



Australian Government
Refugee Review Tribunal

Country Advice

Fiji

Fiji – FJI36208 – Women – Indian Fijians –
Police – State protection – Sexual assault –
Rape

5 March 2010

1. Would an 18-year-old Indo Fijian woman, from Lautoka, be able to get protection from being harassed, abducted and raped by a young native Fijian male?

A young woman of any ethnic origin reporting sexual violence may have difficulty gaining protection in Fiji, unless she has assistance from a determined advisor, such as the Fiji Women's Crisis Centre. Although Fiji has a legal system designed to deal with sexual violence, insensitive police and judges often make it difficult to access this system. Fiji has a functioning police force with a network of stations and posts throughout the country¹, laws against rape and sexual assault and a court system which has convicted a number of men for the crimes of rape and sexual assault. Nevertheless rape and sexual assault remain common in Fiji and, while the government has taken measures to improve protection for women victims of sexual violence, the police are still criticised for insensitivity and unresponsiveness towards women, leading many women to avoid reporting assault. The issue of sexual violence has received considerable attention from active women's advocacy groups and the media, and there are some indications that more women are beginning to report rapes and other sexual assaults. No specific information was found on differences for Indo Fijian women in relation to sexual assault.

A number of reports note that sexual assault and harassment are prevalent for all age groups of women in Fiji.² A 2008 report on violence against women in Fiji notes blames "the power traditionally accorded to males in Fiji" for an unofficial sanctioning of sexual violence.³ In common with other countries, sexual assault is one of the most under-reported crimes and many women and girls are hesitant to report crimes of sexual violence because of the stigma and trauma attached to such crimes.⁴ Police statistics show a 50% rise in the incidence of

¹ US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Fiji*, February, Sec.1d – Attachment 3.

² UN Population Fund (UNFPA), Suva 2008, *An Assessment of the State of Violence Against Women in Fiji*, UN Women Watch website, pp.17-20

http://www.un.org/womenwatch/ianwge/taskforces/vaw/Fiji_VAW_Assessment_2008.pdf – Accessed 18 August 2009 – Attachment 1; AusAID 2008, 'Fiji Country Supplement' in *Violence Against Women in Melanesia and East Timor – Building on Global and Regional Promising Approaches*, pp.151-164, AusAID Office of Development Effectiveness website http://www.ode.usaid.gov.au/publications/pdf/vaw_cs_fiji.pdf – Accessed 18 August 2009 – Attachment 2; US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Fiji*, February, Sec.5 'Discrimination ... Women' – Attachment 3.

³ UN Population Fund Pacific, Suva 2008, *An Assessment of the State of Violence Against Women in Fiji*, UN Women Watch website, p.19

http://www.un.org/womenwatch/ianwge/taskforces/vaw/Fiji_VAW_Assessment_2008.pdf – Accessed 18 August 2009 – Attachment 1.

⁴ UN Population Fund Pacific, Suva 2008, *An Assessment of the State of Violence Against Women in Fiji*, UN Women Watch website, p.19

http://www.un.org/womenwatch/ianwge/taskforces/vaw/Fiji_VAW_Assessment_2008.pdf – Accessed 18 August 2009 – Attachment 1.

rapes and indecent assaults from 2003-2007⁵, which may indicate either a worsening situation or, more probably, an increased willingness to report assaults to police. In 2009 the Fiji Women's Crisis Centre (FWCC) and the police both interpreted an increase in the number of reported cases of rape as an indication that awareness campaigns – including training of the police – were having a positive effect.⁶ More recently, however, the Community Policing Assistant Superintendent of Police (ASP) Joseph Low said the increase of reported sexual assault case is very alarming and that the police “need to act now before it's too late”.⁷

Media reports of sexual assault

The issue of rape and sexual assault is openly reported in the media, with the press reporting on many such cases. The FWCC has compiled a compilation of such reports between 2007 and 2009 which is attached.⁸ They collected about 80 newspaper reports of sexual violence for each year: rape was the most common offence, followed by domestic violence and murder. The rape cases were most commonly of teenage girls and children, although older women were also raped. Although in many cases the police apprehended the alleged offenders, and a number of these appeared before a court, in most cases the media report ended with the offender being released on bail and few cases of convictions for rape were reported. All of the convictions reported involved incest cases or rapes of minors or old women.⁹ There were no reports of convictions of women over 16 and under 60.

