

FIJI

CERD 29TH NO. 18 (A/9618) (1974)

124. The Committee found the information contained in the initial report of Fiji incomplete. The report dealt only with legislative measures: it was silent on judicial, administrative or other measures. It contained no information on measures relating to the implementation of article 7 of the Convention. And it provided no information on the relations, if any, between Fiji and the racist regimes of southern Africa or on the ethnic composition of the population, as envisaged in the Committee's general recommendations III and IV. Furthermore, the material contained in the report was not organized in accordance with the guidelines laid down by the Committee.

125. As far as the application of the provisions of part I of the Convention was concerned, the Committee noted with appreciation that the requirements of article 6 appeared to have been fully met, particularly by the provisions of section 17 of chapter II of the 1970 Constitution (□ Enforcement of protective provisions □) and chapter IX (□ The ombudsman □). On the other hand, it was noted that the basic anti-discrimination provisions of the Constitution (contained in subsection 1 of section 15 of chapter II) prohibited only discriminatory measures resulting from legislation or emanating from public authorities, and said nothing about acts of discrimination committed by individuals or private organizations; and many exceptions to the principle of non-discrimination were enumerated in subsections 3 to 7 of section 15. Regarding article 4 of the Convention, it appeared from the information submitted by the Government of Fiji in response to decision 3 (VII) of the Committee that the only relevant provisions in the Fijian legal system were those contained in section 15 of the Public Order Ordinance, No. 15 of 1969; but, in the view of the Committee, the scope of this section was narrower than that of article 4, inasmuch as the former was confined to the prohibition of disturbance of the public peace by the incitement of hatred or contempt of any class of person.

126. The representative of the Government of Fiji replied to the inquiry concerning the ethnic composition of the population of his country; informed the Committee that his Government had no diplomatic relations with the racist regimes of southern Africa; and assured the Committee that discriminatory acts by individuals or organizations did not exist in his country, which had never had a racial incident in living memory.

CERD A/34/18 (1979)

181. The third periodic report of Fiji (CERD/C/17/Add.2) was considered by the Committee without participation of the representative of the reporting State.

182. The Committee noted that a certain amount of progress had been made in the implementation of the Convention; for example, the 1976 Public Order Act amending the 1969 Ordinance contained provisions concerning incitement to racial disharmony which were in line with article 4 (a) of the Convention. The report's failure to indicate the measures taken under articles 3, 5, 6 and 7 of the Convention was deplored.

183. It was recalled that, given the multiracial character of the Fijian population, the Government of Fiji, when it succeeded to the Convention on 11 January 1973, formulated a reservation, regarding the electoral law, of a discriminatory nature. Information on the demographic composition of the population as well as on the present situation of the electoral law was asked for.

184. The Committee decided that a communication setting out the comments of the members of the Committee should be addressed to the Government of Fiji and that the Committee's guidelines and general recommendations concerning the presentation of reports should be brought to the attention of the Fijian authorities.

CERD A/37/18 (1982)

99. The fourth periodic report of Fiji (CERD/C/64/Add.4) was considered by the Committee without the participation of a representative of the reporting State.

100. Members of the Committee were of the view that the report represented a praiseworthy attempt by Fiji to continue the dialogue with the Committee and commended the Government for having responded to all the questions raised by the Committee during its consideration of earlier reports. Regret was expressed, however, that no representative was present to explain the special conditions in his country.

101. Much of the discussion revolved around the reservation and declarations made by the Government of Fiji in the notification of its succession to the Convention in 1973. Members of the Committee pointed out that those declarations and the reservation affected the country's legislation and electoral, land tenure and education systems. The reservation had particular significance for articles 4 and 6 of the Convention and, although the Constitution did provide as far as possible a guarantee of racial equality, the implementation of practical measures for its enforcement might be subject to the arbitrary action and preferences of the administration. Attention was drawn to the statement in the report that the special treatment accorded to certain racial groups did not appear to have specified limited duration, but that the general intention seemed to be in line with the limitation set out in article 2 (2) of the Convention. It was pointed out, in that connection, that in order to satisfy the requirements of that provision of the Convention, a more categorical undertaking should have been given that the unequal rights for different racial groups would not be maintained after the objectives for which they were intended had been achieved. The members requested clarification of the reasons for maintaining the reservation and suggested that the Government of Fiji might be in a position, currently, to withdraw its reservation and to re-examine existing legislation designed to prevent racial violence, so that measures in those fields might be more closely guided by the provisions of the Convention.

