



Sexual Violence Against Women and Girls Rape Case Analysis 2018¹

Acknowledgement

This analysis is conducted and published by the Fiji Women's Rights Movement (FWRM)² 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 Paclii³.

FWRM further acknowledges the Office of the Director of Public Prosecutions for publishing its Annual Statistics of Sexual Offenses Cases brought before the Courts of Fiji⁴.

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 an annual analysis of rape cases decided in the High Court of Fiji. The report further recommended the Office of the Director of Public Prosecutions to produce Annual Statistics of Sexual Offenses Cases brought before the Courts of Fiji and for the statistics to be sex disaggregated. The Annual Statistics for the year ending 2018 can be accessed here:

<http://odpp.com.fj/wp-content/uploads/2019/01/ODPP-Rape-and-Sexual-Offences-Statistics-1-January-31-December-2018.pdf>

¹ This decision analysis adapted 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.

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

³ All High Court Criminal Cases decided and the 94 Rape Cases decided in the High Court of Fiji that are analyzed in this paper can be found in:

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

⁴ <http://www.fwrn.org.fj/news/media-releases/67-all-category/news/press-releases/496-fwrn-office-of-the-director-of-public-prosecutions-publishes-sex-disaggregated-data>

Sexual Violence Against Women and Girls Rape Case Analysis 2018

94 Rape Cases were decided in the High Court of Fiji in 2018.⁵

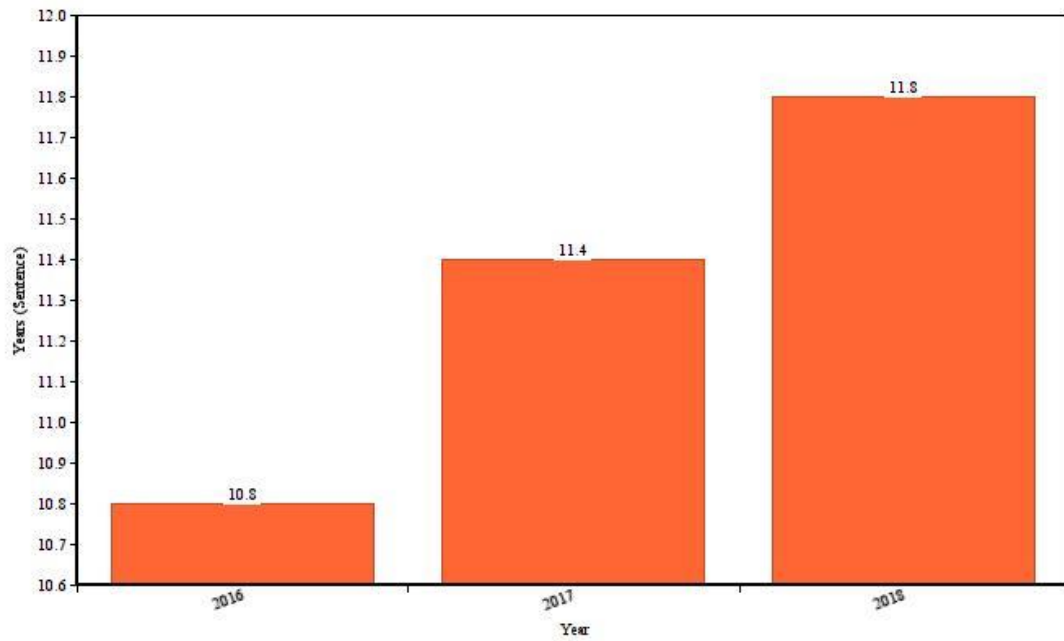
- In all 94 cases, the accused was a male.
- Average age of accused is 39 years old.
- The youngest accused was 11 years old.
- The oldest accused was 85 years old.
- In all 94 cases, the victim/ survivor was female.
- Average age of victim/ survivor 14 years.
- The youngest victim/ survivor was 6 months old.
- The oldest victim survivor was 71 years old.
- Average number of days from incident to judgment is 1,025 days or 2.8 years.
- Average starting sentence 9 years 11 months.
- Average final sentence 11 years 10 months.
- The highest sentence meted out was a life sentence.
- In 2 cases the accused was given a non-custodial sentence since they were minors.
- In 85 out of 94 cases, the accused was found guilty of rape.
- In 3 out of 94 cases, the accused was found guilty of a lesser charge. In all three cases the accused was found guilty of sexual assault.
- In 6 out of 94 cases, the accused was acquitted.
- 2 out of 94 cases, involved a person with disability.
- In 1 out of 94 cases, the forensic pathology report was referred to however, the case was acquitted.
- In 71% cases the victim/ survivor knew the accused.
- In 83% cases the victim/ survivor was 17 years or younger.

