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

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The Bachelet factor

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"Many of the seeds we are sowing now, we won't be able to harvest immediately," Albornoz admits, "But there's no stepping back now."

"No hay marcha atrás" ("No step backwards"): It's a phrase borrowed from her boss. Bachelet has another favourite saying. Young girls used to dream of growing up to be nurses or teachers, it runs. Now they aspire to becoming president.

With elections in December and Bachelet constitutionally unable to stand for another four-year term, gender rights advocates are turning their minds to her legacy. "The very fact of her presidency signifies an important cultural shift ... It's helped foster a change in what women think they can do," says Maria Elena Valenzuela, a specialist on gender issues at the International Labour Organisation.

The argument is laced with a dose of realism and a dozen provisos. Women's organisations are forced to admit that Chile in many ways remains a profoundly unequal, chauvinist society. Attitudes towards Bachelet herself prove that. In the street, everyday Chileans refer to her as *la Gordis* ("the Fat Woman"). "Baywatch Babe" ran one sarcastic headline in reference to recent photos of her in a swimsuit.

Assessments of her political performance reflect similar gender biases. Consensus-building, listening, warm, inclusive these are adjectives associated with Bachelet's political style. Rather than signs of progressive leadership, Chileans interpret them as evidence of dillydallying. "She makes commissions," her opponents like to say, "not decisions."

The criticism is evidence of Chile's "political immaturity", according to Soledad Ieixido, chief executive of the non-profit organisation Prol lumana. She blames the country's history of autocratic, military rulers. Chile's last military government ended as recently as 1990, when Augusto Pinochet handed over power after 17 years.

"Our country isn't ready for a female style of leadership. She's not coddly as the maternal stereotype demands, nor does she rule with a heavy hand. Ridiculous though it is, that looks bad on all of us," Ieixido laments.

Bachelet's strong performance during the global recession has done much to turn around the early criticism of her governing style. She leaves office with record approval ratings of around 80 per cent. Two years ago, it dropped to below 40 per cent.

Full gender parity in Chile remains a long way off. Less than two in five women (38.5%) work, the lowest percentage in the continent. Women earn on average four-fifths (79%) that of male employees. Boardrooms and unions remain *Clubes de Toby*, the Chilean term for men-only institutions. Political representation is little better. Women number less than one in eight (13%) parliamentarians. In neighbouring Argentina, the figure is three times higher. Even Bachelet's 50-50 cabinet is no longer a paradigm of gender balance after a number of high-profile reshuffles.

At their most optimistic, gender experts see Chile moving towards a softer "neo-machista" society. Now men cook, albeit only at weekends or for dinner parties. No longer is it de moda for husbands to boast about hitting their wives or having affairs. In politically correct Chile, even the organisers of the local Miss World contest claim to be "feminists".

Yet a change of language shouldn't be mistaken for a change of opinion. "Culturally, we're not seen as subjects, but as objects," points out Sonia Montecino, the first female director of Chile's National Archive.

Even as objects, women don't have it easy. In Chile, the religious and secular are fighting it out for primacy. On the one hand, the Catholic church espouses conservative virtues of piety, motherhood and dutiful sacrifice. On the other, the daily tabloids present women as silicon enhanced, hyper-sexualised *bombones* ("bimbos").

The contradiction is lodged deep within the male psyche. Office workers think nothing of popping out for their morning latte to one of Santiago's myriad *café con piernas*, a mix between Starbucks and Stringfellows. Fathers will gift breast implants to their teenage daughters, but expect them to remain virgins until marriage.

Oliver Balch is author of Viva South America!, published by Faber & Faber. This is an edited version of a feature that appeared on www.guardian.co.uk on December 13.

What the UPR is about?

From page 11

The UPR is a mechanism that Fiji can use to report back to its peers (other UN countries). This mechanism is a transparent one which would also holds the State accountable for the some of the decisions it has made which are not made within human rights standards.

At the end of the review there is an Outcome Document. This provides a summary of the State that is under review, the human rights situation based on reports that were submitted. The document will also contain the State's views on the recommendations and conclusions that have been made. It will also include general recommendations that the State being reviewed must implement to ensure they have adhered to human rights standards. From the recommendations that are provided to the State under review, it can then voluntarily decide which of the recommendations they will commit to; this will also be included in the outcome document.

The UPR is a great opportunity for States to be able to share with the international community the challenges that the country faces. It will also be an opportunity to gauge support for technical assistance to ensure that they are able to carry out their commitments to other human rights treaties that they have ratified.

Source: "Pacific UPR Fact Sheet", United Nations Human Rights Office of the High Commission for Human Rights.

FIJI WOMEN'S RIGHTS MOVEMENT

FWRM

Balance

"HELPING TO BALANCE THE SCALES"

DECEMBER 4/2009

Can the Domestic Violence Decree deliver?

By **Roshika Deo**

FEMINIST and women's rights organisations have over the past 25 years been advocating for the criminalisation of domestic violence in Fiji. Our sister organisation, the Fiji Women's Crisis Centre in the late 1990s, after long consultations with various stakeholders had developed and submitted a model legislation to the Fiji Law Reform Commission. However there was no political will to make the Bill a reality.

In August 2009, the military regime promulgated the Domestic Violence Decree so that Fiji could comply with the Convention on the Elimination of all forms of Discrimination Against Women. According to the military appointed attorney general, Aiyaz Sayed Khaiyum: "The decision to enact the Domestic Violence Decree is a progressive move by the Bainimarama government as part of its reform agenda. The Decree will allow for greater protection to women and children and shall give women greater access to justice. The prevention of domestic violence also has a positive impact on productivity and efficiency in our society. It also inculcates the principles and practice of tolerance, understanding, respect, fair play, and gender equality; all of which are objectives of the Bainimarama government."

The Fiji Women's Crisis Centre and the Fiji Women's Rights Movement have criticised the military regime for its lack of consultation on the promulgation of the decree. Meaningful consultation would have informed the regime of new developments on the issue of domestic violence which would have strengthened its decree. For example, while the decree provides for a thorough definition of domestic violence and expands police powers to attend and process domestic violence, it fails to provide for the establishment and maintaining of an education and training programme for police officers to acquaint themselves with:

- Techniques for handling incidents of domestic violence to minimise the likelihood of injury to the officer and promote the safety of the survivors and his/her dependents;
- The need for every police cadet to be trained to respond to domestic violence cases;
- The establishment of special units where police officers receive intensive and specialised training to handle more complex cases of domestic violence; and
- The need for educators, psychologists and victims to participate in sensitisation programmes for the police.

FWRM believes that these programmes should be mandatory and provided for by law to ensure the effective and just enforcement of the decree and its objectives.

The training programmes also need to target judicial officers which ensure judges and magistrates are trained and sensitised on issues relating to child custody, economic support and security for the survivors by establishing guidelines for protection orders and sentencing that do not trivialise domestic violence. All training provisions should be based on a human rights framework.

The decree also lacks adequate provision for medical practitioners. The provision would ensure the training of doctors and nurses attending to survivors of domestic violence. Furthermore, it should also allow for medical practitioners to report suspected cases of domestic violence with consent from the survivor.

Another gap in the decree is the establishment of specific departments, programmes, services, protocols and duties including, but not limited to, shelters, counselling programmes and job training programmes to assist survivors of domestic violence. Given our cultural context where most women/survivors reside in matrimonial homes or with extended families, access to shelters and safe homes is critical.

The decree also lacks a provision specifying support services. Given Fiji's economic and social context, such a provision is important to ensure that the objective of the decree is met. These services can be emergency or non emergency.

Some examples of emergency services may include:

- Constant access and intake to services;
- Immediate transportation form the survivor's

continued on page 2

From the Director's desk

Greetings from Knolly Street!

ON the 18th of December, the Women's International Bill of Rights celebrates 30 years. The Convention on all forms of discrimination against women (CEDAW) is one the United Nations highest ratified international laws and one of its least implemented by States. It is also as has the highest number of reservations. In the Pacific, three States have yet to ratify: Tonga , Palau , and Nauru .

Therefore as civil society organisations in the region, it is important that we work together with our brothers and sisters to advocate for ratification from the non-ratifying States as well as encourage States that have ratified to progressively implement the Convention.

The British High Commissioner, Reverend Akuila Yabaki and I

It is also important that we encourage States to report on their progress to ensure that reporting is not just that but rather a process to monitor, evaluate and transform women's situations. On that note – FWRM congratulates CEDAW on it's 30th by commemorating this bumper 16 page publication to its anniversary!

