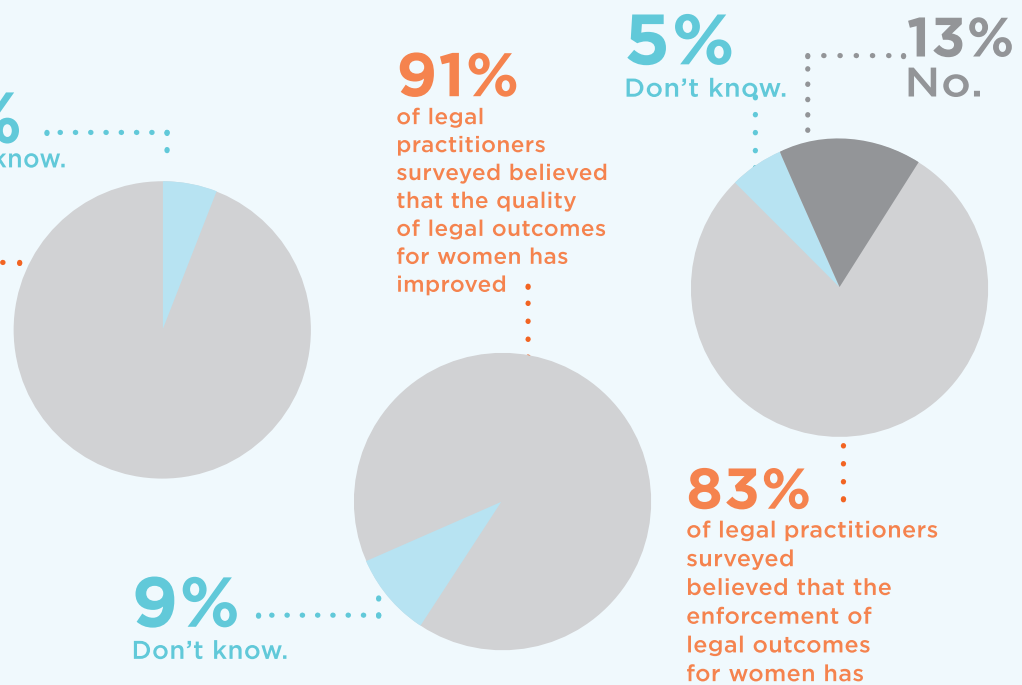
WHAT FIJI LEGAL PRACTITIONERS SAID ABOUT THE FORMAL JUSTICE SYSTEM



SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS RAPE CASES ANALYSIS

Overview of the 62 rape judgments in the high court in 2016

100% of cases, the perpetrator was male

The average age of the perpetrator was 38 years of age

68% (42 cases) involved girls aged 3 to 17 years as the victim survivor

32% (20 cases) involved women as the victim survivor

2% involved a girl aged 10 with a disability

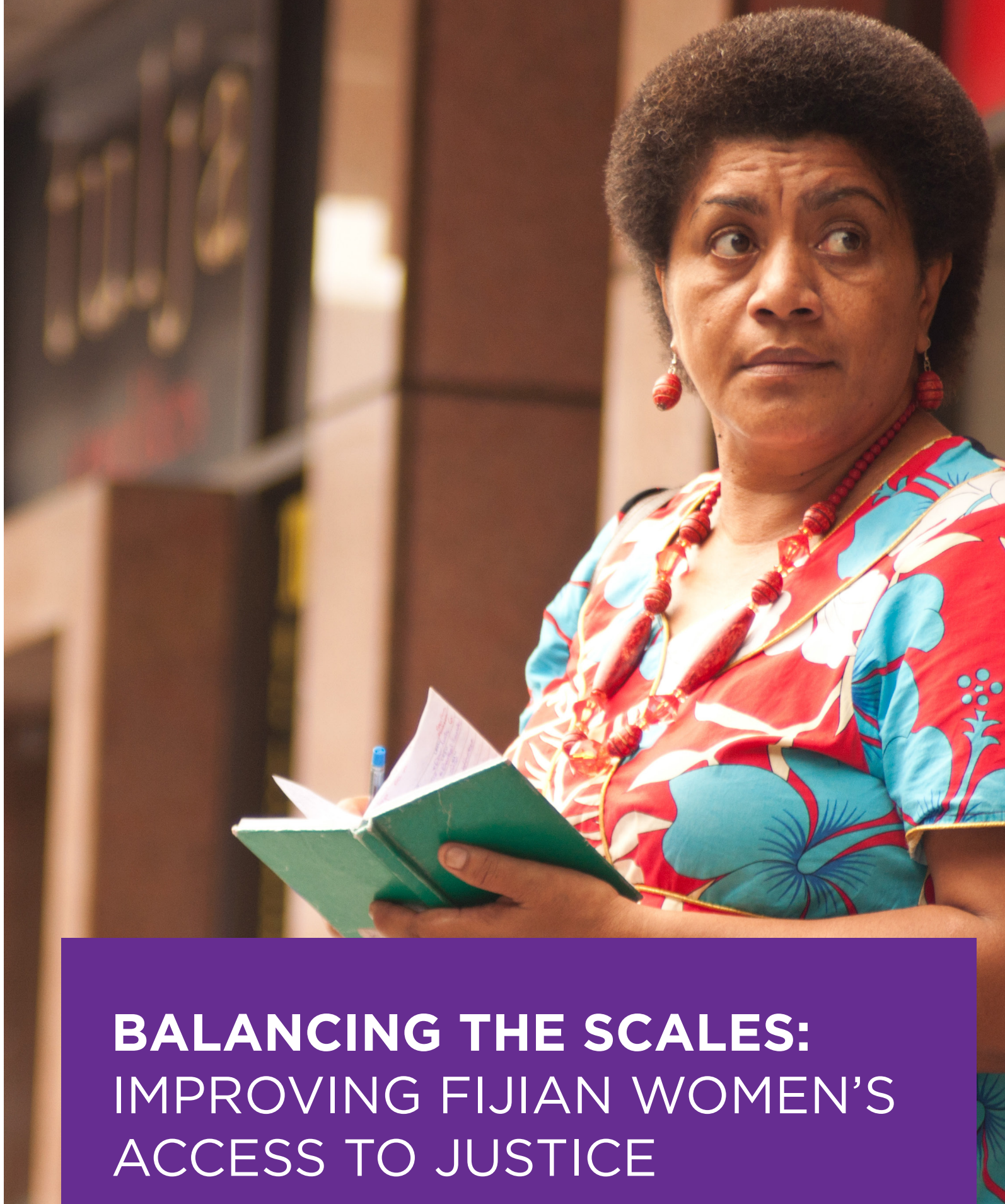
only 1 case relied on a forensic pathology report

Outcomes of the 62 rape judgments analysed

