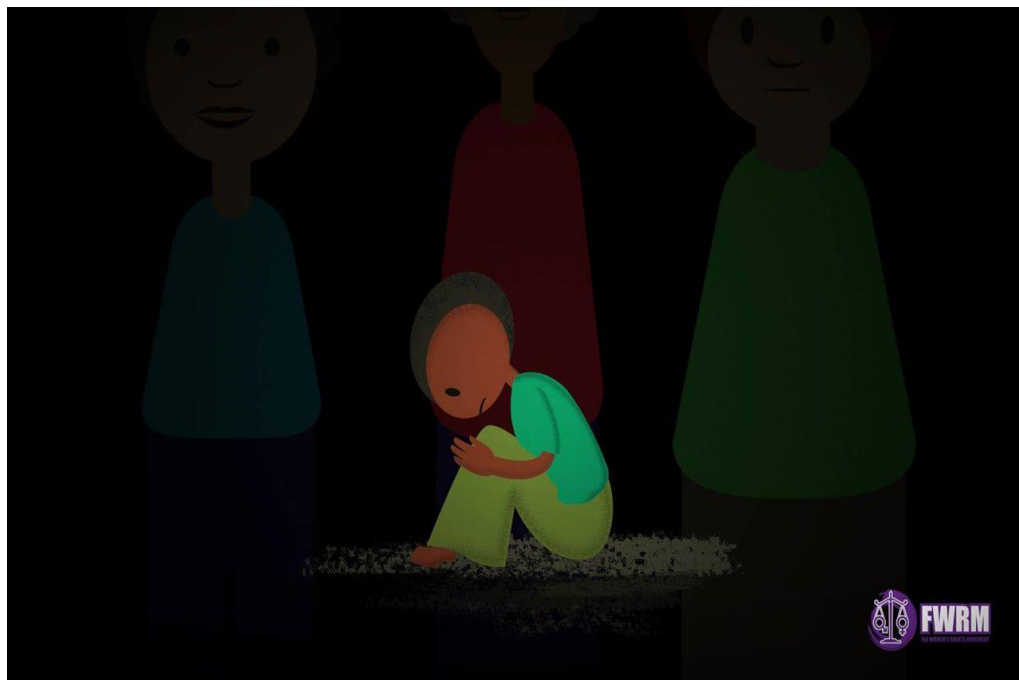




ASSESSMENT OF WOMEN'S ACCESS TO JUSTICE IN FIJI DURING COVID-19 PANDEMIC FROM JANUARY TO MAY 2020



Supported by the Australian Government through the We Rise Coalition



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About Fiji Women's Rights Movement

The Fiji Women's Rights Movement (FWRM), established in 1986, is a multi-ethnic and multicultural nongovernmental organization committed to removing all forms of discrimination against women through institutional reform and attitudinal change, through targeted research and advocacy.

FWRM's work in the area of Family Law began in 1991; it was a campaign that lasted twelve years with three different governments from 1993 to 2003. The campaign focused on the discriminating aspects of legislation, common law and legal practices when it came to women. The then proposed law suffered many setbacks either by the interruption to the rule of law or ideological opposition. The Family Law Act was finally enacted in October 2003 and came into force in 2005.

A decade later in 2015, FWRM and the Fiji Judiciary launched the second edition of the Family Law Act brochures and shared findings of a Scoping Study that was commissioned by FWRM in June 2015. The Scoping Study aimed to look at barriers faced by women when accessing the formal justice system and the findings were utilized to propose the current project on "Balancing the Scales: Improving Fijian Women's Access to Justice."

In 2017, FWRM published the summary research report titled by the same name. The aim of the research was 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. The research identified that despite progressive legislations in the country, women continued to face barriers in accessing formal justice and these barriers include; cost, distance and complexity. The research found that in Fiji, women experience violence on average of 868 days before seeking out for assistance.

FWRM has continued to work with the stakeholders in improving women's access to the formal justice system in removing barriers and discrimination women face when dealing with issues related to violence and family law.

Through the recommendations of the summary report, FWRM continues to build on the existing work around Women's Access to Justice through the continuous analysis of rape cases and the advocacy on against violence against women.

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Acknowledgement

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Introduction

This is an assessment of women's access to justice in Fiji during the COVID-19 pandemic. The Corona Virus is not the only pandemic that we deal with today. As many countries including Fiji go under lockdown, it fosters tension. Confinement and loss of jobs create an unnatural environment for many people. The increasing isolation for women with violent partners has flagged an increase in violent behaviour behind closed doors.

Fiji showed an increase in Domestic Violence related calls received by the service providers and a decrease in the overall crime rate as reported by the police. There were many other countries that experienced the same. Countries such as Argentina, Canada, France, Germany, Spain, the United Kingdom, United States, Singapore and Australia recorded a 30-40% increase in calls received through helplines and other services.¹

In Hubei, China the police department has recorded a tripling of Domestic Violence cases in February 2020 compared to February 2019 and 90% of the cases were COVID-19 related.² Also in the UK a project initiated to track violence against women noted that from 23 March to 12 April 2020, deaths from domestic abuse had doubled compared to the average rate of increase in the past 10 years.³

With the predicted increase in violence against women, women in Fiji will experience severe impact on their sexual, reproductive and mental health. The grim reality is that half of the women that are killed worldwide are intimately related to the perpetrators.⁴ They are part of their families such as husbands, partners, fathers, uncles, brothers or friends.⁵ Despite there being an increase in the number of calls to helplines, this particular reason could be a cause of under-reporting. The need for others to step up and help is of great importance during this time and therefore a need for assistance by neighbours, family members and to relevant authorities would be useful.

Within the pandemic, 'violence against women' acts as another infection and seems to be nourishing and spreading as well. As everything is exposed in confinement and because there is no place to go and that people see each other every day and cannot progress with normal daily activities, the environment becomes unfamiliar and there is heightened 'intimate terrorism'.⁶ Taking into consideration past epidemics such as the Ebola and Zika virus, it is suggested that violence against women may shift in nature and scale as outbreaks affect social and economic life.⁷

We are in unprecedented times with COVID-19. It becomes challenging to address some issues when it comes to women accessing justice. It is safe to say that the authorities in Fiji have prepared for such circumstances and for the different cases reported. The authorities are offering services to those at risk. It is important to educate everyone to report and to call for help. Because reporting is the only way the authorities would be notified of the violence experienced. It is imperative that during the period of restrictions in movement and economic strains, it is crucial to analyse women's access to justice through the various stakeholders inclusive of formal justice sector agencies and support service providers so that there can be improvements made on the gaps identified.