Sexual Violence Against Women and Girls Rape Case Trend Analysis 2016-2018

FWRM is now in its third year of producing an annual analysis of rape cases decided in the High Court of Fiji. FWRM undertook a further analysis of three years data looking at specific trends relating to rape cases decided. The following demonstrated these trend analysis data:

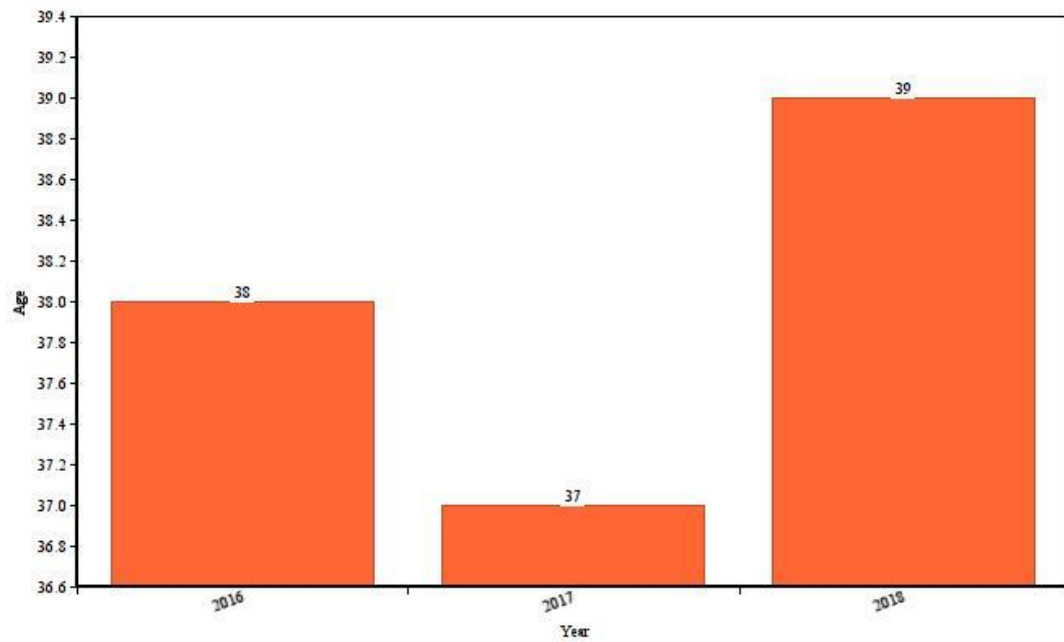
⁵ Please note that this analysis are only of rape cases that were decided in the High Court of Fiji in 2018. Some of these cases were brought before the courts prior to 2018. The Annual Statistics published by the Office of the Director of Public Prosecutions are that of all Sexual Offence Cases brought before the Courts of Fiji.

