



FIJI HUMAN RIGHTS COMMISSION

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**International Convention on the
Elimination of All Forms of Racial
Discrimination**

**SUBMISSION TO THE COMMITTEE
ON ELIMINATION OF RACIAL
DISCRIMINATION**

FIJI

February 2008

1.0 Introduction

The Fiji Human Rights Commission makes its submission to the Committee on the Elimination of All Forms of Racial Discrimination (CERD Committee) as a national human rights institution established by the 1997 Constitution of Fiji and the Human Rights Commission Act 10/99.

2.0 Mandate

Section 42 of the Fiji Constitution states that the mandate of the Commission is to educate the public about origins of the constitutional provisions on Bill of Rights in international law (including the Convention on the Elimination of All Forms of Racial Discrimination) and make recommendations to the Government about matters affecting compliance with human rights.

The powers and duties of the Commission are provided by section 7 of the Human Rights Commission Act and includes the duty:

- (h) to advise the Government on its reporting obligations under international human rights instruments and, without derogating from the primacy of the Government's responsibility for preparing those reports, to advise on the contents of the reports

The Commission has advised the Interim Government, as it did the previous Government, on what could constitute the content of its report to the CERD Committee. However, the Commission makes its own submissions to the Committee for its consideration on matters the Committee raised in its Concluding Observations on Fiji. In 2002 the Commission was informed by the CERD secretariat that the Committee encouraged submissions from national human rights institutions.

3.0 FHRC support for the Citizens Constitutional Forum (CCF), Women's Action for Change (WAC) and Ecumenical Centre for Research Education and Advocacy (ECREA) on their Submission to the CERD Committee

The Fiji Human Commission expresses general support for the submission of the NGOs CCF, WAC and ECREA to the Committee. The Commission's submission, complements and reinforces that of these NGOs.

However, the Commission provides **supplementary** information for the Committee's attention. The Commission takes as its reference point the concerns and recommendation from paragraph 12 of the CERD Committee's Concluding Observations, and provides comments in the following sections of this Submission.

4.0 Concerns and Recommendations of the CERD Committee

4.1 Paragraph 12: Review of reservations relating to the Convention

The Commission fully agrees with the Committee's recommendation to the State party to review its reservations to the Convention in view of the Durban Plan of Action. The Commission informs the Committee that a high level Fiji Government and Fiji Human Rights Commission delegation had attended the World Conference Against Racism. The Fiji delegation had endorsed the Plan of Action, including, therefore, the second part of Article 75 of the Durban Plan of Action, that is:

...to consider making the declaration envisaged under Article 14 (of the Convention), to comply with ...reporting obligations, and to publish and act upon concluding observations of the Committee on the Elimination of Racial Discrimination... also..to withdraw reservations contrary to the object and purpose of (the) Convention and to consider withdrawing other reservations.

The Commission observes that Fiji formulated, upon accession during the colonial era, declarations and reservations to articles 2, 3, 4, 5 and 6 of the Convention. In 1973 (newly independent) Fiji redrafted these as follows:

- (i) **Art. 5 (c)** ..that any law relating to elections in Fiji may not fulfil the obligations related to this article
- (ii) **Art. 5 (d) (v)** .. that any law relating to land in Fiji which prohibits or restricts the alienation of land by the indigenous inhabitants may not fulfil the obligations referred to this article
- (iii) **Art. 2, 3, and 5 (e) (v)** ... that the school system may not fulfil the obligations referred to in these articles.

That it interpreted **Art. 4 (a), (b) and (c)** as that which required Fiji to adopt further legislative measures only in so far as it may consider with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in **Art. 5** of the Convention (in particular the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association) that some legislative addition to or variation of existing law and practice in those fields is necessary for the attainment of the end specified in the earlier paragraph of article 4.

That it also interpreted the requirement in **Art 6** concerning ‘reparation or satisfaction’ as being fulfilled if one or other of these forms of redress is made available and interprets ‘satisfaction’ as including any form of redress effective to bring the discriminatory conduct to an end.

These reservations have remained in place since 1973 and the Commission considers it appropriate for Fiji to review and remove them in view of the commitments made by the state party to the Durban Declaration and Plan of Action as well as the current Interim Government’s new policy direction expressed in the **People’s Charter for Building a Better Fiji (People’s Charter)**.

