

## Fiji

Date of admission to UN: 13 October 1970.

### TREATIES: RATIFICATIONS AND RESERVATIONS

**Land and People:** Fiji has submitted a core document (HRI/CORE/1/Add.76) for use by the treaty bodies. The report prepared by the government contains demographic and statistical data and information on the economic system. There is some commentary as well on the political system, noting that the 1990 Constitution emphasizes fundamental rights and freedoms. The report states that, while guaranteeing special rights of protection and privileges to indigenous Fijians, the Constitution does not deny to others the rights to life, liberty, security of person, expression, assembly and association and protection of privacy. The report acknowledges that some provisions of the Constitution have proven to be contentious. A Constitution Review Commission was established to carry out the required review of the Constitution and was scheduled to present its report by the end of June 1996.

#### Racial Discrimination

Succeeded: 11 January 1973.

Fiji's sixth through 13th periodic reports (covering the period 1984–1998) have not been submitted; the 13th periodic report was due 11 January 1998.

*Reservations and Declarations:* Articles 2, 3 and 4; paragraphs (c), (d) (v), and (e) (v) of article 5; article 6; article 15.

#### Discrimination against Women

Acceded: 28 August 1995.

Fiji's initial report was due 27 September 1996.

*Reservations and Declarations:* Paragraph (a) of article 5; article 9.

#### Rights of the Child

Signed: 2 July 1993; ratified: 13 August 1993.

Fiji's initial report (CRC/C/28/Add.7) was considered at the Committee's May 1998 session; the second periodic report is due 11 September 2000.

### REPORTS TO TREATY BODIES

#### Committee on the Rights of the Child

Fiji's initial report (CRC/C/28/Add.7, June 1996; CRC/C/Q/FIJ/1) was considered by the Committee at its May 1998 session. The report prepared by the government contains information on, *inter alia*: constitutional protection of children's rights and constraints on assistance to children; the functions and mandate of the Coordinating Committee on Children (CCC), established in 1993; the age of legal responsibility and the definition of the child; the Juveniles Act and the legal context for the best interests of the child; practical constraints on ensuring the best interests of the child in terms of health,

education and welfare; health issues related to, and health services for, youth and children; respect for the view of the child, freedom of expression, access to appropriate information, freedom of conscience, religion or belief and protection of privacy; name and nationality and preservation of identity, including cultural identity; parental responsibilities, the Matrimonial Causes Act, and the situation of children without families; projects to improve children's health; children with disabilities; education, including technical and vocational training, and the aims of education; children in conflict with the law, the juvenile justice system, and provisions related to children in detention or otherwise institutionalized; child labour; the sexual exploitation and abuse of children; drug and substance abuse; and legal provisions and programmes related to minority and indigenous children.

The Committee's concluding observations and comments (CRC/C/15/Add.89) welcomed the establishment of several administrative, monitoring, and protection mechanisms on children's rights such as the Coordinating Committee on Children (CCC), the Children's Unit within the Ministry of Health and Social Welfare, and the Child Abuse Unit within the Police Department. The participation of NGOs in the CCC and in the elaboration of the government's report was noted positively, as was the 1997 amendment to the Juvenile Act regarding the prevention of child pornography.

In terms of factors impeding the implementation of the Convention, the Committee referred to the fact that Fiji has a geographical configuration comprising 330 islands, with a relatively small population composed of a number of different and isolated communities. Reference is also made to recent changes in the economic structure.

The principal subjects of concern identified by the Committee included, *inter alia*: the need to harmonize legislation fully with the principles and provisions of the Convention; the slow pace in the process of enactment of the Children's and Young Persons' Act; the lack of a systematic, comprehensive, and disaggregated quantitative and qualitative data-collection mechanism for all areas covered by the Convention, especially addressing the most vulnerable groups of children; the lack of an independent complaint and monitoring mechanism for children, such as an Ombudsperson or a Commissioner for Children; the allocation of insufficient human and financial resources for the full implementation of the provisions of the Convention, insufficiencies in efforts to train professionals working for, and with, children in the provisions and principles of the Convention, as well as to translate the Convention into the Fijian and Hindi languages; and the lack of adequate and systematic training for professional groups working with and for children.

The Committee also expressed concern over: the fact that the minimum age for marriage, set at 16 for girls and at 18 for boys, is discriminatory and contrary to the principles of the Convention; insufficiencies in the measures adopted related to access to education and health services; the use of the term "illegitimate children" (ex-nuptial children) in the law, noting this is contrary to the