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

## Legal Aid Commission



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



# Data Analysis - Family Law and Violence Against Women and Children Cases

Legal Aid Commission

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# Legal Aid Commission Locations



## Acknowledgments

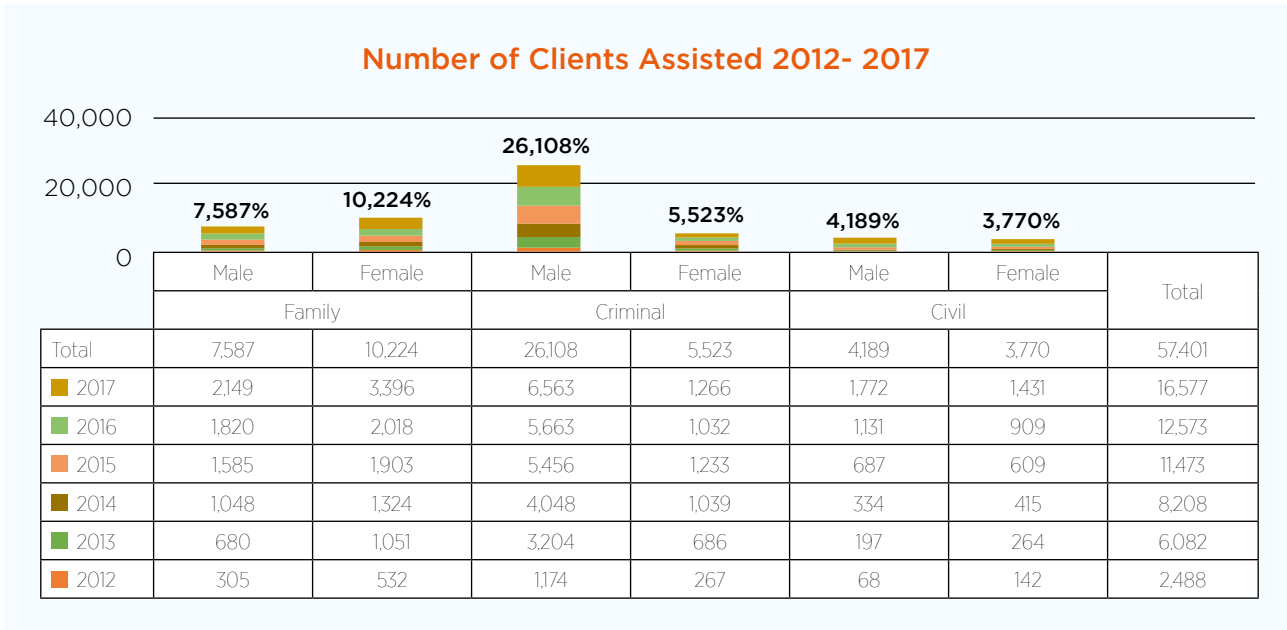
The data in this annex has been provided by the Legal Aid Commission (LAC). The FWRM Research Team would like to thank the Director of LAC Mr. Shahin Ali and the staff of the LAC for their collaboration in providing data in support of improving Fijian Women's access to justice.