Final Average Sentence for Rape by the High Courts

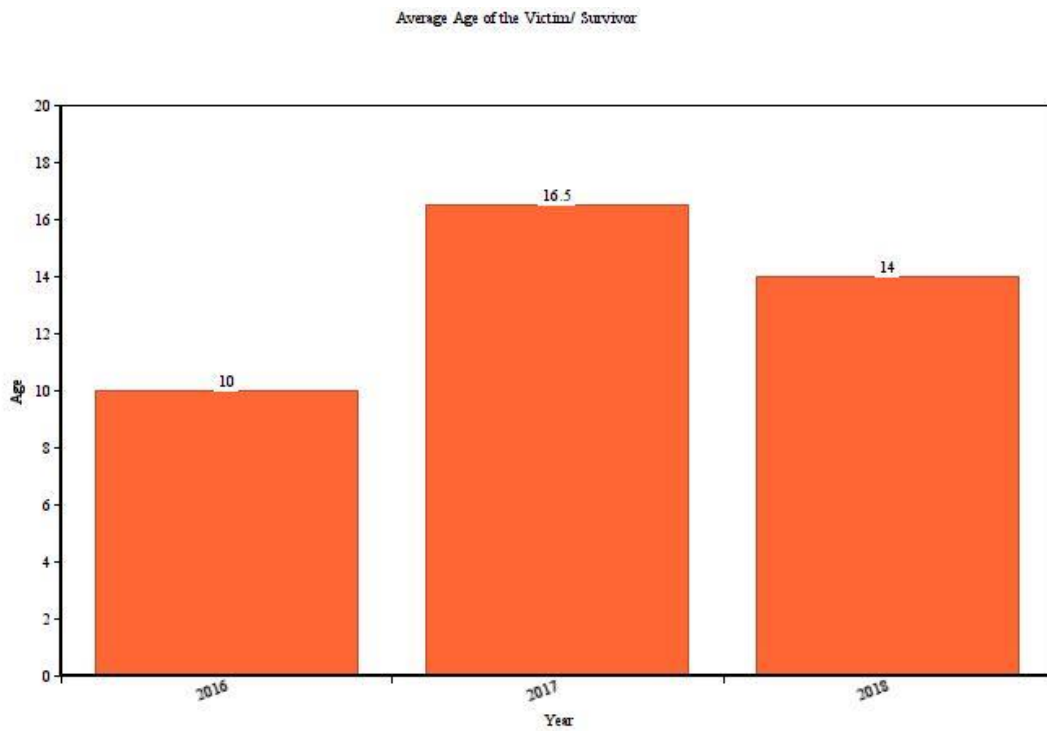


- The average final sentences meted by the High Court of Fiji for Rape has increased for the last three years.
- In 2018, the High Court of Fiji also meted a life sentence for Rape.

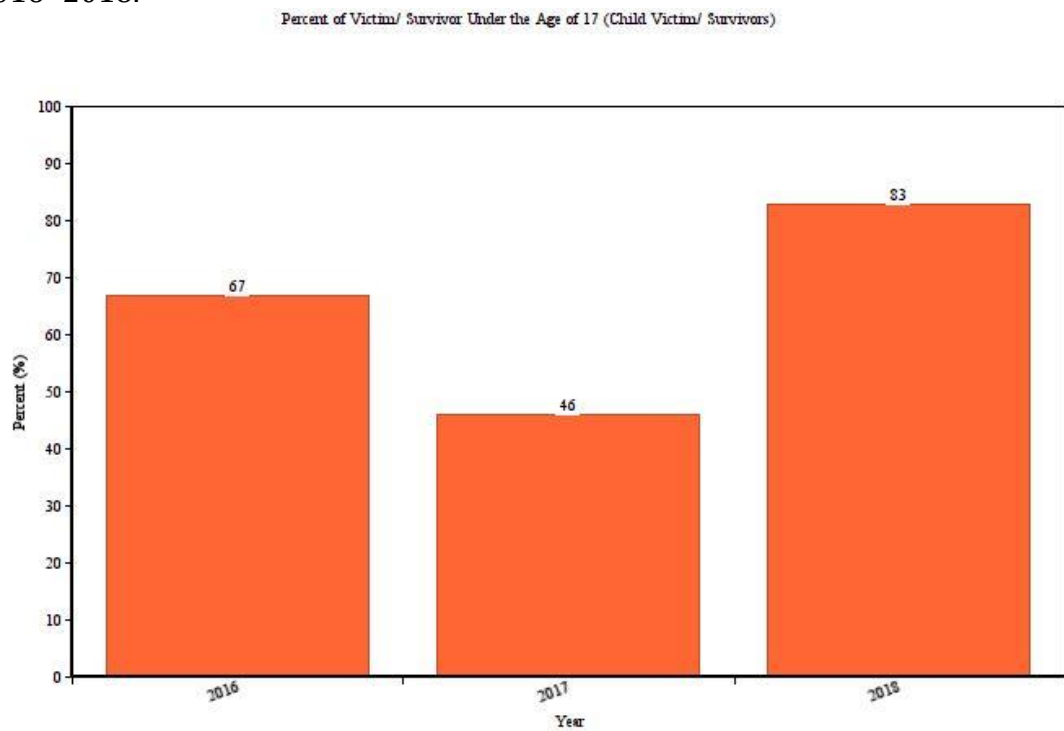
Average Age of the Perpetrator



- The average age of the perpetrator has remained between 38-39 from 2016- 2018.

