

QUICK GUIDE TO ADDRESSING SEXUAL RIGHTS ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON FIJI

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted-References in the National Report are *in Italics*.

Recommendations -including those from UN treaty-monitoring bodies, are at the end of the document.

All sexual rights issues that do not relate specifically to women are referred to in this Guide. Sexual rights' issues referring specifically to women -as well as other women's issues- are referred to in the Guide on Women's Issues

| ISSUE | N Report | Compilation | Summary |
|--|----------|--|--|
| Equality and Non-Discrimination based on sexual orientation / gender identity | | | Constitutional protections may be undermined (19) |
| HIV/AIDS | | National AIDS strategy includes campaigns against discrimination (16) Increasing rate of STDs, lack of HIV/AIDS preventive measures (49) | |
| Non-traditional families | | | See Recommendations, FMDVP (37) |
| Sexual Violence | | Case of abuse by the army force (25) | |
| Sexual Violence against children | | Children not always detained separated from adults (30) | |
| Trafficking/sexual exploitation /violence against children | | Increasing sexual abuse and exploitation (29) Street children often works as prostitutes (46) | Street children in poverty cycle without assistance. Commercial and sexual exploitation (53) |

OP-CRC-SC (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) not ratified.

Equality and Non-Discrimination based on sexual orientation /gender identity

ARC International indicated that Fiji **includes sexual orientation as a prohibited ground of discrimination in its Constitution**. However, in view of the current constitutional uncertainty in the State, concerns have been expressed that **constitutional protections for minority groups may be undermined**. (Para 19, Summary)

See Recommendations, ARC International (19)

HIV/AIDS

A 2007 UNICEF report indicated that the **Fiji national AIDS strategy** aimed, through a number of measures inter alia to improve access to treatment, care and support for persons living with HIV and AIDS, improve access to prevention and strengthen national mechanisms. It noted also Government **campaigns to combat discrimination** faced by many persons living with HIV and AIDS (Para 16, Compilation). In 1998, The Committee on the Rights of the Child (CRC) was concerned at **the increasing rate** of () sexually transmitted diseases among the youth () and insufficient HIV/AIDS preventive measures. (Para 49, Compilation)

Non-traditional families

See Recommendations, Fundación Mundial Déjame Vivir en Paz - FMDVP (37)

Sexual Violence

In 2007, the Special Rapporteur on the freedom of opinion and expression sent an allegation letter concerning the case of the **Secretary-General of the Viti National Union of Taukei Workers**, who was allegedly taken into military custody where he underwent **physical and psychological abuse**. He was later summoned before a military body, where he was threatened to be killed if he continued to make statements against the Army Commander (Para 25, Compilation)

Sexual Violence against children

UNICEF indicated that children were **not always separated from adults in detention**, partly due to limited facilities ().(Para 30, Compilation)

See Recommendations, CRC (28)

Trafficking/sexual exploitation/violence against children

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 (Para 29, Compilation). UNICEF indicated that **poverty** is the main cause of child labour in Fiji. () Some become **"street children"** in the towns, working as () prostitutes (Para 46, Compilation)

According to Lechuga Foundation Fiji and Sexual Rights Initiative (LF-SRI), people most at risk of poverty in Fiji are those with limited education. These groups of **people get caught in a cycle of poverty**, some children **dropping out of school because of financial pressures**. They work to support their families either in menial jobs or fall prey to **commercial and sexual exploitation**. **Some children move to the streets**. The Government's Family Assistance Scheme does not meet the needs of the majority of people. It caters only for the worst cases of destitution, and even then it is inadequate. Furthermore, it is based on families, thus **street children are left out** (Para 53, Summary)

See Recommendations, the ILO Committee of Experts (29); CRC (29)

Suggested Questions and Recommendations

CRC

§ To take measures, including legislation, to prevent and combat ill-treatment within the family, including **domestic violence and sexual abuse of children** (Para 28, Compilation)

- § 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 (Para 29, Compilation)

The ILO Committee of Experts

- § 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 (Para 29, Compilation)

ARC International

- § That the provisions of the Constitution be rigorously upheld, including the constitutional prohibition of discrimination on grounds such as sexual orientation. (Para 19, Summary)

FMDVP

- § To recognize the right of gay persons to marry and to adopt children (Para 37, Summary)