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Balance
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Fighting Fiji's Rape Epidemic: Beyond Harsher Sentencing

FIJI'S prevalence rates of violence against women and girls are amongst the very highest in the world. *Somebody's Life, Everybody's Business* was a survey conducted by the Fiji Women's Crisis Centre in 2010 and 2011 in Fiji, exploring the prevalence of, incidence and attitudes to intimate partner violence. 71 percent of women and girls surveyed experienced physical and sexual abuse by their partner, or non-partner as they turned 15 years of age.

Time and again we have heard people calling for harsher sentencing for sexual violence. This article aims to demystify that harsher sentencing for sexual violence for rape is the solution and offers an alternative and long term solution.

Protestors at the Human Rights Day march in Suva, 2020. Image: FWRM

By **Artika Singh**

Trend Analysis – Victims, Perpetrators, Relationships and Sentences

A recent research done in 2017 by FWRM titled "Balancing the Scales: Improving Fijian Women's Access to Justice" states that in 9 out of 10 sexual violence cases reported to the Police, the victim/survivors are women and girls and 9 out of 10 of these cases, the perpetrators are men and boys.[1]

FWRM has been playing a major role analysing all the rape cases judgements by the High Court in Fiji, to compare and contrast the type of judgement being made for the rape offenders against the victims. The focus is on the attribution or fault to the victim or attacker and related judgments particularly regarding guilt and sanctions. Additionally, FWRM has taken this commitment to conduct a vigorous research in this area to examine whether the judgments made by High Court is effective and is moderated by the type of rape offence or in effected that can influence others to commit the same type of offence. As such, FWRM made commitments to continue research in this area to not only monitor the situation of sexual violence against women and girls but also use the research findings for advocacy and lobbying.

In the four-year trend analysis conducted by FWRM found that[2]:

- For the period of 2016-2019, 62% of the victim/survivor has been under the age of 17 years. This is the average age of the victim/survivor for this period
- The age of the youngest victim/survivor continues to be under 5 years
- For the period of 2016-2019, majority of the perpetrators were known to the victim/survivor

Further to the above analysis, FWRM also conducted trend analysis of the sentences being meted by the High Court of Fiji for rape and found that the average final sentences for rape has increased. For 2016 and 2017, the average sentences were 11 years and 6 months and in 2018, this increased to 11 years and 8 months. In 2018, the first ever life sentence was meted out. In 2019, the average sentence decreased to 11.7 months.

Despite the increase in sentences in the last three years and the recognition by the Courts of the heinous nature of sexual offences, the Office of the Director of Public Prosecutions has recorded for the period of January to October a total of 455 incidents of serious sexual offences for the year 2020.[3] This can be viewed with two perspectives; one being that there is an increase in the reporting which could be because of increase in awareness and confidence in Fiji Criminal Justice System and the other that despite increase in sentences it is having no effect on the society.

Understanding Sexual Offences: Power-Based Offence

In order to effectively look at eradicating sexual violence one cannot achieve results without fully understanding the dynamics of sexual offences. Rowan University based in the United States of America (USA) under their Sexual Violence Prevention Programme provide crucial analysis on sexual offences. The University's research[4] provides the following facts on sexual violence:

Cont'd on page 3

1 FWRM. (2017), "Balancing the Scales: Improving Fijian Women's Access to Justice" http://www.fwrm.org.fj/images/fwrm2017/publications/analysis/Balancing-the-Scales-Report_FINAL-Digital.pdf (accessed 6 June 2019)

2 FWRM (2020) Sexual Violence Against Women and Girls –Rape Case Analysis 2019 http://www.fwrm.org.fj/images/Sexual_Violence_Against_Women_and_Girls_Rape_Case_Analysis_2019_updated.pdf (accessed 17 November 2020)

3 ODPP Media Updates (2020) Office of the Director of Public Prosecutions http://odpp.com.fj/media-updates-2/ (Accessed 19 November 2020)

4 https://sites.rowan.edu/sexualviolenceresponse/facts.html

Greetings from FWRM!

IT HAS been over a year since the first case of Coronavirus (COVID-19) was detected in Fiji and globally, the world is nowhere near a sense of normalcy, and perhaps, what we once thought of as normal, will change forever in the next few months. FWRM has been working persistently to raise awareness on the impacts of COVID-19 in the context of human rights, good governance, and gender equality. In the last 12 months, we saw inequalities across all sectors of society exposed and exacerbated by COVID-19. In the last issue of Balance, my address was written from home as staff were working remotely delivering what we could within our new limited context and in the face of a looming humanitarian crisis, made worse by the four Tropical Cyclones that impacted Fiji. In light of the diverse range of issues and the interlinked humanitarian issues, a ground-breaking new partnership was formed; the CSO Alliance for COVID-19 Human Rights Response.

FWRM volunteered to be the Secretariat for the CSO Alliance to coordinate information across 7 diverse civil society organisations (initially 8). FWRM also continued to monitor human rights as the Chair and Secretariat of the NGO Coalition on Human Rights. I invite you to read our Annual Report July 2019-June 2020 to see the tremendous amount of work that was done in the last year and I acknowledge the FWRM members for their support, the Governance Board and the hardworking staff of FWRM.

For this reason, this issue of Balance has come a year late but this is a special time for us- not only as we commemorate the International Women's Day but it is also FWRM's 35 Year Anniversary. It is with this in mind that I reflect on the last year and clearly, as FWRM has shown for over 3 decades, the resilience and persistence of women leaders and women human rights defenders through these challenging times must be acknowledged. We pay tribute to the women human rights defenders at FWRM and also the partners and allies we work with, for pushing through what has been a gruelling year for human rights overall.

