

For participants only

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COMMITTEE ON THE RIGHTS OF THE CHILD  
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Pre-sessional Working Group  
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IMPLEMENTATION OF THE CONVENTION OF THE RIGHTS OF THE CHILD

List of issues to be taken up in connection with  
the consideration of the initial report of Fiji  
(CRC/C/28/Add.7)

General measures of implementation  
(Arts. 4, 42 and 44, para. 6 of the Convention)

1. Please indicate the status of the Convention on the Rights of the Child vis-a-vis national law. Please also indicate if the Convention can be invoked in courts and, if so, provide some examples.
2. With regard to information provided in paragraphs 7 and 8 of the report, please indicate if further measures have been undertaken to review the legislation in order to make it compatible with the provisions and principles of the Convention.
3. With regard to information provided in paragraphs 17 to 18 of the report, please provide more detailed information on existing mechanisms to coordinate the activities between all Ministries involved in children's issues as well as between the local and central authorities. Please provide additional information on the Coordinating Committee on Children, especially with regard to its budget, staffing, constraints and effectiveness.
4. Please indicate whether indicators have been developed and disaggregated data collected concerning the status of all children, including the most vulnerable groups (such as girls, children born out of wedlock, children living in poor urban areas, children living in remote islands and children with disabilities). What difficulties were encountered in the collection and use of these data and indicators for the design of policies and programmes for the effective implementation of the Convention?
5. Please provide further details on existing or foreseen mechanisms, both at central and local levels, for monitoring the implementation of the Convention.
6. Please provide further information on the Human Rights Commission established by the newly adopted Constitution.

7. Please indicate which measures have been taken, or are planned, to train professionals groups such as: judges, lawyers, law enforcement officials, civil servants including at the local level, personnel working in institutions or places of detention for children, health personnel and social workers, about the Convention. In addition, please indicate what measures have been taken to raise the awareness of Government officials, legislators, non-governmental organizations and the mass media, as well as the public at large including children themselves.

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8. Please indicate what proportion of the national budget is devoted to social welfare for children at local and national level. With regard to information provided in paragraph 46 of the report, please provide information on the implementation of article 4 of the Convention in regard to the allocation ~~A~~to the maximum extent of (...) available resources@

9. Please indicate whether the Convention is available in Fijian and Hindi.

10. Please provide more details about the process of preparing the report, including the extent to which the non-governmental organizations were involved. Please also indicate if measures have been taken to disseminate the report.

Definition of the child  
(Art. 1 of the Convention)

11. With regard to information provided in paragraph 28 of the report, please provide information on the compatibility between the legal provisions concerning the different minimum ages of marriage for boys and girls and article 2 of the Convention.

12. With regard to information provided in paragraph 28 (a) and (g) of the report, please indicate if the State party envisages raising the minimum age of criminal responsibility and of access to employment. With regard to information provided in paragraphs 30 and 31 of the report, please indicate if the State party envisages defining a legal minimum age for medical counselling without parental consent, as well as for giving testimony in courts.

General principles  
(Arts. 2, 3, 6 and 12 of the Convention)

13. Please indicate to what extent the provisions of article 2 of the Convention are covered in national legislation with regard to all possible grounds for discrimination spelled out in that article, in particular in relation to ethnic origin, language, social status, property, disability, birth or other status of the child. Furthermore, please indicate whether children affected by or infected with HIV/AIDS are victims of discriminatory attitudes.

14. Please indicate whether any measures have been taken to prevent and combat discrimination against the girl child, children with disabilities, children living in remote islands and poor urban areas, children born to single mothers as well as children born out of wedlock. Please indicate to what extent traditional practices may lead to discriminatory attitudes.

15. Please provide further information on the ways the principle of the Best interests of the child (art.3) is reflected in legislation, or actions undertaken by social welfare institutions, courts of law and administrative authorities in all matters. Please also provide some examples of implementation of this principle by court and/or administrative bodies. With regard to information provided in paragraphs 62 to 68 of the report, please provide additional information on measures taken or foreseen to implement concretely the principle of the Respect for the views of the child (art. 12), in particular in the field of juvenile justice, and to further sensitize parents, professional groups and public opinion on the need to encourage children's participatory rights.

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Civil rights and freedoms  
(Arts. 7, 8, 13-17 and 37 (a))

16. With regard to information provided in paragraph 74 of the report, please further indicate the measures undertaken or foreseen by the State party to ensure systematic birth registration for all children, in particular in remote islands and for non Fijian children.

17. Please provide further information on recent measures taken or foreseen to address the problem of violence against children. Have specific programmes for the prevention of ill-treatment and abuse of children, including sexual abuse, and for the treatment, psychological recovery and social rehabilitation of abused children been developed at the central and local levels? Have measures been undertaken to facilitate the access to justice of child victims?