Fiji Women's Crisis Centre

An important organisation for women in Fiji is the Fiji Women's Crisis Centre, mentioned above. This organisation provides direct support for victims of sexual violence, but has conducted valuable research and lobbied for community education and government action in relation to sexual violence. Their website states:

The Fiji Women's Crisis Centre (FWCC) provides crisis counselling and legal, medical and other practical support services for women and children who are sufferers and survivors of violence committed against them by men. The FWCC is also involved in public advocacy and community education on gender violence. The Centre's strategies are based on the conviction that violence against women is a fundamental human rights and development issue. The Centre's work addresses all forms of violence against women including rape, beating, sexual harassment and abuse of children.¹⁰

The FWCC has offices in major towns, including the Nadi office which services the surrounding towns including Lautoka.¹¹ The organisation has been instrumental in calling for

⁵ UNFPA, Suva 2008, *An Assessment of the State of Violence Against Women in Fiji*, UN Women Watch website, Annex A http://www.un.org/womenwatch/ianwge/taskforces/vaw/Fiji_VAW_Assessment_2008.pdf – Accessed 18 August 2009 – Attachment 1.

⁶ 'Good sign as more rape cases reported' 2009, *Fiji Times*, 20 April – Attachment 4.

⁷ 'Committee target sexual offences' 2010, Fiji Police website, 8 February http://www.police.gov.fj/index.php?option=com_content&view=article&id=490:committee-target-sexual-offences&catid=34:latest-articles&Itemid=1 – Accessed 4 March 2010 – Attachment 5.

⁸ Fiji Women's Crisis Centre 2010, 'News: Daily news on Violence against women 2009/2008/2007' <http://www.fijiwomen.com/index.php/news> – Accessed 3 March 2010 – Attachment 6.

⁹ Ibid. see reports for 31/07/09, 11/07/09, 20/02/09, 20/03/08, 27/05/08, 16/03/08, 01/10/08, 31/12/08/18/01/07, 31/01/07, 13/02/07, 20/02/07, 17/03/07, 3/05/07, 26/06/07.

¹⁰ Fiji Women's Crisis Centre 2010, 'Fiji Women's Crisis Centre, Headquarters', FWCC website <http://www.fijiwomen.com/index.php/about-us/36-about-us/56-fiji-womens-crisis-centre-suva-office> – Accessed 3 March 2010 – Attachment 7.

¹¹ Fiji Women's Crisis Centre 2010, 'Nadi Women's Crisis Centre', FWCC website <http://www.fijiwomen.com/index.php/about-us/36-about-us/59-nadi-womens-crisis-centre> – Accessed 3 March 2010 – Attachment 8.

government change and has provided to training police officers, judges, magistrates and prosecutors on the issue of violence against women.¹²

Fiji Government measures to address violence towards women

The Fiji Government has taken some steps toward addressing the problem of violence towards women:

- In 1995, the Fiji Police Force set up the Sexual Offences Units (SOU) at Nabua, Nausori, Labasa and Lautoka to enable a more effective and sensitive response by the police to victims of sexual assault, though these are reportedly under-resourced.¹³
- In 1995, the 'No-Drop Policy' for police investigations was established under which reports of domestic violence must be investigated even if the complainant wishes to drop the case under pressure from their family or community.¹⁴ This was later extended to rape and, in 2008, to all assault charges.¹⁵
- The training of police officers, judges, magistrates and prosecutors on the issue of violence against women, in conjunction with the FWCC and other women's NGOs.¹⁶
- The Fiji Government recently outlined its response to the United Nations Committee on the Elimination of Discrimination against Women (CEDAW)'s calls to intensify its efforts to prevent and combat violence against women.¹⁷ The response notes that the Government has passed four decrees in 2009¹⁸ which it claims will make it easier to prosecute sexual violence offenders.¹⁹ The report does not, however, address CEDAW's other recommended reforms relating to prosecution of offenders, assisting victims and training of police, lawyers, health and social workers and the judiciary.²⁰