¹ [Violence against women and girls: the shadow pandemic](#)

² <https://www.bmj.com/content/369/bmj.m1712>. [Accessed April 26 2020]

³ Ibid [Accessed April 26 2020]

⁴ <https://www.aljazeera.com/indepth/opinion/domestic-violence-pandemic-fight-200420080556822.html>

⁵ Ibid [Accessed April 28 2020]

⁶ <https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html>

⁷ <https://www.bmj.com/content/369/bmj.m1712>. [Accessed April 28 2020]

Background

Fiji

According to the Fiji Women's Crisis Centre (FWCC) *National Research on Women's Health and Life Experiences in Fiji* conducted in 2010 and 2011, 72% of women experience violence in their lifetime.⁸ Majority of the women who face such violence have difficulties in reporting therefore there is under-reporting of DV related cases and cases of violence against women.

Research on dynamics of Violence against Women in Fiji revealed that the most common cause of Violence against Women is refusal of woman to have sexual relations with their husband or partner. 96% of the Violence against Women victims/survivors know the assailant, and most victims/ survivors (70%) arrive at health facilities because they are brought by relatives.⁹

Domestic violence and violence against women is widespread in Fiji. Data from FWCC show that 80% of women have witnessed some form of violence in the home; 66% of women have been physically abused by partners and nearly half repeatedly abused; 26% of women have been beaten while pregnant; 48% of married women have been forced into sex by their husbands; and 13% of women have been raped.¹⁰ Police statistics further show that domestic violence made up around 13% of all crimes against the person between 2003 and 2007.¹¹ Added to these numbers, a 2002 study found that one in three women in Fiji had been sexually harassed in the workplace.¹²

The 2017 FWRM research report *Balancing the Scales: Improving Women's Access to Justice* found that women experiencing violence take on average 868 days or 2.5 years to seek assistance. In times of crisis, such as this pandemic, this could be exacerbated due to the restrictions placed on people movement and the inability of women to leave the home or to escape from the perpetrator to report the violence. The 2017 FWRM study found that 2 out of 3 women faced difficulties in going to the police or court. When women did report the violence, of those surveyed, 60% said the police did not take them seriously and told them to resolve the issue within the family or village; 30% said they did not know about the court process or where to go to seek assistance and 10% said they fearful of the associated stigma of reporting the abuse and/or retribution from the perpetrator.¹³

Fiji has one of the highest rates of violence against women and girls in the world. In the past 5 years 33 women have died with 10 in 2019 due to intimate partner violence. For the four month period, January to April 2020, has already resulted in one death and 9 grievous bodily harm cases as a result of intimate partner against women.¹⁴

⁸ <http://www.fijiwomen.com/wp-content/uploads/2017/11/National-Survey-Summary.pdf>

⁹ <https://pacificwomen.org/wp-content/uploads/2017/09/UN-Women-Ending-VAW-Literature-Review-2nd-Edition1.pdf> Page 15

¹⁰ [Ibid](#) Paragraph 100 Page 15

¹¹ AusAID, 2008, pp. 9, 151; UNFPA, 2008, pp. 12-13, 19

¹² [Ibid](#) Page 15

¹³ http://www.fwrp.org.fj/images/fwrp2017/publications/analysis/Balancing-the-Scales-Report_FINAL-Digital.pdf Page 77

¹⁴ <http://odpp.com.fj/media-updates-2/>

ANALYSIS OF WOMEN'S ACCESS TO JUSTICE

FWRM had been monitoring global trends of violence against women. This is in light of the global trends that violence against women increases during crisis situation.¹⁵

Fiji's first confirmed case of COVID-19 was on the 19 March 2020. Lautoka went under lockdown on 20 March 2020.¹⁶ Lautoka lockdown was uplifted on 7 April 2020,¹⁷ Suva went under lockdown from 3 April to 17 April 2020.¹⁸ A few areas such as Soasoa, Nabua and Vunicagi remained under lockdown since the uplifting of the Suva lockdown. The lockdown uplifted on 2 May for the first two and on 15 May for Vunicagi.¹⁹

FWRM also closely monitored the national statistics which was being published by the service providers and formal justice sector agencies. The findings are as follows:

(i) Fiji Women's Crisis Centre (FWCC) Statistics

FWCC is a respected professional organization and has succeeded influencing public opinion in Fiji such that most sectors of society recognize and support the need for emergency services and ongoing support for women who are subjected to any form of violence.²⁰ FWCC uses a human rights approach in dealing with clients, this means they inform the clients of their rights under the law and the various options available to seek assistance.²¹ In 2016, FWCC was awarded the tender and contracted to run Fiji's first ever Government National Domestic Helpline.²²

The National Domestic Violence Helpline received a relatively large number of calls during the period of 1 to 17 April. There were a total of 770 calls received on both the 1560 and FWCC Lines. FWCC stated that the number of calls would actually be accounted for a year but in this case, it is for 3 weeks. There has been a sharp increase and it must be addressed.²³

¹⁵ <https://www.bmj.com/content/369/bmj.m1712>. [Accessed April 28 2020]

¹⁶ <http://www.health.gov.fj/prime-minister-vorege-bainimaramas-statement-on-covid-safe-economic-recovery/>

¹⁷ <http://www.health.gov.fj/statement-by-the-prime-minister-hon-vorege-bainimarama-on-covid-19/>

¹⁸ <http://www.health.gov.fj/wp-content/uploads/2020/04/Appendix-6-Information-on-Suva-Lockdown.pdf>
<https://www.fbcnews.com.fj/news/covid-19/suva-lockdown-due-to-be-lifted-tomorrow/>

¹⁹

<https://www.fbcnews.com.fj/news/covid-19/government-to-lockdown-240-square-metre-portion-of-soasoa-area-in-labasa/>

<https://fijisun.com.fj/2020/05/04/soasoa-lockdown-lifted-residents-happy/>

<https://www.fijivillage.com/news/COVID-19-PM-announces-lockdown-of-Suva-after-confirmation-of-2-new-cases-in-Nabua-84fxr5/>

<https://www.fbcnews.com.fj/news/covid-19/vunilagi-settlement-under-lockdown/>

<https://www.pacificmedicals.org/post/covid-19-in-the-south-pacific-part-2-control-and-maintenance-community-mobility-and-trends-report>

