Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

National Report


48. In response to the respective UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and The Protocol against the Smuggling of Migrants by Land, Sea and Air, Fiji has criminalized both the act of Trafficking in Persons and People Smuggling by incorporating it into the Immigration Act 2003 and the Crimes Decree 2009. Under Part 5 of the Immigration Act, a victim of trafficking or smuggling is not liable to criminal prosecution in line with the requirements of the respective protocols. In terms of capacity building, Fiji is member of the Pacific Immigration Director Conference (PIDC) and the Bali Process, a regional consultative process for the Asia and Pacific Region. Fiji is making every effort to strengthen the three Pillars required to effectively combat Trafficking in Persons which is Prevention, Protection and Prosecution.

84. Under the Juvenile Act, children under the age of 17 years deemed to be at risk are placed into the care of the Director of Social Welfare. The Department of Social Welfare administers the Care and Protection Allowance which is a cash grant of $30 – $60.00 per child given to families and guardians supporting juvenile children other than their own. No allowance is paid in respect of children kept at government institutions such as the Boys Centre and Girls Home.

85. However, an allowance of $60.00 per child is paid if they are placed in an approved place of safety such as St Christopher’s Home operated by the Anglican Church, Dikusha Home and Velomani Boys Home both under the Methodist Church of Fiji and the Treasure Home in Ba, an approved Assemblies of God Home of Compassions. As a means of keeping children close to their communities, there have been a few children placed in community based centres such as Salvations Army Care Center and the Nadoroga, Navosa Counseling Center.

86. Amount of payment varies from the different categories of children that need financial assistance for their care. The recent C&P
99. Education is a basic human right and critical to improving living conditions and reducing poverty. This underlying principle reaffirms the Government’s commitment to improving access and providing equal opportunity to education for all irrespective of gender, ethnicity, culture, beliefs, disability, socio economic circumstances and geographical isolation. There is progress evident in these areas however, much still needs to be done in improving the quality of access and ensuring that policies and programs continue to promote a school environment that will support the safety, health, and care for all children.

100. The Ministry of Education (MoE) administers and manages education policies and delivery of educational services in Fiji. It provides curriculum frameworks, policy guidelines and directions, and qualified teaching personnel that support all schools in the delivery of quality education for students. The core business of the MoE is delivery of education and training services specifically to: schools, pre-schools and training centres, students in the years of compulsory schooling and those participating in Forms 5, 6 and 7 studies including vocational education and training programmes, teaching personnel, school management and controlling authority.

101. The MoE has corresponding responsibilities for: the provision of services to the Minister, Statutory Agencies, Cabinet and Government, the management of resource planning and policy development related to education and training, the provision of programme support to education and training institutions, the regulation and recognition of education and training providers and accreditation of programme delivery, accounting for the resources allocated by government to the Fiji Islands education system. The MoE is also charged with responsibility for ensuring that standards in education are met and maintained and the human, physical and the financial resources allocated to education by the government are appropriately directed and expended.

102. Location of schools in the far flung islands and in the remote areas of the large islands gives rise to accessibility issues. Whilst telecommunications is available to most parts of Fiji, actual travel is still difficult and inconsistent to many areas. This creates a major challenge to education delivery.

UN Compilation

1. In 1998, the Committee on the Rights of the Child (CRC) recommended that Fiji envisage ratifying all major international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.9 In 2008, the Committee on the Elimination of Racial Discrimination (CERD) encouraged ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.10 In 2002, the Committee on the Elimination of Discrimination against Women (CEDAW) urged ratification of the Optional Protocol to the Convention.11 CERD reiterated its concern about Fiji’s decision to maintain its reservations and declarations.12

2. CERD also welcomed Fiji’s stated intention to make the optional declaration under article 14 of the Convention13 and its ratification of ILO Conventions.14 CRC suggested acceding to the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.15

9. In 2009, the United Nations Children’s Fund (UNICEF) submitted that the Convention on the Rights of the Child had not yet been incorporated into domestic law and highlighted recommendations made by a Child Protection Baseline Research Report, including to reform the Juveniles Act and the Adoption of Infants Act, amend the Education Act, draft a new Crimes Act and Criminal Procedure Code, support the draft Domestic Violence Bill, and reform the Employment Promulgation and associated regulations.28 UNICEF indicated that the offices of the Attorney-General and the Fiji Law Reform Commission were understaffed and the backlog for legislative drafting was significant.29

14. UNICEF recommended creating a child-friendly complaints process for all Government services.38

21. CRC noted insufficient measures to ensure the full enjoyment by all children of the rights recognized by the Convention, particularly in access to education and health services. It recommended a more active approach to eliminate discrimination against, in particular the girl child, children with disabilities, children in institutional care, children living in rural areas, poor children such as those living in slums, and children born out of wedlock.64