The Commission expresses its appreciation to the Interim Government for removing the reservation to Art 14 of CERD.

The Commission also informs the Committee that the 1997 **Constitution of Fiji** contains specific provisions on protection and enhancement of indigenous Fijian rights. Review of various relevant pieces of legislation relating to indigenous rights are currently being undertaken by the Ministry of Fijian Affairs. These reviews should ensure that protection of indigenous rights contained in the law comply with international standards relating to the prohibition of racial discrimination, including those established by the Durban Declaration and Programme of Action and the UN Declaration of Indigenous Rights. The Commission will carefully monitor the People’s Charter process and determinations to ensure that there is compliance with international law represented by CERD.

The Commission is fully aware of the importance of the UN Declaration of Indigenous Rights in relation to Fiji and specifically points to the significance of Article 46 of the Declaration.

4.2 Paragraph 13: Damage to race relations caused by 1987 and 2000 coup d’etat and politicization of culture, identity and ethnicity in order to maintain indigenous Fijian hegemony

The Commission informs the Committee that the damage caused to race relations by the coup of 1987 and attempted coup of 2000 is adequately addressed in the submission of the NGOs.

However, the Commission takes this opportunity to remind the Committee that racial segregation in Fiji's social, economic and political structures was introduced during the colonial era by Britain which had pursued a development policy of 'Fijian land, Indian labour and European capital'. This 'three-legged stool' policy, as it was known, prevailed through legislation for decades, including by way of the 1970 Constitution which demarcated seats in Parliament along race lines. This policy was also ingrained in the education system and in economic life.

The new Constitution of 1990 consolidated separate and unequal representation in Parliament, in violation of Fiji's obligation under CERD. This Constitution was amended by the Constitution of 1997. The new Constitution attempted to re-introduce the right to equality in Fiji, with limited success. The Constitution nevertheless introduced a justiciable Bill of Rights and a Compact chapter which protected the right to equality under the law and freedom from unfair discrimination, though with some significant limitations.

Unequal electoral representation has remained in Fiji's laws and has encouraged the politicization of culture, identity and ethnicity. A significant number of seats in Parliament continue to be demarcated and allotted along 'communal' lines, with the different communities being defined and described in the Constitution as 'Fijian', 'Indian' and 'Other'. The current Interim Government considers such communal differentiation in public life to be one of the shortcomings of the 1997 Constitution. The provisions on communal voting do not comply with Fiji's obligations under CERD, notwithstanding reservations and declarations Fiji formulated in 1973 relating to Arts 2, 3 and 5. In fact, this part of the Constitution is seen to be accommodating and institutionalizing a form of apartheid in Fiji.

The Interim Government's **People's Charter** seeks to eradicate such race-based political representation. However, a number of key political parties and interest groups, including many NGOs, have stated that they do not support the Charter. The method by which the Charter will be Constitutionally validated is an issue that has not yet been addressed.

4.3 Paragraphs 15 and 16: Affirmative Action policies of previous Governments

In 2006, the Commission undertook an independent constitutional assessment of the previous Government's Affirmative Action laws and policy¹. This assessment was conducted pursuant to the concluding observations on Fiji made by the CERD Committee in 2002. The Commission's study concluded that the Government's Affirmative Action law, policy and programmes.

'have the combined effect of imposing large-scale discrimination against the minority ethnic groups, specifically on the disadvantaged categories within these groups, and more generally on other disadvantaged groups who have not been provided with affirmative action programmes to improve their conditions of life.

The affirmative action law, policies and programmes do not comply with the requirements of Chapter 5 of the Constitution.'

on the basis (*inter alia*) that...

'the programme as a whole lacks a proportional balance between any disadvantage intended to be addressed and the measures taken to alleviate the disadvantage. Minor or even presumed but non-existent disparities between ethnic groups have been used to justify the complete exclusion of groups other than indigenous Fijians and Rotumans from the bulk of the programmes'.

The Commission's Report was submitted to the previous Government, and while the Government undertook publicly to review its Affirmative Action policy and programmes in view of the report, it also, almost simultaneously, announced a snap election. The Commission found a nexus between the publication of its Report and the announcement of snap elections, particularly since the election was to be held well before the Elections Office was able to make adequate preparations for polling.