FWRM was part of the COVID-19 Response Gender Working Group with Diverse Voices and Action (DIVA) for Equality Fiji, UN Women Fiji Multi-Country Office (MCO), the Asian Development Bank and the Ministry of Women, Children and Poverty Alleviation (MWCPA) who published one of the earlier rapid gender assessments in April 2020. The paper discussed increased gender-based violence as one of the major areas of concern and throughout the year, this was reiterated and reported on by FWRM and partners such as the Fiji Women's Crisis Centre. The pandemic lockdown provided a fostering space for GBV, trapping victims/ survivors with their abusers with limited access to essential services and most importantly justice. In addition to this, the paper highlighted the surge in unemployment for women who made up a significant proportion of informal work, especially supported by the Tourism industry.

Over the last few months, FWRM produced several pieces of research on the impacts of COVID-19 on women including women's access to justice, economic status and young women and girl's experiences during the lockdown. COVID-19 is such a significant moment in herstory for us, we have added a page on our website to document the work we have been doing as FWRM and with partners. All the research and resources being discussed in this issue can be found on our website.

In this issue of Balance, the staff also reflected on key findings on the impacts of COVID-19 as well as their own personal sharing on the experiences of 2020. Now, as we begin to gauge the outlook for 2021 and commemorate International Women's Day, we recognise that our demands remain the same; for immediate action from governments to commit to obligations on gender equality, aligned with the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the Beijing Platform for Action +25 and the Sustainable Development Goals. This IWD, FWRM organised the second music concert as part of the Women's Global Strike to recognise the integral role women play in society, pay tribute to women and protest the increased threats and violations against women and girls' bodies and human rights. The Women's Global Strike was launched last year in 2020, a call for action that was initiated by the Asia Pacific Forum on Women, Law and Development (APWLD). FWRM as a member of APWLD, was able to organise the first WGS Concert under the slogan, "If Women Stop, the World Stops" which took place in Sukuna Park on Friday 6 March. Over 200 partners, friends and members of the public were able to join us. This year, the WGS has been scaled back due to the COVID-19 pandemic but as one of the few countries in the world that can still have mass gatherings, FWRM will be hosting the second concert. Creating spaces for women's and girls' voices, a moment of reflection, celebration and tributes is an essential part of International Women's Day. The Concert provided this type of space and as such, FWRM has decided to host a Women's Global Strike Concert every year for International Women's Day to demand for gender equality and women's human rights.

Violence against women and girls in Fiji is THE SHADOW PANDEMIC. It is grim and is continuing to wreak havoc to women's and girls' lives. The rate of child sexual abuse in particular is frightening, and these issues have existed long before COVID-19 reared its head. The time for action is now and FWRM has been continuously and passionately advocating and lobbying for this change.

A significant achievement to note is that the Fiji Government has unveiled the Gender Transformative Institutional Capacity Development (ICD) initiative, of which FWRM provides technical support. The overall goal of the initiative is to create an enabling environment to ensure integration of all women and girls needs, interests, concerns, contributions and perspectives into policies, strategies, programmes and budgets and with the establishment of effective coordination mechanisms as well as enhancing technical knowledge, competence and resources on transformative gender mainstreaming across government institutions. The Fiji Government has also launched the consultation process of the Fiji National Action Plan to Prevent Violence against Women and Girls (VAWG). FWRM is part of the Technical Working group.

There is much work to be done but we are excited and energised for the coming months. Look forward to our updates on social media and our next Balance issue, as we celebrate FWRM's 35 Years of Balancing the Scales. We welcome readers to reflect on the stories that are being shared and we wish you all a powerful International Women's Day.

Thank you.
In solidarity,
Nalini Singh.

Staff Movement

FWRM welcomes our new Human Rights Training Officers, Joeli Billi and Shivana Singh. Joeli has worked in the areas of sustainable fisheries management, anti-corruption, organisational reforms and women's economic empowerment. He brings with him research experience on unpaid care work, fisheries and food security. He is passionate about community and youth development.

Shivana Singh is an activist and educator who has been involved with the LGBTQI+ movement for over a decade. She has had strong national, regional and international presence with her work focusing on policy development, legislative lobbying, advocacy, research and education to improve the lives of trans and gay people in the face of discrimination in Fiji and Internationally. In 2011, Ms Singh was also a recipient of the Fiji Women's Rights Movement Women Human Rights Defenders Award for her contribution working with the gay and transgender community. She joined FWRM in 2020.

In this period, FWRM also saw long-serving staff leaving. FWRM farewelled former Human Rights Training Officers Kris Prasad and Asilika Masikolikoli, as well as the former Communications Officer Maryann Lockington.

Kris joined FWRM in 2011 as the Administrative Assistant and continued work as a passionate activist for human rights, LGBTQI rights, a feminist ally and pro-democracy advocate. He moved on to become Programme Support Officer and later, Human Rights Training Officer. FWRM is immensely proud to congratulate Kris, as he was awarded a Chevening Scholarship to study in the UK. FWRM thanks for his 9 years of service and we wish him all the best.

Asilika was a member of the Gender and Transitional Justice team and began work with FWRM in 2019. FWRM thanks her for her contributions and wishes her success in her journey.

Maryann has been part of the FWRM network for almost a decade. She joined the Fiji Young Women's Forum in 2013 and the Emerging Leaders Forum programme in 2015 where she graduated a year later. She began working in FWRM as the Communications Support Officer and later took the role of Communications Officer in September 2016. FWRM would like to acknowledge Maryann's 5 years of commitment to FWRM and wish her all the best in her future endeavours.

Lastly, FWRM had the opportunity to host interns that support the work of our programmes including Talei Caucau, Shayal Nand and Lusiana Lolo Kubou. FWRM thanks our interns for their continuous support and enthusiasm!

Fighting Fiji's Rape Epidemic: Beyond Harsher Sentencing

From page 1

Sexual assault is not a crime of passion.

Sexual violence is a crime in which perpetrators seek to assert their power to dominate their victims.

Perpetrators use many strategies to manipulate and overpower victims including isolation, intimidation, coercion, threats of violence or actual violence.

Sexual violence is not an impulsive act. In nearly all cases assailants plan the violence ahead of time looking for targets who appear to be vulnerable. Perpetrators are not generally strangers. A perpetrator may be someone the victim knows intimately and trusts.