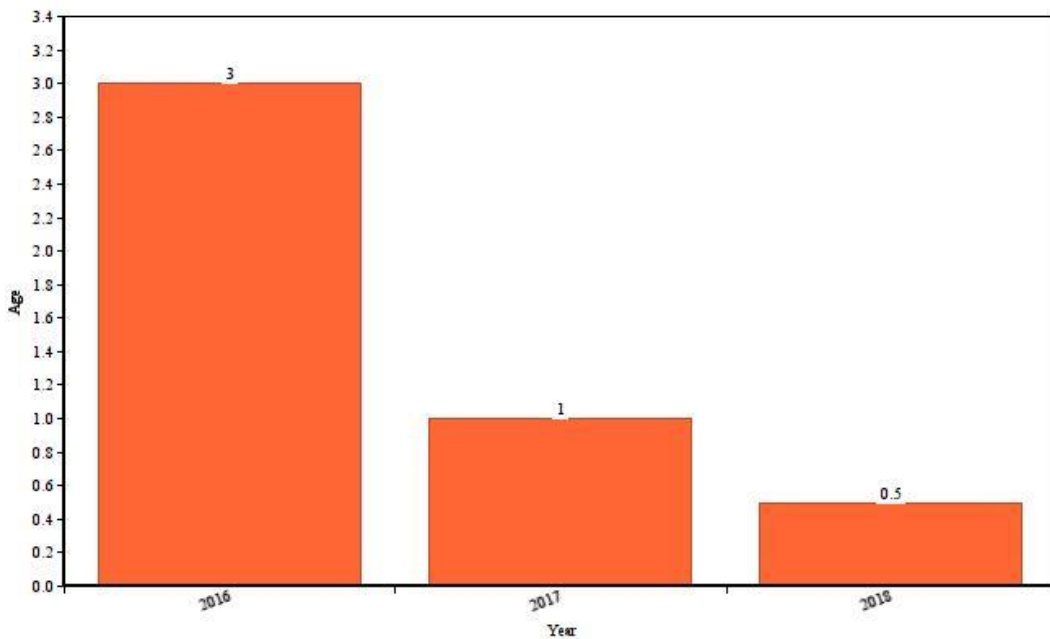


- The average age of the Victim/ Survivor has been under 17 years old from 2016- 2018.



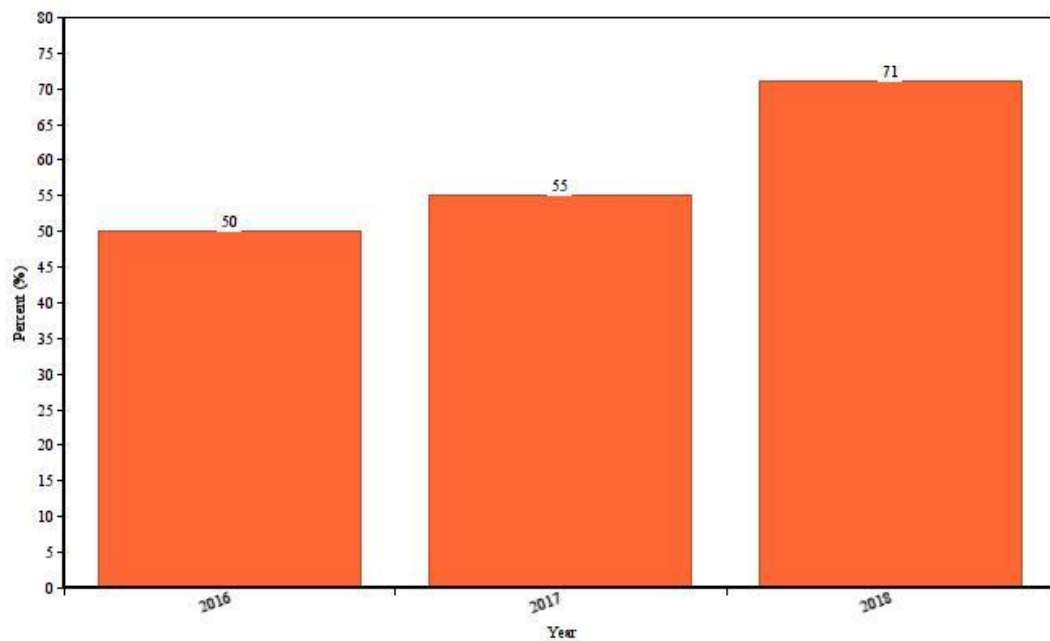
- 65% Victim/ Survivors were under 17 years old from 2016-2018.

Age of Youngest Victim/ Survivor of Rape



- The age of the Victim/ Survivor has decreased over the years since 2016.

Percent of Victim/ Survivor that Knew Perpetrator Before the Incident



- In majority cases the perpetrator is known or related to the victim/ survivor.