²⁰ <http://www.fijiwomen.com/about/our-history/> [Accessed April 28 2020]

²¹ Information received from Fiji Women's Crisis Centre [April 28 2020]

²² Ibid

²³ <http://www.fijiwomen.com/news/media-release/for-the-record-with-shamima-ali/>

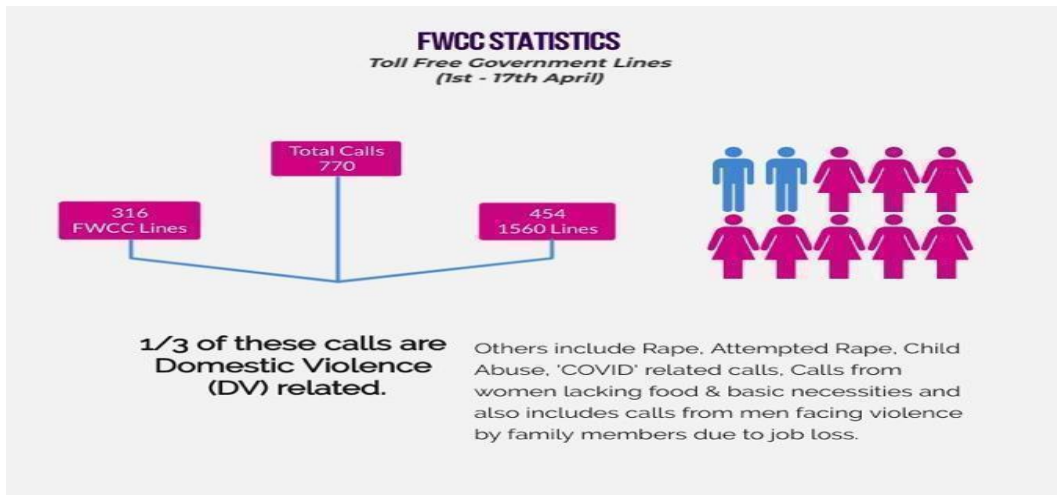


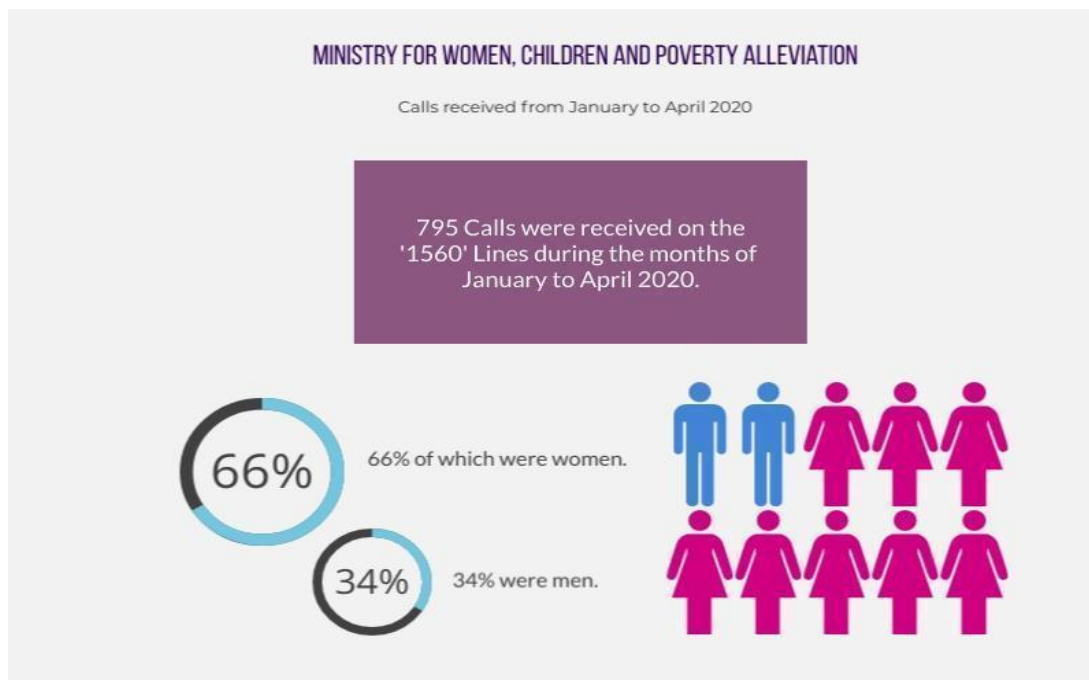
Figure 1: Calls made on the FWCC Lines from 1 April to 17 April. Source: Fiji Women's Crisis Centre

As shown in Figure 3 above, 1/3 of the calls received by the Toll-free lines were Domestic Violence related or Gender Based Violence related. Others included cases dealing with rape, attempted rape, child abuse, COVID-19 related calls, calls from women lacking food and basic necessities and also includes calls from men facing violence by their family members due to loss of jobs.²⁴

The most common was dealing with cases where Domestic Violence already existed and the violence was intensifying at this point. This included 'emotional violence' and 'coercive control'.

According to FWCC, the issue of Domestic Violence has become a great concern as women were calling in with serious injuries. Statistics from FWCC also indicate an increase in marital rape. FWCC referred these cases to the Police where possible. In cases whereby the women were badly injured, Police had either taken the perpetrators out or relocated the women to a safer place.²⁵

(ii) Ministry for Women, Children and Poverty Alleviation



²⁴ <http://www.fijiwomen.com/news/media-release/for-the-record-with-shamima-ali/>.

²⁵ Ibid [Accessed April 29]

Figure 2: Calls received by the National Domestic Helpline January to March 2020²⁶

The Ministry for Women, Children and Poverty Alleviation (MWCPA) is responsible for providing services and administering programmes that protect Fiji's most vulnerable groups. The Ministry's work provides a social safety net that uplifts disadvantaged Fijians, creating a more level playing field in Fijian society. It aims to break down barriers of gender, disability, age, and economic standing, allowing all Fijians to fully participate in society.²⁷

The Minister for MWCPA also recently released statistics for calls received by the National Domestic Violence Helpline 1560 lines as it has become a grave concern. A total of 795 calls were received by the National Domestic Helpline 1560 for the months of January to April alone. Over the month of April, 527 genuine calls were received where 66% of the callers were women.²⁸

Majority of the calls were made by women reporting Gender Based Violence due to restrictions in movement and economic strains on families.

The Minister also mentioned that 10% of the calls were made by bystanders to seek information on how to help girls and women who face Domestic Violence.