Dressing "sexy" does not mean that a person is asking to be sexually assaulted. Sexual assault victims range from infants to elderly persons and include victims with special needs.

Lyn Yonack, a psychoanalyst and psychotherapist from USA in her paper titled "Sexual Assault is about Power" discussed that sexual abuse is more about power than it is about sex. Despite the touch being sexual, the words seductive or intimidating and the physical violation when someone rapes, assaults, or harasses stems from the perpetrator's need for dominance and control. She adds that "most sexual violence are perpetrated by men, mainly within asymmetrical power dynamics particularly where the perpetrator occupies a more powerful or dominant position in relation to the victim, …where the perpetrator asserts power bestowed on them by mere virtue of their being men"[5] Relating this to Fiji, we already know that in most cases the perpetrators were known to the victims and asserted their power over the victims in order to commit sexual violence. An important takeaway from her paper is acknowledgment of inequality between men and women for power to be utilized to commit sexual offences against women.

Current sentencing practices

Despite the recent developments in the sentencing of sexual violence that is increase in tariff, non-parole period being set for higher number of years and meting out of life sentence, perpetrators are still getting away with mitigation relating to personal circumstances being taken into consideration. This is against the guidelines set out in Raj v State[6] that family circumstances of the accused has a very little mitigating value. A very common personal circumstance which is still being considered as a mitigating factor is that the accused is a sole breadwinner. The CEDAW Committee during the 5th periodic review7 noted that perpetrators of gender-based violence against women frequently enjoy impunity or receive lenient sentences owing to gender stereotypes such as the notion of the man being a "sole breadwinner" as well as factors such as the perpetrator's first appearance in court resulting in sentence reduction.

Re-strategizing: harsher sentences or attitudinal change?

Despite the sentences getting harsher, more heinous forms of sexual violence is coming to light. Countries with capital punishment for rape too have not been able to successfully solve the problem of sexual violence. Former Supreme Court Judge of India, Ashok Kumar Ganguly put forward the argument that capital punishment does not even prevent rape as it will require strict and complicated guidelines for implementation which is bound to get hard for prosecution to follow leading to inaccuracies in judgment.[8]

So then, why does rape even occur? The answer being inequality! This can be rectified through attitudinal change in terms of addressing deeply entrenched systemic barriers like patriarchal attitudes and displays of hyper masculinity in our communities. Doing away with arguments that "boys will be boys" but being held accountable to the actions committed from developmental ages is bound to create ripple effects which would eventually lead to attitudinal change whereby women and girls are seen as equals and no longer objects over whom power is asserted in the form of sexual violence.

Conclusion

Justice Rajasinghe in State v Natuitagalua[9] stated the following:

"Rape is a crime that has no place of acceptance in any civilized society. It is a worse form of physical and psychological infringement of a person's life. It is not only an attack on oneself, but also an attack on acceptable values and norms of our society. The impact of such crimes, could adversely change the life of the victim and all of her family forever. The prevalence nature of the occurrence of such crimes, specially targeting juvenile and young adolescence has become a social menace in our society."

The high prevalence rate of sexual violence in our community demands that we as a society should not only look at the sentencing but also consider addressing the root cause of sexual violence, which is focusing on assertion of power over women and girls due to being seen as unequal members of the society.

5 https://www.psychologytoday.com/intl/blog/psychoanalysis-unplugged/201711/sexual-assault-is-about-power

6 Raj v State [2014] FJCA 18; AAU0038.2010 (5 March 2014)

7 https://undocs.org/en/CEDAW/C/FJI/CO/5

8 https://www.news18.com/news/india/death-to-deter-rape-how-effective-is-capital-punishment-1725615.html

9 State v Natuitagalua - Sentence [2016] FJHC 939; HAC111.2012 (17 October 2016)

The Unsafety of Lockdown for Victim Survivors

By **Mamta Chand & Shivana Singh**

THE world went into lockdown to manage health safety of citizens during the pandemic with health specialists agreeing on the best practices of maintaining social distance whilst staying home and taking the necessary precautions. However, for domestic violence victim survivors, the vast majority of whom are women, children, and lesbian, gay, bisexual, transgender and intersex (LGBTQI) and people with disabilities, home is one of the most dangerous places. The Fiji Women's Crisis Center (FWCC) had had fears of increase in domestic violence cases during COVID-19 as victim's survivors would be locked in homes with the perpetrators. The first six months of this year saw more than 500 calls of domestic violence received by FWCC[1].

With multiple burdens of managing unpaid work, children, and the elderly along with loss of paid employment, women are pressured to meet the demands of everyone's needs. This is directly linked to gender roles and expectations for women to "stay strong" no matter the terrible circumstances ensuring families are taken care of without recognizing the psychological impacts on women. 75% calls made to the National Domestic Violence helpline was related to domestic violence as stated by the Minister for Women, Children and Poverty Alleviation, Mereseini Vuniwaqa in September 2020 during the workshop on Addressing Domestic Violence and Gender Justice during COVID-19.[2]

According to the FWCC 2010/2011 national research on women's health and life experiences in Fiji, *Somebody's Life Everybody's Business!*, 1 in 5 women are living with domestic violence, with more than 1 in 4 living with emotional violence whilst more than 1 in 10 are subjected to sexual violence by their partners and husbands.[3]

During the pandemic restrictions on movement, economic and emotional stress correlates with the increase in domestic violence. As such women are further unable to get timely and relevant access to justice as they are forced to remain in the violent situations due to national lockdown. The generalized acceptance of multiple forms of violence against women and girls are dismissed more so during the pandemic as an excuse related to "stress".