90%
(56 of 62) accused found guilty of rape

8%
(5 of 62) accused was found guilty of a lesser charge

2%
(1 of 62) accused was acquitted

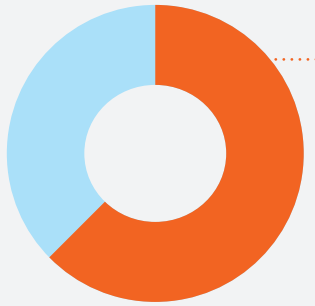


BALANCING THE SCALES:
IMPROVING FIJIAN WOMEN'S ACCESS TO JUSTICE

FWRM
FIJI WOMEN'S RIGHTS MOVEMENT

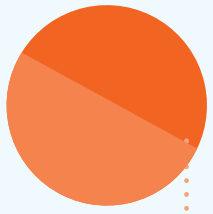
EUROPEAN UNION

PARTNER VIOLENCE

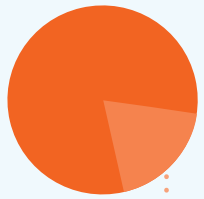


64%
of women in Fiji experience physical and/or sexual intimate partner violence in their lifetime.[5]

LEGAL AID CASES GRANTED



Of the 2,040 civil cases 55% (1131) were male and (909) 45% were female applicants.