I would also like to congratulate the 24 graduates of the Feminist Legal Theory and Practice training that was held in Nadi on the second week of November. This was third time that this training for lawyers and activists was held in the Pacific, and once again we collaborated with the Asia Pacific Forum on Women, Law and Development. Make sure to read more about the training in the following pages.

Still on great news , which often in Fiji can be far and in between, we congratulate Shamima Ali for receiving the inaugural Human Rights Defenders Award from Amnesty International , Aotearoa , New Zealand. Shamima, who is and has been a matriarch of the women and feminist movements in Fiji and the Pacific – deserves this award, for over 25 years, Sham has been at the forefront of the women's human rights struggle. Despite the personal costs to her, Shamima continues to fight for what she believes in - a just world free of violence.

Now for the not so great news – we were both sad and concerned to see the deportation of two envoys, James Batley and Todd Cleaver – and the consequent deportation of academic, Dr Brij Lal, last November. All three were great friends of FWRM – we will miss them but we also know that they will continue to support the work of FWRM from across the seas.

On that note – "Happy and safe holidays."

Enjoy this publication!

In solidarity,

Virisila Buadromo

Can the Domestic Violence Decree deliver?

From page 1

home to a medical centre, shelter or safe home;
- Emergency legal counselling and referrals;
- Crisis counselling to provide support and assurance of safety; and
- Confidential handling of all contacts with survivors of domestic violence and their families.

Non-emergency services may include:-
- delivery of service in the long-term rehabilitation of survivors of domestic violence through counselling, job referrals and trainings;
- delivery of services in the long term rehabilitation of abusers through appropriate counselling;
- programme for domestic violence which are administered independently of welfare assistance programmes; and
- delivery of services in cooperation and coordination with public and private sectors, state and local services and programmes such as medical practitioners.

The decree also lacks programmes to assist in the prevention and elimination of domestic violence which includes raising awareness and public education on the subject. This would assist in building greater community understanding of the incidence and causes of domestic violence as well as encourage active community participation in the eradication of domestic violence.

The decree also fails to provide training for counselors to support law enforcement agencies to rehabilitate perpetrators of domestic violence. There is also no provision in the decree for state and private medical service providers and domestic violence assistance centers so that survivors, witnesses of domestic violence, family members and close associates of the survivors can make complaints of incidents of domestic violence.

Whilst the decree stipulates the standard of proof to be decided on the balance of probabilities it fails to provide that the burden of proof in the proceedings is on the accused to demonstrate that such domestic violence did not take place.

All in all, the question to ask is how much of the decree contributes towards implementing appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and other practices based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

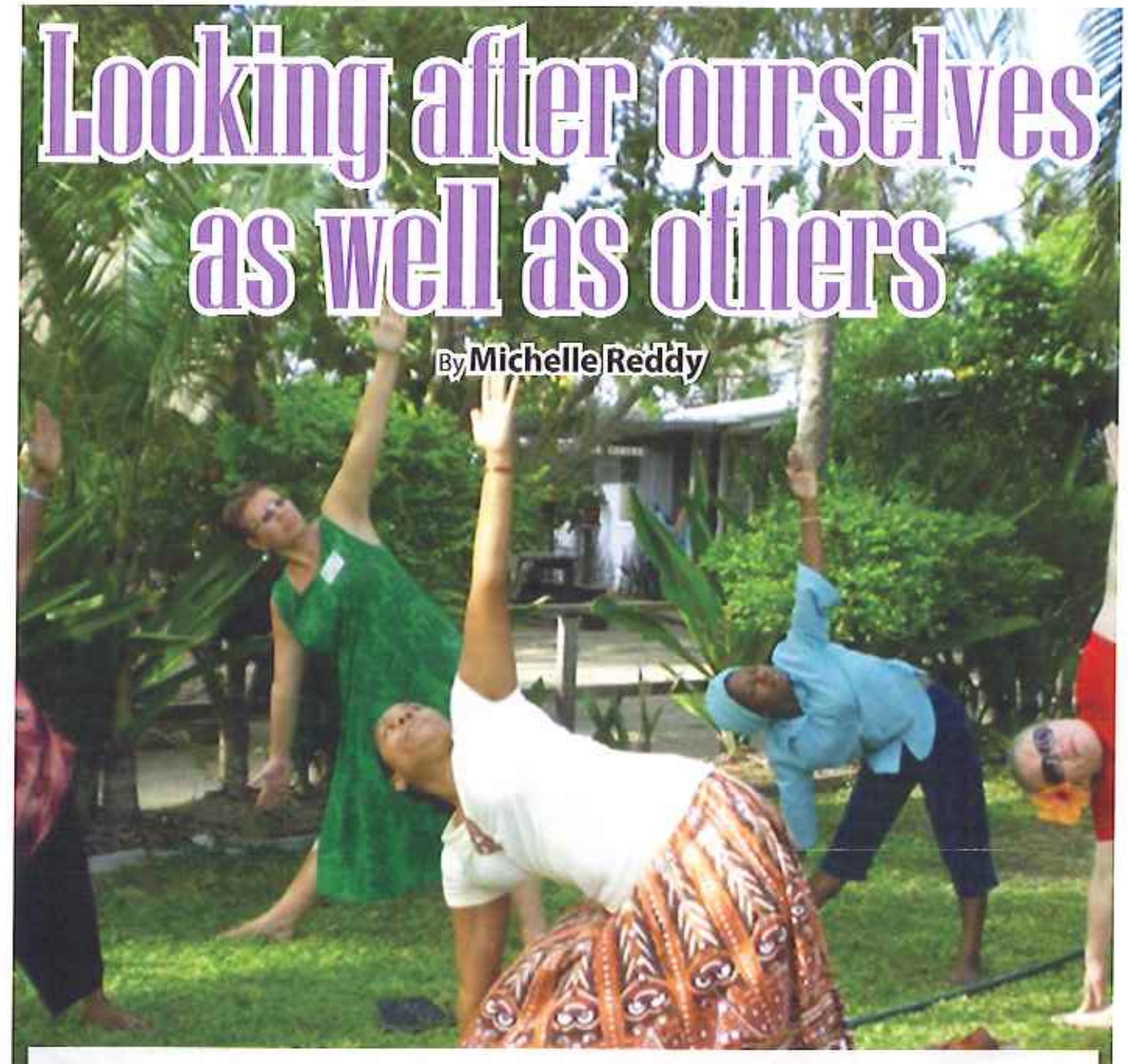
In a militarised state where the regulations and norms by which a rule of law system functions, are all ignored or perverted, how will this law work fairly and justly in protecting women rights?

A militarised state poses serious implications to women's rights as it further reinforces gender norms and sexual stereotyping, inhibits feminist movements which often results in an increase in violence against women. Therefore how can the military regime state that the implementation of the domestic violence decree will eliminate violence against women when history proves that a frequent consequence of a militarised state is the resultant increase in violence against women?

As feminists, we cannot view the decree as a step forward for women rights because as long the military regime blatantly violates the rule of law, democracy and human rights, this domestic violence decree will not live up its promise. The enjoyment of human rights is as a whole, and therefore it is at the core of the indivisible, interdependent and interrelated nature of each and all human rights as initially emphasised by Universal Declaration of Human Rights. As long as our civil and political rights continue to be violated, women's human rights will be oppressed.

Looking after ourselves as well as others

By Michelle Reddy



INSOMNIA and exhaustion? Feeling overwhelmed, tired and angry with the world? I constantly feel like this. I spend so much time working and planning that I often forget to think about myself. I like the fact that even during times of emotional upheavals, which I have gone through in the past year-and-a-half, I'm able to concentrate on work and push my emotions to one side. But this has only exaggerated the neglect to myself and to take on bad coping habits such as smoking and binge drinking. The drinking, I'm glad to share has reduced to the rare occasions when I just want to let my hair down. Smoking is the one habit that is now getting hard to quit, but the good news is that I'm slowly dealing with this.

As women's human rights defenders, we can get so consumed in our work, fighting for the rest of the world so loved ones in our lives, in our community and country will face a world that is free of discrimination, that we neglect ourselves so much physically and emotionally.

It is for this reason, that my colleagues and I at Fiji Women's Rights Movement have started "self-care sessions" at least once a week. This can range from walking to running, squash to Latino dancing and even yoga. I have always been skeptical of yoga, but once I started, relished finishing the session with a clear head and heart ready to tackle whatever comes my way.

I have to admit, it hasn't been easy to implement self-care sessions with pending work deadlines, donor reports, trainings, hundreds of emails and of course meetings and more meetings. But with the encouragement and sometimes, the disapproval of peers (and trust me it works) we try to complete our self-care sessions as a group. We have also found that because we have varying degrees of fitness, that it's essential to find a peer that is willing to share the session with you at your pace. Most of us have moved on from the once-a-week self-care sessions to having at two or three sessions per week and even during the weekends.

