in its effect.

a) It is very important to illustrate that the corroboration-warning rule is discriminatory. The main argument will be that the rule discriminates in its effect against women who form the vast majority of rape and sexual assault complainants as the origin of the rule is based on the theory that women lie about sex matters and men do not.

The principles of *S v D and Anor* (1991) Namibia case may be argued. The main issue of this case is whether the corroboration rule discriminated against women. The court said that the rule applies to both women and men. However, most complainants in such cases are women and that rule seemed to have the sole purpose of discriminating against women, so it was contrary to Article 10 of the Namibia Constitution, which guarantees all persons equality before the law, regardless of sex.
As the Constitutions of most countries in our region DO guarantee all persons equality
before the law, this argument might have been used in previous cases, and may be used in future cases.

b) Article 15(1) of the Kiribati Constitution states that no law shall make a provision that is discriminatory of itself or in its effect. Reference can be made to the *Unity Dow v the Attorney General* (1992) Botswana because the Botswana's Constitution is exactly the same as Kiribati BUT the Court still held the discriminatory Citizenship Act to be unconstitutional on the grounds that it discriminated against women even where the Constitutional definition of discrimination did NOT include sex.

In the *Unity* case, the definition of discrimination contained no reference to sex and gender discrimination. However, a separate provision said that every person in Botswana is entitled to fundamental provisions...whatever his race, sex..". Kiribati has exactly the same provision in their Constitution - Article 3.

The Botswana and Kiribati Constitutions are the same, word for word. The argument was basically that the framers of the Constitution could not have deliberately omitted sex discrimination just to discriminate against women. The whole world was against sex discrimination, how it could have been deliberatel The Court of Appeal in Botswana held that the provision had to taken to include the word "sex".

Men Supports Women's Rights - Legal Literacy Workshop, Nalawa, Rakiraki. July 20 - 24, 1998

By Ema Tagicakibau

The Fiji Women's Rights Movements (FWRM) effort to educate men and women on family values has momentum great support in Rakiraki.

Ema Tagicakibau and Zarina Begum of the FWRM were overwhelmed from the response of a four day workshop that gathered together some 40 participants of the area. 12 of the participants were men while the rest were women. The number of participants had to be restricted due to committed funds.

According to Ema, the topics that were discussed included: family violence, women and children's rights. Because the topics were so sensitive, they were prepared to face opposition from some of the men in particular and conservative women.

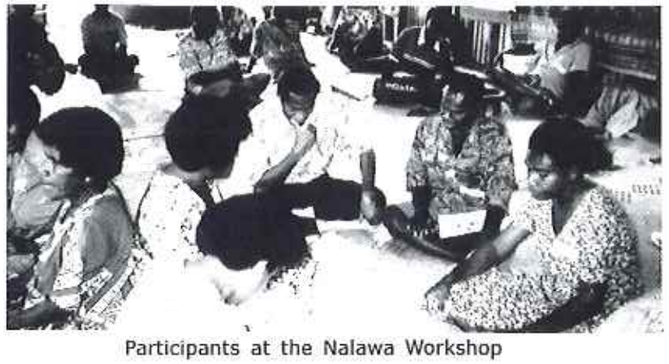
Their assumption was proven wrong when the responses from the workshop were positive. The workshop was different from others in that men coordinated the workshop. They cooked and did the washing to allow women to attend. Two of the men who coordinated the workshop were participants at an earlier workshop that FWRM conducted for the Saivou district in Nanukuloa, Ra in August 1997.

The two saw the need for a similar workshop in their own district of Nalawa and identified key people in the area to attend the workshop. These included the Turaga ni Koro (village headmen), Youth leaders (Male and Female), women community leaders who are able to influence other members of the community, because of their leadership roles in the community.

Other active members of the community who also showed great support were the members of the Police in the area. "The Officer in Charge of Tavua/Rakiraki was with us on the second day, and then we were later joined by Corporal Marica of SOU Lautoka and Corporal Sekaia of Rakiraki." On the last day, the latter and Constable Wara of Rakiraki came again because they wanted to give moral support", stated Ema.