102. With reference to article 2 of the Convention and the multiracial nature of Fijian society, members of the Committee requested further information about life of the non-indigenous population, in particular, with details of mortality, income, education and opportunities available to it to exercise its rights; the relevant laws which implement constitutional guarantees; and how the Government planned to distribute wealth more evenly among the ethnic groups, in order to further narrow the economic gap between the two main islands and the outlying islands. Concerning land tenure, more information was requested on whether land which could be leased was reserved for specific racial groups, what the terms of such leasing were and whether it had any traditional or tribal basis. As regards the political structure, more details were required on elections organized on the basis of communal and national rolls, in particular at what level national parties cutting across religion and ethnicity emerged; whether candidates had party affiliations at local government level or were independent; and what constraints prevented the common-roll system being used at a higher level. Further details were required on the extent of representation of the various ethnic groups in parliament and other State organs and also on how the electoral system worked.

103. With reference to article 4 of the Convention, it was observed that article 4 (a) was only partially applied under the Public Order Act of 1969 and chapter II of the Penal Code with respect to seditious intention, which envisaged penalties only for disseminating ideas that would promote hatred among different groups, or incitement to violence. No reference was made to the other prohibitions required by article 4 (b) or to the requirements of article 4 (c) of the Convention. In that connection it was emphasized that the firm stand taken by the Committee in its general recommendation that States parties should enact special legislation in compliance with the provisions of article 4 (a) and 4 (b) of the Convention should be interpreted as a directive to the Government of Fiji to withdraw its interpretative declaration, and that in the absence of a more authoritative statement, the Committee's interpretation should prevail over the interpretation of a State party to the Convention. The Government of Fiji was therefore urged to reconsider its position concerning the need to enact further legislation in order to satisfy the provisions of article 4 of the Convention.

104. As regards article 5 of the Convention, more information was requested concerning economic and social programmes, especially in the fields of health, hygiene, education and culture, leading to economic and social equality and to non-discrimination in the enjoyment of fundamental rights. In the sphere of education, some members wished to know whether private schools were required to follow the same non-discriminatory policy as public schools; if any aggrieved parties could take up the question of denial of admission with the Ombudsman; whether there were specific laws to deal with any violations of the right to equal access to education and whether any efforts were made to inform and educate citizens about their role. With reference to the electoral system in Fiji, it was pointed out that the situation whereby an Indian member of the House of Representatives needed more votes than a Fijian member, while a third group was heavily over-represented, was not in conformity with article 5 (c) of the Convention. It was noted, however, that the situation was not the result of the Fijian Government policy but a remnant of the former colonial era.

105. As to articles 6 and 7 of the Convention, it was asked how an individual victim of racial discrimination might obtain redress through the court since the role of the Ombudsman was confined to making recommendations. More details were requested on the measures taken to prevent discrimination in the fields of teaching, education, culture and information.

CERD A/38/18 (1983)

337. The fifth periodic report of Fiji (CERD/C/89Add.3) was considered by the Committee together with the introductory statement of the representative of the reporting State, who supplemented the information given in the report, clarified his Government's policy on minorities, and drew the Committee's attention to the legislative, judicial and administrative measures ensuring the elimination of racial discrimination among the different racial groups in the country.

338. Members of the Committee thanked the representative of Fiji for establishing a useful dialogue with the Committee. They observed, however, that the report under consideration was identical to the previous report, with the exception of some information related to population figures. The hope was expressed that in its following report the Government of Fiji would take due note of the concerns expressed in the Committee and would provide adequate replies to questions raised during the consideration of the fourth periodic report that had remained unanswered.