So whether you are working in the private, government or civil society sector, it's important to take some time out for yourself to rejuvenate. It is not about being selfish and extravagant, it's about your self-preservation and sanity. Then, hopefully, with a clear head and healthier body, we can get on with our jobs of defending our humanity.

From Bangalore to New Brunswick

A young feminist's account of brain-hurt and building up

By **Tara Chetty***

THE little city of New Brunswick, New Jersey (most notable for its proximity to New York City, and a huge population of university students), might seem a long way from Bangalore, Karnataka, but it's really very close in the global women's movement sense of things. I've been here in New Brunswick since August 2009, working towards an M.A. in Women's & Gender Studies at the sprawling Rutgers University campus – spending a lot of my time right next door to the Center for Women's Global Leadership.

But my love affair with feminist scholarship began in Bangalore, in the rooms of Indian Institute of Management, Bangalore (IIMB) at the first DAWN Training Institute (DTI) in 2003. Sure, I'd been a feminist activist for many years by then, being virtually born into Fiji's women's movement. But I had never before experienced the brain-hurt, the breaking down and building up, the new knowledge and changed knowledge, and the challenge of feminist thought that underlies our activism. I had also never experienced being in a room with 30 other young feminist activists – it was really something!

Back home in Suva, Fiji, it wasn't too long before I moved out of a fledgling journalism career and found a real job – as the communications officer for the Fiji Women's Rights Movement.

Just as I joined FWRM in late 2005, my new colleague Anna Padarath was returning from the second DTI in Uruguay. In 2007, another colleague – Michelle Reddy – attended the DTI in Cape Town, South Africa and was joined for the first time by a second Pacific Islander, from Tuvalu.

In 2005 and 2007, we also held our own Pacific regional FWRM DTIs, in Fiji and Papua New Guinea, with Yvonne Underhill Sem of DAWN Pacific. We trialled some fun training methods, like the mini-protest march, and talking sexual rights with the Vagina Monologues – performed by our small island sister Veria Williams (DTI 2003), from Barbados. In the Pacific, we have begun to build a critical mass of women's rights activists, well-equipped with a feminist lens that we use in our work, from the Highlands of PNG, to Suva City, Tongatapu and Funafuti.

It's not a simple matter, trying to build regional momentum for women's rights in our ocean of islands, but being plugged in to a collection of other young feminist activists from around the world helps. Particularly in times of conflict, as in Fiji following the military coup in December 2006, knowing that we have friends who hear what is happening in the Pacific and tell others about it, is great comfort when we feel at our most isolated.

For me, the ideas and stories from the DTI 2003, and the experience of sharing those ideas at our regional training events, have kept brewing and simmering away, weaving in my new stories and experiences and informing the way I approach my work.

Here at Rutgers, as I negotiated my first month of unfamiliar texts, unfamiliar ideas, new challenges and new surroundings, I felt that familiar old brain-hurt which means this is going to be good! The path from Bangalore to New Brunswick, will also take me back home soon, to the Pacific, where we continue the fight for a feminist future.

**This article was originally written for DAWN – www.dawnnet.org. DAWN is the acronym for Development Alternatives with Women for a New Era. Tara Chetty is a graduate of the first DAWN Training Institute, held in Bangalore, India in 2003. 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.*

The Bachelet factor

The cultural legacy of Chile's first female president

After four years under Michelle Bachelet, her legacy remains significant for Chile. How far gender attitudes have changed under the doctor-turned-politician

Michelle Bachelet

By **Oliver Balch**

SEX shops are a comparatively new arrival to the Chilean high street. Until 2001, pornographic films were banned. Only five years ago, so was divorce. Today, Latin America's most straight-laced country is beginning to relax a little. As it does so, the role of women and gender stereotyping are slowly beginning to change.

"There's more sexual experimentation among young girls these days. The new generation are much more liberal and liberated," says Erika Montecinos, editor of the lesbian magazine *Breaking the Silence*. Official statistics back her up. Five percent of girls today under 18 years old have had more than one sexual partner, more than double the number from a decade ago. The span between dating and sexual activity (seven and a half months) has also shortened by 13.9 per cent every year over the last 10 years.

Women are making their presence felt in the workplace thanks to an increase in flexible working practices and a battery of new anti-discrimination laws.

"The traditional idea of a man going out to work and the woman staying at home is changing. Women need to work and they want to work," explains Sonia Montaño, a specialist in gender development at the UN-backed Economic Commission for Latin America.

Chilean women might not be burning their bras but they are certainly loosening the shoulder straps. So why the sudden change?

Women's rights groups are almost unanimous in their response: the Bachelet factor. Chile's first-ever female president, 57-year-old Michelle Bachelet, is credited with pushing gender issues up the political agenda.

On assuming power in March 2006, she appointed female ministers to half her cabinet. She also gave the national ministry for women a long-overdue budgetary boost. Her motives were not impersonal. A separated mother, she juggled bringing up three children while carving out a successful career in Chile's male-dominated medical profession.

"Given the quantity of women in power under this administration, we can no longer say we are excluded," says Laura Albornoz, Chile's women's minister.

She is quick to rad off the achievements of Bachelet's administration: a more than fivefold increase in the number of free crèches; a best practice code on flexible working; occupational training for 36,000 female heads of household.

Continued on page 16

FWCC's Ali receives inaugural human rights award

AMNESTY International Aotearoa New Zealand (AIANZ) has granted its first ever Human Rights Defender Award to Shamima Ali, Coordinator of the Fiji Women's Crisis Centre in Suva.

Ali was presented the award at a ceremony on International Human Rights Day on 10 December, in recognition of her outstanding contribution towards improving women's rights in Fiji and throughout the Pacific.

Shamima Ali with Patrick Holmes, Chief Executive Officer of AIANZ

"Human rights defenders put themselves on the front line, often risking life and limb to stand up for what they believe in. While we may take that for granted in New Zealand, we still need to remember that human rights abuses are happening on our doorstep," says Patrick Holmes, Chief Executive Officer of AIANZ.

"Shamima Ali has been at the forefront of combating violence against women in the Pacific. We wanted to salute her for the immense courage she has shown in challenging the 2006 military coup in Fiji and in continuing, despite threats and intimidation, to document its impact on the people of Fiji."

Ms Ali said: "While I'm the recipient, one must remember the many other human rights defenders in Fiji and the rest of the Pacific who work just as hard. The work doesn't end – every day we are challenged anew. And this award gives me further encouragement never to give up defending our rights. This is what makes us human."

Ali was selected from a shortlist of five nominees which also included Sue Bradford, former New Zealand Green MP and activist, Auckland; Kathleen Dunstall of the Howard League for Penal Reform, Christchurch; Deborah Manning former refugee advocate and counsel for Ahmed Zaoui, now Geneva-based with Alkarama Foundation for Human Rights and peace and human rights activist The Very Reverend John Stewart Murray on the Kapiti Coast.

The award ceremony was timed to celebrate International Human Rights Day – the day the United Nations Declaration of Human Rights was adopted, 61 years ago.

The Fiji Women's Rights Movement congratulates Ms Ali on this recognition, and is proud to have worked closely with the FWCC in advocating for an end to violence against women.

FWRM and FWCC have collaborated closely over the past years to advance women's human rights and raise awareness about the effects of discrimination and violence against women.

Source: AIANZ

Call for single law covering VAW

By **Neomai Maravuakula**

STUDIES completed recently in Kiribati and Solomon Islands have shown the dramatic statistics of violence against women in the Pacific.

In Solomon Islands, 84 per cent of those living in intimate partner relationships experienced physical and/or sexual partner violence (Solomon Islands Family Health and Safety Study, 2009). In Kiribati, the figure was at 68 per cent of people living in intimate partner relationships (Kiribati Family Health and Social Services Study, 2009).

In most countries of the Pacific there are no specific laws governing violence against women, with such violence usually being charged under the common assault provisions of the criminal code.

Fiji, Samoa and Vanuatu have attempted to consider reforms in the area of domestic violence. In 2006, Fiji implemented the *Family Law Act 2003*, in 2008 Vanuatu passed the *Vanuatu Family Protection Act 2008* and Samoa is in the final drafting stage of its *Family Safety Bill*. These are all positive steps in which countries are recognising the problem of violence against women in their countries.

