

# Sexual Violence Against Women and Girls Rape Case Analysis 2021<sup>1</sup>

## Acknowledgement

This analysis is conducted and published by the Fiji Women's Rights Movement (FWRM)<sup>2</sup> and we extend our gratitude to the Chief Justice and the staff of the High Court Registry for continually updating legal practitioners with cases in relation to sexual offenses in Fiji. We congratulate the High Court of Fiji for continuing its legacy of being transparent with decisions being published on Paclii<sup>3</sup>. FWRM further acknowledges the Office of the Director of Public Prosecutions for publishing its Annual Statistics of Sexual Offences Cases brought before the Courts of Fiji<sup>4</sup>.

## Background

In November 2017, FWRM published its research report: "Balancing the Scales: Improving Fijian Women's Access to Justice." In this report, FWRM made commitments to continue research on sexual violence against women and girls through the rape case analysis. As such every year FWRM consistently analyses rape cases decided by the High Court and provides key findings related to sexual violence against women and girls.

## Sexual Violence Against Women and Girls Rape Case Analysis 2021

22 Rape Cases that were decided in the High Court of Fiji, which were published online on Paclii were analysed, and it found that:

- In 64% per cent of the cases, the victim/ survivor knew the accused. (14 out of 22)
- In cases where there was a domestic relationship between the perpetrator and the victim/survivor, and where the accused was found guilty of rape, **in 6 of these cases** a permanent domestic violence restraining order **was not issued** for the protection of the victim/survivor
- The youngest victim was 3 years old
- The youngest perpetrator was 11 years old
- Highest sentence delivered was a life sentence
- There were 5 acquittals and 2 accused were found guilty of lesser charges

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<sup>1</sup> This decision analysis adapted from the ICAAD's methodology for reviewing GBV cases that appear in ICAAD and DLA Piper (2015) An Analysis of Judicial Sentencing Practices in Sexual and Gender- Based Violence Cases in the Pacific Island Region

<sup>2</sup> The research for this ongoing analysis has been done by FWRM's Gender and Transitional Justice Team.

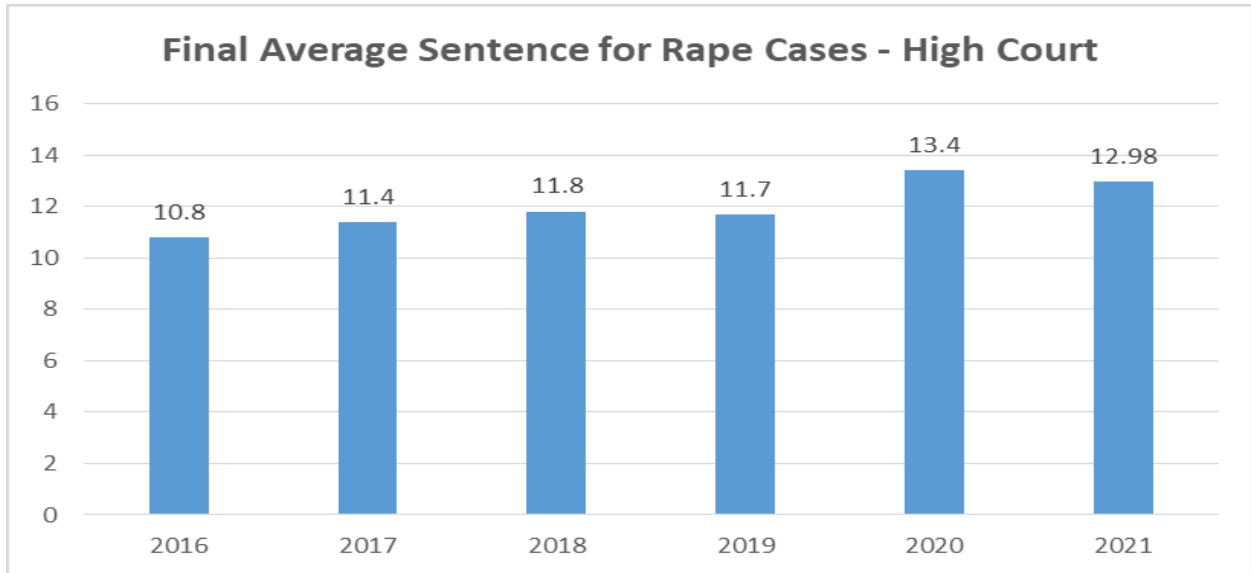
<sup>3</sup> All High Court Criminal (Rape) Cases decided in 2021 and published on Paclii found at:

<http://www.paclii.org/fj/cases/FJHC/>

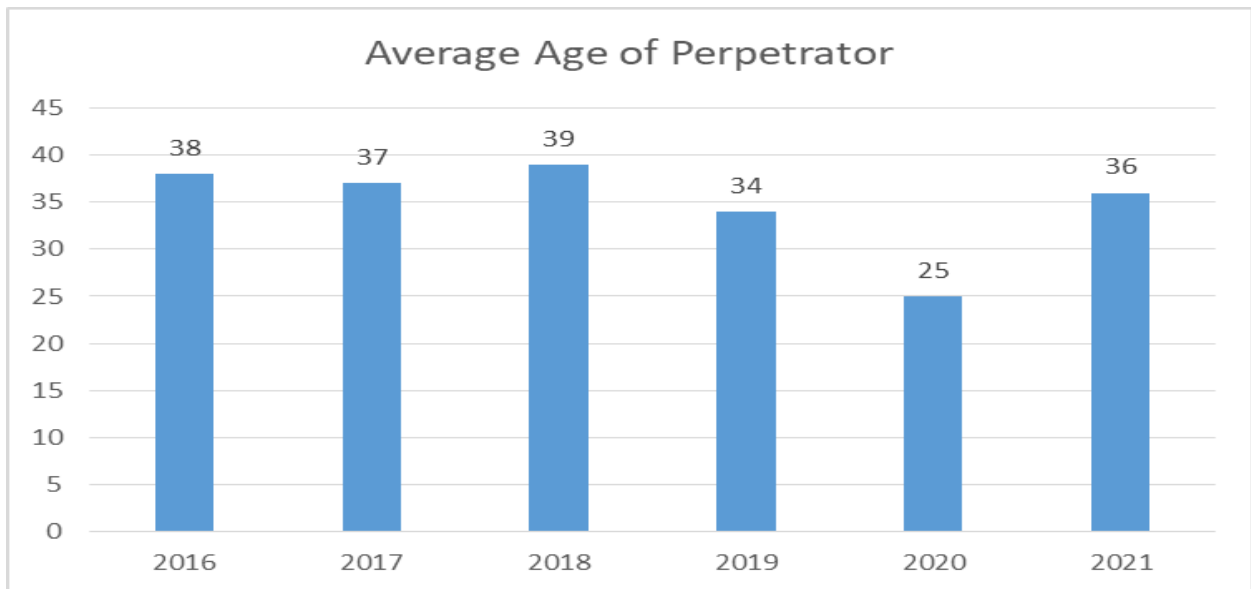
<sup>4</sup> <https://odpp.com.fj/wp-content/uploads/2022/02/ODPP-Rape-and-Sexual-Offences-Statistics-January-2022.pdf>

## Sexual Violence Against Women and Girls Rape Case Trend Analysis 2016-2021

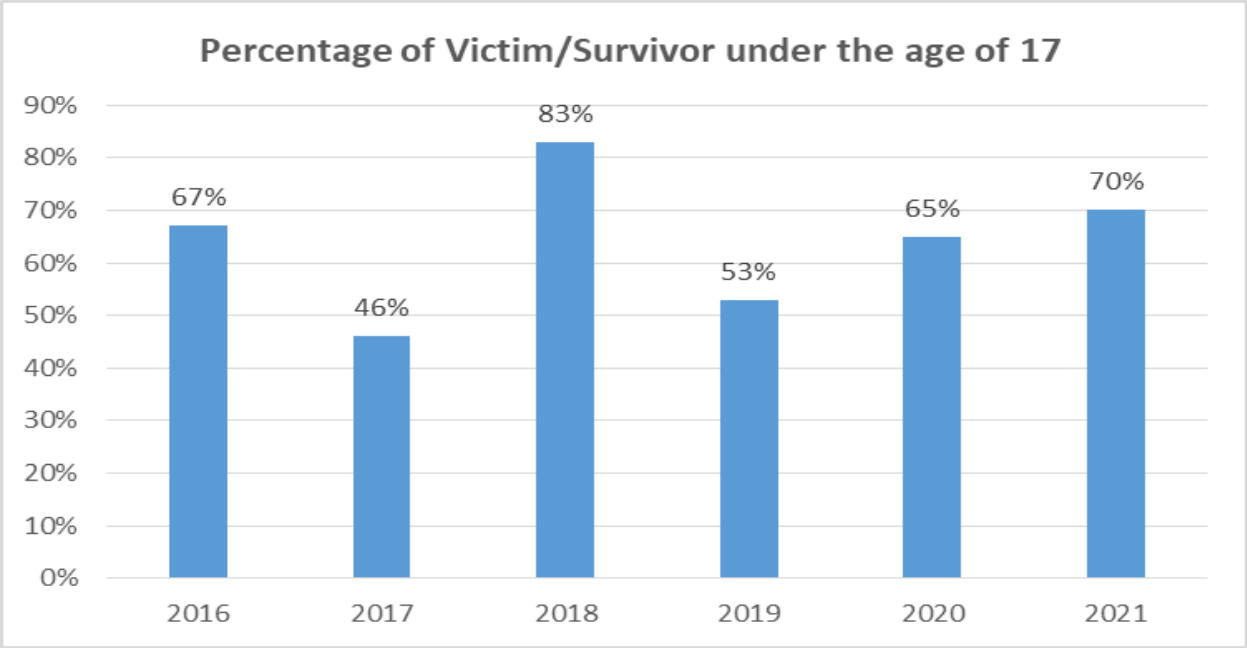
FWRM has further analysed the past six years of data from the trend analysis looking at specific trends relation to sexual violence against women and girls particularly relating to the decided rape cases. The following analysis demonstrates these trend analysis data:



The average age of the perpetrator has been between the ages of 34 – 39 in the period from 2016- 2019, however this has decreased to 25 in 2020. In 2021 the average age has gone up to 36 years old.

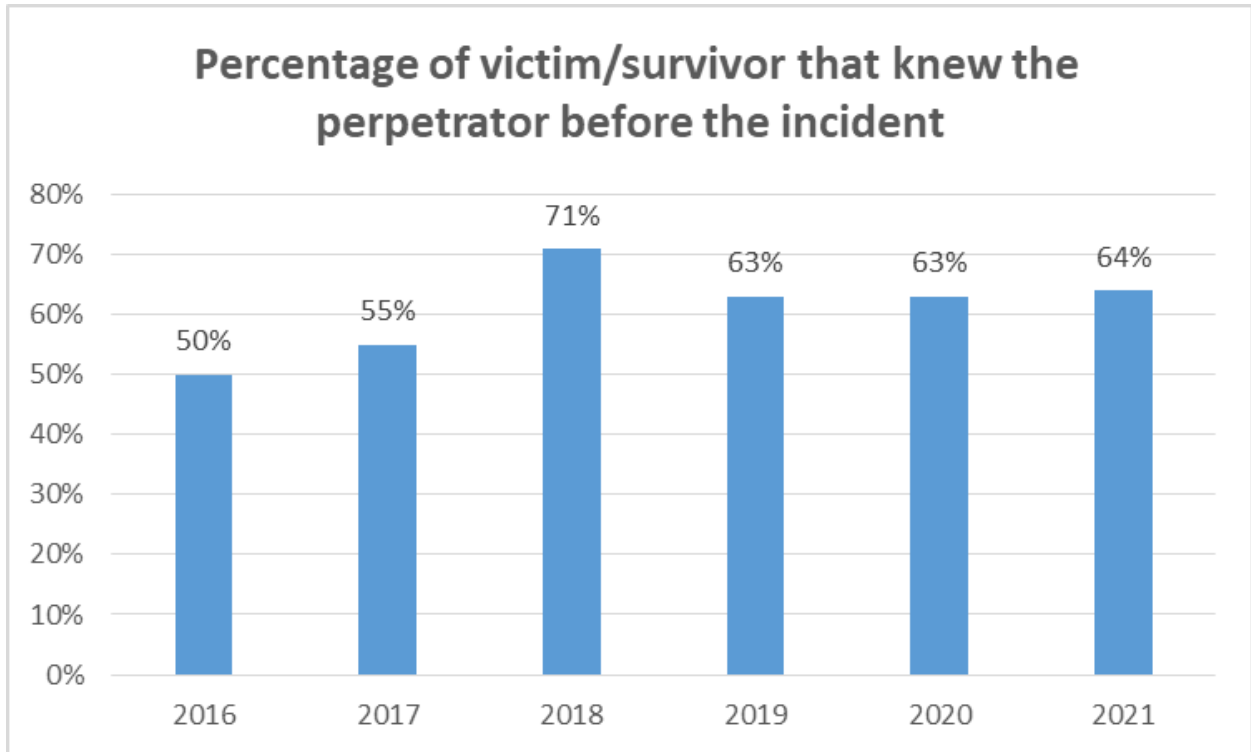


The average age of the victim/survivor has been under the age of 17 for the period of 2016-2021.



The age of the youngest victim/survivor continues to be under 5 years.





For the period 2016-2021, more than 60% of the victim/survivors knew the perpetrator.