The United Nations (UN) Pacific socioeconomic impact assessment on COVID-19 in Fiji has indicated that while female labour force participation in Fiji stood at 38 per cent, with a large concentration in informal employment, earning an income was not a guarantee of controlling the money.[5] In Fiji, as 43 per cent of women living with partner violence did not have control over their own earnings. The report stresses that social protection programs focusing on supporting workers in risk groups should consider the importance of women's economic autonomy as a vital tool to break free from violence.[4]

We have seen the disproportionate impact of COVID-19 on marginalized communities. One of the groups with no income, no access to resources, precariously housed, and food insecure[5], and who are forced at this time of pandemic to work in risky situations in order to survive, are workers in the sex industry.

Sex workers have shared, openly and frankly,

1 https://www.rnz.co.nz/international/pacific-news/426844/a-dangerous-rise-in-domestic-violence-in-fiji

2 https://www.fijivillage.com/news/Almost-half-of-domestic-violence-cases-linked-to-COVID-19---Vuniwaqa-x4rf85/

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

4 https://www.pacific.undp.org/content/pacific/en/home/library/socio-economic-impact-assessment-of-covid-19-in-fiji.html

5 https://fijisun.com.fj/2020/06/07/sex-work-and-putting-food-on-the-table/

FWRM staff join the global campaign for survivors of violence and rape by wearing black every Thursday. Image: FWRM

their concerns and desperation. Most are not eligible for Fiji National Provident Fund (FNPF), income subsidy, grants and rent assistance. They face evictions, food insecurity, and poor access to public health services. They have families to feed and despite fears for their health and physical safety, they are pushed even further to the margins in order to survive.

Mass Media coverage on COVID-19 and Sex work has received a knee-jerk reaction and been a subject of ridicule. Titles like "Low Blow – Sex Workers Hit COVID Curfew"[6] , COVID-19: Curfew, A 'Big Blow To Sex Worker' tend to further stigmatise and trivialise the issue of sex work and ensuring those who participate in sex work—like any other worker—is safe, healthy, and supported. In addition, to the stigma created by traditional media, the moral police on social media responded with hostility and resentment to the plight of sex workers deeming it "Unchristian" and illegal".

Many of these workers must risk their lives by continuing to work, in order to feed and house themselves. They fear the violence that comes from working in dangerous, obscure, and unprotected areas and "rely on the mercy of their clients" who bully them and threaten to expose them for operating illegally or operating from motels after curfew hours.

According to Pacific Rainbow Advocacy Network Executive Bonita Qio, anecdotal evidence suggests that there has been an increase in women and girls had taken to sex work in the wake of COVID-19. [7]

Pacific Rainbows Advocacy Network, a Lautoka based NGO working with adult females, transgender and sex workers within the Western Division has confirmed that the socio-economic impact of COVID-19 had forced sex workers and others who had no other choice to go out on the streets just to earn enough to pay bills and put food on the table due to financial difficulties with people getting laid off and resorting to sex work to survive.[8]

Sex work is an industry fraught with challenges and because it is illegal in Fiji, it means all aspects of the work are deemed criminal activity. So sex workers cannot claim income that comes from that activity. They are invisible income earners, unable to access the help that other workers can claim in this difficult time and do not have channels of redress when some clients using the services refuse to pay.

Right now the issues are survival, health, and safety from violence for a forgotten segment of the society. The Pacific Rainbows Advocacy Network has come up with initiatives such as farming as a mean to earn money to take sex workers in the Western Division off the streets and provide them a decent alternative to make a living. They had more than 100 members who were mostly sex workers from the Western Division.[9] COVID-19 has revealed disproportionate impact on marginalised communities especially women, girls, sex workers and the gender non- conforming individuals. Each group comes with its own set of unique circumstances and barriers to basic health, social and financial help.

Gender based violence is unacceptable under any circumstances and this should be continued to be reinforced ensuring perpetrators are held accountable for the crimes. Preparedness and prevention responses towards gender based violence should be of uttermost priority for relevant stakeholders ensuring first responders are highly trained and equipped with gender awareness lens in managing cases.

6 https://www.pressreader.com/fiji/the-fiji-times/20200913/281522228502715

7 https://www.fijitimes.com/sex-work-hit-by-covid-19-more-women-turn-to-the-streets/

8 ibid

9 https://www.fijitimes.com/advocacy-network-initiatives-to-take-sex-workers-off-the-street/

Violence Against Women in Cyberspace: Fiji's Online Safety Act

By Bernice Lata

GENDER based violence, as a product of patriarchy, has been embedded into our societies and communities for centuries. Progressive laws, which seek to address violence against women of all diversities, have only recently begun to surface in Fiji such as the *Crimes Act, Domestic Violence Act, Family Law Act, and Online Safety Act* amongst others. With the rise of the internet age, gender-based violence is manifesting online and seeping into digital spaces.

With advancements in technology, novel methods of perpetuating violence in cyberspace has emerged such as revenge porn, catfishing and online sexual exploitation of children, particularly the girl child. In the National Research on Women's Health and Life Experiences in Fiji (2010/2011) conducted by the Fiji Women's Crisis Centre[1], findings showed 61% of women being subjected to physical violence, 34% suffered sexual violence and 58% experienced emotional violence. However we do not yet know how many women in Fiji face gender based violence in cyberspace.

In Fiji, incidences of women and girls being vilified online has been on the rise. For example, just this year, a sitting Member of Parliament was trolled online on Facebook by a self-proclaimed commentator who insinuated that the female MP had created pornographic material, which he claimed to be in possession of[2]. The matter is pending criminal investigations, and his online video commentaries displaying misogynistic views towards women were in cyberspace for months before they were taken down.

Another incident this year, involving an eight year old girl child, made national headlines when it was reported in mainstream media that intimate visual recordings, created by her, and shared with someone she trusted, were distributed without her consent[3]. This was met with condemnation and online hate towards the child, and very little accountability towards grown adults that continued to circulate the recording.