²⁶ <https://www.fbcnews.com.fj/news/gender-based-violence-a-grave-concern-vuniwaga/>

²⁷ <http://www.mwcpa.gov.fj/images/2019/SDP%20MWCPA%20-%202018-2022.pdf>

²⁸ Ibid [Accessed 22nd May 2020]

(iii) Fiji Police Force (FPF) Statistics

Fiji Police Force published the data collected from March to April 2020



Source: Fiji Police Force

According to the media release published by the Police, domestic violence cases decreased by 12% for the reporting period which included the Lautoka Lockdown from 19 March to 14 April.²⁹ However, when the nationwide curfew was implemented and put into force there was a slight increase in the number of cases within a domestic setting.

Additionally, the information stated that 96% of the cases were assault based offences and the remaining 4% was dealing with sexual based offences. Also, 40% of the cases were related to sexual assault while 60% were related to physical assault.

The media release also noted a decrease in sexual related offences and an increase in assault based offences. This was due to the increase in COVID related offences and breaches.

The Fiji Police Force stated that all the perpetrators recorded for the above were male and the offences took place in a domestic setting.

Reasons for decrease in calls during the lockdown and increase after the lockdown was uplifted

One of the major reasons for the decrease in calls to the National Domestic Violence Helpline and FWCC lines during the lockdown as provided by FWCC is that women faced issues with the perpetrators being present in the house and as such found it difficult to inform or make calls to the relevant authorities. FWCC also stated there is existing violence where there has been emotional, physical and psychological violence which contributes to under-reporting out of fear.

It was noted in the interview given by FWCC Co-ordinator on 19 April 2020 that there was a lack of reporting.³⁰ Many of the reasons revolved around:

- Men being present at home at odd times due to the lockdown and curfew restrictions and thus it got harder to call and report.
- The women that did call in could not directly inform or relay messages through the lines because of the above. FWCC stated that in such circumstances the right questions need to be asked by authorities for simpler yes or no answers to determine the situation.
- Some women were not reporting because they were afraid of the physical and mental threats by their partners since majority cases included existing violence.

²⁹ <https://www.police.gov.fj/view/319>

³⁰ <http://www.fijiwomen.com/news/media-release/for-the-record-with-shamima-ali/>.

- Under reporting because they were afraid to contact the authorities due to limits such as the social isolation, lockdown and curfew itself. Some were afraid they could get into trouble with the law due to this. However, FWCC mentioned that this should not be a problem as they have spoken with public services such as the police. If women need to get out of the house during these times there will be exceptions.
- Lastly, there is no social support.

The above could be a few reasons as to why there was an increase after the uplifting of the lockdown orders for the two cities. There is a lot of profound stress due to the unfamiliar experience of being confined at home, in other cases juggling kids and expenses. Some homes are already prone to abuse and the lockdown creates a living nightmare.³¹ The simple reason behind it is the fact that it becomes harder to escape due to the confinement.

Correlating Fiji Women's Crisis Centre and Fiji Police Force Data

The analysis of the data from FWCC and FPF reflects that whilst there are high number of women calling the National Domestic Helpline 1560 to seek assistance however the same is not translating to women reporting the matter to the police.

Considering the information at hand is inadequate to understand the holistic situation of women's access to justice during the pandemic, FWRM further analysed other formal justice sector data. These include the Office of the Director of Public Prosecutions and the Fiji Courts.

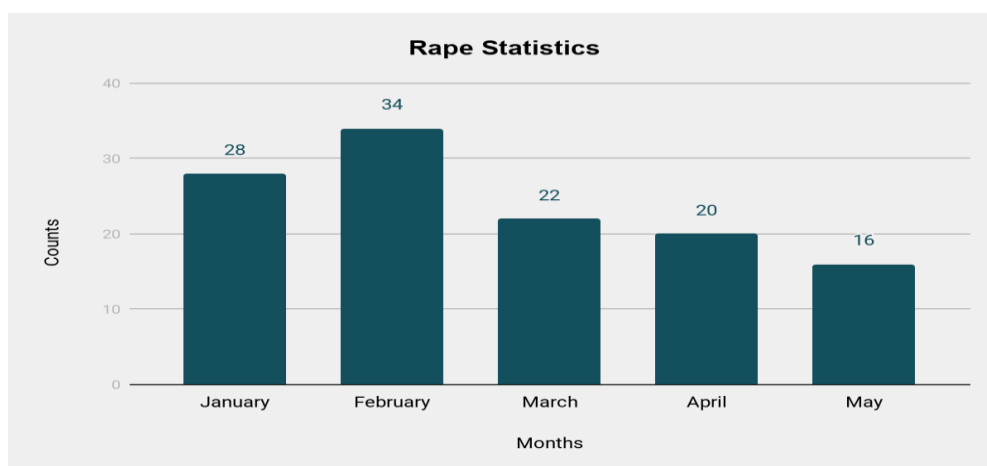
³¹ <https://www.devex.com/news/opinion-coronavirus-is-driving-a-domestic-violence-pandemic-97028>

(iv) Office of the Director of Public Prosecutions (ODPP)

The ODPP collects and publishes data on sexual violence and non-sexual violence on a monthly basis. **It is to be noted that ODPP does not provide sex disaggregated data on a monthly basis however the same is provided for in the annual statistics.**

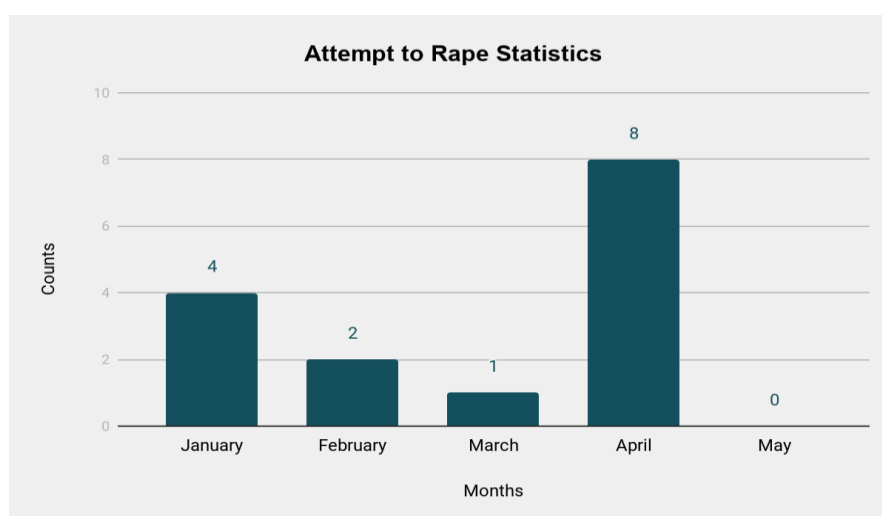
(a) Sexual Violence Statistics

The ODPP documented the following data for the period of January to May 2020:



Source: Office of the Director of Public Prosecutions

The ODPP recorded an increase in rape counts in the month of February however this gradually decreased over the months of April and May.³²



Source: Office of the Director of Public Prosecutions

³² <http://odpp.com.fj/wp-content/uploads/2020/02/ODPP-Rape-and-Sexual-Offences-Statistics-January-2020.pdf>

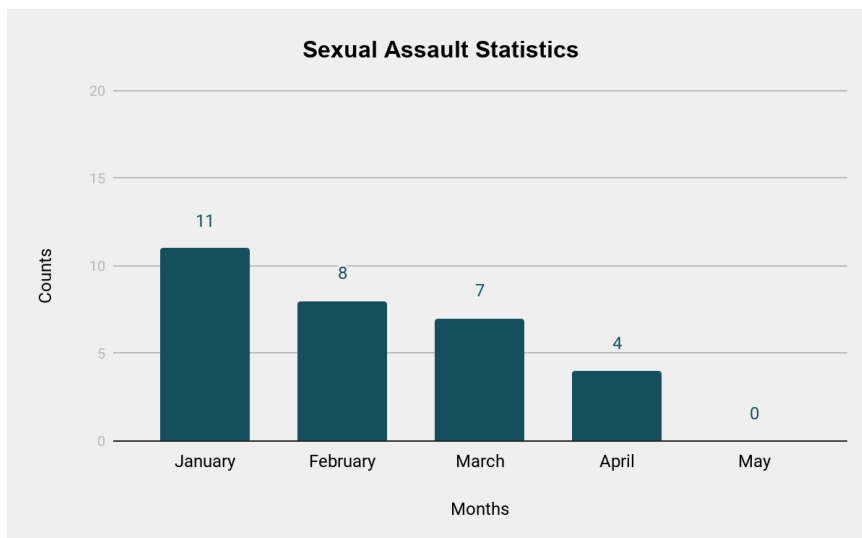
<http://odpp.com.fj/wp-content/uploads/2020/03/ODPP-Rape-and-Sexual-Offences-Statistics-February-2020.pdf>

<http://odpp.com.fj/wp-content/uploads/2020/04/ODPP-Rape-and-Sexual-Offences-Statistics-March-2020.pdf>

<http://odpp.com.fj/wp-content/uploads/2020/05/ODPP-Rape-and-Sexual-Offences-Statistics-April-2020.pdf>

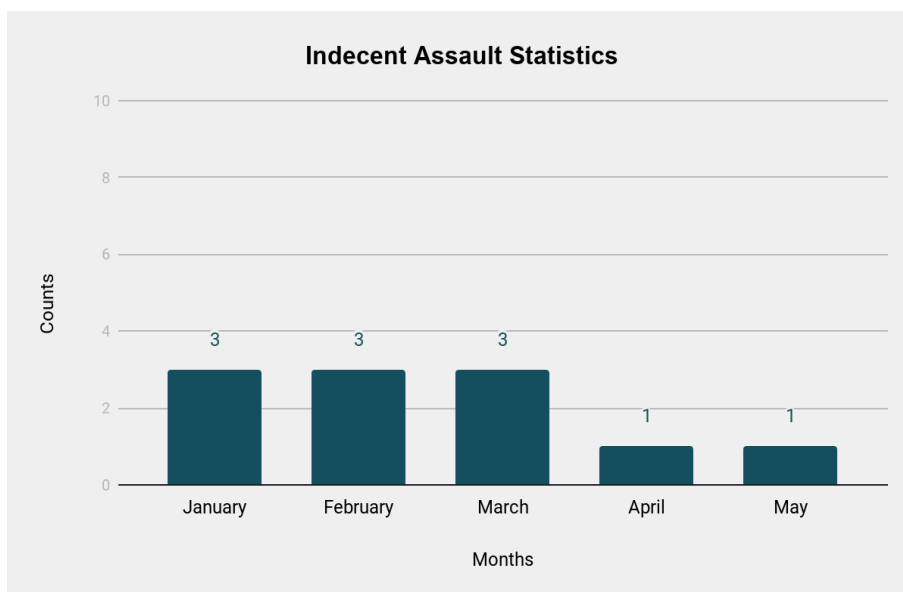
<http://odpp.com.fj/wp-content/uploads/2020/06/ODPP-Rape-and-Sexual-Offences-Statistics-May-2020.pdf>

For the offence of attempt to rape, ODPP recorded decrease in counts from 4 in January to 1 March, however there was a sharp increase to 8 in April and later decreased to 0 in May.³³



Source: Office of the Director of Public Prosecutions

For the offence of sexual assault the ODPP recorded gradual decrease from 11 in January over the period to 0 in May.³⁴



Source: Office of the Director of Public Prosecutions

³³ Ibid [Accessed May 25]

³⁴ <http://odpp.com.fj/wp-content/uploads/2020/02/ODPP-Rape-and-Sexual-Offences-Statistics-January-2020.pdf>

<http://odpp.com.fj/wp-content/uploads/2020/03/ODPP-Rape-and-Sexual-Offences-Statistics-February-2020.pdf>

<http://odpp.com.fj/wp-content/uploads/2020/04/ODPP-Rape-and-Sexual-Offences-Statistics-March-2020.pdf>

<http://odpp.com.fj/wp-content/uploads/2020/05/ODPP-Rape-and-Sexual-Offences-Statistics-April-2020.pdf>

<http://odpp.com.fj/wp-content/uploads/2020/06/ODPP-Rape-and-Sexual-Offences-Statistics-May-2020.pdf>

ODPP recorded 3 counts of indecent assault for each of the months from January to March and this later decreased to 1 in April and May.³⁵

For the offence of abduction with intent to have carnal knowledge, ODPP recorded only 1 count in February and 1 in April. For the offence of aiding and abetting rape, ODPP only 1 count in March and for assault with intent to commit rape, only 1 count was recorded for the month of March.