In 2006 the Fiji Labour Party challenged the election results in court but court proceedings were overtaken by the removal of the Government in December 2006 and later withdrawn. In view of this, the Human Rights Commission commissioned an independent Inquiry into the 2006 elections².

¹ Fiji Human Rights Commission (June 2006) Report on Government's Affirmative Action Programmes, 2020 Plan for Indigenous Fijians and Rotumans and the Blueprint (www.humanrights.org.fj) - see also attached in hard copy and e-version.

² The Report of the Elections Inquiry can be obtained from the Commission's website www.humanrights.org.fj. see also attached in hard copy and e-version

The Commission's 3-member Inquiry team found a number of serious discrepancies in the elections process from registration through to actual voting. The Inquiry Report concluded that there was evidence of significant ethnic bias in the elections process which affected the voting rights of many voters. The Inquiry found that the manner in which elections were conducted revealed evidence of bias against Indian voters in communal seats as well as all voters in marginal seats. Evidently, international missions observing the 2006 elections were unable to detect the real extent of the serious deficiencies in the elections registration process because of the methodology used and the very short period of time during which their monitoring took place.

It is important to note that, due to lack of adequate preparation time, the United Nations could not send an observer team to monitor human rights aspects of elections, and therefore, human rights issues, such as voting rights, non-discrimination in the elections process, and due process requirements, were only superficially monitored. This was done mainly by the Fiji Human Rights Commission which does not have sufficient expertise and resources for monitoring a national election.

The Interim Government has indicated its intention to eliminate racial segregation in the electoral system. One of the proposals is to replace the mixed (communal and open) system of voting with a 'one-person-one vote' system. However, the Commission cautions that any proposed system will need to be thoroughly assessed for its ability to serve the needs of a society that has significant ethnic and religious minority groups which also seek the opportunity, hitherto denied, by the skewed voting system, by coup d'états, and by ethnic hostility and terrorism, to offer national leadership in Fiji.

The issues relating to 'Democracy' and 'representation' are currently being analysed by the Commission to encourage sensible national discussion. The Commission holds the view that any new system of voting proposed for Fiji should aim for a result that would be truly representative. Its Chairperson currently publishes a series of articles in Fiji's popular **Turaga** Magazine to inform the public about the different forms of democratic representation available and to encourage expression of views. Fiji's voting system must comply with Fiji's international obligation to the Universal Declaration of Human Rights (UDHR) and all other relevant international instruments.

4.4 Paragraph 17: national identity

The Commission is concerned that meaningful efforts have not been made to develop a national identity for all citizens of Fiji. Prior to December 2006 this was due largely to entrenched racial separatism and segregation in Government policy and programmes, and to racial discrimination in areas of education and public service.

However, the Commission is also concerned that the media (the fourth estate), which is mostly privately owned, has not developed programmes to assist with building a non-racial and secular national identity. The media holds a powerful position in Fiji society. It is the main source of information for rural areas and is also the most important, yet under-rated, opinion shaper. The Media Council Code of Conduct prohibits programmes and advertisements that have the effect of promoting racial discrimination and discord but complaints to the Commission show that this is ineffectively monitored. There is also a dearth of local programmes explicitly promoting racial harmony.

In 2007 the Commission appointed an independent consultant to inquire into whether, and to what extent, freedom of the media was respected in Fiji. The Inquiry took note of a study conducted by the South African Human Rights Commission, **Across the Faultlines: Racism in the Media**. The results of the Fiji Commission's Media Inquiry will be made available to the public upon completion.

The Commission believes that the proposed **People's Charter** may form the basis of a future development plan, which will assist in promoting a national identity in Fiji. It is closely monitoring the People's Charter process in its role as independent watchdog of rights in Fiji. It has informed the People's Charter Secretariat of the Commission's monitoring role, so as to ensure that the Charter complies with the requirements of CERD.

4.5 Paragraph 18: under-representation of Indo-Fijians and other ethnic minorities in public service, including in the police and army

4.6 The subject of equal ethnic representation in the disciplined forces of Fiji, whenever mentioned in the past, has been dismissed by the Government or the authorities as being too sensitive or too political. Thus sensible public discussion on the topic has been avoided. With reference to the police force, attempts have been made to re-dress both its ethnic and gender imbalance, but it requires an active policy of legitimate and transparently conducted affirmative action to ensure that both the police force and the public service recruit and retain officers in proportion to the ethnic composition of Fiji's population, as required by Chapter 5 of the Constitution.