Valuable comments from the Evaluation included positive responses. " Since I have a family this workshop has helped me change my violent behaviour towards my wife", commented one of the male participants. Another male participant commented that the workshop made him realise his weakness in his family relationship and how to respect his wife and children's rights. Other young participants viewed the workshop as very educational. "It was a good opportunity for me since I am still single and will prepare me for family life when I get married to respect the rights of my wife and family," stated another participant.

Women thought that the issues they encountered at home was a private matter and so they silently edured those. To have this issues openly discussed and addressed was uplifting. They felt like a heavy burden was being lifted off them.
The report continued to state that there were more advantages than disadvantages derived from the training. However, the fact that women may still be intimidated with the presence of men and can not freely express themselves may be a barrier. Apart from that, people in the rural communities are closely related and they have "avoidance relationships" which can affect the way they communicate with each other, especially if cultural taboo topic's like sex are discussed. However, the big challenge was how women and children's human right's



Participants at the Nalawa Workshop

to clarify the role of FWRM to avoid further misconceptions.

Firstly, FWRM does not allow women to seek divorce. Only the court has that power. The laws of Fiji allow its citizens that right so that both men and women who no longer wish to live together under intolerable conditions, can apply for a divorce. The only role FWRM plays is by educating people about their rights under the Family Law. What an individual does with that knowledge is his/her own decision. As a feminist organisation, FWRM believes in the right of an individual to make decisions for herself according to the choices/options available to her.

Fiji's divorce laws are "fault-based" in which one partner has to prove "fault" on the other partner (not FWRM). Recent Court statistics shows that the common grounds are separation (only non-fault based), desertion, adultery and cruelty. Indications are that as more women become aware of their rights and their economic and social status improve because of increased employment opportunities, more women than men would apply for divorce. However, due to various factors, it is never easy for a woman to leave a marriage, even if she is a victim of continuous abuse and violence at the hands of the man she loves. The decision to leave only comes as a last resort - always with great pain and trauma, financially, socially and emotionally. In fact, the options available to women are so few that to encourage women to divorce would be self-defeating.

Finally, FWRM does not break families - the partner that breaks bones by inflicting violence, the partner that deserts and fails to maintain the family, the partner that breaks hearts by committing adultery - is more than capable of doing that.

We too would like to see happy, harmonious families based on mutual respect and equal partnership where the workload is shared because love prevails. This is the least we can offer our children in a time of fear and confusion (even in "cultured (sic) Fiji") so that they can grow up as stable, responsible citizens.

For this we do not apologise for what we stand for - the rights of women and children as the more disadvantaged groups in society.

Yours sincerely

EMA TAGICAKIBAU
RAIJIELI NICOLE

FOR FIJI WOMEN'S RIGHTS MOVEMENT COLLECTIVE

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continued from page 1

celebrating, the fact that, you know, for women that this is an improvement, they are not celebrating, because they know, that there is still a lot to fight for in terms of legislation", highlighted Ms Teaiwa.

Ms Teaiwa stated that at present the constitution protects women. The question is does the law protect women in this country? "We can now celebrate a constitutional victory, but the challenge remains to remove discriminatory laws".

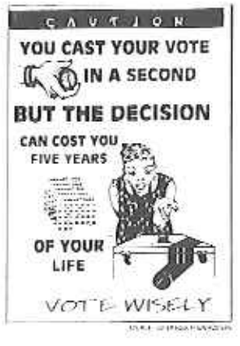
Ms Teaiwa referred to FWRM who is doing the bulk of the work to address the discriminatory laws like the Sexual Assault Legislation.

The Co-ordinator of FWRM, Ms Gina Houng Lee stated that they have to be vigilant to keep in track with the Rape Law Reform process.

"We are waiting to see how much of our recommendations are accepted by the Fiji Law Reform Comission", says Gina.