Compared to the last two years, for the year 2018 a total of 146 counts were recorded from January to May³⁶. For 2019 a total of 260 counts recorded was recorded for the same months³⁷ and for 2020 a total of 83 accused with 63 counts was recorded.³⁸ This shows that there is a drop in the number of sexual violence cases compared to the previous years.

Note: ODPP does not publish sex disaggregated data in their monthly statistics however they do it annually

(b) Non-Sexual Violence Statistics

ODPP recorded several Non Sexual Violence (Serious Crime) cases over the past few months (January to June 2020)³⁹:

- Murder, the ODPP recorded 1 count in May
- Attempted murder, the ODPP only recorded 3 counts, 2 counts in January and 1 in March
- Intent to cause grievous bodily harm only 3 counts were recorded, 1 in January, 1 in March and 1 in May.
- Arson only 2 counts recorded, 1 in January, 1 in February
- Assault causing bodily harm 4 counts recorded, 1 in January, 1 in April, 2 in May.
- Aggravated robbery, 7 counts were recorded in May
- Robbery only 1 count was recorded in May
- Aggravated Burglary, 11 counts were recorded in May
- Burglary, 1 count was recorded in May
- Theft, 11 counts were recorded in May
- Receiving stolen property only 1 count was recorded in May
- Receiving a bribe only 1 count was recorded in May
- Falsifying a document only 1 count was recorded in May
- Unlawful wounding only 1 count was recorded in May
- Unlawful Cultivation of Illicit Drugs only 1 count recorded in May

In January there were 5 incidents recorded in this category and this includes the following: ⁴⁰

³⁵ Ibid [Accessed May 27]

³⁶ <http://odpp.com.fj/wp-content/uploads/2019/01/ODPP-Serious-Crime-Statistics-December-2018.pdf>

³⁷ <http://odpp.com.fj/wp-content/uploads/2020/01/ODPP-Rape-and-Sexual-Offences-Statistics-1-January-31-December-2019.pdf>

³⁸ <http://odpp.com.fj/wp-content/uploads/2020/02/ODPP-Rape-and-Sexual-Offences-Statistics-January-2020.pdf>

<http://odpp.com.fj/wp-content/uploads/2020/03/ODPP-Rape-and-Sexual-Offences-Statistics-February-2020.pdf>

<http://odpp.com.fj/wp-content/uploads/2020/04/ODPP-Rape-and-Sexual-Offences-Statistics-March-2020.pdf>

<http://odpp.com.fj/wp-content/uploads/2020/05/ODPP-Rape-and-Sexual-Offences-Statistics-April-2020.pdf>

<http://odpp.com.fj/wp-content/uploads/2020/06/ODPP-Rape-and-Sexual-Offences-Statistics-May-2020.pdf>

³⁹ <http://odpp.com.fj/media-updates-2/>

⁴⁰ <http://odpp.com.fj/wp-content/uploads/2020/05/ODPP-Serious-Crime-Statistics-April-2020.pdf>

<http://odpp.com.fj/wp-content/uploads/2020/04/ODPP-Serious-Crime-Statistics-March-2020.pdf>

<http://odpp.com.fj/wp-content/uploads/2020/03/ODPP-Serious-Crime-Statistics-February-2020.pdf>

<http://odpp.com.fj/wp-content/uploads/2020/02/ODPP-Serious-Crime-Statistics-January-2020.pdf>

- The first case included attempted murder by a man of his de-facto partner. The victim was allegedly beaten, strangled and smothered with a pillow by the accused.
- In the second case a 31-year-old man was charged with the attempted murder of his 29-year-old de facto partner. The victim allegedly received repeated beatings with an iron rod and stabbing with a knife by the accused.
- A 44-year-old man was charged with an act with intent to cause grievous bodily harm to his 26-year-old de facto partner. The victim was allegedly stabbed with a knife by the accused.
- The others included two 29-year-old men who were charged with *arson* for allegedly setting their de facto partner's homes on fire after domestic disputes in two separate incidents. One of the accused was also charged with assault causing actual bodily harm to his de facto partner after he attacked her with a garden fork.

In February there was only one incident where the accused and the victims were related to one another. A 38-year-old man was charged with *arson* for allegedly setting his wife's house on fire.⁴¹

In March there were 3 incidents recorded in this category and this includes the following:⁴²

- A 41-year-old man was charged with the murder of his 32-year-old wife. The accused allegedly stabbed his wife with a knife.
- There was one incident where a 42-year-old man was charged with the attempted murder of his 41-year-old wife. The accused allegedly attempted to kill his wife with a hammer. The accused also faces a charge of serious assault for assaulting a police officer while resisting arrest.
- A 26-year-old man was charged with an act with intent to cause grievous harm to his 39-year-old girlfriend. The accused allegedly stabbed his girlfriend with a knife.

In April there was only one incident recorded where a 30-year-old man was charged with assault, assault causing actual bodily harm and *wrongful confinement* of his 27-year-old de facto partner. The accused was also charged with rape (offence of rape was published separately).⁴³

In May there were 3 incidents recorded:⁴⁴

- A 34-year-old police officer was charged with one count of assault causing actual bodily harm to his 33-year-old wife.
- A 24-year-old woman was charged with an act with intent to cause grievous harm after she poured boiling water over her 30-year-old de facto partner.
- A 34-year-old man was charged with one count of assault causing actual bodily harm to his 32-year-old wife.

The statistics above show that there was a decrease in the number of sexual violence cases as compared to the previous years. However, there was an increase in non-sexual violence related cases in May. This correlates with the data from Fiji Police Force that there was an increase in overall crime rate and a decrease in the sexual violence cases reported. This could mainly be due to restrictions, curfews and due to the lockdown which would've prevented women and girls from reporting the matter.