339. Particular attention was drawn by the Committee to the question of the reservation and declarations made by the Government of Fiji in the notification of its succession to the Convention. It was observed that the Committee had already made known its view that a declaration or statements of interpretation could not be considered as a reservation and therefore could in no way affect the implementation of the Convention. It was therefore suggested that the Government of Fiji should review its reservation with respect to the provisions of article 5 of the Convention relating, in particular, to political rights, the right to own property and the right to education and training. Regarding the reservation of the Government of Fiji on the exercise of political rights, it was noted that the only relevant exception recognized in the Convention was in article 1, paragraph 2; however, the electoral law of Fiji dealt not with the distinction between citizens and non-citizens but rather with a distinction among citizens and was therefore not covered by article 1, paragraph 2, of the Convention. Furthermore, the only permissible exception relating to a distinction among citizens concerned the special measures provided for in article 1, paragraph 4, of the Convention for the protection of certain disadvantaged citizens, but article 1, paragraph 4, was invoked on the grounds that the indigenous Fijians did not enjoy the same rights as did the other citizens of the country. It was also noted that any distinction among citizens that was not covered by article 1, paragraph 4, of the Convention was in violation of article 5. Similarly, regarding the right to own property, the report stated that 83 per cent of the land in Fiji was already owned by indigenous Fijians, but the figures would suggest instead that those owning the remainder of the freehold land were the ones who needed protection. The hope was expressed that the Government of Fiji would review its reservation and furnish appropriate information so that the Committee could judge for itself whether the Convention was being implemented.

340. With respect to the implementation of articles 2 and 5 of the Convention, and with reference to the multiracial nature of Fijian society, members of the Committee noted that the Government deserved commendation for its efforts to make government schools truly multiracial and that those efforts would help to lower the barrier between the two major ethnic groups. They asked for further information on other measures adopted in Fiji, in particular, whether any association or other arrangements existed for

bringing the Fijian and Indian communities together, what was the status of the various languages and dialects spoken in the country as well as the use of such languages in schools. Some members suggested that the Government might wish to review its reservation on article 5 (e) of the Convention, since it had actually begun to implement the provisions of at least article 5 (e) (v) relating to education and training. Referring to the statement in the report that the courts were empowered to order flogging in certain circumstances, it was observed that flogging was generally regarded as cruel punishment in international law. In that connection it was asked what the Government position on flogging was and whether, in ordering flogging, the courts took into account the age, physical condition and sex of the offender. Noting that the Constitution required the Public Service Commission to ensure that each community in Fiji was treated fairly regarding the number and distribution of offices in the public service at the entry point of the service, members requested information on the breakdown of public servants by ethnic group and how the proportions for the various communities were fixed. As regards the reference in the report to "Fijian land" and "other land", most of the latter being privately owned, further clarification was requested regarding the land tenure system and whether any of the so-called "other land" was owned by Fijians. With reference to the political structure, members of the Committee agreed with the statement in the report that it was generally accepted that the common roll system of election was the ultimate objective. They asked more details in the next periodic report on any progress made towards that objective, in particular, regarding the number of seats allocated under either system and other aspects of the process before venturing to express a judgement. In this connection, some members were of the view that the adoption of an electoral system such as that of the United Kingdom would make the indigenous Fijian population a permanent minority and that the very delicate situation called for a flexible approach in examining the report of this country. They recalled that the Government should consider changing the current electoral system in favour of one based on a common roll. They also pointed out that the Committee should endeavour to induce States parties to bring their public policies and actions into line with the requirements of the Convention, but they must also take into account political realities and a delicate demographic balance which existed in some countries as a result of a long period of colonial rule.

341. Members of the Committee noted that the report attempted to demonstrate that there was no need to reconsider its reservations with respect to article 4 of the Convention. The position of the Government that its Constitution and Penal Code fulfilled its obligations under that article was not quite correct. The provisions of the Penal Code regarding seditious intention, in particular, fell far short of satisfying the requirements laid down in article 4 (a), and no reference was made to the other prohibitions required by article 4 (b) or to the requirements of article 4 (c) of the Convention. The Government was urged to reconsider its position concerning the need to enact additional legislation in order to satisfy the provisions of article 4 of the Convention. Some members also requested clarification of the role of the Director of Public Prosecutions in prosecuting incitement to racial antagonism under the Public Order Act of 1969 and the role which testimony played in criminal law in Fiji.

342. As regards article 6 of the Convention, it was asked whether any procedures or institutions other than that of ombudsman existed for the purpose of seeking redress for discrimination, whether a victim of racial discrimination could obtain any redress, including material compensation, and whether individuals could bring proceedings against public officials whose actions entailed racial discrimination.

It was also stated that any additional information on the organization of the judicial system would be welcome.

343. In reply to some questions by members of the Committee, the representative of Fiji stated that his country viewed its reporting commitments very seriously and had not derogated from those commitments in submitting its latest report.