¹² AusAID 2008, 'Fiji Country Supplement' in *Violence Against Women in Melanesia and East Timor – Building on Global and Regional Promising Approaches*, p.155, AusAID Office of Development Effectiveness website http://www.ode.usaid.gov.au/publications/pdf/vaw_cs_fiji.pdf – Accessed 18 August 2009 – Attachment 2.

¹³ UN Population Fund Pacific, Suva 2008, *An Assessment of the State of Violence Against Women in Fiji*, UN Women Watch website, pp.29-30.

http://www.un.org/womenwatch/ianwge/taskforces/vaw/Fiji_VAW_Assessment_2008.pdf – Accessed 18 August 2009 – Attachment 1.

¹⁴ AusAID 2008, 'Fiji Country Supplement' in *Violence Against Women in Melanesia and East Timor – Building on Global and Regional Promising Approaches*, AusAID Office of Development Effectiveness website, p.156 http://www.ode.usaid.gov.au/publications/pdf/vaw_cs_fiji.pdf – Accessed 18 August 2009 – Attachment 2.

¹⁵ 'Women welcome no-drop policy' 2008, *Fiji Times*, 8 June – Attachment 9.

¹⁶ AusAID 2008, 'Fiji Country Supplement' in *Violence Against Women in Melanesia and East Timor – Building on Global and Regional Promising Approaches*, AusAID Office of Development Effectiveness website, p.155 http://www.ode.usaid.gov.au/publications/pdf/vaw_cs_fiji.pdf – Accessed 18 August 2009 – Attachment 2.

¹⁷ Fiji Government 2010, *Responses to the list of issues and questions with regard to the consideration of the combined second, third and fourth periodic reports: Fiji: State Response to the UNCEDAW Supplementary Questions*, CEDAW/C/FJI/Q/2-4/Add.1, 27 January, United Nations Committee on the Elimination of Discrimination against Women (CEDAW) website, Sec.F http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW_C_FJI_Q_2_4_Add1.doc – Accessed 2 March 2010 – Attachment 10.

¹⁸ Domestic Violence (DV) Decree 2009, Sentencing and Penalties Decree 2009, Criminal Procedures Decree 2009 and Crimes Decree 2009, see Sec.F of above.

¹⁹ Fiji Government 2010, *Responses to the list of issues and questions with regard to the consideration of the combined second, third and fourth periodic reports: Fiji: State Response to the UNCEDAW Supplementary Questions*, CEDAW/C/FJI/Q/2-4/Add.1, 27 January, United Nations Committee on the Elimination of Discrimination against Women (CEDAW) website, Sec.F http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW_C_FJI_Q_2_4_Add1.doc – Accessed 2 March 2010 – Attachment 10.

²⁰ "steps taken to develop a comprehensive strategy to combat all forms of violence against women, including: prosecution of perpetrators; provision of assistance to victims, including shelters, access to legal aid, and, implementation of capacity-building and awareness-raising programmes for various groups (such as the police, lawyers, health and social workers and the judiciary, as well as the public at large" Ibid. p.29

Changes since 2006 Coup

A 2008 AUSAID report on violence against women indicates that some of these reforms were eroded by the 2006 coup as military personnel took over leadership positions in the police, leading to the transfer of trained police, less emphasis on sensitivity training, the No-Drop Policy being less regularly enforced, and activities of the SOUs reduced.²¹ (The report also notes the continuing difficulty for rural women in accessing the formal justice system.²²)

