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DATA ANALYSIS - FAMILY LAW AND VIOLENCE AGAINST WOMEN AND CHILDREN CASES

Fiji Courts: Island Circuit Courts

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Balancing the Scales: Improving Fijian Women's Access to Justice research report is funded by the European Union and UN Women

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Court Locations in Fiji

Acknowledgments

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Recommendations

1. The Fiji Judiciary to consider collecting and publishing the following data:
    - number of cases heard at island Court sittings.
    - number of Domestic Violence Restraining Order (DVRO) applications that are granted or not granted by the Family Court and Magistrates Court each year in the island courts.

2. The Fiji Judiciary consider publishing annually on its website Court data presenting trends over time, including sex disaggregated data.

3. The Fiji Judiciary consider displaying and/ or distributing consistent information through brochures in all areas that it operates including the island court.

4. The Fiji Judiciary, Legal Aid Commission and the Fiji Police Force consider women officials to join the team travelling to the island courts.

5. The Legal Aid Commission and Fiji Women's Rights Movement consider conducting legal literacy and awareness with people living in the maritime regions of Fiji.

The research report with the full list of recommendations can be accessed at the following link: Balancing the Scales: Improving Fijian Women's Access to Justice

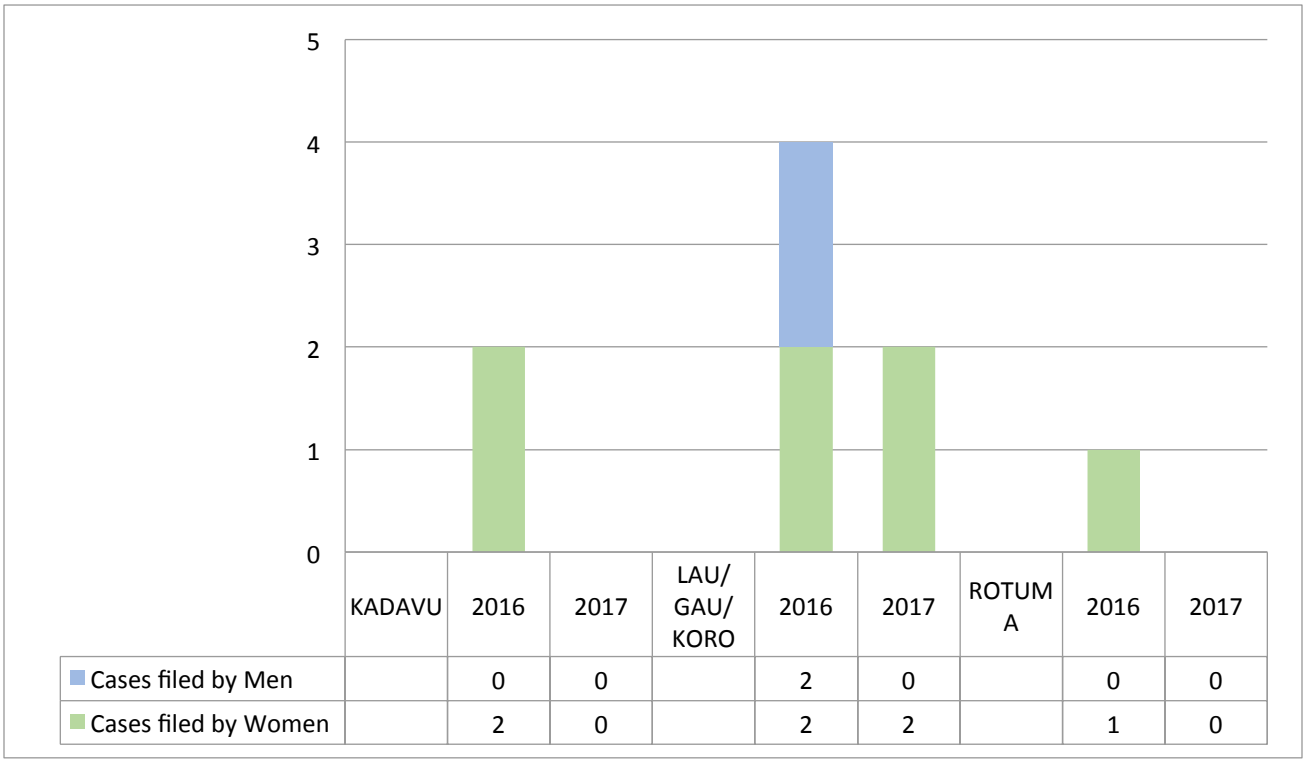
Budget Allocation

Estimate Year	Payroll (Seg 1 & 2)	Other Operations (Seg 3 to 7)	Capital (Seg 8 to 10)	VAT (Seg 13)	Total Budget (million) FJD
2015[1]	22.3447	4.0358	11.6500	2.3523	40.3828
2016[2]	26.4410	4.6867	11.4380	1.4508	44.0165
2016/2017[3]	25.3835	7.2507	6.4500	1.1376	40.2218
2017/2018[4]	0.0	54.4635	0.0	0.0	54.4635

Note: 2017/2018 funding to the Judiciary is under Segment 6 of the 2017-2018 Supplement to the Budget Estimates.

The budget allocation for the Fiji Judiciary has increased from $40,382.8 in 2015[5] to $54,463.5 in the 2017/2018 budget.[6]

Maintenance Cases Filed in the Family Division of Magistrates Courts – Island Courts



	KADAVU	2016	2017	LAU/ GAU/ KORO	2016	2017	ROTUMA	2016	2017
Cases filed by Men		0	0		2	0		0	0
Cases filed by Women		2	0		2	2		1	0

Overall, women were the applicant party in 78% of the child and spousal maintenance cases from 2016 to 2017 initiated in the Family Division of the Magistrate Court in Island Courts.[7]

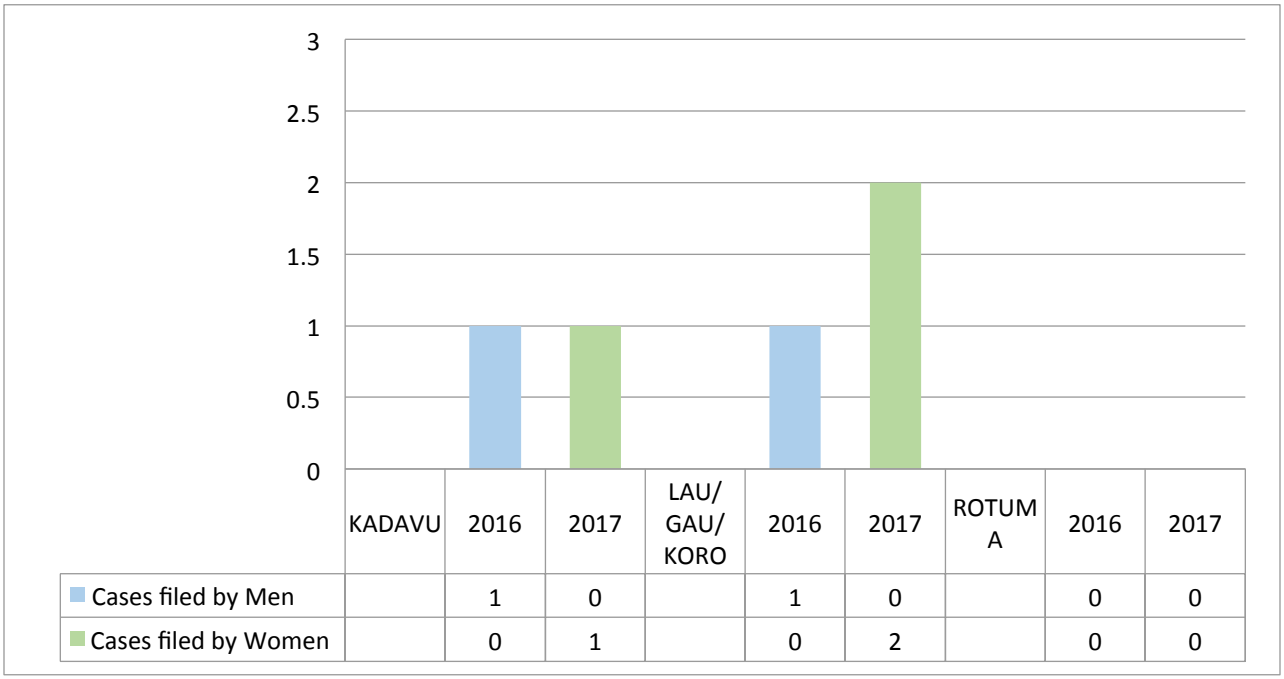
Only 2 women initiated maintenance cases in Kadavu from 2016 to 2017.[8]