Ten countries in the Pacific region have ratified CEDAW, however, fulfilling obligations under the convention still requires progress. States are obliged to ensure there are appropriate measures, including legislation which ensures the advancement of women and the enjoyment of their human rights and fundamental freedoms on the basis of equality with men.

The laws in the Pacific are archaic and ineffective in securing justice for women. Specific legislation is important to ensure the experiences and circumstances of women are legally recognised when dealing with cases of gender-based violence.

It is vital that the commitments agreed to by Pacific Island countries to protect women and children are reflected in the countries' laws.

Apart from ensuring that there legislation in place to protect women, it is also important that those who implement the law (the police) are also made aware of their duties under the law.

Judicial officers should also undergo awareness training so there are more attuned and sensitive to the experiences of women when handing down sentence.

The United Nations guidelines on good practices relating to violence against women recommend a single legislation that women rely upon to seek redress. This will limited the number of processes and court visits and help keep continuity through a case so that the woman does not have to repeat her story to a different judge each time she comes to court.

CEDAW turns 30

In three decades, how far have we come?

By **Susan Naidu**

ON December 18, 2009 the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) commemorated its 30th anniversary. Fiji Women's Rights Movement with members of the NGO CEDAW Advisory Committee, management board, family and friends gathered during the festivity to celebrate the milestone.

Often described as the international bill of rights for women, CEDAW provides the basis for realising equality between women and men.

Ratified by 185 countries that agree to uphold the principles of the Convention, CEDAW is designed to ensure that governments and quasi-governmental agencies work to achieve equality and non discrimination for women in their respective countries.

Fiji ratified CEDAW in 1995. Fourteen years on, general implementation of CEDAW is weak in Fiji. There has only been advancement in the implementation of CEDAW where strategic partnerships between government and women's NGOs have together effectively harnessed the most efficient technical capacities and resources for maximum impact.

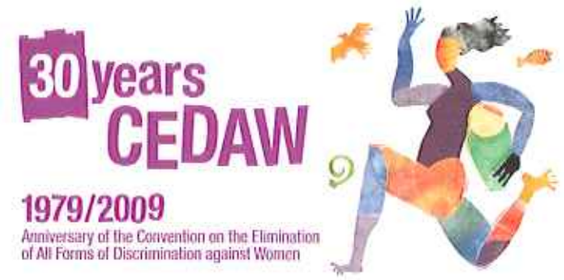
Commitment to CEDAW in the Pacific has increased steadily over the years and it is now the second most ratified treaty in the Pacific after the Convention on the Rights of the Child (CRC).

Nine countries in the Pacific have ratified CEDAW: Fiji, Federated States of Micronesia (FSM), Kiribati, Marshall Islands, Papua New Guinea (PNG), Samoa, Solomon Islands, Tuvalu and Vanuatu. Nauru, Palau and Tonga are yet to ratify CEDAW. At a recent forum, Nauru's President indicated his country would ratify the Convention soon.

There has been encouraging progress on the implementation of CEDAW in respective Pacific island countries for instance Fiji, Marshall Islands, FSM, Samoa, Solomon Islands and Vanuatu have the anti-discrimination clauses through which individuals who have experienced sex discrimination can seek remedies, the Family Law Act 2003 of Fiji and the Family Protection Act 2008 of Vanuatu; all nine countries have legislated against sexual assault.

Only Papua New Guinea (PNG), Republic of the Marshall Islands (RMI) and more recently, Vanuatu, has made progress in changing outdated and discriminatory laws and interpretations. PNG and RMI had made changes to sexual assault laws but not domestic violence and family law, while Vanuatu had addressed the issue of domestic violence.

A significant advancement in the number of Pacific Island countries reporting to the UNCEDAW Committee was also noted. Five countries: Fiji, Samoa, Cook Islands, Vanuatu and Tuvalu so far have reported to the CEDAW Committee, while PNG and Kiribati are currently in the preparatory stage to report to the Committee.



The General Assembly's decision to convene three reporting sessions per year for an interim period will also enable the UNCEDAW Committee to deal effectively and in a timely manner with all its responsibilities under the Convention. However, an amendment to Article 20 (1) which talks about the number of meeting times for the UNCEDAW committee was adopted in 1995. If accepted by two-third majority of States Parties to the Convention, the amendment will become official hence advancing the work of the UNCEDAW committee.

Furthermore, during the 30th anniversary the UN General Assembly took positive action to include older women's rights among its key concerns. A draft General Recommendation on Older Women has been proposed to the General Assembly. It is envisaged the General Recommendation will provide guidance on the better projection of older women's rights. This specific inclusion of "older women" will move CEDAW to a new level of equality for women.

One of the limitations of the CEDAW Convention is that discrimination based on biologically determined "sex" does not encompass the "rainbow" of sexual orientations. However, over the years the UNCEDAW Committee has made significant progress towards including sexual orientation in Concluding Comments and Recommendations. It is anticipated that a new General Recommendation on discrimination based on "sexual orientation" and "gender identity" will be created.

The beginning of a new decade obligates advocates and leaders to not only address issues faced by older women or on sexual orientation but also discrimination encountered by women living with disability, migrant women, rural women and most importantly impact of climate change on women.

The 30th Anniversary of CEDAW provided a good opportunity for women's rights advocates to reflect on the gains made and the long way yet to go in achieving true equality for women. The recent rejection of CEDAW by the Tongan government is one example that made this anniversary all the more thought-provoking for the Pacific women's rights movement.

What does CEDAW mean to you?

Women of various ages were asked what CEDAW meant to them

"It's encouraging women especially in rural areas to come out and claim their rights as human."
Padma Wati (Labasa)

"It is good, it helps women better understand family life and about helping and sharing."
Teresia Losana (Savusavu)

"I wasn't aware of it but I think we've been facing many problems so women should fight for their rights."
Litia Tikotonga (Savusavu)

"It means alleviation of all sorts of discrimination against women."
Raijeli Lal (Cakaudrove)

"Recognising and supporting women's contribution."
Mamta Sylvia Chand (Suva)

"A tool which women can use to seek justice."
Ekta Singh (Suva)

"It's a shield which provides protection to women's rights"
Yashna Narayan (Suva)

Talking Back to Twilight

By **Carmen D. Siering**

IN Stephenie Meyer's Twilight saga, a wildly popular four-book series of young adult novels, the protagonist Bella Swan by all accounts a very average human girl—has two suitors. One is the unimaginably beautiful vampire, Edward, the other a loyal and devoted werewolf, Jacob. Fans of the books, and now a movie version, often break into "teams," aligning themselves with the swain they hope Bella will choose in the end: Team Edward or Team Jacob.

But few young readers ask, "Why not Team Bella?" perhaps because the answer is quite clear: There can be no Team Bella. Even though Bella is ostensibly a hero, in truth she is merely an object in the Twilight world.

On the surface, the Twilight saga seems to have something to please everyone. Moms are reading the books and swooning over Edward right alongside their teen and tween daughters. Librarians and teachers are delighted to see students with their heads tucked into books, and since Twilight's romantic sensuality is wrapped up in an abstinence message, all the kissing and groping appear to be harmless.

But while Twilight is ostensibly a love story, scratch the surface and you will find an allegorical tale about the dangers of unregulated female sexuality. From the very first kiss between Edward and Bella, she is fighting to control her awakening sexuality. Edward must restrain her, sometimes physically, to keep her from ravishing him. There are those who might applaud the depiction of a young man showing such self-restraint, but shouldn't the decision about when a couple is ready to move forward sexually be one they make together?

Meyer insists that she sees Bella as a feminist character, since the foundation of feminism is being able to choose. What Meyer fails to acknowledge is that all of the choices Bella makes are Meyer's choices—choices based on her own patriarchal Mormon background. In Breaking Dawn, the latest book in the series, Meyer finally allows Bella's subordination to end as she takes her proper place: in the patriarchal structure. When Bella becomes a wife and mother, Meyer allows her to receive her heart's desire—to live forever by Edward's side, to be preternaturally beautiful and graceful, to be strong and be able to defend herself.

Director Catherine Hardwicke's film version of Twilight remains true to the novel, but there are subtle changes that make it much more feminist-friendly. Kristin Stewart's Bella is more outspoken and forthright, and Robert Pattinson's Edward is much less condescending and overbearing. Their relationship seems to be built on equality and friendship, and includes scenes of mutual sexual frustration and restraint. Here is a Bella we can root for.

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Carmen D. Siering is an assistant professor of English and women's studies at BallStateUniversity in Muncie , Ind. One of her research areas is popular culture and its influence in the lives of girls and women.