Online hate speech directed towards women of various diversities are a constant recurrence, and having constitutional safeguards against discrimination have not resulted in eradicating abuse and hate crimes perpetuated against LGBTQI women.[4]

With the contextual background of how Fijian society is being shaped every day to deal with emerging issues such as breach of privacy and breach of trust in cyberspace, online safety laws play a critical role in regulating online content. The Online Safety Act (OSA)[5] provides mandate to the Online Safety Commission (OSC) to handle complaints by victims/survivors of online abuse. To date, there have been nil prosecutions tried under the OSA, which brings into question the effectiveness and workability of the OSA. It is important, however, to mention that the Act provides redress in the form of a Notice being issued to alleged perpetrators as per section 14 (3) (b)[6] which may also contribute to complaints not resulting in litigation, if the harmful content is taken down after the notice is issued. There is no data released to the public around how many complaints were successfully resolved after Notices were issued, therefore it is impossible to conclude the overall effectiveness of the OSC in handling complaints.

According to the OSC website, the majority of reports lodged with the Commission regarding image based abuse have been by women between the age of 25 and 34 years old[7]. The website makes reference to the majority of image based complaints being that of intimate partner violence by stating: "*While unfortunate circumstances illustrate the need to be proactive online, most individuals either know their online abusers to be former partners or close friends or on the other extreme, they have never met the individual offline but have had some type of sustained online communication*". The website additionally makes reference to psycho-social support available for survivors in the form of Lifeline Fiji's helpline number 1325.[8] Apart from these general statements, the actual number of complaints received since its inception is not yet made public.

The Fiji Women's Rights Movement (FWRM), as a research and advocacy civil society organisation, believing in principles of multi-culturalism, feminism, rule of law, human rights and democracy, continues in its efforts to dismantle patriarchy by addressing gender based violence, even in cyberspace. As part of the NGO Coalition on Human Rights, FWRM contributed to the NGOCHR's submissions to the Standing Committee on Justice, Law and Human Rights on the proposed *Online Safety Act*.

With advancements in technology, novel methods of perpetuating violence in cyberspace has emerged such as revenge porn, catfishing and online sexual exploitation of children, particularly the girl child. Image: Supplied

Part of the submissions recommended that the *Online Safety Act*, which is adapted from the New Zealand *Harmful Digital Communications Act 2015* include guiding principles so as to provide a set of standards by which the OSC may investigate complaints. Given that the OSC has wide reaching powers to carry out investigations, issue notices and ultimately prosecute (with the help of Police, via an MOU[9]), a set of guiding principles would contribute to accountability and transparency in the day to day working of the Commission.

Women human rights groups, such as FWRM, Fiji Women's Crisis Centre and Femlink also issued a statement condemning online abuse directed towards women members of parliament whereby they called for urgent action to condemn all forms of violence and discrimination against women.[10]

To conclude, two years on from the establishment of the *Online Safety Act* there seems much to do in terms of providing targeted assistance to women and girls of all diversities, who are on the receiving end of gender based violence, albeit perpetuated in cyberspace.

1 http://www.fijiwomen.com/wp-content/uploads/2017/11/National-Survey-Summary.pdf
2 https://fijisun.com.fj/2020/11/10/why-we-terminated-teacher-kishore-kumar-rosy-akbar/
3 https://www.fbcnews.com.fj/news/explicit-video-of-year-8-student-leaked-police-investigate/
4 https://www.humandignitytrust.org/wp-content/uploads/resources/2020-Hate-Crimes-against-the-LGBT-Community-in-the-Commonwealth_A-Situational-Analysis.pdf
5 https://laws.gov.fj/Acts/DisplayAct/2462
6 https://laws.gov.fj/Acts/DisplayAct/2462#
7 https://onlinesafetycommission.com/complaints/
8 https://onlinesafetycommission.com/complaints/
9 https://fijivillage.com/news/Police-signs-MOU-with-Online-Safety-Commission--2rk9s5
10 http://www.fwrm.org.fj/news/media-releases/67-all-category/news/press-releases/597-women-s-human-rights-groups-condemn-misogynistic-social-media-posts-against-women-mps

My Feminist Journey: How empowering young women ends the cycle of violence

By Dorrin Irvin

AN empowered young woman can mean different things to different people, depending on the context but at the basic level, it would mean that she has the skills and the depth of knowledge to make important decisions that concern and affect her. A young woman who can make meaningful and informed decisions on her life, has more opportunities, choices and equipped to better dismantle and challenge discrimination.

As a young woman who hails from Vanua Levu, living on the island of Rabi and the town of Labasa, I am fortunate enough to be living my dream, being part of the women's movement and working towards dismantling patriarchy. Growing up living in two different places (Labasa and Rabi) and surrounded by different cultures and traditions, I have witnessed gender inequalities in my society and even in my home. It was shocking to me growing up and realising slowly that there was inequality between men and women because of the power and control that men and those with privilege have. This inequality often paves the path for violence.

I was fortunate to land the opportunity to work at FWRM and without any hesitation, I later applied for a Gender and Feminism online course with Sangat Feminist Network in India. I am also currently part of FWRM's Emerging Leaders Forum 7 Programme. My main objective in joining the two programmes was to learn more about gender and feminism and bring what I have learned through theory into practice by empowering people in my home and my friends, which will help to change what I had seen growing up. I would like for others to grow up in a society that has erased gender norms that support or promote patriarchy.

In late 2020, I applied for a two-week online capacity building course on Gender and Feminism from Sangat Feminist Network. I was incredibly honoured to be selected for the course, of which one of the coordinators was Kamla Bhasin. The course included sessions on understanding gender and patriarchy and as well as masculinity, heteronormativity and other concepts. The course also builds an understanding of feminism, feminist movements and the link between gender and other structures in society. I never regarded myself a feminist before because I did not really understand what being a feminist actually means. From the course, I have learned that "Anyone who recognises that women are discriminated against within families, at the workplace and in society in general, and who takes action against this discrimination is a feminist." It does not necessarily mean that I need to join an organisation to be a feminist. If I believe in equal rights and opportunities, fight for my own and as well as other's dignity then I am a feminist. Joining organisations can strengthen feminism and women's movements. I even learned that every personal act of ours affects society, for instance if I, as a woman accept domestic violence, it will give a message to people around me that violence is part of life for women and men have the right to be violent. If I resist and challenge violence, this carries a message that violence is never acceptable. Feminism is necessary because our religions, customs and traditions and languages, not just in Fiji but everywhere continue to be patriarchal, so feminism is still relevant and required.