Equal ethnic representation in the army, on the other hand, has been beset with problems. The army has traditionally been regarded as the domain of indigenous Fijian and Rotuman men. There are very few women in the military. While applications from Indian males to join the army are increasing, their proportion is still markedly low.

It has often been stated that Indians have not been accepted in the military because of their dietary restrictions and because they allegedly do not conform to the minimum height requirements. It has also been suggested that Indians are not interested in joining the army because they prefer to enter other professions such as medicine, law, engineering and others.

Such explanations are no longer acceptable. There are many other less simplistic reasons why Indians have not joined the army in any great numbers. One of them is that in 1987 the army, under Sitiveni Rabuka, conducted an ethno-nationalist coup d'état that discouraged the recruitment of non-indigenous Fijians into the military. Those who were attracted to a military career might have had second thoughts after 1987 due to the perception that the military as a whole was grounded in an ethno-nationalist ideology.

Whether the climate of racial segregation introduced in Fiji by the 1987 coup and 2000 attempted coup still prevails within the military recruiting cadre, or whether those directly affected and harmed by past ultra-nationalism in the military are now reluctant to join what has been regarded as an ethnically exclusive organization, is not known and not really relevant any longer.

In the new environment since December 2006, the military command sees itself as the defender of everyone's rights in Fiji, irrespective of race. The issue is whether other races can be encouraged to join an organization that is constitutionally responsible for defending the realm and protecting its people from harm, and the methods by which multiethnic recruitment can be achieved.

The Commission proposes that the issue should be seen as one that requires a comprehensive review. The Commission notes with interest that a number of schools have requested military assistance to develop cadet training programmes. Other schools may be encouraged to introduce cadet training at the appropriate senior level in secondary schools.

The Commission also notes the CERD Committee's recommendation that 'specific programmes be adopted to assure appropriate representation of all ethnic communities in these services'. The Commission suggests that this recommendation of the CERD Committee be seriously considered and a more balanced recruiting strategy be employed by the Interim Government and the military to encourage both women and minority ethnic groups to apply to join all the services and be actively recruited. Chapter 5 of the Constitution is a useful guideline for the development of a recruitment policy in the services.

More pro-actively, the Commission recommends that the Interim Government consider introducing a 12-month period of voluntary, non-combat, national service that can be undertaken by young people on completion of secondary or tertiary education.

Other countries have this system. For example, Swiss nationals must fulfil a period of compulsory national service. This is usually undertaken after graduation from high school or university. Compulsory or voluntary national service has a number of important advantages both for the nation and its people: first, it builds citizens' national identity and sense of service to the country; secondly, it trains citizens to defend their country should the need arise; thirdly, it has the effect of developing important employable skills and education in young people during a 'gap' year; fourthly, it encourages the development of a lifetime of fitness among the population; and fifthly, it assists in social and infrastructural development, for example, people engaged in national service can help build roads, bridges, and hospitals, and take care of the environment.

The introduction of national service in Fiji would have another significant advantage. It would encourage young people to join the army purely as a preference rather than on the basis of ethnicity or race. It also means that the CERD Committee's recommendation on this issue would be achieved in a sensitive and inclusive manner without the need to introduce formulaic affirmative action in recruitment that may not work effectively given Fiji's past experiences with affirmative action and its distressing history of racial exclusiveness in public life.

4.6 Paragraph 21: Prohibition of hate speeches

The Commission had informed the previous Government on a number of occasions that hate speeches expressed by parliamentarians under cover of parliamentary immunity violated the constitution. The Commission's advice to the Government to actively discourage its members of parliament from making such speeches fell on deaf ears.

The Interim Government has expressed its intention to prosecute those who make hate speeches in public. This is a positive development and will be monitored by the Commission.