⁴¹ Ibid [Accessed May 28]

⁴² Ibid [Accessed May 28]

⁴³ <http://odpp.com.fj/wp-content/uploads/2020/05/ODPP-Serious-Crime-Statistics-April-2020.pdf>
<http://odpp.com.fj/wp-content/uploads/2020/04/ODPP-Serious-Crime-Statistics-March-2020.pdf>
<http://odpp.com.fj/wp-content/uploads/2020/03/ODPP-Serious-Crime-Statistics-February-2020.pdf>
<http://odpp.com.fj/wp-content/uploads/2020/02/ODPP-Serious-Crime-Statistics-January-2020.pdf>

⁴⁴ Ibid [Accessed May 29]

(v) Fiji Courts

The Fiji Courts collect sex-disaggregated data of all the applications initiated. This includes Domestic Violence Restraining Order (DVRO) applications initiated in the Magistrates Court and the Family Court. A Court makes a DVRO for the safety and wellbeing of a person if satisfied that the person⁴⁵:

- Is in a domestic relationship with the perpetrator, and
- The perpetrator has committed, is committing or is likely to commit domestic violence against the person, and
- The making of the order is necessary for the safety and wellbeing of the person

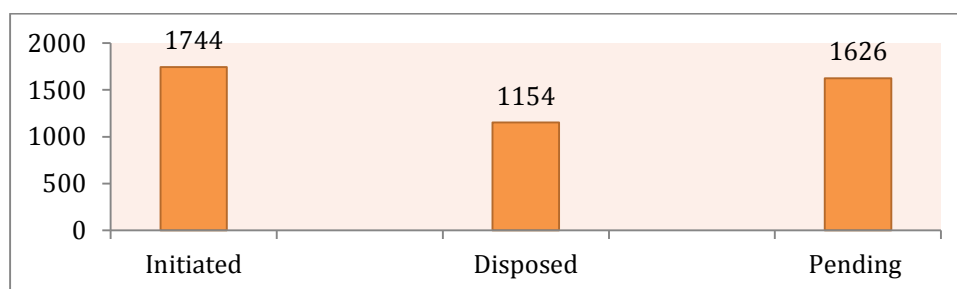
On 3 April 2020, the Chief Justice's Chambers released a statement to the legal practitioners informing them only urgent matters would be heard by the Courts. The urgent matters included hearing of DVRO Applications.⁴⁶

Two of the news media covered the statement however only mentioned that urgent matters would be heard by the Courts and did not include that DVRO applications would be heard as well.⁴⁷

Note: Some of the applications which were disposed during the period from January to May had been initiated earlier than January and were already in the system.

FWRM analysed the data from Fiji Courts and following are the findings:

(a) DVRO's issued by the Magistrate Courts in 2020 from January to May



Source: Fiji Judiciary

For the period from January to May, the Magistrates Courts received a total of 1,744 DVRO applications. During the same period, the Magistrates Courts disposed 66% (1,154) of DVRO applications. At the end of May, a total of 1,626 applications were pending.⁴⁸

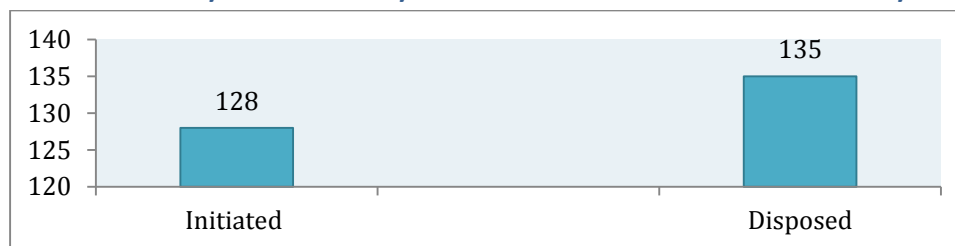
⁴⁵ Domestic Violence Act 2009

⁴⁶ Notice for Legal Practitioners, Chief Justice's Chamber [3 April 2020]

⁴⁷ <https://www.fbcnews.com.fj/news/covid-19/only-urgent-matters-to-be-heard-in-court/>
<https://www.fijione.tv/news-posts/court-operations-covid-19/>

⁴⁸ Data provided to FWRM by Fiji Judiciary (Received 25 June)

(b) DVRO's issued by the Family Courts in 2020 from January to May



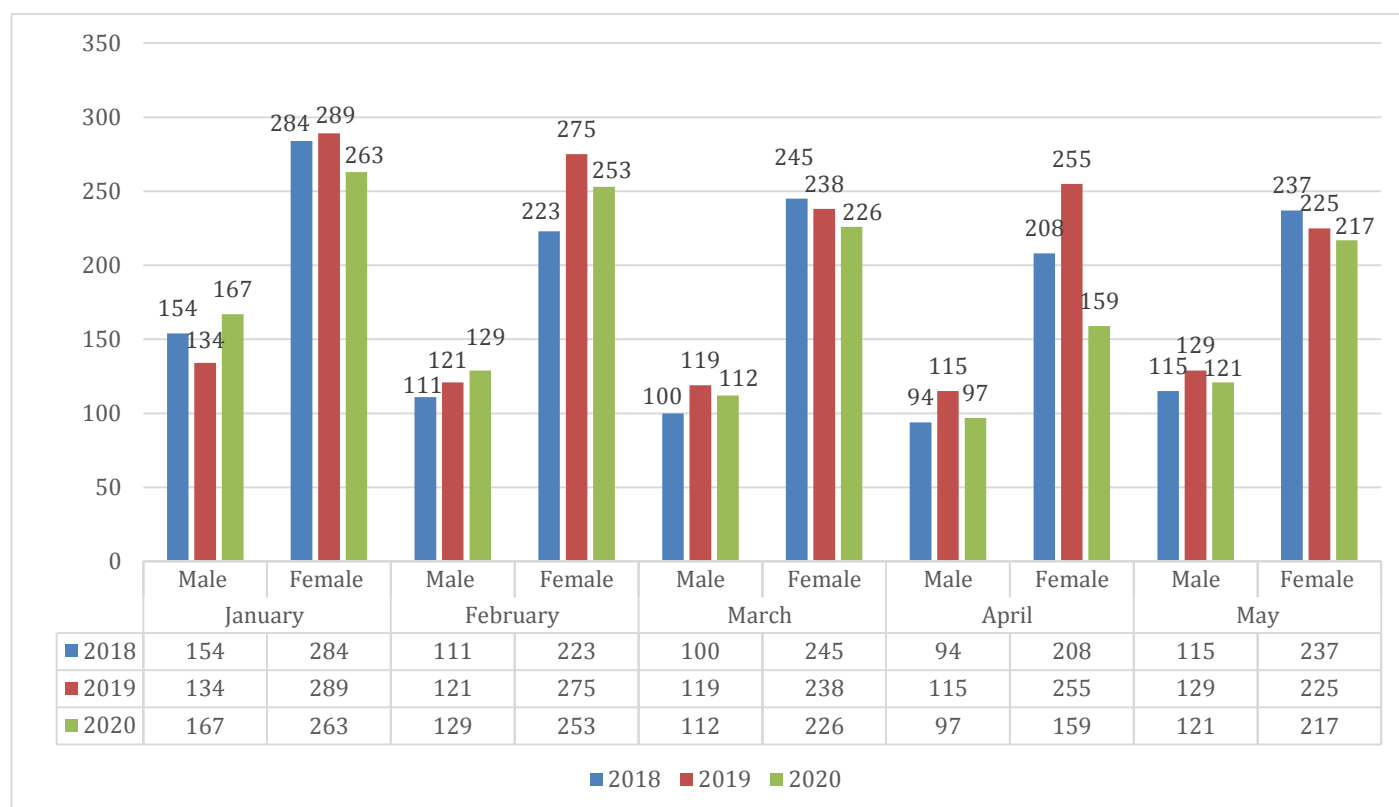
Source: Fiji Judiciary

For the period of January to May 2020, in the Family Court a total of 128 applications were initiated and a total of 135 applications were disposed.⁴⁹

(c) National Statistics from 2018- 2020

The data below shows statistics for the number of cases initiated by men and women for the years 2018-2020 for the Magistrate Court.