Having graduated from Sangat Feminist Network and being part of ELF 7, I feel empowered to speak about some of the issues I face as a young woman. For instance, whenever there is an occasion within the family, all men and boys are expected to have their meal first and the women are told to have their meals later when all the men in the room have eaten, I feel that this is a very unequal practice as by the time women sit down to have their meal there is not enough food

Cont'd on page 9

Dorrin (far left) during a session with other participants of the Emerging Leaders Forum 7. Picture: FWRM

Gender Based Violence Is Not Our Culture: The War On Women and Gender Diverse Groups

By Jana Ali-Traill

"It's your fault, it's the clothes you wore, it's the way you spoke, it's the way you behaved, you should've known to stay at home. You are the only one to blame and you should have known better."

But it is not your fault. It is never your fault.

It is the fault of a patriarchal society that has allowed gruesome daily horrors of GBV to reoccur throughout generations, its pervasive presence posing a never-ending threat to vulnerable groups.

Gender based violence is a global pandemic that is fuelled by gender inequality, an insistent need on exploiting the vulnerability of women and gender diverse groups.

The Female Fear Factory

The female fear factory, what sounds like a title of a fiction novel, is actually a theory by Pamela Dineo Gqola that aims to explain how the violence against women manufactures a fear that lives and grows inside them. Sounds ridiculous doesn't it? The manufacturing of fear for women, almost like it's a factory producing a hot product on demand. Perhaps we can say it is, this fear is brought about when women are subjected to attitudes and behaviours that inspires fear in them (Pumla Dineo Gqola, 2020). Intimidating women into submission and silence, rendering them powerless as it emphasises heavily on the perpetrator's privilege to violate and harm the victim however they please without any consequences.

Every day we are reminded that we are not safe. Every day we are reminded that our bodies are not our own, that our lives do not belong to us. As a young woman growing up, I had this fear embedded into me. I am taught to live my life in fear of any brutal act against me, understanding that since I am a woman, I expect to be violated.

Who Made GBV Our Culture?

Our Pacific culture is built on foundational values of love, care and concern. We are so proud of how we have maintained our traditions. We are proud world champions in the fight against climate change, but how is it that our communities' value of women, girls and gender diverse members are amongst the most devastating in the world?

As a young Pacific Islander, I was taught that our culture is our heritage, we are to respect our culture and maintain it. As a young Pacific Islander woman, I was taught that violence was intrinsic to my society, that my value as a woman is determined by society and if anything happens to me, it's my fault for not being careful enough.

Do you remember how in social studies classes, we are taught of the caste system? How we were absolutely horrified to learn how badly people were treated according to their class in society? The irony is, we failed to realise that we were blindly being brought up in a culture that perpetuates something just as horrible, gender hierarchy. GBV seems to be traced back to gender hierarchy and the unequal power distribution amongst genders due to archaic cultural and traditional beliefs (Sally Engle Merry, 2006).

There's a saying that has been passed around in my community for years, , 'Man represents God in the family'. I felt like this was awarding men divine right over their wives and family. Is this cultural or is this power that the men have felt a right to obtain?

Our culture consists of social norms that eternalise gender inequality and the undermining of women and gender diverse groups. Culture can act as a roadblock to discussions of gender equality and human rights with conservatives

Jana (far right) and other members of the Emerging Leaders Forum 7 cohort during one of the programme sessions late last year. Image: FWRM

defending the notion of gender hierarchy as revered traditions that should not be changed (Cowan, 2008). Which then begs the question, 'Who has the right to speak on behalf of culture?'

Impact On Mental Health

More often than not, we only tend to focus on the physical signs of GBV. Yet there's an invisible war that rages on in the minds of those who have experienced GBV. We forget that whilst scars fade, memories linger and can greatly impact a person for the rest of their life. Having experienced GBV is a clear and defined risk factor of a person's mental health and this needs to be taken into account when seeking care (Jewkes, 2002).

It was found by researchers in Australia that the relationship between GBV and mental disorders are reciprocal; following an experience of GBV, a woman was at a 58% more of a risk of developing a mental disorder compared to those who did not experience GBV, but it was also noted that women who suffered from mental disorders were at an increased risk of experiencing GBV (Rees et al., 2011).

The impact of GBV simply does not end when the perpetrator stops the abuse, it is seen that children of women who experience GBV are much more likely to become victims, if they are girls, or perpetrators if they are boys (Pacific Women & Australian Aid, n.d.). This highlights that children learn behavioural scripts from those around them and often begin to develop abusive relationships, in and out of home (Thomas & Open Global Rights, 2020). This creates a never-ending cycle of abuse.

What Can We Do?

Words alone achieve nothing. Our words need to turn into meaningful purposed actions.

The real change comes from being proactive and not reactive (Bunch, 1990). We need to tackle the issue at its roots, there is no point implementing laws and policies if the people's mindsets of 'it is none of our business' or 'it's part of our culture' is not changed. The laws and policies in place have often failed to acknowledge the resistance from the public, the broader picture involving the economic and political climate.

We have to begin educating people that it is a shared responsibility to stop this violence. The culture of silence needs to end. This requires a combined effort in not only raising awareness, but also working towards changing social norms in our communities. We see that by analysing what structures and norms perpetuate GBV, we can begin dismantling them to begin increasing women's status in our communities (Sexual Violence Research Initiative, 2020). There also needs to be awareness that gender-based violence not only affects women and girls, but those of gender diverse groups. We need to do our best to understand everyone who is at risk to better overcome it.