Attitudes of police, judges and prosecutors

Despite the training, and while designated units to deal with sexual violence exist, police are often unresponsive to complaints, do not treat sexual violence seriously enough and are insensitive to victims. In 2005 the FWCC reported that the SOUs “are largely under-resourced and are usually inundated with cases”.²³ The FWCC has complained that “police often do not treat rape cases seriously enough and that they do not show sensitivity towards rape or sexual abuses victim”.²⁴ According to Shamima Ali, Co-ordinator of the FWCC, SOUs were often “unresponsive” such that “when we report a case, we are told that the officer who deals with it is at a training or that there are no vehicles”. According to Shamima Ali, the FWCC spend “a lot” of time writing to the police “in our effort to follow up on the sexual offence cases because if we don’t do that, the cases will be lost”. According to Sylvia Low, Acting Director Corporate Communications for the Fiji Police Force, “Fiji Police recognises that there are instances where investigating officers have not been as active in pursuing certain reports of sexual assaults”.²⁵ The Fiji Police Force has blamed “bribery and corruption within for the delay in processing cases of violence against women”.²⁶ More recently a spokeswoman for the FWCC observed that slow police reactions to complaints was one of a number of contributing factors to cases of rape not being reported to the police.²⁷ In 2009 the head of the Fiji Police Force “had received some complaints against his officers abusing their powers when some women complainants come to file their report on domestic violence or sexual abuse” and that he had indicated that certain changes were to be made “to better police reactions to rape cases”.²⁸ Similar insensitivity towards women victims of assault among judges, magistrates and prosecutors has resulted in inadequate and insensitive sentencing, according to the FWCC.²⁹

²¹ AusAID 2008, ‘Fiji Country Supplement’ in *Violence Against Women in Melanesia and East Timor – Building on Global and Regional Promising Approaches*, AusAID Office of Development Effectiveness website, p.157 http://www.ode.usaid.gov.au/publications/pdf/vaw_cs_fiji.pdf – Accessed 18 August 2009 – Attachment 2.

²² AusAID 2008, ‘Fiji Country Supplement’ in *Violence Against Women in Melanesia and East Timor – Building on Global and Regional Promising Approaches*, AusAID Office of Development Effectiveness website, p.154 http://www.ode.usaid.gov.au/publications/pdf/vaw_cs_fiji.pdf – Accessed 18 August 2009 – Attachment 2.

²³ Fiji Women’s Crisis Centre 2005, *Violence Against Women in Fiji: Report From The Fiji Women’s Crisis Centre For The Special Rapporteur On Violence Against Women*, 24 August <http://www.fijiwomen.com/index.php?id=1622> – Accessed 7 September 2006 – Attachment 11.

²⁴ Usman, Shazia & Naulivou, Tiriseyani 2005, ‘Justice Delayed’, *Wansolwara*, June, p.2, University of the South Pacific website, <http://www.usp.ac.fj/journ/wansol/2005/June05/01.pdf> – Accessed 8 September 2006 – Attachment 12.

²⁵ Vunileba, Amelia 2005, ‘Sex cases go up: Police’, *Fiji Times*, 23 November – Attachment 13.

²⁶ ‘Pacific Women Call for Justice’ 2005, *Pacific Islands Report*, source: *Fiji TV*, 21 February <http://archives.pireport.org/archive/2005/february/02%2D21%2D05.htm> – Accessed 8 September 2006 – Attachment 14.

²⁷ ‘Rape stats “fail to show reality”’ 2008, *Fiji Times*, 19 February – Attachment 15.

²⁸ ‘Women eyed for top posts to address rape’ 2009, FijiLive website, 28 August <http://www.fijilive.com/news/2009/08/28/19623.Fijilive> – Accessed 19 October 2009 – Attachment 16.

²⁹ Fiji Women’s Crisis Centre 2005, *Violence Against Women in Fiji: Report From The Fiji Women’s Crisis Centre For The Special Rapporteur On Violence Against Women*, 24 August <http://www.fijiwomen.com/index.php?id=1622> – Accessed 7 September 2006 – Attachment 11.

Attachments

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