Challenges to realising women's sexual rights

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Policy documents such as the International Conference on Population and Development Plan of Action are vital and need to reflect women's multiple identities and reality in order for women to fully realize their sexual reproductive and health rights. This includes dealing with issues such as abortion and sexuality that are widely considered taboo and immoral. Abortion should not be a moral debate but rather an issue of a woman's choice over her own body and her ability to make this choice. It means providing services that are safe and affordable but also creating awareness and demystifying issues around abortion and sexuality.

Pacific feminists and women's rights organisations need to take an active role in pressuring their Governments to comply with the values of the ICPD. Compliance needs to be focused on the four principles of equality, diversity, personhood and bodily integrity. According to Correa "feminist research shows that while few women use the terms sexual and reproductive rights, it is understood as being able to make decisions about procreation, to be free from harassment by men, and to protect themselves against domestic violence and preventable illness. Southern feminists also advocate that the language of sexual and reproductive rights must be firmly placed within a larger frame that also includes adequate nutrition, housing, a job and social assistance (i.e., education, day care, health care and contraception)."

Correa reiterates that the sexual and reproductive rights framework implies both positive rights, such as reproductive health care and employment, and negative rights, such as protection against rape and discrimination, regardless of sexual orientation or marital status. On the other hand, she highlights that unresolved tensions and problems persist, particularly in the realm of sexuality. There is currently plenty of political space to develop and sharpen the notion of sexual rights, but developing "universal" ideas of sexuality is an extremely complex task.[4]

[4] ibid.

A feminist perspective on the law

24 Pacific women's rights activists, lawyers train on feminist legal theory

By **Virisila Buadromo**

TWENTY-FOUR women's rights activists and lawyers from five Pacific Island countries gathered in Nadi in November for a week of exploring how taking a feminist perspective to the law can transform women situations.

Held from 9-13 November, participants were trained on feminist legal theory, women's human rights and feminist litigation strategies. Through the analysis of case studies, moot presentations and discussions, participants were able to strengthen their understanding and recognition of the intersecting oppressions of women because of their sex, ethnicity, caste, class, religion, sexual orientation and other status.

One participant commented after the training that is has helped her in "how I view the law, how I interview clients, how to question the limitations within the law."

Another participant, who is a judicial officer in her country, said: "I am able to re-look at how I have 'narrowly' been looking at the law as it stands. This training is an eye-opener to consider and look further beyond my 'bench'."

An interesting aspect of this training was the willingness of participants to understand feminism as an evolving concept based on the recognition of the oppression and exploitation of women and the action that is taken to change this situation. From the first day, many of the participants identified themselves as feminists with one clearly articulating that "I want to aspire to this standard [feminism]."

A controversial issue that was discussed at length was the issue of whether men can be feminists. Some participants highlighted the concern that sometimes men who want to work for women's rights have a hidden agenda. This resulted in a debate on two ideologies - one focused on "men working for women's rights" and the other focused on "men working with women for women's rights". The lively debate ended in a consensus that men can be allies for change but ought not to lead the change instead needed to listen to the experiences of women.

The current framework of the Feminist Legal Theory and Practice was developed by the Asia Pacific Forum on Women, Law and Development (APWLD) and first conducted in Fiji in 1998 as part of the "Beyond Law" training. A follow up training was held in 2003. Six years later the third FLTP Training was conducted for the region.

The training which was a joint collaboration between the Fiji Women's Rights Movement and APWLD was held at the Tokatoka Resort and was supported by APWLD, UNIFEM Pacific and the Pacific Regional Rights Resources Team (RRRT).

A her-story of CEDAW in Fiji

Gina Houng Lee is FWRM's Management Board chairperson, a senior Human Rights Trainer at Regional Rights Resource Team, and a mother of three children. Gina shared with us her story of CEDAW and her journey in the women's movement.

By **Susan Naidu**

Q: How did you got involved in the women's movement?

Gina: I've always been interested in addressing disadvantage or as soon as you see injustice. I've always felt not only an obligation but a connection to wanting to make change. I started as a member of FWRM in 1993, when it was in Ellory Street housed in an old wooden building with lovely huge mats and cushions, where we used to come for lunch-time meetings.

Q: What were those early days like?

Gina: At that time we were dealing with an anti rape campaign and so I was involved in sending out flyers or doing marches and demonstrations. 1993 and 1994 was rather a difficult time as we were trying to lobby for ratification of CEDAW. A big regional workshop on CEDAW was held in Cook Islands at the time. In those days the women's movement was facing a lot of criticism that it was Western and women are trying to cross their threshold. 1993 to 1995 was a phase of change.

Q: What strategies did you use while campaigning for the ratification of CEDAW?

Gina: In 1993 we started lobbying by talking about CEDAW at a workshop which was held in Pender Street. We also had a workshop at Trade Winds (hotel) in partnership with Asia Pacific Women, Law and Development (APWLD) where we discussed CEDAW. It all started off by raising awareness about CEDAW in public. CEDAW was used as a tool to discuss and examine women's rights. People were supportive, but at the same time they were also hostile. We had to use health, workers and employment rights as a platform to lobby for CEDAW. So from 1992 to 1994 we were using regional and international networks to raise the issue of CEDAW where we drew attention to the fact that Fiji had not ratified CEDAW.

FWRM became the CEDAW Secretariat in 1993. We had a strategy meeting for the campaign. It was towards the Beijing World Conference in 1995. We met with women's NGOs where the Soqosoqo Vakamarama was also involved. At that time Taufa Vakatale was the Minister for Education and she took the initiative to raise the issue in the cabinet. She knew what CEDAW was about and soon after she raised the issue in the cabinet, ratification of CEDAW was approved. There were no formal presentations made to the MPs. It was through a strategic partnership with the Member of Parliament. And of course it was a triggered towards the Beijing Fourth World Conference on women and the ratification of CEDAW meant Fiji's commitment towards gender equality. CEDAW was ratified in 1995 by the Fiji Government with reservations to Article 5 and 9 based on the discriminatory elements in the citizenship laws.

Q: What are some of the key milestones achieved by women's movement?

Gina: The women's coalition for women's citizenship rights was a specific targeted campaign and the milestone was ensuring non-discrimination in the area of citizenship laws. Another one was securing gender equality or non-discrimination in the 1997 Constitution and of course that was setting the framework for subsequent laws. The other was the passing of the Family Law Act which was a huge achievement after lobbying for almost 10 to 14 years. FWRM started doing legal literacy in 1995 about family law and then developed a more strategic campaign trying to get the Family Law Bill passed. Then we had the 2000 coup which put us back. The Family Law Bill was passed in 2003. The young women's Emerging Leaders' Forum was also established.

Q: The initial CEDAW State report was submitted in 2000 following successful advocacy by women's NGOs. Can you please share this experience?

Gina: We put a lot of pressure on the government to submit the State report. This was done informally at any forums or meetings. The State report went through three different consultants. The State report was submitted to the UNCEDAW committee but the NGOs did not get a copy of the report. In November 2001 International Women's Rights Action Watch sent us the State report with a note saying they received the state report and NGOs should submit a shadow report. That's when RRRT helped organise a meeting with the NGOs and each organisation was given various articles to report on. There were eight to 12 of us involved. And back in those days we didn't even have access to emails. We finished it by January and Virisila, Wati Seeto and Imrana went to New York in February 2002 to report to the UNCEDAW committee.

Q: What challenges did you faced at that time?

Gina: First of all the government didn't share the report with us and also since it was the first time for us to write a shadow report, we didn't use enough statistics. The Fiji Women's Crisis Centre provided the statistics on assault cases and other cases. Time was also a constraint. We could have prepared a better report if we had ample time. We also didn't have consultations or engage with women's group due to time limitations.

Q: What was it like reporting to the UNCEDAW committee in 2002?

Gina: Imrana, Wati Seeto and Virisila represented the NGOs at the meeting. Wati at that time was at RRRT helping to write up the CEDAW roadmap. The reporting process was used as basis to prepare the CEDAW road map for the Pacific. During the meeting Virisila and the team prepared flyers and they also met with the UNCEDAW Committee separately. APWLD was very helpful in organising these activities; the substance of international networks. Following the reporting, the Concluding Comments from the UNCEDAW committee was used as a basis to lobby for the Family Law Act and a return to democracy for Fiji and we continued to support legislative change for the Employment Relations Bill. The Balelala case (Balalala v State, 2004) also provided support to lawyers to use CEDAW in their submissions. In 2000 during the Beijing+5 reviews, we used the Fiji Blue Ribbon campaign to highlight issue of Fiji at the international level. Perhaps this we could also use this to draw attention to Fiji again during the CEDAW reporting in 2010.