344. As regards articles 4 and 5 of the Convention, the representative explained briefly that reservations applied to the requirements of article 4 regarding the implementation of article 5 of the Convention, and that the reservations with respect to article 5 concerned education and property rights, given the delicate racial balance which must be preserved pending the introduction of the changes. As to the punishment of flogging, he said that the Committee could rest assured that that punishment had rarely been used by the courts in the past 10 years.

345. Regarding the role of the ombudsman, the representative stated his findings had the force merely of recommendations to the appropriate governmental organs, although they carried considerable weight; however, an individual dissatisfied with them could take the matter to the courts.

346. Concerning the reservations on the electoral system, he explained that it had been set up to ensure the representation of all races, that the formula for the parallel election system of communal rolls had been freely arrived at by consensus among all the racial groups and that the ultimate objective remained universal suffrage.

347. The representative of Fiji finally assured the Committee that replies to other questions raised during the discussion would be provided in his Government's next periodic report.

CERD A/46/18 (1991)

339. At its 925th and 926th meetings, held on 13 August 1991 (see CERD/C/SR.925-926), the Committee reviewed the implementation of the Convention by Fiji based on its previous report (CERD/C/89/Add.3) and its consideration by the Committee (see CERD/C/SR.629). The Committee noted that no report had been submitted since 1982.

340. Members of the Committee recalled that, on the occasion of the consideration of the previous report, members had expressed doubts about the compatibility of Fiji's reservation with the Convention; about the conformity of the Constitution and the Penal Code with article 4 of the Convention; and about the conformity of the electoral system with article 5 of the Convention. It had also been observed that the demographic balance in Fiji was delicate.

341. Members of the Committee noted that in 1986 the population of Fiji had comprised 329,000 Fijians, 348,000 Indians and 37,000 persons belonging to other ethnic groups, and that, since the coup d'état of 1987, there had been a significant emigration of Indians. The coup d'état had had as its objective the maintenance of political power and land property rights in the hands of indigenous Fijians. The Government had promulgated the Constitution of the Sovereign Democratic Republic of Fiji in 1990, under which a central role is assigned to the Grand Council of Chiefs (Bose Levu Vakaturaga). It was noted that the electoral process that was used in constituting that body and other State organs did not guarantee full representation, especially for the Indian population, and that the elections to the Chamber of Representatives had been organized according to racial quotas, thereby institutionalizing racial discrimination in the country. It was also noted that a considerable number of Fijians were not registered in their clan's register and that, as a consequence, they could not vote. Members of the Committee wished to receive information on racial tensions in the country and on the violent acts that had occurred against persons belonging to the Indian community and against Indian temples, as well as regarding the kidnapping of the chairman of a group against racial discrimination.

342. In addition, members of the Committee requested clarification regarding chapter 2 of the Constitution, which provided that freedom of expression could be limited by law to protect the name, dignity and esteem of the institutions and values of the Fijian people, particularly the Grand Council of Chiefs; of laws that could restrict freedom of movement or of residence in the interest of defence, public security, and public order and of provisions authorizing the President and the armed forces to take special measures in a situation of subversion or in a state of emergency.

Concluding observations

343. The Committee noted with regret that Fiji had not reported to the Committee and was not able to send a representative to the meeting of the Committee. Having discussed the new constitutional developments which had taken place in Fiji and the reservations it had made on ratification and taking note of the express concern of members of the Committee about possible discrimination against Indians in respect of the exercise of political and economic rights, the Committee called upon the Government

of Fiji to resume its dialogue with the Committee by filing the reports which were due. In reporting, the Government should take account of the questions asked and the concerns raised at the meeting at which the Committee discussed Fiji.

CERD A/51/18 (1996)

427. At its 1165th meeting, held on 9 August 1996 (see CERD/C/SR.1165), the Committee reviewed the implementation of the Convention by Fiji based upon its previous report (CERD/C/89/Add.3) and its consideration by the Committee (see CERD/C/SR.629 and 925-926). The Committee noted with regret that no report had been submitted to the Committee since 1982.

428. The Committee regretted also that Fiji had not responded to its invitation to participate in the meeting and to furnish relevant information.

429. The Committee expressed concern at reports of institutionalized forms of racial discrimination and of the potential for an increase in ethnic tension on the territory of the State Party. The Committee strongly recommends the submission of a comprehensive periodic report by the State Party to clarify these serious allegations and to reestablish a constructive dialogue.