In the President's address, His Excellency,the Honorable Ratu Sir Kamisese Mara, stated that Government has taken a major initiative to launch its National Plan of Action in October this year.

The plan includes three main areas of concern to Women which are the development and strengthening of women's enterprise, gender parity at decision making levels, training promotion and appointments, domestic violence, sexual abuse and child abuse and review of laws which disadvantage women.



* Constitutional Interpretation

a) The Constitution has special rules of interpretation all of its own, not like ordinary legislation.

b) It should be interpreted as a living instrument, that is, great changes have happened in society (for example, role of women) therefore interpretation needs to take that into account.

c) A Constitution must be given a generous and purposive construction - widest possible interpretation.

d) Constitution must be construed s a whole (for example, how can the Constitution in one section say that no one should be discriminated against on the grounds of sex and then deliberately exclude sex in a later provision).

e) State policy should guide interpretations (for example, if it is the intention of the state of Kiribati to support women's equality then it should be so interpreted).

* No Assumption that a Common Law Practice Automatically Applies to Kiribati

Another non-constitutional argument is to go the way of the Tongan case *Tangi* which basically says that the common law rules of United Kingdom should not be automatically applied to Kiribati if there is no specific intentions to do so. Especially a rule that says the corroboration warning is discretionary which everyone gets wrong including judges! *Tangi* says one should not automatically insert it if it is not specifically stated in your legislation.

* International Law Arguments Using Conventions

Although Kiribati has not signed CEDAW, one can say that Kiribati should follow the principles of universal human rights, as did Chief Justice Sapolu of Samoa in the *Wagner* case. In the *Wagner* case, the Chief Justice applied the Hague Convention even though Samoa was not a signatory.

Also the Indian case of *Vishaka v State of Rajasthan* the Court applied CEDAW even though India had not ratified it.

* Judicial Declarations on Gender Equality, in particular note:

a) Victoria Falls, which states that constitutional guarantee, should be interpreted with generosity; international human rights norms should be applied in the domestic courts of all nations; and judicial officers should be guided by CEDAW.

b) Hong Kong declaration, which states that no law, should be used to excuse violence against violence. Many opportunities exist to creatively interpret the law. In doing so, the wealth of decisions from other countries will share jurisprudential traditions.

c) The Pacific Judges Declaration, which say that judges have to interpret things in a way consistent with gender equality. Although these declarations are not the LAW, a judge should take judicial notice of it all and then give a specific ruling on it.

We all wish Pole the very best of luck in her challenge to make the law work for women in the Pacific.

Messages of encouragement, support and advice may be sent to:

Pole Atanroi
Crown Prosecutor
Attorney General's Chambers
Kiribati. Fax: (686) 21025

Editors Note:

At the time of this publication, both the accused were found guilty of the offence of rape contrary to section 128 of the Code and were convicted and sentenced to an imprisonment term of 7 years.

However, the judge did not think it necessary to rule on the alternative argument on the Constitution using CEDAW and other international instuments.

"In such a case ther argument presented by the Republic becomes merely hypothetical, and the Court will not rule on a Constitutional question based on a hupothesis. Thus, if the present case was chosen as a test case for that sort of argument then the choice was not a good one," stated Judge

International Womens Issues

New Legislation against harassment in Thailand.

It will soon be illegal for men to make remarks of a sexual nature to women at the workplace following the passage of a law to protect women and children from sexual harassment in Thailand.

According to the law, sexual harassment is widely defined and could be a verbal, mental and physical act abusive of women and children.

Women and child rights advocate Saisuree Chuitikul said a mass campaign would have to be organised nationwide in order to make women and children aware of their rights under the law.

"A woman whose breast is pointed at when serving coffee to her boss, as she asks him whether he wants milk or cream, can now file suit against her employer for sexually harassing her" said Senator Saisuree. (The word "nom" in Thai means both milk and breast.)

She said women should be informed that they have the right to retaliate when their male colleagues or superiors comment about their legs.

Although the law does not clearly define the act of sexual harassment, it would be considered on a case by case basis by the court, she said.