## Recommendations

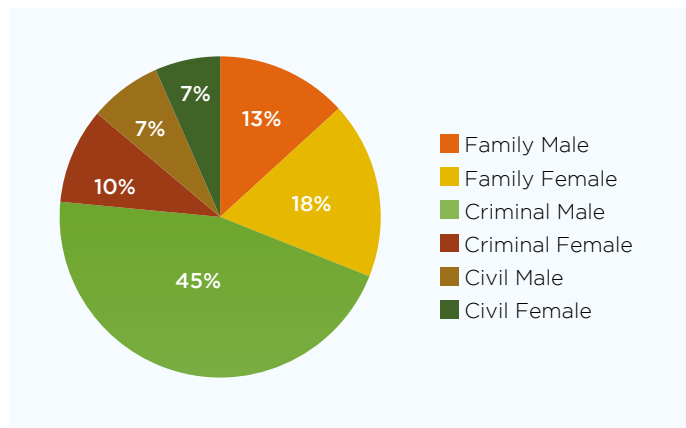
1. The LAC consider presenting the following data:
  - The number of applications requested for legal aid disaggregated by type of case (Criminal, Family, Civil) and sex of the applicant.
  - The number of cases in which legal aid is granted disaggregated by type of case (Criminal, Family, Civil) and sex of the applicant.
  - The number of women and men living with a disability that apply for a grant of legal aid.
2. The LAC consider providing:
  - disability inclusive service information to the public
  - clear and uniform information to the public regarding Domestic Violence Restraining Order (DVRO) application and processes.
3. The LAC consider revising the bail and mitigation instruction sheet for its LAC defence counsel to remove sole breadwinner as a mitigating factor.
4. The LAC consider publishing Annual Reports that contain sex disaggregated data.
5. The LAC consider providing the following for all staff:
  - Disability awareness training focussed on attitudes, myths and stereotypes. This training should highlight the cases in which the agency provides outstanding support services to women and girls with a disability.
  - Gender sensitivity training to ensure that all staff have an understanding of the key principles and how these underpin their work. The training should highlight cases in which the agency provides outstanding support services to women and girls victims/survivors of domestic violence.
  - Violence Against Women training emphasising the 'No Drop Policy' and the inappropriate use of reconciliation when dealing with domestic violence complaints.
  - Training on DVROs, including the requirements and process for making a DVRO application.
6. The LAC consider reporting and publishing the number of staff who have undertaken this training.

The research report with the full list of recommendations can be accessed on the following link: [Balancing the Scales: Improving Fijian Women's Access to Justice](#)

# Legal Aid Commission: Findings



The LAC has assisted almost twice as many men (37,884) compared to women (19,517) from 2012-2017. The majority of accused in Criminal cases are men.<sup>1</sup>



The LAC assisted more women (10,224) than men (7,587) in Family cases over six years. Four times more men (26,108) are assisted by the LAC in Criminal matters than women (5,523). The number of women assisted by LAC in Civil law matters has increased more than 10 times from 142 women in 2012 to 1,431 in 2017. <sup>2</sup>



## Budget Allocation

Estimate Year	Payroll (Seg 1 & 2)	Other Operations (Seg 3 to 7)	Capital (Seg 8 to 10)	VAT (Seg 13)	Total Budget (millions) FJD
2015 <sup>3</sup>	0.0	4,400,000.0	0.0	0.0	4,400,000.0
2016 <sup>4</sup>	0.0	5,022,140.0	0.0	0.0	5,022,140.0
2016/2017 <sup>5</sup>	0.0	5,022,140.0	0.0	0.0	5,022,140.0
2017/2018 <sup>6</sup>	0.0	8,402,566.0	0.0	0.0	8,402,566.0

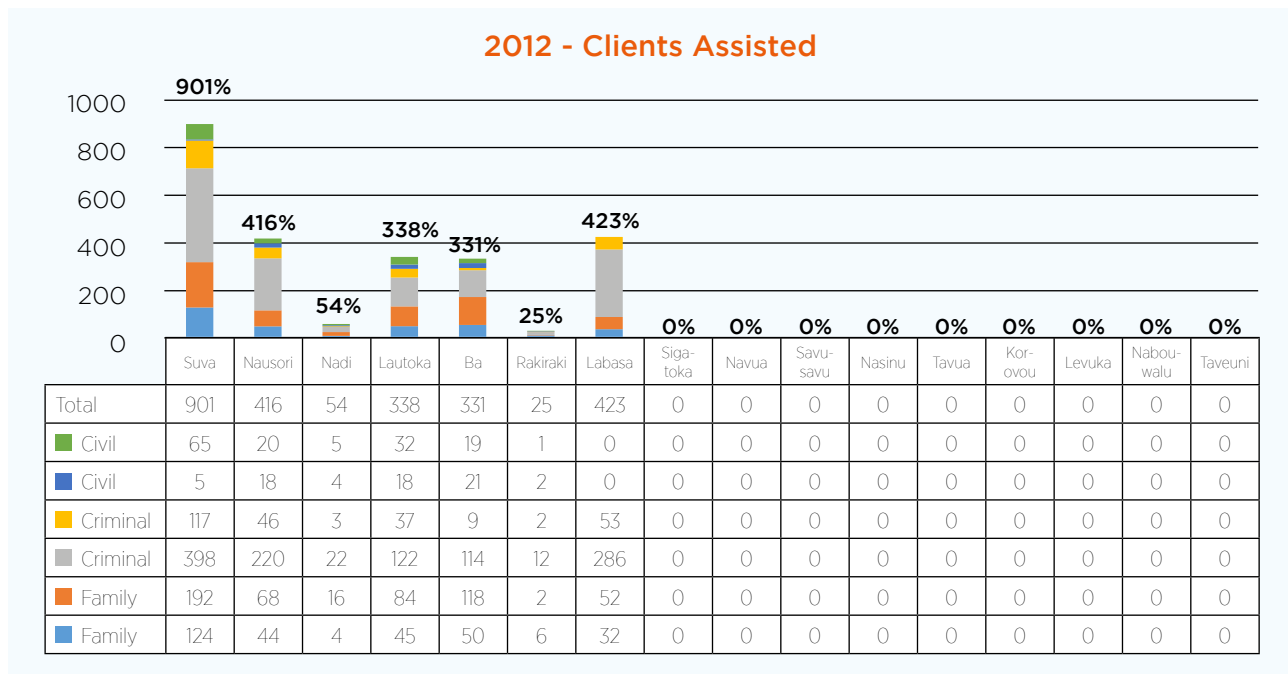
Note: Funding to Legal Aid Commission is under Seg 6<sup>7</sup>