430. The Committee suggested that the Government of Fiji avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of preparing and submitting such a report drafted in accordance with the reporting guidelines.

CERD A/57/18 (2002)

471. At its 1530th meeting (CERD/C/SR.1530), held on 8 August 2002, the Committee conducted a preliminary dialogue with representatives of the Government of Fiji and, at its 1543rd meeting (CERD/C/SR.1543), held on 19 August 2002, adopted the following observations.

472. The Committee welcomes the presence of the Fijian representative and notes the submission of the sixth to fifteenth periodic reports of the State party, due biennially from 10 February 1984 to 2002, respectively, and presented in one document, as well as an updated core document. The Committee appreciates the desire of the Government of Fiji to renew its dialogue with the Committee and commends the State party for the efforts it has made.

473. The Committee, noting that the report is incomplete in many aspects welcomes the undertaking of the delegation to submit to the Committee a completed report by 30 September 2002 so that its examination can be scheduled for the sixty-second session in March 2003.

474. Responding to the suggestion of the State party in its note verbale of 7 August 2002 that questions and requests for further clarification as a result of the submission of the reports be presented in advance, the Committee recommends that the State party ensure that detailed information is submitted on the following:

(a) The social confrontation and economic decline that are reported to occur in Fiji in connection with the allegedly politically polarized race relations, in particular between indigenous Fijians and Indo-Fijians;

(b) The significance and consequences of the reservation and declarations formulated by the State party, in particular those relating to the implementation of article 5 of the Convention and indigenous rights;

(c) The results, if any, of the court challenge introduced in 2001 against the alleged ethnic imbalance in the Government;

(d) The alleged cancellation in June 2001 of the charity status of the Citizens Constitutional Forum, a multi-ethnic NGO, after it filed constitutional challenges against the Government in court.

475. The Committee wishes the State party to provide more information on existing mechanisms in Fiji to address racial discrimination under both domestic and international law and on their accessibility and efficiency.

476. The Committee notes that first steps have been achieved by the Fijian authorities towards consultation with NGOs in the process of drafting a periodic report and encourages the State party to

pursue its efforts in this regard. It recommends that the completed report be made widely available to the public from the time it is submitted to the Committee.

CERD A/58/18 (2003)

70. The Committee considered the sixth to fifteenth periodic reports of Fiji, which were due from 10 February 1984 to 10 February 2002, respectively, submitted in one document (CERD/C/429/Add.1), at its 1566th and 1567th meetings (CERD/C/SR.1566 and CERD/C/SR.1567), held on 11 and 12 March 2003. At its 1582nd meeting, held on 21 March, it adopted the following concluding observations.

A. Introduction

71. The Committee welcomes the sixth to fifteenth periodic reports, the supplementary report, and the additional oral information and responses from the State party's high-level delegation. It welcomes the resumption of the dialogue after a lapse of 18 years and appreciates, in particular, the efforts made by the State party to respond to the issues raised in the Committee's observations made in 2002 during a preliminary dialogue with the representative of the Government of Fiji.

72. The Committee hopes that the State party will hereafter ensure that all its periodic reports are submitted on time, as required by article 9 of the Convention.

B. Factors and difficulties impeding the implementation of the Convention

73. The Committee recognizes the challenges faced by Fiji in respect of its historical legacies, in particular the political, social and economic consequences of the deployment of numerous labourers from India, the establishment of an ethnically stratified labour market and the creation of an economic system during colonial rule which separated rather than united Fiji's different communities.

C. Positive aspects

74. The Committee notes with appreciation that the State party provided detailed information, including statistical data, relating to the composition of the Fijian population and the situation of the various Fijian ethnic groups.

75. The Committee notes the State party's intention to promote stability in the multi-ethnic and multicultural Fijian society, to restore and rebuild confidence among its citizens and communities and to strengthen the foundation for economic growth and prosperity for all in Fiji. It welcomes the creation of a Ministry of Reconciliation to help unite all Fijians.

76. The Committee notes with satisfaction that the State party considers the Convention as a solid basis for dialogue and cooperation with civil society. It appreciates that human rights non-governmental organizations were consulted in the compilation of the report, and the assurances that the State party would continue this dialogue in the future.