Under the law, people found guilty of the act are liable to a fine of up to 20,000 baht.

Adapted from WLUML Newsheet Vol. X No. 1 as reported in the Bangkok Post 15/01/98.

Signature Campaign by the Committee for Asian Women (CAW).

We All Women Workers, We Entitle the Same Workers' Rights

Part-time workers:
The employed persons whose normal hours of work are less than full-time workers.

Homeworkers:
Carrying out work at home/ premises of their own choice, work for remuneration, resulting in a product or service specified by the employer.

We denounce the expansion of the casualisation and flexibilisation of work pattern, not for workers' interest and free choice, but for business profits. We denounce the company to retrench regular workers and replace them with casual and flexible forms of workers, including part-time workers, homeworkers, contract worker and dispatch workers, etc. Women workers are always the first target!

We call on the governments to commit themselves to protect women workers rights, particularly in the reality of casualisation and flexibilisation of women labour force that aggravate the exploitation of women workers.

We demand the governments:
- to immediately ratify the International Labour Convention on Part-time workers, No 175, and Convention on Home Work, No 177;
- to establish national policies, laws and regulations according to the ILO conventions guarantee the legal rights as part-time workers and homeworkers;
- to implement these policies, laws and regulations at local level to ensure that part-time and homeworkers' rights are protected;
- to set up an effective and active mechanism to inspect, monitor and ensure the practice and protection to casual and flexible workers;
- adequate remedies, including penalties, for violation of these laws and regulations shall be provided for and effectively applied.

International Labour Conventions Specify Our Same Rights to:

- organise and collective bargaining;
- maternity protection;
- occupational health and safety (OHS) protection;
- protection with respect to termination of employment;
- against discrimination in employment and occupation;
- paid annual leave, sick leave and public holidays;
- social security protection'

allowance and both or one who can claim the child allowance(s).

However, in a single parent relationship the onus of child bearing, child rearing, child teaching and earning, for the best for one's child is usually taken care of by one parent.

Is it punishable by tax laws to be a single parent!

Furthermore, as noted being a "widow with dependent children" gains a higher allowance than being a "widower with dependent children". A note of injustice don't you think? What difference is there in losing one's partner and becoming a single parent again - whether one is male or female? The living parent still has to go on living and trying to raise one's child/ children together with the pain and loss of not having one's partner to share the joy and trials of family life.

The modern way of life in our society today - is both parents having a career and in most cases trying to earn enough to pay off the mortgage, save that money for "junior's" further education, and just downright struggling to make end meet. Is being a woman mean that one is generally on a lower salary scale. I think not! In many cases today, women have worked hard and aspired to higher goals in what was once the "men's world" of business - thus in quite a few families have turned out to be the major bread-winners of their households.

I believe being a "widow" or "widower" earns one equal right as the other, as one has to take care of the same responsibilities - day in and day out! Should a widower who is employed, be penalised for having to go out to work, pay his taxes and try to bring up his children solely, in comparison to a widow who is also employed, goes to work, pays her taxes and brings up her children on her own. The allowance should be made equal for either widowed partner.

Also, if "one is legally separated and has custody of the children, one may claim the deductible allowance of $750.00". Being legally separated is acceptable by law, but being a single parent is not? With the amount of divorce/ separation cases most couples in today's modern age choose to live together, bear children and wait until they're really certain before "tying the knot".

I am a single mother of three beautiful children. I do not regret ever having them and I do hope that when they mature, they too will not have any regrets for being brought up solely by one parent. I would like to be able to afford the good things in life for my children as they grow up and try to set a little aside for their further education. Like any doting parent - "if we could, we'd give them the world".

I speak not only for myself, but for all those (unmarried) single mothers and single fathers out there, for all those teenage single parents who are about to begin their adult life and will try to make a way in our world of high unemployment.

The allowance, though small in comparison to the high cost of living in our country today, will still go a long way in helping us single parents provide a better home, healthier living and a cleaner environment to bring up our children. Single parents should be recognised for their role of sole parenting.

