



FWRM
FIJI WOMEN'S RIGHTS MOVEMENT

Churches Tackling Gender-Based Violence
Conference:
FWRM Executive Director Nalini Singh





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BALANCING THE
SCALES:
IMPROVING FIJIAN
WOMEN'S ACCESS
TO JUSTICE

The Balancing the Scales: Improving Fijian Women's Access to Justice research report is supported by the European Union and UN Women



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RESEARCH AIM:

To foster an enabling environment for increasing women's access to the formal justice system with a focus on family law matters and violence against women and children.

Key 3 laws researched:

Family Law

Domestic Violence Act

Crimes Act- focus on sexual offences





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FIJI FORMAL JUSTICE SECTOR AGENCIES & CSOs



Fiji Judiciary

The Honourable Anthony Gates, Chief Justice

Office of the Director of Public Prosecutions

Christopher Pryde, Director of Public Prosecutions

Fiji Police Force

Brigadier General Sitiveni Qiliho, Commissioner of Police

Legal Aid Commission

Mr. Shahin R Ali- Acting Director Legal Aid Commission

Ministry of Women, Children, Poverty Alleviation

Hon. Mereseini Vuniwaqa - Minister for Women, Children,
Poverty Alleviation

Medical Services Pacific

Jennifer Poole, Executive Director

Other Organisations

Australian High Commission
Delegation of the European Union for the Pacific
Diverse Voices in Action for Equality
Empower Pacific
FernLink Pacific
Fiji Bureau of Statistics
Fiji Disabled Peoples Federation
Fiji Law Society,
Fiji Women's Crisis Centre
Fiji Women Lawyers Association
Haus of Khameleon
International Centre for Advocates Against Discrimination
Legal Practitioners Unit
Pacific Women Shaping Pacific Development
UNICEF
UN Women Fiji Multi-Country Office
UNDP Access to Justice Project



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Women Victim/Survivors of Sexual Violence

Women and girls are the victims/ survivors in 9 out of 10 cases reported to the Fiji Police in all categories of Sexual Offence cases.

Men represent 9 out of 10 offenders in cases of Offences Against the Person and Offences Against Morality reported to the Fiji Police.



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Child Victim/Survivors in Rape Cases

In 2016 the Office of the Director of Public Prosecutions Rape and Sexual Offences Statistics shows that rape accounts for 71% of the sexual offences cases prosecuted. Children under 18 years of age are the victim/survivors in 59% of rape cases prosecuted.

Now we see that victim/ survivors know their attackers/ accused- someone from their family and community.



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Rate of Conviction in Rape Cases 2016

Rape cases heard in the High Court in 2016 (and published on PacLII representing 86% of all rape cases decided by the High Court in 2016) resulted in a 90% rate of conviction of the accused on a charge of rape and an average final sentence of 10 years and 10 months.

In a further 8% of these rape cases the accused was found guilty of a lesser charge

In 2% of these rape cases the accused was acquitted



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Customary Reconciliation

Customary reconciliation is no longer being considered by judicial officers as a basis for sentence reduction in rape cases heard in the High Court in 2016 and 2017 (and published on PacLII).





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Cost of Justice (Filing Fees)

The cost of filing a civil or family law case is a barrier to women seeking access to the justice system in Fiji. The incidence of poverty faced by men and women across Fiji varies from 27% in the Western Division to 53% in the Northern Division.

The average cost for a woman to bring or respond to a family law matter in the Family Court is equal to the weekly income of a woman living on or around the Basic Needs Poverty Line. The average cost in the High Court is twice the weekly income of a woman living on or around the Basic Needs Poverty Line.

There is no information displayed in Court Registries on the waiver of court fees for women who face financial hardship.



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Cost of Justice (Transportation)

While the four formal justice sector agencies have seen increases in their budgets in the last 3 financial years, this has not translated into greater access for women victim/ survivors of violence in rural areas.

50% of Fiji's population lives in rural areas, however only 116 criminal cases and 2 DVRO cases were heard at Island Court hearings in 2016.

No High Court hearings are heard outside Suva, Lautoka and Labasa. For women living in rural areas facing high levels of poverty, the transportation costs in addition to court filing fees place access to the High Court beyond the reach of most women.



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Lack of Victim Support Services

The Director of Public Prosecutions has highlighted the lack of integrated victim support services available to women in Fiji.





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Access to Justice for Women Living with a Disability

8% of the population of Fiji are living with a disability. The case studies in *Balancing the Scales: Improving Fijian Women's Access to Justice*, highlight selected examples of formal justice sector agencies collaborating to provide a high level of support and services to women living with a disability to enable their effective participation in court proceedings on an equal basis.

However, there is a lack of information available to Disabled Persons Organisations and people living with a disability on services that can be provided by all four formal justice sector agencies to enable the effective participation of women living with a disability in family law and violence court proceedings.



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Sex Disaggregated data – Collection and Publication

All formal justice sector agencies (Fiji Courts, Office of the Director of Public Prosecutions, Legal Aid Commission and Fiji Police Force) are collecting sex disaggregated data on cases involving violence against women and girls. None of these agencies published either a 2015 or 2016 Annual Report.

There is a lack of integrated and regular analysis of this data by the four formal justice sector agencies with a view to improving access and outcomes for women who bring their cases to the formal justice system.



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What does this mean for women accessing justice?

Our survey with women who have accessed services of the formal justice system, we find that on an average it takes women more than 2 years to approach the system for justice!

Why is this the case?

What can we all do to remedy this?



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@fwrn1

Website: www.fwrn1.org.fj

To access our research:

http://www.fwrn1.org.fj/images/fwrn12017/publications/analysis/Balancing-the-Scales-Report_FINAL-Digital.pdf