77. The Committee expresses its appreciation for the inclusion, in the 1997 Constitution of Fiji, of a Social Justice Chapter (sect. 44), calling for the elaboration of programmes designed to achieve, for all groups or categories of persons who are disadvantaged, effective equality of access to education and training, land and housing, and participation in commerce and all levels and branches of State public services.

78. The Committee notes with appreciation the creation in 1999 of a National Human Rights Commission, in compliance with section 42 of the Constitution and in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (□ Paris Principles□), endorsed by the General Assembly in its resolution 48/134.

79. The Committee appreciates the 2002 Agreed Statement by the Prime Minister and the Parliamentary Leader of the Fiji Labour Party urging their respective parties to refrain from making racial statements during parliamentary sessions.

80. The Committee welcomes the information given by the delegation that the Citizens□ Constitutional Forum, which had been deregistered under the Charitable Trusts Act, should be registered under another appropriate law and that consultations in this regard are under way.

D. Concerns and recommendations

81. The Committee notes with concern that the State party formulated, upon accession, declarations and reservations relating to articles 2, 3, 4, 5 and 6 of the Convention. The Committee suggests that the Fijian authorities review those reservations, which are inherited from colonial times, with a view to withdrawing them, taking into account paragraph 75 of the Durban Plan of Action. The State party should ensure that the specific protection and enhancement of indigenous Fijians□ rights comply with international standards relating to the prohibition of racial discrimination.

82. The Committee is deeply concerned about the damage to race relations caused by the 1987 and 2000 coups d□ □tat in Fiji. It encourages the State party to address perceptions that the State party continues to politicize culture, identity and ethnicity in order to maintain indigenous Fijian hegemony.

83. The Committee is deeply concerned that section 99 of the 1997 Constitution, which ensures power-sharing between ethnic communities through the creation of a multiparty Cabinet, is not currently being implemented. The Committee welcomes, however, the assurances given by the State party that it will comply with the Supreme Court ruling to be issued later this year on this matter.

84. The Committee welcomes the commitment of the State party to ensure the social and economic development as well as the right to cultural identity of the indigenous Fijian community. None of these programmes, however, should abrogate or diminish the enjoyment of human rights for all, which can be limited solely in accordance with the rules and criteria established under international human rights law. In this regard, the Committee strongly urges the State party to ensure that the affirmative action measures it adopts to pursue the above objectives are necessary in a democratic society, respect the

principle of fairness, and are grounded in a realistic appraisal of the situation of indigenous Fijians as well as other communities. The Committee further recommends that the State party guarantee that the special measures adopted to ensure the adequate development and protection of certain ethnic groups and their members in no case lead to the maintenance of unequal or separate rights for different ethnic groups after the objectives for which they were taken have been achieved (article 1, paragraph 4, and article 2, paragraph 2, of the Convention).

85. The Committee notes that despite reports that levels of poverty among all Fijian nationals, including Indo-Fijians and Banabans, have worsened over the years, the State party's affirmative action programmes, as adopted under the Social Justice Act of 2001 and the 50/50 by year 2020 plan, mainly target indigenous Fijians and Rotumans. The Committee strongly recommends that the State party ensure that its poverty alleviation programmes benefit all poor Fijian citizens, irrespective of their ethnic origin, to avoid undue stress on already strained ethnic relations. It also recommends that the adoption of any affirmative action programme be preceded by consultations involving all ethnic communities.

86. The Committee is concerned about current perceptions amongst some Fijians that the State party is not paying enough attention to the issue of reconciling the different population groups in Fiji. It encourages the State party to explicitly promote a national identity that unites rather than divides indigenous and Indo-Fijians, as well as other communities, and to include this objective in its development plans.

87. The Committee expresses concern about the underrepresentation of Indo-Fijians and other ethnic minorities in the police, the army and other public services in general, and recommends that specific programmes be adopted to ensure appropriate representation of all ethnic communities in these services. The Committee requests that updated statistics on poverty, unemployment and education, disaggregated between and within ethnic groups, be elaborated and included in the next periodic report. It also requests the State party to inform it of the results of all its affirmative action programmes, in particular those relating to poverty alleviation.

88. The Committee is concerned that the expiry of many leases of Native land has allegedly led to the eviction of numerous farmers, mainly Indo-Fijians, and that the resettlement programme of the State party appears to be insufficient. The Committee underlines the State's responsibility to provide assistance to evicted tenants, and recommends that it increase its efforts to compensate and resettle affected families. The Committee urges the State party to develop measures of conciliation between indigenous Fijians and Indo-Fijians over the land issue, with a view to obtaining a solution acceptable to both communities.