There needs to be an implementation of an 'empowered approach' where victims are believed and encouraged to speak their truth (Davies et al., 2015). Where they are taught to understand that the issue is not with them, but with society that has allowed men's violence to continue without consequences. This helps avoid labeling and overcomes victim blaming, which is a strategy by perpetrator's to make women internalise the blame and believe that they deserved to be violated because they failed to conform or behave.

We cannot lose hope. We must keep trying. We need to be brave and persistent in fighting the culture of GBV and the patriarchal system that enforces it.

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My Feminist Journey: How empowering young women ends the cycle of violence

From page 7

left on the table and women have to eat less portions of food and some women just prefer not to have a meal. Speaking up on this issue will help challenge patriarchal practices and contribute to paving a way for gender equality.

There is a lot of guilt that comes with being a young woman acting outside of gender norms and this can be internalised after years of external pressures to fit into this mold. As part of this, victim-blaming is rampant because young women are somehow deserving of the violence we face when we act outside of our norm. The two programmes really empowered me as a young woman to stand firm by my feminism principles by boosting my self-esteem that encourages me to feel strong and as well as making sure that I know the value of my opinion and to never be scared in using my voice and to feel special the way I am or the way I live my life, as I deserve to be HAPPY and SAFE. Society questions me on how I behave, relate to others and even how I dress. It is really unsafe for me as a young women to dress up the way I want to because if I choose to wear short dresses which I love to than I have to answer to the many questions which relate to family honor and further reinforce rape culture. Being empowered enough by having a high self-esteem is really important, as I need to fight for my own dignity and I am no longer afraid of feminism, I have JOINED IT.

Thus, women empowerment is very important in ending the cycle of violence. Women are aware of their rights and push for equal opportunities to participate in education, society, economic and politically. Through empowerment women and girls are encouraged to feel strong by telling themselves that they can do everything and anything they WANT to do, such as working outside their home instead of the usual domestic duties.

This has been the reality for women and girls for generations and I salute all the women and human rights defenders who have come before me, paving the way and dismantling the patriarchy little by little. As a young feminist my journey with FWRM, Sangat Feminist Network and ELF 7 has given me the capacity to understand and articulate the social issues women and girls face today, and the intersectionality of those realities. My feminism teaches me to treat all beings (living and non-living things) equally and appreciate our differences, as each one of us is unique and precious in their own way. We need to change our views of each other and break away from cultural hierarchy. I believe that the most important thing in the world is people and if we human beings what to change anything, we need to change as people because if people change, society will change and there will be no violence.

Social Protection and EVAW

By Laisa Bulatale

Work committed to ending all forms of violence against women and girls in Fiji is multifaceted, interlinked and it is everybody's business.

Fiji's statistics on intimate-partner violence is sitting at 64 per cent, majority of the victims being women, and men being the perpetrators of violence. Many Fijian women remain in violent and abusive relationships for almost 2.5 years before finally reaching out for help. Why do women endure the violence for so long? Well, our research shows that cost is a significant barrier because on average, Fijian women earn about $50 per week. This leaves little to no room at all for women to get help.

This is where social protection could come in! Social protection is about people and for people, designed to reduce poverty and interlinked vulnerabilities through targeted interventions, if implemented properly. Fijian women facing violence are likely to be more vulnerable to poverty. Having gender-sensitive social protection policies and programmes that integrates human rights principles, have the potential to address the cost barrier that many Fijian women face in attempting to access justice. Provisions such as travel allowance, Cash Transfer Programmes (CTPs), shelter, healthcare / medicine for victims of violence would really help women who are seeking help.

How can we make social protection gender-sensitive to EVAW?

1. It needs to integrate human rights principles and perspective.
2. It needs to be inclusive and multi-sectoral (police, legal aid, healthcare, medical, counselling, education, skills trainings, advocacy etc.)
3. Include cash transfers as a key feature of social protection programmes that look at EVAW
4. Strong commitment and political will of all stakeholders as EVAW is everybody's business!
5. Full implementation of the National Action Plan on EVAW, and efficient resourcing of social protection schemes (scale up social protection schemes through national budgets)
6. Social welfare officers responding to or overseeing applications of gender-based violence must be trained to respond sensitively and efficiently

Why Women Need to Be Economically Empowered to End Gender Based Violence

By Litiana Radinitoga

Women's Economic Empowerment includes women's ability to participate equally in existing markets, access to decent work, and control over their own time, lives and body to name a few. Women's economic empowerment is touted as the 'magic bullet' in its ability to respond to and mitigate gender base violence by increasing women's bargaining power within households, communities and beyond. Gender based violence is more rooted with gender inequalities that is mainly faced by women and girls. Poverty is also a risk factor that is associated with gender based violence and also intersects with gender inequalities.

Economically empowering women brings about changes in terms of accessing resources, challenging themselves and learning to combat their oppressions. Being a young entrepreneur, I strongly believe in economically empowering women and girls, as it encourages women to be more independent, strong and to have self-confidence. During these difficult times, families face a lot of hardships and challenges, financially and mentally. To counter these challenges, being economically empowered brings about the confidence to face these hardships, ability to make decisions and being able to stand up for themselves. Having the freedom to make decisions, the feeling of being financially stable and independent, creates the space for women and girls to provide a better living environment for themselves and their children. Women and girls face challenges on a daily basis, whether it be in their homes, schools, community or in their work space.

Combating the issue of gender inequality, financial instability and poverty, I believe being economically empowered brings about changes that has a ripple effect that yields multiple benefits. An economically empowered women/ girl is able to support herself/ family and children financially, has the self-confidence to make decision, is able to motivate or empower other women and girls, will have the ability to have access to quality education, have personal autonomy etc. Creating that ripple effect, women and girls are able to influence, empower and create changes within their families and communities. I, for one, do feel the need that our young girls need to be empowered at an early age. Giving them the opportunity and space to learn and grow, to inspire them to become successful, independent and strong women.

In the journey in working towards ending gender based violence, being economically empowered has the ability for women and girls to know their worth and gives them greater control over their lives and their future. This basically means that being economically empowered women and girls improve their status within their families, communities and in the country as a whole, it increases self-sufficiency and decreases gender base violence.