Q: The periodic CEDAW State and Shadow reports were submitted this year. What was your experience during submission of the second shadow report in July this year?

Gina: The second Shadow report was more organized. We also used this opportunity to do some capacity building. It was useful because for people working on respective articles made them examine and ask those questions and also look at the general recommendations. The NGO CEDAW Advisory Committee was also very helpful in terms of streaming information and resources from various organizations. Carrying out a information session with the committee members was also useful to

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Our rights are not optional

Examining CEDAW's Optional Protocol

By **Susan Naidu**

ON 6 October 1999, the General Assembly of the United Nations adopted the Optional Protocol to CEDAW and called on all State parties to the Convention to become party to the new instrument. This year the marks 10th anniversary of the Optional Protocol to CEDAW (OP-CEDAW), with 79 signatories and 99 state parties to the instrument.

Optional Protocol to CEDAW is a separate treaty to the CEDAW Convention, which allows women who have been denied access to justice at the national level to have their claims reviewed at the international level.

This instrument enables the international committee of independent experts that monitors compliance with CEDAW to review individual complaints and to conduct inquiries into grave or systematic violations of women's human rights.

Only States parties to the CEDAW Convention can become parties to the Optional Protocol. Governments must ratify or accede to the OP-CEDAW in order to become bound by it. OP-CEDAW creates access to justice for women at the international level by establishing two additional procedures which can address violations of women's rights, and providing a mechanism through which the rights contained in CEDAW can be interpreted and applied.

In the South Pacific only Cook Islands, Solomon Islands and Vanuatu are signatories to the Optional Protocol to CEDAW.

Despite the importance of CEDAW, it cannot be denied that the implementation of the Convention has been an ongoing challenge for women's groups and human rights advocates.

Violations of women's rights remains widespread in Fiji. There are still instances where human rights of women are not acknowledged in national policies, laws and social practices.

Optional Protocol to CEDAW can be used as a tool for social transformation and provide opportunities for women to make further contributions to the development of human rights standards and their application, particularly given the situation in Fiji.

This can only be achieved by making women aware of their human rights. Women who know their human rights are able to claim them and access remedies whenever they experience discrimination.

Fiji has yet to ratify the Optional Protocol to CEDAW, and considering OP-CEDAW has the potential to become an effective means of securing the full implementation of the CEDAW convention, it is paramount that Fiji does so soon.

Since this protocol does not create new substantive rights but rather creates a mechanism to enforce the rights provided under the main convention, it ensures that States will be accountable for the effective implementation of the Convention at the national level. Therefore it is important to have a clear understanding of the principles and rights set forth in CEDAW.

The Optional Protocol provides a 'backup' for domestic law and policies to ensure that they are adequate and effective.

The OP CEDAW changes the dynamics of human rights treaty law because it creates a space for women to seek remedies and justice at the international level when they have experienced any kind of discrimination. It can be said that the reporting process of the CEDAW Committee provides women with the possibility to influence an international monitoring process by drawing the attention of the Committee to discriminatory situations that need to be addressed in certain ways.

Through access to the OP-CEDAW procedures, women become more active participants in the progressive interpretation of rights contained in the Convention. This in turn enables the Committee to articulate more specific directives to States regarding their obligations and to clarify the meaning of specific provisions more precisely.

NGOs, then, have additional tools to use in seeking fulfilment of rights while States are provided with clearer guidance on their obligations. Thus, the OP-CEDAW can help bridge the gap between the promise of CEDAW and actual law, policy and practice.

A her-story of CEDAW in Fiji

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verify information which was included in the Shadow Report.

Q: One common issue during the initial and periodic CEDAW reporting process was the two political crises, what were the common challenges during the two processes?

Gina: Yes extreme challenges! 2000 and 2006 coups, if you look at both the CEDAW Shadow reports, the women's organizations especially the ones committed to democracy and rule of law have had to use its framework calling for the return to democracy. We are facing similar challenges we faced during 2002 reporting process. During 2002 and 2006, laws were being passed through decrees by illegal regime. We feel torn because while we have been working towards and supporting bills like the Employment Relations Bill and Domestic Violence Bill, the interim regime is passing all these bills by decree. They are trying to win us on their side or get us to support their cause. This challenges our principle of rule of law and democracy all the time. On the ground these laws may benefit some women but the process and structure in which it came about is not what we support. There's also pressure from the community challenging women's organizations not to get involved in "men's business" and to stick to women's issues. So that's the challenge we face while promoting democracy and rule of law.

Q: How do you think we can get more organizations involved in the reporting process?

Gina: What we are currently doing is best we can do. Meetings, keeping contact and awareness raising. Media awareness is also an effective way to create more awareness about CEDAW.

Q: Any other comments

Gina: I believe the value of CEDAW is talking about it, including key stakeholders in various divisions and really talking to the women in the community.

Talking about an inclusive future

By **Shabina Khan**

SOCIETIES emerging out of conflicts or living in conflicts are overwhelmed with developmental challenges including poverty, inequality, weak institutions and insecurity. The bigger challenge in such societies is the massive human rights violations.

These violations further marginalise certain groups of people and these victims have enormous claims to justice. However, the response to these claims is not met accordingly as the organisations and institutions working towards this are normally working in isolation with specific issues dealt separately.

Working in transitional justice processes involves a coherent response to address the violations and loss occurred. It also indicates working towards peace, reconciliation, and recognition is given to victims. One of the strategies included as an effective way to deal with this challenge is having dialogues.

Dialogue is an integral part of every society and it enables people to communicate and establish trust and relationships. The basic tool in having a constructive dialogue is to listen and speak openly – without fear of retribution or rejection. With this trust and understanding people are able to identify issues affecting them and find solutions without feeling of betrayal by others.

Because of its inclusivity and simplicity in approach, dialogue is essential and strategic to mending relations in a conflict society, and is seen as a first step towards conflict resolution and peace-building. This is mainly because it brings a joint-ownership of the issues affecting the people who live in conflict societies. With not only talking but listening with self-reflection, spirit of inquiry and personal change, the communication between two groups becomes more effective.

However, for dialogue process to begin the conflict resolution, there needs to be strong willingness among the people to discuss issues openly. With deeply embedded hatred and mistrust, or violence and significant imbalance of power, there may not be any positive outcome of having dialogues. This is because the foundation to achieve any formal reconciliation or agreement will not be established under these circumstances; as such dialogues will lack empathy, or recognition of people's differences, and the will of the people to show their commitment to change.

More so, dialogue requires patience and time. The process itself may be slow initially but pick up pace as deeply rooted issues and stories of pain and hurt emerge at discussions. This may seem complex as it takes time for people to find common grounds of their issues. In doing so, new opportunities for people to engage and confide with each other are developed, as the level of fear lessens and confidence in each other builds up. This all happens parallel to the evolution of the post-conflict society, thus contributes to the transition to peace and reconciliation to survivors and victims of the conflict.

People may get frustrated with countless rounds of talks and discussions if there are no actions taken. The challenge ahead is actually to have more dialogues and to continue discussions because if there are people willing to talk there is positive response for a personal change to occur and to view the problem with a different perspective. In doing so, people can identify ways to deal with controversial issues and find common grounds to move forward together.

Peaceful Conflict Resolution

Respect the right to disagree.
Express your real concerns.
Share common goals and interests.
Open yourself to different points of view.
Listen carefully to all proposals.
Understand the major issues involved.
Think about probable consequences.
Imagine several possible alternative solutions.
Offer some reasonable compromises.
Negotiate mutually fair cooperative agreements.

Robert E Valett

What the UPR is about?

By **Neomai Maravuakula**

THE Universal Periodical Review ("UPR") is a human rights mechanism that was created by the United Nations General Assembly in 2006. The objectives of the UPR process were to improve the human rights situation in a country, ensure that States fulfill their human rights obligations and commitments and to assess developments and challenges faced by the State. It was also an opportunity to enhance the States' capacity and in consultation and with the consent of the State provide technical assistance. In addition it was an opportunity to share best practices with the State and other stakeholders and to support the promotion and protection of human rights. The last objective of the UPR is to encourage full cooperation and engagement with the UN Human Rights Council, other human rights bodies and the Office of the United Nations High Commissioner for Human Rights ("OHCHR").

The State reviews are conducted by the UPR Working Group which consists of the 47 members of the Human Rights Council. However, any UN member state can take part in the discussions with the state that is being reviewed. Each country that is being reviewed is assisted by three States know as troikas who serve as rapporteurs. The selection of the troikas for each State review is done through a drawing of each State prior to each working group.

