

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 12th periodic reports (covering the period 1984-1996) have not been submitted; the 12th periodic report was due 11 January 1996.

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) has been submitted and is pending for consideration at the Committee's May 1998 session; the second periodic report is due 11 September 2000.

* * * * *

INDIA

Date of admission to UN: 30 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: India has not provided a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Acceded: 10 April 1979.

India's second periodic report was due 30 June 1991; the third periodic report was due 30 June 1996.

Reservations and Declarations: Articles 1, 4 and 8; article 7 (c).

Civil and Political Rights

Acceded: 10 April 1979.

India's fourth periodic report was due 9 July 1995; the fifth periodic report is due 31 December 2001.

Reservations and Declarations: Articles 1, 9 and 13; paragraph 3 of article 12; paragraph 3 of article 19; articles 21 and article 22.

India's third periodic report (CCPR/C/76/Add.6) was considered by the Committee at its July/August 1997 session. In addition to constitutional, legal and administrative measures related to implementation and protection of the rights in articles 1 through 27, the report prepared by the government includes information on: socio-economic and cultural diversity; the separation of powers and the independence of the judiciary; the legal status of the ICCPR; poverty and

underdevelopment; affirmative action for disadvantaged sectors; and, the National Commission for Women, National Commission for Scheduled Castes and Tribes, National Commission for Minorities and the National Human Rights Commission.

The Committee's concluding observations and comments (CCPR/C/60/IND/3) noted that India's report provides comprehensive information on the constitutional and legislative norms applicable to human rights in India. However, the Committee regretted the lack of information on difficulties encountered in implementing the provisions of the Covenant in practice.

The Committee acknowledged several factors and difficulties that are obstacles to full implementation of the Covenant, including: terrorist activities in the border states, with the Committee recalling, however, India's obligation to ensure that measures adopted to combat terrorism must conform with the government's obligations under the Covenant; the size of the country, its huge population, massive poverty and great disparities in the distribution of wealth among various social groups; the persistence of traditional practices and customs, which results in women and girls being deprived of their rights, their human dignity and their lives; discrimination against members of the underprivileged classes and castes and other minorities; and, ethnic, cultural and religious tensions.

The Committee noted with satisfaction the existence of a broad range of democratic institutions and a comprehensive constitutional and legal framework for the protection of human rights and welcomed frequent references to provisions of international human rights instruments by the courts and, in particular, the Supreme Court. The Committee also welcomed the establishment of the National Human Rights Commission in 1993 and acknowledged the attention given by the government to the Commission's recommendations. Reference is made to the powers of the Commission which, although limited, enabled it to inquire into complaints of human rights violations, intervene in court proceedings involving allegations of human rights violations or otherwise dealing with human rights issues, review constitutional and legal norms and the conformity of laws with international human rights instruments, make specific recommendations to the Parliament and other authorities and undertake activities in the field of human rights education. The Committee welcomed the establishment of Human Rights Commissions in six states, including Punjab and Jammu and Kashmir, and of Human Rights Courts in several other states.

Other administrative, institutional and legal steps taken by the government that were viewed favourably by the Committee included: establishment of the National Commission for Scheduled Castes and Tribes, the National Commission for Women (1992) and the National Commission for Minorities (1993); the decision to allow the 1995 Terrorist and Disruptive Activities Act (TADA) to lapse-under this Act, members of the security and armed forces enjoyed special powers in the use of force, arrest and detention; the review of cases under the 1995 Act and the decision to drop a number of them; and, the directives given by the Supreme Court to deal with questions of bail under the TADA, though a number of cases remain to be decided.