22. UNICEF highlighted that persons with disabilities are at high risk of living in poverty. Although education opportunities for such children had recently widened, many only had an opportunity to attend primary school at most. Many persons with disabilities could not therefore obtain work and often faced workplace discrimination.65

27. CEDAW noted with concern the high incidence of ethnic and gender-based violence against women in periods of civil unrest. Despite initiatives to address this, there were high levels of domestic violence and sexual abuse of girls and women. It requested Fiji to strengthen initiatives to combat gender-based violence and adopt the proposed laws on domestic violence and sexual offences very early, prohibiting practices that legalize violence against women.71 UNICEF indicated that Fiji now recognized domestic violence as a pervasive social problem across all communities and the police have put in place mechanisms such as a “no-drop” policy to improve reporting, and measures to address the issue. The problem itself, however, remains.72

28. UNICEF stated that while corporal punishment had been outlawed in schools, it was still practiced in many areas due to the lack of knowledge on alternative discipline methods and awareness of children’s rights.73 Expressing concerns in this regard, CRC recommended measures, including legislation, to prevent and combat ill-treatment within the family, including domestic violence and sexual abuse of children.74
29. A 2008 UNICEF report indicated that sexual abuse and exploitation of children might be on the increase, aided by new electronic media, more extensive tourism, and poverty. In 2009, the ILO Committee of Experts requested measures to assist in the removal of children from the worst forms of child labour such as homeless children working in sex tourism, and to take initiatives to ensure their rehabilitation and integration. CRC recommended further measures to prevent and combat sexual economic exploitation of children, including the use of children in prostitution and pornography and the trafficking and abduction of children; and to establish rehabilitation centres for victims.

30. UNICEF indicated that children were not always separated from adults in detention, partly due to limited facilities. CRC expressed concern at the lack of legal counselling for children in care centres, that detention was not being used as a measure of last resort, and about the poor state of detention centres. CRC strongly recommended raising the minimum age for criminal responsibility, set at 10 years of age, to 18.

46. UNICEF indicated that poverty is the main cause of child labour in Fiji. Most children who work do so in informal ways for families as domestic workers, labourers, or farm workers. Some become “street children” in the towns, working as wheelbarrow boys in the markets, shoe-shiners or prostitutes. A 2007 census showed that 9.5 per cent of 10 to 14-year-olds and 23.5 per cent of 15 to 19-year-olds were in the labour force.

49. In 1998, CRC was concerned at the increasing rate of early pregnancies, sexually transmitted diseases among the youth, teenage suicide, insufficient access to reproductive health education and counselling services, and insufficient HIV/AIDS preventive measures.

50. CRC expressed concern at the insufficient measures with regards to children with disabilities, recommending, inter alia, implementing alternatives to the institutionalization of disabled children and awareness-raising campaigns to reduce discrimination.

52. UNICEF reported that school is free of tuition costs up to senior secondary classes but schools levy other fees and essential expenses include uniforms, books and transport. The principal reason for children dropping out is the inability to afford school costs.

53. UNICEF submitted that although Fiji had one of the best education systems in the Pacific, it was not well adapted to the needs of the community and labour force. Each year more than half of Fiji’s 15,000 school leavers join the ranks of the educated unemployed, yet Fiji is experiencing a critical shortage of skilled tradesmen.

Stakeholder information

27. Save the Children Fiji (SC-Fiji) and the Global Initiative to End All Corporal Punishment of Children (GIEACPC) reported that corporal punishment of children is lawful in the home. While children have limited protection from violence and abuse under existing laws, these are not interpreted as prohibiting all corporal punishment in childrearing. In 2006, the then Prime Minister and other high level offices endorsed a statement calling for an end to all corporal punishment of children, but as at August 2009 there had been no reform. SC-Fiji and the GIEACPC further noted that corporal punishment of children is prohibited in schools under a High Court ruling which stated that such punishment was unconstitutional, but by August 2009, the prohibition had not been confirmed in legislation. In the penal system, corporal punishment is unlawful as a sentence for crime under a 2002 High Court ruling but the Penal Code has yet to be amended to reflect this. Corporal punishment of persons under the age of 17 is prohibited in the Juveniles Act (article 32) as a disciplinary measure in penal institutions.

57. Although people do not have to pay tuition fees at primary school, the costs associated with uniforms, shoes, books, and transportation fees are obstacles to education for children.

58. According to LF-SRI, men are usually better educated, which gives them advantages over women. Indo-Fijian rural women are most disadvantaged by lack of education.

59. FDPA noted that most students with disabilities end up leaving school with a primary education only. ‘The Education for All’ is yet to be a reality for persons with disabilities. FDPA indicated that there are no special schools offering secondary level education in Fiji for people with disabilities. It urged the Government to ensure that all schools curricula are made accessible to children and people with disabilities.

Final Report and Conclusion - To follow