18. Please indicate if the State party envisages legally prohibiting corporal punishment in the family, in care and other institutions.

Family environment and alternative care  
(Arts. 5, 18 para. 1 and 2, 9, 10, 27 para. 4,  
20, 21, 11, 19, 39 and 25)

19. Please provide further information on the equal responsibility by law and in practice of both parents in the upbringing of their children. Please indicate to what extent the State Party conducts parental education in the performance of child-rearing responsibilities. Are there any family counseling services? With regard to the information provided in paragraph 44

of the report, please clarify parental obligations towards children older than 14.

20. With regard to information provided in paragraphs 122 to 126 of the report, please provide additional information on the Adoption of Infants Act, its review and its compatibility with the provisions and principles of the Convention, in particular article 21, including in relation to illegal adoptions. Please also provide further information regarding the practice of intercountry adoption. Please also indicate if the State party is considering becoming a State party to the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

21. Please indicate if any comprehensive study has been undertaken or is planned on the occurrence of abuse and neglect, including sexual abuse, within and outside the family. Additionally, please indicate measures taken or foreseen, including information campaigns, for the prevention of abuse and neglect, including sexual abuse, against children, and the treatment and rehabilitation of victims.

Basic health and welfare

(Arts. 6 para.2, 23, 24, 26 and 18 para.3,  
and 27 paras. 1-3)

22. Please indicate if any survey has been conducted regarding the number of children with disabilities and their particular problems. Please give additional information on the measures taken to provide easy access to basic services, including health and education, to children with disabilities, in particular those living in rural areas.

23. Please provide further information on measures undertaken or foreseen to address adolescent health issues, including suicides, early pregnancies, HIV/AIDS and Sexually Transmitted Diseases (STDs).

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Education, leisure and cultural activities

(Arts. 28, 29 and 31)

24. Please provide further information on measures taken or foreseen to make primary education compulsory, as well as to guarantee equal access to all children. Does the State party envisage establishing a public pre-school education system?

25. Please provide further information on early pregnancy and its consequences, inter alia, on the education of pregnant girls as well as on measures to ensure the continuation of education of the pregnant girls in the light of article 28.

26. Please provide further information on measures taken or foreseen to encourage child participation at school.

27. In the light of article 29 of the Convention, please indicate whether human rights education, especially on the rights of the child, has been included in the school curricula of children. Furthermore, please indicate whether teachers, school managers have been sensitized to the rights of the child.

28. Please indicate further measures undertaken and resources devoted to the implementation of article 31 of the Convention.

Special protection measures  
(Arts. 22, 30, 32-40)

29. Please provide further information, in the light of articles 37, 40 and 39 of the Convention (see paras. 238 to 247), in particular on:

- a) the use of arrest, detention or imprisonment of a child as a measure of last resort and for the shortest period of time;
- b) the right of the child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society;
- c) the right of the child not to be alleged as, accused of or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
- d) the right for the child to enjoy the following guarantees:
  - i) to be presumed innocent until proven guilty according to law;
  - ii) to be informed promptly and directly of the charges against him or her and, if appropriate, through his or her legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense;
  - iii) to have the matter determined without delay by the court;
  - iv) not to be compelled to give testimony or to confess guilt;
  - v) if considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
  - vi) to have the free assistance of an interpreter if the child cannot understand or speak the language used.
- e) alternative measures to institutional care made available to deal with such children in a manner appropriate to their well-being;
- f) measures to ensure that every child concerned is duly informed about such guarantees.

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30. With regard to the situation of children deprived of their liberty, both in special institutions and in prisons, please provide additional information (see paras. 248 to 257) in particular on the following issues:

- the opportunities for the contact with families;
- the pre-trial detention;

- the way the conditions in such institutions are monitored;
- the guarantees to ensure the periodic review of placement;
- the complaint procedures in cases of ill-treatment;
- the prohibition of life imprisonment;
- the education, health and social services facilities in these institutions and prisons.

31. With regard to the information provided in paragraphs 258 to 260 of the report, please indicate if the State party has undertaken any study on the economic exploitation of children. Please also indicate whether the State party is considering acceding to ILO Convention No 138.

32. Please provide additional information on sexual exploitation, pornography and trafficking of children, as well as on the revision of existing related legislation. Furthermore, please indicate whether the State party is taking into account the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children.

33. Please provide updated information on the issue of substance abuse, in particular drug and alcohol consumption. In relation to the information provided in paragraph 280 of the report, please indicate the effectiveness of measures and programmes to prevent and combat these phenomena.