Litiana (right) with her sister Cathy, selling her pastries at a market event in Suva. Image: Liti Radinitoga

Reflection on FWRM Response to COVID-19 Pandemic – Importance of Flexible Funding

By Rakesh Prasad

THE end of 2019 saw the rapid spread of coronavirus (COVID-19) around the world. To fight against the exponential growth of COVID-19 cases, nations around the globe took drastic steps for border control to prevent and maintain the spread of the pandemic. Fight against the virus without a vaccine posed significant challenges not only on nations at large but also on national and international organizations as well as individuals. As research shows that humanitarian crises most often affects women, girls, and gender non-conforming people, this pandemic is no exception. Lockdowns, job losses, prolonged closure of schools, and lower economic activities had put tremendous economic and social pressure on societies and families in meeting the daily needs.

The crisis exposed NGO's and CSO's to several risks and challenges in terms of continuing with the projects and activities that were planned and designed without any anticipation of such crisis. For FWRM, dealing with the pandemic had generated a number of key learnings for continuous strengthening of organizational processes and response mechanisms during crisis. Amongst others, the importance of flexible funding has been critical in facilitating the organization's work. The modality and the priority of work both changed significantly since the pandemic outbreak and as such the organization had to re-think, re-strategize, and re-programme all the existing projects to be able to align the work to the pandemic.

Some of the key strengths and strategies in response to COVID-19 that worked for FWRM includes:

- **Continuous communication and updates to members, partners, Governance Board, and donors.** This has been critical during the crisis to keep all the key stakeholders informed of the response efforts, actions and progress of the organization. It helped to promote understanding of the response activities and how it contributed towards the FWRM's vision.
- **Supporting new ways for working.** Mandatory lockdown and to ensure safety of staff, a number of immediate measures were introduced to facilitate work from home for staff. This required new strategies for communication as well as providing access to required equipment and internet access for staff.
- **Revisiting each project activities.** Given the limitations imposed by the pandemic in engaging with communities or organizing of meetings and workshops, FWRM invested staff time and effort in thinking and redesigning activities and programmes that can be undertaken within the parameters allowed. This has been the key strength for FWRM to quickly respond to the needs of the women and girls during the crisis.
- **Donor support in allowing flexibility.** The key to FWRM's success in these hard times has been the donor support in allowing the flexibility to FWRM to immediately re-strategize activities with a focus on the response to the pandemic. Some of the ways in which the donor support came includes: supporting core organizational costs, supporting purchase of equipment to facilitate work from home, support for internet and communication costs, supporting emergency relief work, and supporting new modality of work.

A key lesson learnt from COVID-19 is the importance of flexible funding to be able to redesign activities and programmes for emergency response during crisis. The impact of the pandemic is continuing and as such organizations will need to continuously evolve and be adaptive as the impact unfolds.

Rakesh heads an in-house workshop for finance processes for FWRM staff last year. Image: FWRM

About us

The Fiji Women's Rights Movement is a multi-ethnic and multi-cultural non-governmental organisation committed to removing discrimination against women through institutional reforms and attitudinal changes. By means of core programmes and innovative approaches, FWRM practices and promotes feminism, democracy, good governance and human rights. We strive to empower, unite and provide leadership opportunities for women in Fiji, especially for emerging young leaders in Fiji, indigenous and locally-born women. The FWRM vision is for the women of Fiji to be free from all forms of discrimination, have equal access to opportunities and to live in a healthy environment where the principles of feminism, democracy, good governance, multiculturalism and human rights prevail.

Join us

YES! I want to support the Fiji Women's Rights Movement

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From the Editor's Desk

Feminist greetings!

I'd like to take this time to wish our readers a very powerful, International Women's Day. At the time of writing this, IWD would have passed and the FWRM team would be gearing up plans for the 35th Anniversary. This will also be my last letter from the Editor's Desk as I resign from my position as the Communications Officer at FWRM.

The Editor's desk was first introduced as a space for the Communications team and the Balance newsletter working group to share the concept behind this issue and perhaps the process in putting this together. I'm appreciative of this space and to our Executive Director Nalini Singh for first suggesting it because it has become an important reflective piece to connect with our readers and share the journey of our now iconic, FWRM Balance newsletter.

This issue is coming out quite late and it's a reflection of the context we have been working in 2020. I hope that later we can look back at the Issues published at this time and feel a sense of achievement and comfort, that in a time filled with challenges, FWRM stayed consistent, resilient, and persisted through to tell our stories and focus on the issues that we need to address. This issue of Balance looks at Gender Based Violence in Fiji, the shadow pandemic that existed before COVID-19, of which the price we've paid has been devastating.

I hope that this read has been enlightening, as it shares a lot of resources and information that FWRM has compiled during COVID-19. At the same time, there are personal reflections on ending gender-based violence through promoting gender equality. In the next issue, FWRM will look at highlighting 35 Years of Balancing the Scales and what this means for many of us who have had the privilege of being part of her Herstory.

On behalf of the Balance Committee, I would like to acknowledge all those who continue to follow this newsletter and the work that FWRM is doing. I would also like to acknowledge the FWRM staff and contributors who have made this publication possible. I'd also like to thank the interns that have been working with the Communications team the past few months including, Lusiana Lolokubou, a law student from the University of Fiji and Talei Caucau supporting virtually from the West. Thank you to the Balance Committee who worked around tight schedules, deadlines, and competing priorities to bring out this publication to our followers and readers.

I am incredibly grateful to have been able to work with FWRM to help produce Balance newsletters over the past 5 years and I look forward to reading the next issues as part of our larger membership. Thank you to our readers for your patience, passion and being part of this journey.

In solidarity,

Maryann Lockington

Communications Officer

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Feminfocus

- **FWRM marks 35 years of Balancing the Scales! Follow updates on social media and email- as FWRM plans activities throughout the year.**
- **Look out for a special edition of the Balance marking FWRM's 35th year anniversary**