4.7 Paragraph 22: Prohibition on racist organisations

The Commission has referred the CERD Committee's General Recommendation XV (1993) on article 4 of the Convention to the Interim Government. This states:

‘ Article 4 (a) requires States parties to penalize four categories of misconduct:

- (i) dissemination of ideas based on racial superiority or hatred
- (ii) incitement to racial hatred
- (iii) acts of violence against any race or group of persons of another colour or ethnic origin, and
- (iv) incitement to such acts

The citizen’s exercise of the right to freedom of opinion and expression carries special duties and responsibilities, specified in Art. 29 (2) of the UDHR, among which the obligation not to disseminate racist ideas is of particular importance. The Committee wishes, furthermore, to draw the attention of States parties to Art. 20 of the International Covenant on Civil and Political Rights, according to which any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 4 (a) (of CERD) also penalizes the financing of racist activities, that is activities derived from ethnic as well as racial differences. The Committee calls upon States parties to investigate whether their national law and its implementation meet this requirement’.

The observation made by the CERD Committee that Fiji’s Public Order Act and Penal Code prohibition on racist policies of organisations have not been applied to full effect is significant. The Commission has brought this important observation to the attention of the Interim Government. Political parties, which promote racist speeches, policies and programmes, can be prohibited from taking part in elections and be prosecuted under existing legislation.

The CERD Committee also observed that the word ‘person’ in the Public Order Act (incitement to racial antagonism) and the Penal Code (sedition) also includes ‘any organisation’. The Commission agrees that the definition of ‘person’ includes ‘any organization’ including political organization.

The Commission recommends that relevant provisions in the Penal Code and Public Order Act be utilised in future to ensure that any political party that holds any opinion or expresses any belief which disseminates any racist ideas, or advocates any national, religious or racial hatred that constitutes incitement to discrimination, hostility or violence, is **prohibited by law** from taking part in elections. Freedom of expression and political opinion cannot provide a shield for any organization that expresses, holds, or advocates racism, or national, racial or religious hatred.

Paragraph 23: Acts of religious intolerance against Indo-Fijians

The Commission takes note of reports of all acts of religious intolerance against Indo-Fijians. It has noted that few of the perpetrators involved are ever caught or prosecuted by the police. The authorities have often refused to accept that sacrilege of temples represents an act of religious intolerance. They claim that temple invasions take place because cash offerings are kept on the premises.

However, the Commission observes that temple invasions are usually, and with specific intent, also acts of sacrilege. Many people in Fiji have been led to believe that temples are places of ‘heathen’ worship. The Commission has noted that sacred books are always desecrated during temple invasions. It was reported by the media recently that during a temple invasion two ancient holy books were burnt. The burning of the holy books appeared to be a deliberate act of sacrilege.

Fiji is a multi-racial country and, consequently, has many religions and religious sects. The Constitution of Fiji states that Fiji is a secular state. Yet, since 1987, the ultra-nationalist policy of at least two previous governments has included reference to Fiji being a ‘Christian state’. The ethno-nationalist ideology of paramountcy includes the belief that Christianity should be declared a state religion.

Pro-active methods should be employed by the Interim Government to educate the people, especially young people in schools, that this is not an appropriate ideology to promote in a multi-ethnic environment. The Interim Government can also inform the public that those who preach such discord in the community can be prosecuted under the Public Order Act and the Penal Code.

4.8 Paragraph 25: Human Rights Commission

The independence of the Fiji Human Rights Commission has been steadfastly maintained through sheer effort despite inadequate levels of financial support received from previous Governments. The Interim Government also reduced the Commission’s Budget, as an austerity measure, in December 2006. This was partially restored in 2007.

While funding cuts are normally a part of general budgetary restrictions imposed on all statutory departments, any reduction in the Commission's budget compromises the Commission's ability to fulfil its constitutional responsibility to the nation. The Commission's policy decision to decline additional support from foreign governments from December 2006 in order to retain its independence makes it difficult at times for the Commission to expand its current repertoire of rights promotion.

The Commission is unable to investigate all cases reported to it due to insufficient funds and inadequate staffing levels. It is therefore forced to prioritize cases. It is to be noted that the Commission initiated and was actively involved in the landmark constitutional case of **Chandrika Prasad v the State** on behalf of its client, Mr Prasad (an Indo-Fijian victim of racial assault in 2000). He had complained that his rights as a citizen of Fiji had been violated by the removal of the 1997 Constitution of Fiji; therefore he could no longer seek redress through the constitutional Bill of Rights which had protected his right to equality. He won his case in the courts and the 1997 Constitution was restored to the people of Fiji.