The UPR provides an opportunity for Pacific Island countries to gain the attention of the international community and to raise awareness on issues that affect Pacific Island countries, for example, by highlighting the effects of climate change in the Pacific. A State is reviewed every four years, and the next time a State appears focus is also placed on whether the recommendations from the previous review have been implemented.

Fiji will be reviewed in February 2010. The State has prepared a report, with various shadow reports produced by NGOs and other organizations. These reports highlight human rights issues and concerns from different stakeholders.

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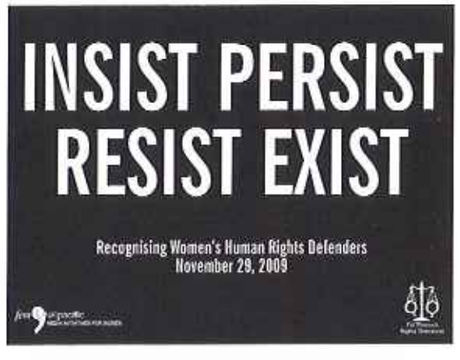
Celebrating Human Rights Day

By **Virisila Buadromo**

THE NGO Coalition on Human Rights (NGOCHR) used a march and rally through the streets of Suva City, a poetry reading evening at the University of the South Pacific campus in Laucala and a talk-back show on Fiji One to showcase International Human Rights Day on December 10.

About 50 human rights defenders from various organisations aligned to the NGOCHR staged a march starting at the Flea Market and ending at the Suva Civic Centre. A permit which was granted to the Coalition clearly stipulated strict guidelines for the day. No more than 100 people were permitted to join the march, messages on banners had to be non-political and must not have been open to being interpreted as "inciting". Despite this, marchers turned up on the day to stand tall for human rights and the values of the United Nations Declaration on Human Rights.

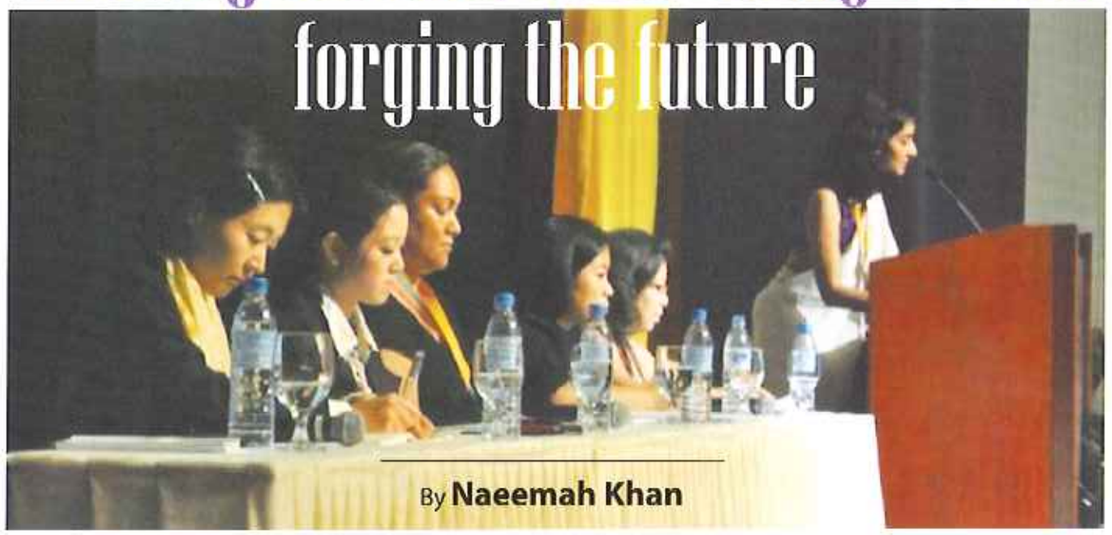
The Fiji Women's Rights Movement T-shirts, which proclaimed our mantra on behalf of Women Human Rights Defenders *"Insist, Persist, Resist, Exist"*, was visible on not only the FWRM team but other marchers. There was some apprehension that the police would deem the T-shirt message as inciting and therefore ask those wearing the T-shirt to remove them. Luckily that did not happen and we were able to wear the T-shirt proudly! The message of *"Insist, Persist, Resist, Exist"* was supposed to have run as an advertisement in the Fiji Times on November 29 to commemorate Women Human Rights Defenders. Unfortunately, the media campaign supported by FWRM and Femlink Pacific could not run on the day because the newspaper wanted the word *"Resist"* removed from the ad or a sentence explaining what it meant. FWRM was not willing to do either because it would detract from the message that we wanted to achieve with the ad.



Other activities on Human Rights Day included collaboration between the NGOCHR and the Pacific Writers Forum to host a poetry evening celebrating human rights. The evening hosted at the AUSAID theatre at USP brought in all kinds of poetry that highlighted human rights violations or promoted human rights. While it was a first time event for the NGOCHR, according to the newly elected secretariat, the Fiji Women's Crisis Centre, it sure looks like it's going to become an annual event for December 10. On the same evening coalition representatives, Edwina Kotoisuva and Sharon Bhagwan Rolls were also guests on "Have Your Say" talk-back show on Fiji One television. The topic of the night was 16 Days of Activism.

Despite the limitations on free speech in public because of the Public Emergency Regulations, Human Rights Day was able to be celebrated in small ways in Suva.

Weaving wisdom, confronting crises, forging the future



By **Naeemah Khan**

Ofa Guttenbell (3rd from left) presenting during the Feminisms Plenary session

The Asia-Pacific NGO Forum on Beijing 15 years on

THE year 2010 marks 15 years since the Fourth World Conference on Women in Beijing, China. The Asia-Pacific NGO Forum held on October 22-24, 2009 in Manila, Philippines was organised to reflect on the journey from Beijing. The Forum looked at the lessons learnt and the emerging new challenges and gains made by women since Beijing.

Being a somewhat green (not too green) to the movement and to international conferences, I felt a little lost manoeuvring my way through the discussions and the objectives of the conference. Besides representing the Fiji Women's Rights Movement, I was sponsored by the Asia Pacific Women's Watch as a Steering Committee member and as a young woman delegate. I was thoroughly uncomfortable with all the hats I was wearing.

I was among some 20 Pacific delegates from Fiji, Tonga, Papua New Guinea, Marshall Islands, Australia and New Zealand. However the consultation was mostly made up of Asians and the Pacific was again the very small P in the AP of Asia-Pacific.

The Forum re-affirmed the challenges, achievements and new challenges facing the work for women's human rights in the Asia-Pacific region. Climate change, militarisation of society, religious and other forms of fundamentalisms, democracies in distress and the effects of the global financial crisis were new challenges confronting the women's movement since the Beijing Conference.

Presenting Pacific perspectives on the GEAR Campaign – Sharon Bhagwan Rolls

What I took away from the consultation was the importance of Gender Equality Architecture Reform (GEAR), and the need for the women's movement in the Pacific to follow the developments and engage on the UN Resolution agreed on September 14 2009 where the General Assembly finally delivered to women and women's organisations the unanimous commitment of United Nations member-states for the establishment of a new and ambitiously funded gender architecture to be led by an Under Secretary General.

There were a range of views, some were very cynical of UN systems – some took an I-will-believe-it-when-it-happens approach, while other believe that we must not let these processes define us as a movement – rather the movement should shape these structures.

The conference ended on the note of funding for this architecture. A key point raised by Charlotte Bunch was that any re-structure and architecture once established would only be effective if there was appropriate or adequate funding as historically funding allocated to gender equality have always been miniscule.

The outcomes document that was finalised a few days after the consultation called for adequate funding for the gender architecture with the UN systems and also effective field level presence and clear mechanisms and processes for engagement of women's organisations from the global, regional to the national spheres within the gender architecture.

Challenges to realising women's sexual reproductive and health rights

By **Michelle Reddy**

THE International Conference on Population and Development (ICPD) in Cairo, 1994, legitimised the notion of reproductive and sexual rights. The shift from looking at population control to looking at reproductive health and sexual rights while taking women's realities into account was historical. The Cairo Consensus placed individual human beings at the very heart of the development process. It argued that if needs for family planning and reproductive health care are met, along with other basic health and education services, then population stabilisation will occur naturally, not as a matter of coercion or control. And it made commitments for meeting those needs, so that individuals would have genuine choices about the spacing, timing and number of their children. The plan also acknowledged the central role of women and young people in the development process.[1]

Although deemed a milestone achievement by many women's groups, the main challenge has been the clarification around the concepts of reproductive health and sexual rights. This is even more important with the continuous pressure from conservative political environments around the world.