Of the 6,695 criminal cases where Legal Aid Commission represented the accused, 85% (5,663) were men and 15% (1,032) were women.

Of the 3,838 family law matters, 53% (2018) women applicants and 47% (1820) male applicants.

OF THE 49 WOMEN WHO PARTICIPATED IN THE FRWM SURVEY

2 in 3

women surveyed faced difficulties in going to the police or court:

- 60% said the police told them to resolve the issue within the family or village or the police did not take them seriously
- 30% said they did not know about the court process or where to go
- 10% said they faced fear of stigma or physical attack

8 in 10

women rated the following factors as important, very important or critical when deciding to visit the police or court with their family law or violence matter.

- concern for their children
- access to legal advice and/ or support
- lack of financial means

VICTIMS AND PERPETRATORS

9 OUT OF 10

SEXUAL OFFENCE CASES (RAPE AND ATTEMPTED RAPE, INDECENT ASSAULT, CHILD SEXUAL ABUSE) REPORTED TO THE FIJI POLICE, **WOMEN AND GIRLS ARE THE VICTIMS/ SURVIVORS**

9 OUT OF 10

CASES OF OFFENCES AGAINST THE PERSON AND OFFENCES AGAINST MORALITY REPORTED TO THE FIJI POLICE **MEN ARE THE PERPETRATORS**

OF THE 49 WOMEN WHO PARTICIPATED IN THE FWRM SURVEY

12 women sought spousal or child maintenance, 11 of these women were successful

13 women sought a court order for child custody, 11 of these women were successful

22 women sought a domestic violence restraining order, 20 of these women were successful in obtaining one

9 women sought a divorce, 8 of these women were successful

13 women sought a court order for child custody, 11 of these women were successful

11 women still had cases underway

2 women were reconciled with their partner

POVERTY LINE IN FIJI[10] BASIC NEEDS POVERTY LINE ESTABLISHED

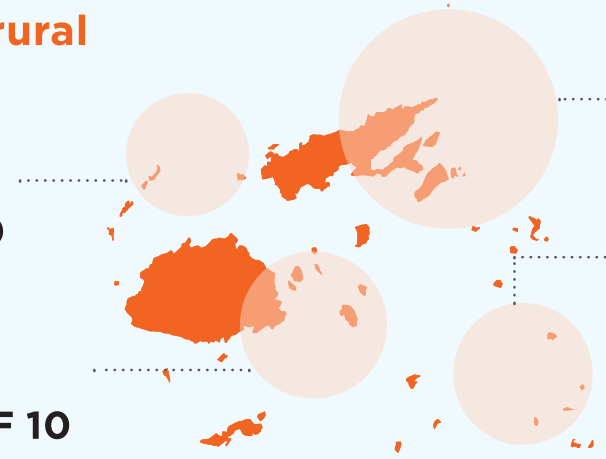
$49.50
for a woman living in an rural area

$55.12
for a woman living in an urban area

3 OUT OF 10 PEOPLE LIVE BELOW THE BASIC NEEDS OF POVERTY LINE IN FIJI

RISES TO 5 OUT OF 10 PEOPLE IN THE RURAL AREAS OF THE NORTHERN DIVISION

Incidence of poverty for rural population



Rural Northern
5 OUT OF 10

Rural Western
3 OUT OF 10

Rural Eastern
4 OUT OF 10

Rural Central
4 OUT OF 10

COSTS OF JUSTICE

$50 FJD

Weekly Per Capita Adult Income for a woman living on the basic needs poverty line

TO INITIATE OR DEFEND A CASE, IT COSTS A WOMAN:

Half of the 45 women that accessed the police or court stated they wanted the violence to stop

The women surveyed **experienced violence for an average of 868 days** before they went to the police or courts to resolve these issues