I do hope, Ms Houng Lee, that I have indeed sent this letter to the right organisation, and that through the auspices of your office, and I many like me may be given some recognition, hopefully through tax rebates, for our equal role as tax paying citizens in our society today.
Yours sincerely

Jasmine Ah Yuk Tam

Excerpt from Kala Kumar's letter (FT 22/8)

"They(FWRM). have done enough to this nation's women by allowing them to seek divorce as soon as their husband slaps them and separate as soon as their husbands do not share their workload.

Can not treat all men as rapists. Think about the number of divorces, separations, mutilation of cultures they have brought about in a family home and in small cultured place like Fiji".

FWRM RESPONSE

25th August 1998

The Editor
Fiji Times Ltd
SUVA

Dear Sir

The Fiji Women's Rights Movement (FWRM) writes in response to Kala Kumar's

Editorial

July 29th 1998 saw Fiji herald in a new Constitution. What does the constitution mean for women of Fiji. In this issue we highlight issues for women under the new constitution. Consultation and dialouge was critical in the preparation of the 1997 Constituion and this should continue. It needs to be a living document understood by people from all walks of life to ensure our government is run properly. The responsibility not only rests with government but also rests with us as citizens of Fiji. If we don't keep our parliamentarians in check then we have ourselves to blame.

Reflecting on the work of FWRM in our consultations with the constitution process, our lobby has been very effective. In 1990 FWRM along with women ngos were successful in getting " sex " included in Chapter 2 under the Fundamental rights and freedoms of the individual. This was a milestone for our sisters then.

I recall in July 1995 my involvement in the preparation for our submission for the Consitution Review Commission. I remember how Praveen, Vani and I stayed late in the office debating our submission and playing with words. Our nervoursness when we sat before the Commission and each spoke about what principles we wanted to be reflected in the Constitution. Principles of a country whose supreme document values the role of women and recognises it. A document that does not discriminate against women. While most of the principles that we envisaged came through, we were unable to convince the committee to support an affirmative action policy of 30% of parliament seats to be reserved for women.

Section 38 of the 1997 Constitution has a strong bill of rights in which equality is guaranteed. Therefore you cannot be discriminated under the ground of gender. The reasons for including gender is that sex refers to a person's biology. With the term gender it reflects what society associates with women and men. Therefore the constitution prohibits discrimination against women as a group.

This guarantee of equality is crucial to women in Fiji. Domestic legislation will have to change to reflect the principles of the 1997 constitution. However women's ngos will have to keep track of these changes and continue advocating and highlighting discriminatory practises against women in our community . While the law can change and set the framework more work will need to be done in the area of policies and practises. We need to continue to have our voices heard, we need to speak out.

I hope you will enjoy reading this issue and many thanks to our editorial team of Georgina and Esther, journalism students from USP who under the guidance of Shelly Rao have put together this issue.

In sisterhood

Letters to FWRM

11 August 1998

Dear Ms Houng Lee

I refer to the Income Tax Laws of our country and would like to seek your assistance in providing me with answers/ information on Tax Allowances for Women and taking my comments further if you think there may be a forum for this.

Under the current Marital Status Allowances of the Income Tax Laws (copy attached) it is noted that married women may claim an allowance of $750.00 per annum whilst also being eligible to claim Dependent Child Allowance of $200.00 per child (maximum of 5 children). Furthermore it noted, that Widows with dependent children may claim up to $950.00 and Widowers with dependent children may claim $750.00. Also noted, is if one is legally separated and has custody of the children, one may claim $750.00.

The basis for claiming an allowance is based on one being married before one is eligible, however, if one is single, one is only eligible to claim allowances for children ("born out of wedlock").

The purpose of my letter is to question, "why isn't a single parent eligible for an allowance". The onus of bringing up one's children on one's own is quite expensive in this day and age and of course in may cases of single parenthood, maintenance or alimony is not being received or claimed. The tax deductible child allowance of $200 per child barely covers school fees, books, uniforms, bus fares per child per annum.