Note: For the year 2018, the national data is inclusive of the DVRO Applications initiated in the Family Courts.



Source: Fiji Judiciary

For the year 2020, a total of 1,774 DVRO applications were initiated in the Magistrates Court, 68% (1,197) of the total DVRO applications were initiated by women. For the same year, the DVRO applications initiated by women in March was 226; this decreased to 159 in April and later increased to 217 in May.⁵⁰

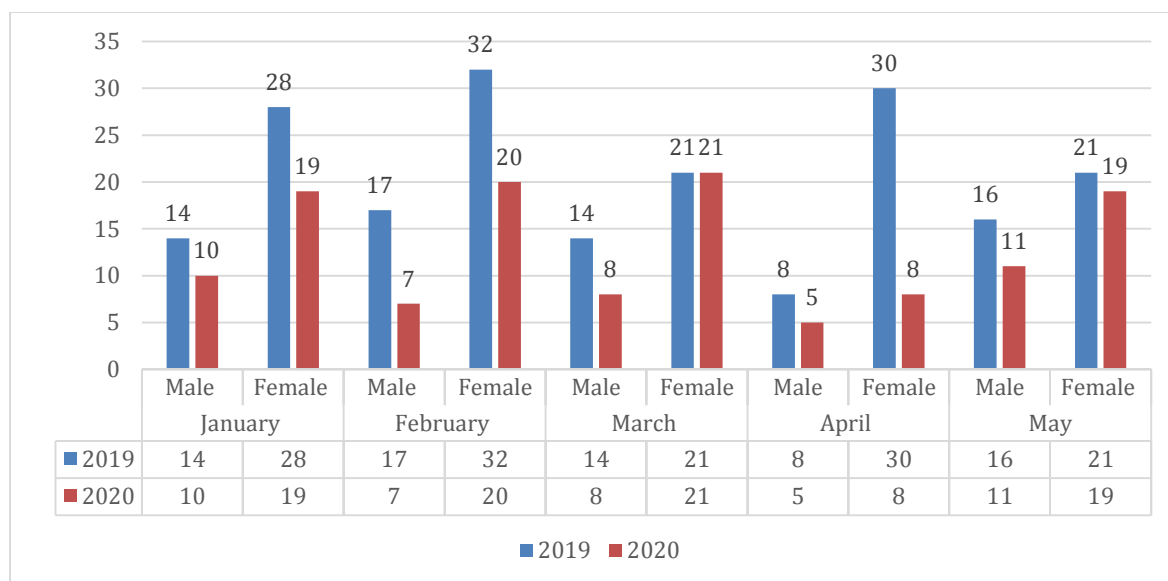
⁴⁹ Ibid (Received 25 June)

⁵⁰ Information provided by the Judiciary – Statistics from the Magistrate and Family Court.

When compared with the DVRO applications initiated by women for previous years for the period of March to May, fewer DVRO applications were initiated. In 2020, for the period of March to May, women initiated 602 DVRO applications, this was a decreased from 718 in 2019 and 690 in 2018.⁵¹

(d) Family Statistics from 2019 – 2020

The data below shows statistics for the number of cases initiated by men and women for the years 2019-2020 for the Family Court. For the year 2018, the DVRO Applications initiated in the Family Court were included in the National Statistics.



Source: Fiji Judiciary

For the year 2020, a total of 128 DVRO applications were initiated in the Magistrates Court, 68% (87) of the total DVRO applications were initiated by women. For the same year, the DVRO applications initiated by women in March was 21; this decreased to 8 in April and later increased to 19 in May.⁵²

When compared with the DVRO applications initiated by women for previous years for the period of March to May, fewer DVRO applications were initiated. In 2020, for the period of March to May, women initiated 48 DVRO applications, this was a decreased from 72 in 2019.⁵³

The data from Fiji Courts correlates with the data from FWCC and FPF in terms of decrease of DVRO applications initiated in both Magistrates and Family Court during the lockdown period and slight increase of DVRO applications initiated in both Magistrates and Family Court after the lockdown period was uplifted.

⁵¹ Ibid

⁵² Information provided by the Judiciary – Statistics from the Magistrate and Family Court.

⁵³ Ibid

Conclusions and Recommendations:

Data Analysis

The finding from data analysis of FWCC, FPF, ODPP and Fiji Courts reflects that whilst women have experienced high levels of violence during the pandemic, women have not reached out to formal justice sector agencies for assistance.

Recommendation

A survey of women on Access to Justice to be conducted to hear from women directly to understand the motivations and barriers women face in bringing their cases to Court particularly during the COVID-19 pandemic.

National Domestic Violence Helpline

The National Domestic Violence Helpline is effective in capturing the experiences of women particularly during COVID-19 pandemic.

Recommendation

Government to continue supporting the National Domestic Violence Helpline.

Services for Women's Access to Justice

Fiji Women's Crisis Centre continued to provide 24 hour services through the National Domestic Violence Helpline and FWCC lines.

Fiji Women's Crisis Centre referred cases of violence to the Fiji Police Force for their action.

The Fiji Courts were hearing DVRO applications during the COVID-19 response situation and deemed it as urgent matter, however the same was not adequately captured in the media.

Recommendation

For the service providers Fiji Women's Crisis Centre and Fiji Police Force to continue and strengthen the collaboration in providing services to women of Fiji.

For Fiji Police Force to allocate specific resources in handling violence against women particularly during crisis situation.

For Media Authorities to disseminate all information in relation to the Court operations for Domestic Violence Cases particularly during crisis situation.