While legitimised in several international documents, sexual and reproductive rights remain a highly contested issue; this can be clearly seen around the issue of abortion. Religious beliefs, legal constraints and ethical values strongly stigmatise and criminalise abortion. This was evident in the United States Reagan administration's policy in cutting funding for international family activities around the world. Thankfully this draconian policy was removed by the Obama administration.

Over the centuries, women's bodies have always been a site of oppression – oppression carried by the state, the church and private actors. This oppression is further instigated and institutionalised in legislations and policies. For instance when many economists and scholars talk about population control, conversations have always centred on controlling women's bodies and sexuality. As Sonia Correa[2] points out: "While scholars and planners take the economy and demography as their basic point of departure, feminists focus on women's rights and gender inequality, maintaining that women should be the subjects, not the objects of any related policy." The personal is political, and nothing is more personal than our bodies. Nothing is more political either.

As we move closer to the review and anniversary of the ICPD +15, what gains have we seen in regards to women's rights and what are the challenges that we continue to face regardless of the international legitimisation of women's rights as human rights? One major gain that can be seen is the legitimisation of reproductive and sexual rights in international documents. Unfortunately the realisation of these rights on the ground has been hindered by the threat of religious fundamentalism, increasing militarisation and the impact of the global financial crisis on the slow economic growth in Pacific countries. The different realities of women, young women and girls in the Pacific make it even more difficult to have one policy that fits all.

A Pacific Sub-Regional Review of the ICPD Programme of Action Implementation[3] visibly indicates these challenges:

- Universal access to reproductive health is a long way from being achieved in the predominantly rural, village-based societies.
- Unmet need for family planning and contraception for young people remain significant where contraceptive prevalence remains below 50 per cent in most countries. Approximately 650,000 women have unmet need for family planning in the Pacific.
- Adolescents and young people in rural areas have limited access to information, counselling and services on reproductive and sexual health. Adolescent reproductive rights and sexuality remain culturally contested concepts in the Pacific.
- Gender based violence is persistent and pervasive in the Pacific.
- Sexual minorities remain marginalised and stigmatised without widespread support or access to sexual reproductive health services including HIV and sexually transmitted diseases.

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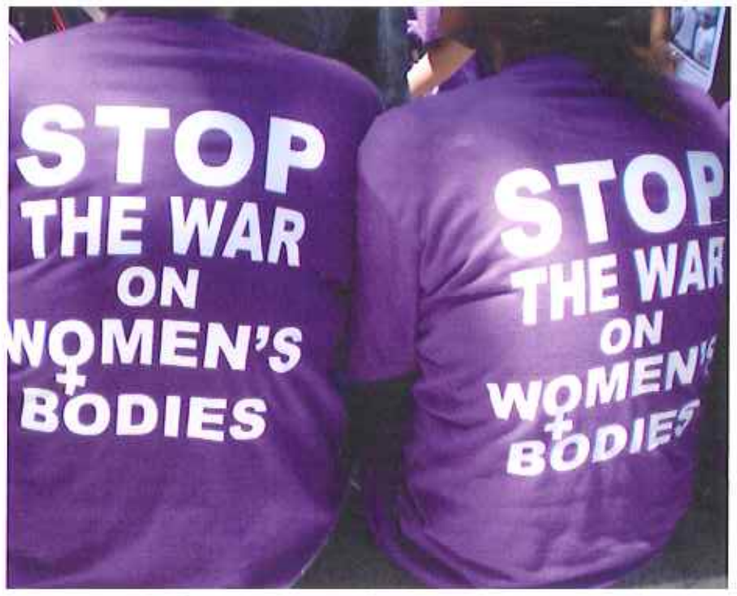

[1] http://www.unfpa.org/icpd/icpd_poa.htm
[2] Sexual and Reproductive Rights – Historical Trends, www.dawnnet.org
[3] Geoffrey Hayes, UNFPA Pacific Sub-Regional Office, Suva, November 2009

The human cost of climate change

By **Virisila Buadromo**

INTERNATIONAL Human Rights Day this year was significant because at the same time, human rights defenders were marching in Fiji, a much-anticipated global meeting of nearly 200 nations got under way on the other side of the world in the Danish capital, Copenhagen. The nations at this meeting were all seeking what has so far been elusive common ground on the issue of climate change.

What we were hoping as human rights defenders was that by the end of the meeting, delegates would have hammered out some of the most vexing details involved in the pursuit of a global climate accord. Some of the difficult challenges include achieving adequate cuts in greenhouse gas emissions — particularly from big polluters like the United States and China. So, too, are securing commitments from wealthy nations to deliver what could ultimately be hundreds of billions of dollars in financing to poor countries, which argue that they are ill equipped to deal with a problem they did little to create. Unfortunately this is not what happened.

By not biting the bullet and delivering on a legally binding global climate accord, leaders are putting at risk fundamental human rights. These rights include: rights to life, to food, to a place to live and work – rights that governments have an obligation to protect. Equity issues also arise in the climate change context because of its disproportionate impact on already vulnerable people and communities. The UK Secretary of State for the Environment, Hilary Benn, said: "socially, climate change raises profound questions of justice and equity: between generations, between the developing and developed worlds; between rich and poor within each country. The challenge is to find an equitable distribution of responsibilities and rights."

In the Asia Pacific region, there have been discussions about the existence of an internationally recognised human right to an environment of a particular quality. The Advisory Council of Jurists (ACJ) of the Asia-Pacific Forum on National Human Rights Institutions recently endorsed the idea that the protection of the environment is "a vital part of contemporary human rights doctrine and a sine qua non for numerous human rights, such as the right to health and the right to life". However, the ACJ found that current legal instruments and trends in relation to environmental law are insufficient to support the existence of a clear and specific right to an environment of a particular quality in international law.

Even without the articulation of a specific right to the environment, there are many broad rights recognised in the UDHR, ICCPR and ICESCR, as well as in the *Convention Against Torture (CAT), and the Convention on the Rights of the Child (CRC)*, which are relevant to the situation of people whose way of life comes under threat from climate change. States have a responsibility under these instruments to take action to remedy the direct and indirect threats to these rights posed by climate change.

Some impacts that climate change will have on fundamental human rights include both a direct and indirect impact on human life. The effect on the right to life may be immediate, as in the aftermath of climate-change-induced extreme weather, or may appear gradually, as deterioration in health, diminishing access to safe drinking water and susceptibility to disease increases.

The detrimental impact that climate change will have to the right to food is significant. Regional food production is likely to decline because of increased temperatures accelerating grain sterility; shift in rainfall patterns rendering previously productive land infertile, accelerating erosion, desertification and reducing crop and livestock yields; rising sea levels making coastal land unusable and causing fish species to migrate; and an increase in the frequency of extreme weather events disrupting agriculture.

As the earth's environment gets warmer, heat waves and water shortages will make it difficult to access safe drinking water and sanitation. There will be lower and more erratic rainfall in the tropical and sub-tropical areas of the Asia and the Pacific. This will be exacerbated by the recession of the Himalayan glaciers, which flow in into the Ganges, Indus, Brahmaputra, Salween, Mekong, Yangtse and Yellow Rivers. Violent conflicts over water are likely to become more severe and widespread.

More generally, indigenous populations are disproportionately affected by climate change because it poses a danger to the very survival of their communities. In September 2007 the Interagency Support Group on Indigenous Issues pointed out that "the most advanced scientific research has concluded that changes in climate will gravely harm the health of indigenous peoples traditional lands and waters and that many of plants and animals upon which they depend for survival will be threatened by the immediate impacts of climate change".

In terms of human security, climate change also has the potential to exacerbate existing threats to human rights in the region and around the globe. Rising global temperatures will jeopardise many people's livelihoods, increasing their vulnerability to poverty and social deprivation. This is particularly problematic in weak states with poorly performing institutions and systems of government that are unable to manage competition over diminishing resources. In these conditions climate change is likely to overwhelm local capacities to adapt, which will reinforce the trend towards general instability in these countries.

International Alert, a UK-based, non-government organisation, has identified 46 counties – home to 2.7 billion people – where the impacts of climate change, interacting with economic, social and political problems, will create a high risk of violent conflict and a further 56 countries where institutions of government will have great difficulty taking the strain of climate change on top of their other current challenges. A number of these are in the Asia Pacific region.

The most vulnerable will suffer earliest and the most from climate change. Climate change therefore should be addressed in a way that is fair and just, cognizant of the needs and risks faced by the vulnerable groups, and adherent to the principles of non-discrimination and equality. Any sustainable solution to climate change must take into account its human impact and the needs of all communities in all countries in a holistic manner.