There are two partners in marriage, two adults that share the burden of raising one's child or children, two salaries (in most cases) to share the daily expenses, two people to share their joy of bringing up and teaching one's offspring, one partner who has the prerogative of claiming a "marital"

- access to training.

All Workers Unite and Fight for Our Rights.
Please join the campaign. For information, contact Committee for Asian Women (CAW):
Unite e, 4/f, Skyline Tower, 18 Tong Mei Road, Kowloon, Hong Kong.
Tel: (852) 27226150
Fax: (852) 23699895
Email: cawhk@hk.super.net

Algeria council allows abortion for rape victims

Algeria's Islamic High council has issued an unprecedented edict allowing abortions for women raped during attacks by Islamist extremists. The undated edict states that termination can only be authorised "in cases of extreme necessity and with a medical note stating no risk to the mother".

The council, Algeria's highest Islamic body, also stressed that rape by terrorists was the only possible condition for allowing abortion.

Until now rape has been a relatively little discussed aspect of the six year long violence in Algeria which has claimed more than 70,000 lives.

Adapted from WLUML Newsheet Vol. X No. 1 as reported by Dawn, 14/04/'

End all Forms of Discrimination Against Women

New Rape Law Sides with Victims

No longer will a rape victim in the Philippines be blamed for being in the wrong place at the wrong time. A new anti-rape law signed by President Fidel V. Ramos last 30 September 1997 makes rape a public crime instead of simply a private one. This means that other than the victim, authorities can now press charges. Moreover, "the new law is victim-conscious," says lawyer Zenaida Reyes. " The victim doesn't have to be subjected to humiliation anymore."

In the past, rape was defined as a violation of a woman's chastity - a holdover from the Spanish penal code of the 18th century. If a woman was considered promiscuous, it was easy to convince a court that she had consented to having sex. If a prostitute, she might as well forget about pressing charges. Moreover, an accused can still beat the charges if he weds the victim. " The present law is saying rape is not about reputation or sexual history. It is a violation of the person," said lawyer Evelyn Urusa of the Women's Legal Bureau.

Under the new law, a wife can charge a husband with rape. It also widens the definition of the crime to include penetration with foreign objects as well as non-consensual anal and oral sex, although the corresponding punishment is lesser than regular penetration.
" Insertion of metal or anything should be as grave or worse, especially if it leads to death," lawyer Urusa lamented.

The new law will presumably give pause to pedophiles. Sex with a child of seven or younger, whatever the circumstances, carries the death penalty. Rape of minors by their carer caries death as well.

In addition, rape under the following circumstances carries the death penalty:
- if the victim contracts the HIV virus;
- if the rape results in permanent mutilation;
- if the victim was in police or military custody, and;
- if the relatives are forced to watch.

In all such cases, the accused cannot seek bail.
Philippine Senate's "honorary woman," Sen. Raul Roco, who first proposed a new rape bill in the House of Representatives in 1988, considers the law " the first of its kind in Southeast Asia." The Senate version was authored by Sen. Leticia Ramos-Shahani and took nine years to clear Congress.

Not everyone is jubilant. Liza Maza, chief of the women's coalition General Assembly Binding Women for Reform, Integrity, Equality, Leadership and Action (GABRIELA), seriously doubts if the new law will make a difference. She notes tha most rape victims are poor and that the justice system has been "proven to be partial to the wealthy and powerful."

Source: Asiaweek, 17 October 1997.

From the Editorial Desk:

We are looking forward to responses from members who wish to contribute articles for Balance or to comment on stories covered so far. For more information on any of the articles published in this issue, do not hesitate to call or write to the Coordinator, Gina Houng Lee on the number and address listed below.

Interested persons and current members whose membership have expired are also asked to please forward subscriptions to:

The Coordinator
Fiji Women's Rights Movement
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Suva
Fiji Islands.

Telephone: (679) 313156
Facsimile: (679) 314466
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Layout & Desktop Publishing by: Georgina Veilaveyaki, Esther Tining
Edited by: Shelly Emalin Rao

Support the Fiji Women's Rights Movement and Join Us Now!!!