Twice as many women compared to men from 2016 to 2017 initiated maintenance cases in Lau/ Gau/Koro.[9]

Only 1 woman initiated a maintenance case in Rotuma from 2016 to 2017.[10]

The data represented is inadequate to determine clearance rates in the Family Division of the Magistrates Courts- Island Courts.

Residence and Contact Cases Filed in the Family Division of the Magistrates Courts – Island Court



	KADAVU	2016	2017	LAU/ GAU/ KORO	2016	2017	ROTUMA	2016	2017
Cases filed by Men		1	0		1	0		0	0
Cases filed by Women		0	1		0	2		0	0

Only 1 residence and contact case was initiated by a woman in 2017 and 1 residence and contact case was initiated by a man in 2017 in Kadavu.[11]

Twice as many women initiated residence and contact cases than men in Lau/Gau/Koro from 2016 to 2017.[12]

Zero residence and contact cases were initiated in Rotuma from 2016 to 2017.[13]

The data represented is inadequate to determine clearance rates in the Family Division of the Magistrates Courts- Island Courts.[14]

Property Settlement Cases Filed in the Family Division of the Magistrates Courts – Island Court

Year	Cases filed by Women	Cases filed by Men
KADAVU		
2016	0	0
2017	0	0
LAU/GAU/KORO		
2016	0	0
2017	0	0
ROTUMA		
2016	0	0
2017	0	0

During the 2016 -2017 Island Court sitting, zero property settlement cases were initiated.[15]

There are 37,750[16] people living in the four island provinces of Fiji (Kadavu, Lau, Lomaiviti and Rotuma). The majority of these people own property communally or through the Vola ni Kawa Bula[17] (Native Land Register). Due to this, it is difficult to initiate property settlement cases.

Observations of Island Courts:

From the 12 November to 30 November, 2018 FWRM observed the following island courts, which included hearing of family and criminal related cases in the Magistrates Court.

Courts Attended:

1. Taveuni Magistrate Court
2. Taveuni Family Court Registry
3. Moala Circuit Court
4. Totoya Circuit Court
5. Matuku Circuit Court
6. Ono Circuit Court
7. Kabala Circuit Court
8. Lakeba Circuit Court
9. Vanuabalavu Circuit Court
10. Koro Circuit Court
11. Gau Circuit Court

Summary of Cases during island court observation:

Island	**Criminal Case**	**Family Case**	**Total**
Taveuni	129	9	138
Moala	6	0	6
Totoya	2	0	2
Matuku	1	0	1
Ono	3	0	3
Kabara	2	0	2
Lakeba	34	3	37
Vanuabalavu	6	4	10
Koro	25	3	28
Gau	5	1	6
Total	**213**	**20**	**233**

The data above indicates a minimal number of family and domestic violence cases which go through the Court processes in the Maritime areas. This may be due to the lack of reporting of such cases because people in Maritime communities perhaps do not understand the Family Law Act and Domestic Violence Act.

