

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

Seventy-second session

Geneva, 18 February – 7 March 2008

**QUESTIONS PUT BY THE RAPPORTEUR
IN CONNECTION WITH THE CONSIDERATION OF
THE SIXTEENTH TO SEVENTEENTH PERIODIC REPORTS OF
THE REPUBLIC OF FIJI ISLANDS
(CERD/C/FJI/17)**

General legal framework

1. Please explain the status of the Convention in domestic law and indicate to what extent domestic courts may directly implement its provisions. If not, please indicate to what extent the provisions of the Convention have been incorporated into domestic law.
2. In the light of the statements in paragraphs 5-20 of the State report, particularly with regard to the emergence of new international instruments in the field of indigenous rights, please indicate whether Fiji intends to maintain its reservations to the Convention.
3. The Committee would welcome information on Fiji's understanding of how the international legal concept of 'indigenous peoples' applies to groups within the State party.

Article 2

4. Please provide information on the results of the activities of the National Human Rights Commission in relation to combating racial discrimination against all ethnic groups in the State party, including the number and nature of communications concerning cases of alleged racial discrimination brought before it.¹
5. The Committee wishes to receive information as to whether the activities of the previous Standing Committee on Human Rights and Equal Opportunities in relation to the elimination of racial discrimination have been transferred to another body.
6. Please provide updated data on poverty, unemployment, and education for the various ethnic groups residing in the State party, including smaller minorities such as Fijians of Chinese origin, Melanesian and Tuvaluan community members, and Banabans, on the basis of which the need for and the effectiveness of special

¹ CERD/C/62/CO/3, para. 25.

measures (Social Justice Act, Blueprint Programme) has been reviewed in order to guarantee that that the special measures do not lead to the maintenance of unequal or separate rights for different ethnic groups following the achievement of the objectives for which they were taken. Have the ethnic communities concerned been consulted before the adoption of any additional special measures?²

Article 4

7. As requested in paragraph 21 of the previous concluding observations adopted by the Committee, please provide information regarding the number of prosecutions and convictions on the sanctions imposed under Section 30 of the Constitution with regard to criminal offences relating to racial discrimination, and, if still applicable, the effectiveness of the 2002 Agreed Statement relating to the prohibition of racial statements in parliament.
8. Please provide information as to whether Fijian criminal law includes a provision to the effect that committing offences for racial reasons generally constitutes an aggravating circumstance.
9. The Committee reiterates its request for in-depth information relating to the prosecution of the authors of incidents of racists attacks and religious intolerance, in particular in relation to those that occurred during the 1987 and 2000 coups, or on the adoption of preventive measures for the future.³

Article 5

10. Please provide disaggregated data concerning the ethnic composition of persons in detention.
11. Please provide information on the measures taken by the State party to ensure an equitable representation of persons belonging to the different ethnic groups existing in the territory of the State party in government and in the public administration. Please also provide information on programs and policies aimed at fostering non-indigenous representation in the police and in particular the army.⁴
12. The Committee would like to receive information on whether and if so, how, the interim Government has addressed the high rate of emigration of Indo-Fijians. Please also provide information as to whether a date has been set for the entry into force of those parts of the *Immigration Act of 2003* that have not yet been implemented, including in particular Section 8 (1) (g) of the *Immigration Act of 2003*.
13. Does the Farming Assistance scheme cover all “evicted” farmers and is it applied by the interim Government? In view of the expected expiry of many more leases,

² CERD/C/62/CO/3, paras. 15, 16 and 18

³ CERD/C/62/CO/3, para. 23.

⁴ CERD/C/62/CO/3, paras. 14-15, 18.

what measures are envisaged by the State party? Are there any compensation and resettlement programs specifically targeted at landless Indo-Fijians?⁵

14. What measures of conciliation between indigenous and Indo-Fijians over the land issue have been taken?⁶ Please provide information regarding the draft People's Charter for Change and Progress, in particular as it relates to the elimination of racial discrimination. Please also provide information on how the interim Government addresses the arguments advanced in opposition to the Charter.
15. Please provide information on whether Indo-Fijians are specifically targeted in the State party's suicide prevention programs.⁷
16. As requested in paragraph 26 of the previous concluding observations adopted by the Committee, please provide information on the consequences and practical implementation of the Education (Establishment and Registration of Schools) Regulation, in particular its provision under which schools "may, when selecting pupils for admission give preference to pupils of a particular race or creed, [while] no admission shall be denied solely on grounds of race or religion." How does the Government make sure that admission is not denied solely on grounds of race or ethnicity? Please also provide disaggregated data on the funding of multiracial Governmental schools, as well as updated data on the ethnic pattern of primary, secondary and tertiary schools, in particular regarding non-State schools.
17. Please provide information on the effectiveness of the measures that have been implemented to address the education gap between indigenous and non-indigenous Fijian students. What is the statistical basis for the elaboration of these measures and what mechanisms have been used to regularly evaluate the need and effectiveness of such measures?
18. As requested in paragraph 27 of the previous concluding observations adopted by the Committee, please provide information relating to the legal status of persons of mixed ethnic parentage. Please also provide disaggregated data concerning this group as well as the various language groups in Fiji.

Article 6

19. Please provide disaggregated data and more detailed information on the remedies – including civil remedies – available to persons who claim to be victims of acts of racial discrimination, as well as on measures taken to ensure reparation for any damage suffered as a consequence of such discriminatory acts.

Article 7

20. Please provide information on the dissemination of the Convention in the State party. Please also specify which training programmes and courses are available,

⁵ CERD/C/62/CO/3, para. 20.

⁶ CERD/C/62/CO/3, para. 19.

⁷ CERD/C/62/CO/3, para. 24.

if any, for members of the judiciary, policy-makers, law enforcement officials, teachers, social workers and other public officials on the provisions of the Convention and their application.⁸

21. Please provide more detailed information on measures taken in the field of education to combat prejudices which can lead to racial discrimination.

⁸ CERD/C/62/CO/3, para. 32.