...What's happening at FWRM...

Kim says Good-bye

FWRM staff and collective members had a farewell luncheon for Director/Resource Trainer (Judicial) of Regional Rights Resource Team (RRRT), Kim Stanford-Smith on August 4, 1998. Kim has worked in the Pacific for 15 years mainly in the Solomon Islands, Vanuatu and Fiji before becoming the Director of RRRT in 1995.

RRRT are the funders of the position of Legal Rights Training Officer (LRTO), Ema Tagicakibau and the new position of Assistant LRTO. They have been very supportive of FWRM and we hope that they will continue to do so.

FWRM wishes Kim all the best in his future endeavors.

APWLD AGM & Training, Manila, 24-29th August 1998

FWRM Co-ordinator, Gina Houng Lee is currently attending the Women's Rights Human Rights Task Force (WRHR TF) annual general meeting in FWRM's capacity as a member of APWLD's WRHR TF.

She will also attend the Human Rights Documentation Training (HURIDOCS), a workshop organised by APWLD and the Coalition Against Trafficking in Women Asia-Pacific (CATW-AP) for Asian Women's Organisations concerned with Violence Against Women.

New Members

- Wati Seeto, Suva;
- Helen Keleher, Australia;
- Dr Praema Raghvan-Gilbert, UNFPA, Suva;
- Claire Thoms, Suva;

Visitors to the office

- Naomi Yupae, Daisy Openefa, Yamis Gigimat, Helen Hakena & Elizabeth Behis, PNG;
- Kathy Mabon, Vanuatu;
- Lanieta Tora & Filomena Saukuru, Ba Crisis Centre;
- Anita Singh, FWCC, Suva;
- Jessika Lawyer Tora, USA;
- Judith Pringle, NZ;
- Nemani Buresova, Suva;
- Edith Ali, Tamavua;
- Sally Ganter, Canberra.

Dates for your diary!

- 8 September: Women's Citizenship Day;
- 7 to 16 October: NGO Coalition Bus Tour around Viti Levu
- 16 October: Women Feed the World;
- 24 October: UN Day

Kim Stanford-Smith is farewelled by FWRM staff & collective members.

Balance is funded by Canada Fund

Balance

Newsletter of the Fiji Women's Rights Movement
"Balancing the Scales"
July - August 1998 Issue

FOREIGN MALE SPOUSE CAN NOW RESIDE IN FIJI

By Georgina Veilaveyaki

The enactment of the 1997 Constitution is a break through for women on the issue of Citizenship.

Previously, Fiji women had been denied the right of allowing their foreign spouse to become a citizen of Fiji. Unlike foreign women, who are married to Fijian men, have automatic rights to Fiji citizenship.

Acknowledging the President, His Excellency the Honorable Ratu Sir Kamisese Mara's address, at the opening of Parliament on Wednesday 29 July, 1998, The Minister for Women and Culture, Honorable Seruwaia Hong Tiy welcomed the Constitution.

"The enactment of the 1997 Constitution means that we can now work towards the removal of the reservation for sections 9 & 10 of our constitution (which) provides for equal rights to citizenship for women, men and their children" stated the Hon. Minister for Women and Culture.

In her statement, she expressed that the new constitution is to be celebrated. The barriers of gender discrimination have been broken. Although (the) Fiji (Island) had become a party to the United Nations Convention (CEDAW)it still had reservations on the citizenship issue.

"With this amendment we have showed the world, and more importantly - ourselves that we can work together, under differing circumstances, to bring about compromise and consensus, to live together as one people and one nation."

History and Politics Lecturer, Ms Teresia Teaiwa has been involved with the Citizens Constitutional Forum (CCF) that made submissions to the Constitutional Review Commission. She stressed that the 1990 constitution discriminated against women. The minority of women married foreigners. The majority of women are married to locals. So it was a minority of women who were being affected.

"From observing the media, I don't actually see people

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