From these visits to the island courts, the following observations were made:

1. Island Court sitting for the Lau/Lomaiviti groups occur three times in a year.

2. Taveuni has a courthouse where sittings occur for a week in a month for civil, criminal, family, traffic cases. The Taveuni Court also sits for two days a month for small claims tribunal cases and one day for family matters by the Assistant Registrar Family Court and the Family Court Counsellor.

3. There has been significant improvement to the Tavueni Courthouse since its establishment including recent renovations. Future developments could consider accessibility for those with mobility impairment and allocation of rooms for mothers who bring their children with them to Court for change or feed their children.

4. Court information brochures and fee waiver notices could also be displayed for clients coming for family matters as observed in other registries.

5. All staff that had gone for island Court from the Legal Aid Commission, Fiji Police Force and the Fiji Courts were males. Due to this, the researcher observed women were skeptical to approach the officers with their legal matters.

6. The Fiji Courts and Legal Aid Commission staff took extra forms in relation to family matters to the island courts for the 2 weeks.

7. The Fiji Courts, Fiji Police Force and the Legal Aid Commission work in collaboration to make the island Court system faster and efficient. Fiji Police Prosecutors go out to other neighboring villages to get the accused persons in advance to the Court hearings.

8. In fresh cases Fiji Police Prosecutors make sure all documents are prepared and given to the accused person prior and they are advised to see the Legal Aid Commission lawyer. Majority of the cases that was for first call the accused person requested to be represented by the Legal Aid Commission and pleaded guilty in the first instance and sentence was given with review date.

9. Men were present in most villages to attend court sittings. Women were called to join informal awareness sessions conducted by the Legal Aid Commission.

10. The Judicial Officer in handing sentences in the island court spoke in vernacular language.

Transparency – Sex Disaggregated Data and Annual Reports

1. The Fiji Judiciary collects sex disaggregated data for Family Law and violence cases. The Court is committed to the swift publication of Criminal Court cases on PacLII, often publishing judgments within one week of the case being decided in court. In 2016, the Court published more than 1,000 cases on PacLII.

2. The Fiji Judiciary does not however publish any Family Law judgments on PacLII as these judgments are not yet redacted or anonymised to remove the parties' names.

3. The Fiji Judiciary also have not published an Annual Report since 2011.

4. The Judicial Department has customer feedback forms in the Family Court Registry in Suva encouraging feedback from Court clients on their experience at the Court, what could be improved and what clients would like to see in future.

End Notes

[1] Source: Fiji Budget Estimates 2015

[2] Source: Fiji Budget Estimates 2016

[3] Source: Fiji Budget Estimates 2016/2017

[4] Source: Supplement to the 2017-2018 Budget Estimates

[5] Source: Fiji Budget Estimates 2015

[6] Source: Supplement to the 2017-2018 Budget Estimates

[7] Source: Data provided to FWRM by the Fiji Judiciary (received April 2018).

[8] Source: Data provided to FWRM by the Fiji Judiciary (received April 2018).

[9] Source: Data provided to FWRM by the Fiji Judiciary (received April 2018).

[10] Source: Data provided to FWRM by the Fiji Judiciary (received April 2018).

[11] Source: Data provided to FWRM by the Fiji Judiciary (received April 2018).

[12] Source: Data provided to FWRM by the Fiji Judiciary (received April 2018).

[13] Source: Data provided to FWRM by the Fiji Judiciary (received April 2018).

[14] Source: Data provided to FWRM by the Fiji Judiciary (received April 2018).

[15] Source: Data provided to FWRM by the Fiji Judiciary (received April 2018).

[16] Census of Population and Housing, 2007, Fiji Bureau of Statistics https://www.statsfiji.gov.fj/statistics/2007-census-of-population-and-housing (accessed June 2018)

[17] I Taukei Lands and Fisheries Commission, Ministry of iTaukei Affairs http://www.itaukeiaffairs.gov.fj/index.php/divisions/itaukei-lands-and-fisheries-commission (accessed June 2018)

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