In attempting to deal with all complaints effectively, the Commission has been able to involve other public authorities, for example the Office of the Director of Public Prosecutions, the Ministry of Labour, the Prime Minister's Office and the Office of the Attorney General. Nevertheless, complaints alleging racial and religious discrimination are always investigated because of the Commission's commitment to Goal II of its Mission Statement: Improving Race Relations. The Commission is therefore obliged to promote 'healthy race relations and the elimination of racial discrimination'.

A table of race-related complaints lodged with the Commission since 1999 is attached below at paragraph 5 of this submission. Most complainants alleged racial or religious discrimination. The identities of both complainants and respondents have been removed from the table for reasons of confidentiality. Some of these complaints have been resolved through conciliation conferences held pursuant to the Human Rights Commission Act; others are forwarded to another agency, for example the police, or to the legal section of the Commission for prosecution.

The Commission plays an important role in Fiji, not only with respect to resolving specific complaints lodged by individuals or groups, but also in outlining policy perspectives to government on its obligations under international human rights law.

The Commission has publicised its position on a number of issues that are currently being considered by the CERD Committee. For example, the Commission made parliamentary submissions on a number of race-based bills proposed by the former Government, in particular, Immigration, Indigenous Claims Tribunal and QoliQoli Bills.

In all its submissions to parliament the Commission stated that the Government would be prohibited from enacting the Bills referred to above because they would be inconsistent with the Bill of Rights provisions in the Constitution³. Specifically, in relation to the Indigenous Claims Tribunal Bill, the Commission submitted that enactment of this legislation would have the effect of redrafting the Deed of Cession, that is the *grundnorm* of Fiji, in violation of the Preamble of the 1997 Constitution and the spirit of the Deed itself.

5.0 Complaints about unfair discrimination on the basis of race, ethnicity and religion made to the Commission 1999-2007.

The following Table illustrates the number and type of complaints made to the Commission pursuant to CERD and relevant provisions of the 1997 Constitution. The status of these complaints is also illustrated in the Table. It will be noted by the CERD Committee that complaints of racial harassment and discrimination take some time to resolve. This is mainly due to the fact that previous governments have not considered racial discrimination to be a significant human rights problem in Fiji, and also because, despite the existence of anti-discrimination provisions in the Constitution and other law, there has been no real attempt made in the past to comply with Fiji's obligations under international law on the subject.

³ Human Rights Commission Submissions to Immigration, Indigenous Claims Tribunal and Qoliqoli Bills to parliamentary select committees 2006. The Commission also made submissions to the Promotion of Reconciliation, Tolerance and Unity Bill 2005. The former Government undertook to redraft the Bill in accordance with the Commission's recommendation.

Racial Discrimination Periodic Report as at October 2007

#	Legal Class	Complainant	Respondent	Brief Summary	Status of File
1.	Cs38(2) Cs33(3) As17(3)(b) CERD ICESCR UDHR	AA	BB	AA alleges that he was unfairly discriminated against by R on the grounds of race in granting of promotion in 1997.	Conciliation completed. Resolved between both parties.
2.	Cs38(2) Cs33(3) As17(3)(b) CERD ICESCR UDHR	CC	DD	C alleges he was unfairly discriminated against because of his race when it came to the staff development and training of employees.	Withdrawn by C as matter resolved between both parties.
3.	Cs38(2) Cs33(3) As17(3)(b) CERD ICESCR UDHR	EE	FF	Complaint of unfair discrimination on grounds of race in the area of employment	File closed by FHRC as per HRC Act s27 (1)(d).
4.	Cs38(2) As17(3)(b)	GG	HH	C alleges he was unfairly discriminated against on the grounds of race and felt humiliated by	File closed by FHRC as per HRC Act s27 (1)(e).

	CERD ICESCR UDHR			members of the committee.	
5.	Cs38(2) Cs34 CERD ICCPR UDHR	II	JJ	C on behalf of an Embassy alleges that the separation of Chinese Nationals upon arrival in Fiji at the Nadi International Airport is racially biased and discriminatory.	File was originally marked Watching Brief. C has not responded to our letter or pursued the matter further & R has acknowledged that no such treatment or practice exists.
6.	Cs38(2) Cs33(3) As17(3)(b) CERD ICESCR UDHR	KK	LL	C alleges been harassed, threatened and sworn at by R. UFD on racial grounds.	Conciliation attempted. Investigations ongoing.
7.	Cs38(2) Cs33(3) As17(3)(b) CERD ICESCR UDHR	MM	NN	MM alleges that he was unfairly terminated from employment because of his race and that the receivers were coerced by the union not to hire him during the coup of 2000.	Investigated, Closed and referred to Legal Section.