89. The Committee wishes to receive more detailed information in the next periodic report about the exact number of evicted, resettled and compensated persons, disaggregated by ethnic membership, as well as on the way the State party plans to respond to the expected expiry of many more leases.

90. The Committee is concerned that, according to some information, hate speech and assertions of the supremacy of indigenous Fijians occur regularly. The Committee recommends that the State party

adopt all necessary measures to put an end to the dissemination of doctrines of superiority based on ethnic origin, which are socially unjust and dangerous, as well as in breach of the Convention. The Committee wishes to receive, in the next periodic report, information relating to the effectiveness of the 2002 Agreed Statement relating to the prohibition of racial statements in Parliament, and to any other measures adopted to strongly oppose such statements in other public forums, including the media.

91. The Committee notes that the word "person" in the relevant provisions of the Penal Code concerning sedition and in the Public Order Act concerning incitement to racial antagonism also includes organizations, and would like to receive further details on this matter. The Committee notes, however, that the legislation provides for sentences such as imprisonment and fines, but not for the prohibition of racist organizations. While taking note of the State party's declaration on article 4 of the Convention, the Committee considers that the State party's legislation does not fully comply with article 4. The Committee recommends that the State party adopt specific and unambiguous legislation relating to the prohibition of racist organizations. The Committee is furthermore concerned that the State party has expressed, in its periodic report, its reluctance to prohibit racist organizations in order to preserve the freedoms of expression and association, and refers the State party to its general recommendation XV (42) of 17 March 1993 on article 4.

92. The Committee is concerned about information relating to racist attacks and acts of religious intolerance against Indo-Fijians, in particular during the 1987 and 2000 coups. It underlines that no in-depth information relating to the prosecution of the authors of such acts, or on the adoption of preventive measures for the future, has been provided. The Committee therefore requests that such information be provided in the next periodic report. Information, including statistical data, on the practical implementation and efficiency of legislation implementing article 4 of the Convention is also requested.

93. The Committee takes note of information on the growing rate of suicide among Indo-Fijians, and recommends that the State party conduct research into the causes of this phenomenon and keep the Committee informed.

94. The Committee recommends that the State party continue to support the activities of the National Human Rights Commission. It would like to receive more information about the results of its activities, as well as on the practical implications of article 27 of the Human Rights Commission Act, authorizing the Commission not to investigate a case when it "has before it matters more worthy of its attention" or when the "resources of the Commission are insufficient for adequate investigation".

95. While welcoming the assurance given by the State that schools are not racially separated in Fiji, the Committee wishes to receive more information on the consequences and the practical implementation of the Education (Establishment and Registration of Schools) Regulation, which states that "while a registered or recognized school may, when selecting pupils for admission give preference to pupils of a particular race or creed, no admission shall be denied solely on grounds of race or religion". The Committee also wishes to know whether the State party enhances and financially supports multiracial schools. It would appreciate disaggregated data relating to any support provided

to the various community and religious schools.

96. The Committee wishes to receive, in the next periodic report, information on the legal status of persons of mixed ethnic parentage and of the various languages spoken in Fiji.

97. The Committee notes the State party's view that the remedies provided under national and international law are sufficient, and that making the declaration provided for in article 14 of the Convention is not necessary. The Committee, stressing that the State party has not provided enough information to demonstrate that the available remedies are sufficient, reminds the State party that the remedies provided in article 14 of the Convention may be considered as complementary to the existing ones. It therefore invites the State party to reconsider its position and to envisage the possibility of making the declaration.

98. The Committee strongly recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee refers to General Assembly resolution 57/194 of 18 December 2002, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

99. The Committee encourages the State party to consult with organizations of civil society working to combat racial discrimination during the preparation of the next periodic report.

100. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level. It also suggests that the State party envisage elaborating a national plan of action to combat racism and, to this effect, avail itself of the technical assistance offered by the Office of the United Nations High Commissioner for Human Rights.

101. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted to the United Nations and that the observations of the Committee on these reports be similarly publicized.

102. The Committee recommends that the State party submit its sixteenth periodic report jointly with its seventeenth periodic report, due on 10 February 2006, and that it address all points raised in the present concluding observations.