8.	Cs38(2) Cs33(3) As17(3)(b) CERD CEDAW ICESCR UDHR	PP	RR	C alleges unfairly denied promotion due to race and gender differences.	Investigated, Conciliated and Closed.
9.	Cs38(2) Cs37 CERD UDHR	SS	TT	C alleges breach of contract in sending money overseas on time; Ufd on grounds of race by different treatment of him as a Muslim. A breach of privacy by sending personal information to a third party in the US monitoring a 'Watch List'	Investigated, Conciliated and Closed.
10.	Cs38(2) As17(3)(j) CERD UDHR	UU	VV	C alleges that a staff of R made racist comments when helping a Fijian girl with assistance for her education, which was overheard and reported to a political party Office. FHRC arranged for conciliation and amicably resolved between all parties.	Investigated, Conciliated and Closed.
11.	Cs38(2) As17(1)(h) CERD ICCPR UDHR	WW	XX	C witnessed an incident of racial remarks by an employee against a customer in the public office on Tuesday 01.10.01. An apology was made public in the print media.	Investigated, Conciliated and Closed.

12.	Cs38(2) Cs34 CERD ICCPR UDHR	YY	ZZ	C alleges racial discrimination on the setting up of a crime unit named the Asian Crime Unit by police to investigate criminal activities allegedly committed by Chinese nationals particularly those that have recently migrated to Fiji.	Investigated and Resolved with the change of name.
13.	Cs38 CERD UDHR	AB	BC	C alleges he was turned away after paying deposit for rent but was denied access after landlord only wanted an Indian tenant.	Investigated, Conciliated and Closed
14.	Cs 38 CERD UDHR	CD	DE	C alleges he was discriminated against on the grounds of race in the selection programme at R, a University.	Investigated and Closed
15.	Cs 38 CERD UDHR	EF	FG	C alleges that he was discriminated against in R's affirmative action policy in the area of obtaining a business loan.	Investigated, Conciliated and Closed
16.	Cs 38 CERD UDHR	GH	HI	C alleges racial discrimination in employment	Investigated Conciliated and Closed
17.	Cs 38 CERD UDHR	IJ	JK	C alleges of racial discrimination in employment	Investigated and closed
18.	Cs 38 CERD UDHR	KL	LM	C alleges racial discrimination at work	Investigated and Closed
19.	Cs 38	MN	NO	C alleges of racial discrimination in enjoying the	Investigated and Closed

	CERD UDHR			provisions of Section 38.	
20.	Cs 38 CERD UDHR	OP	PQ	C alleges of racial discrimination in the award of study leave	Investigated and Closed
21.	CERD UDHR	QR	RS	Discriminatory remarks on air against the Chinese Community	Investigated, Conciliated and Closed
22.	C.s33	ST	TU	C alleged that he was unreasonably terminated from employment and also has been unfairly discriminated on grounds of his race.	Investigations on going
23.	Cs35 Cs37 (1) Cs38 ICCPR	UV	VW	Beating of "Lali" in the early morning by the R causes disturbance to the C. Church service issue. Religion.	Investigations on going

6.0 Conclusion

The Commission makes the following main points in conclusion:

1. That the Commission has advised the Interim Government to remove the State party's reservations to CERD
2. That removal of these reservations will enable the Interim Government to implement its **People's Charter for Building a Better Fiji** in compliance with international human rights law on the elimination of all forms of racial discrimination.
3. That formation of political parties and other organizations with racist or racialised ideologies is prohibited under the Public Order Act and Penal Code provisions on incitement of racial antagonism and sedition, as well as Fiji's obligations under CERD, especially the CERD Committee's General Recommendation XV (1993) on article 4.
4. That introduction of a voluntary or compulsory period of national service will improve ethnic balance in the military and introduction of transparent affirmative action policies based on chapter 5 of the Constitution will balance the ethnic proportions in the public service and the police.
5. That the Fiji Human Rights Commission fully supports the Interim Government's proposal to remove all elements of racial segregation and separatism from the 1997 Constitution.