The budget allocation for the LAC has increased from \$4,400,000 in 2015<sup>8</sup> to \$8,402,566 in the 2017/2018 budget<sup>9</sup>.

In 2012, the LAC assisted 2,488 people with 7 offices in Fiji. This has increased 5-fold to 16,577 people in 2017 with 16 LAC Offices across Fiji. In 2018, the LAC plans to open 5 new offices in Rotuma, Seaqaqa, Vunidawa, Keiyasi and Kadavu<sup>10</sup>.

With this the LAC will be able to extend the free legal services across Fiji.

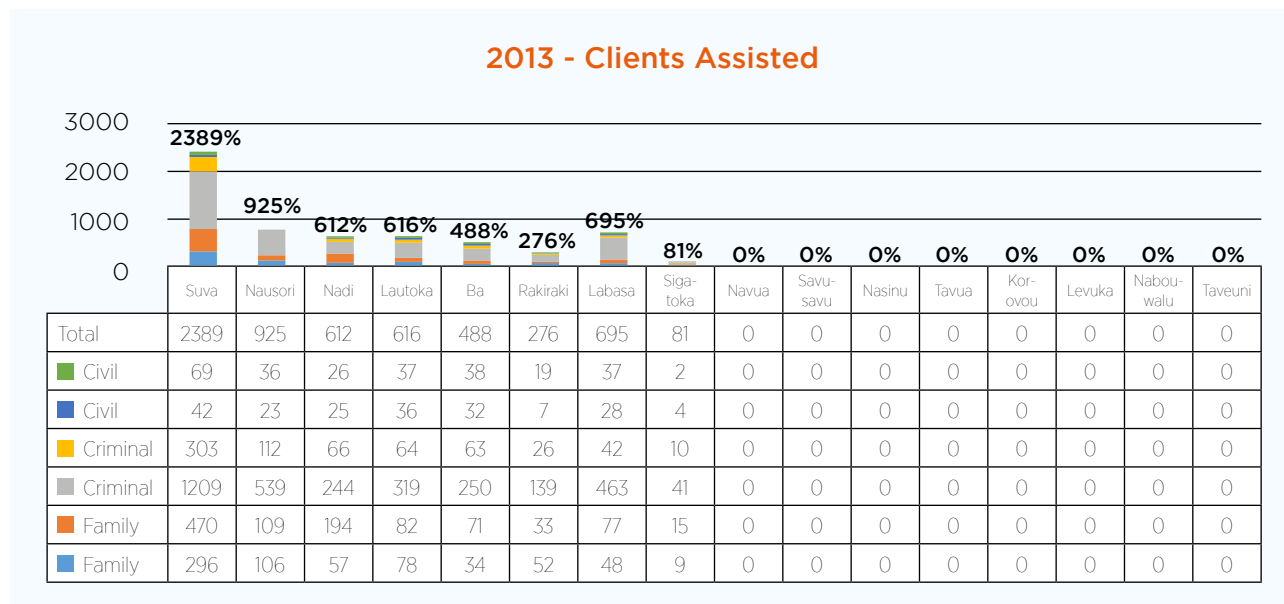
## Assistance provided – office breakdown



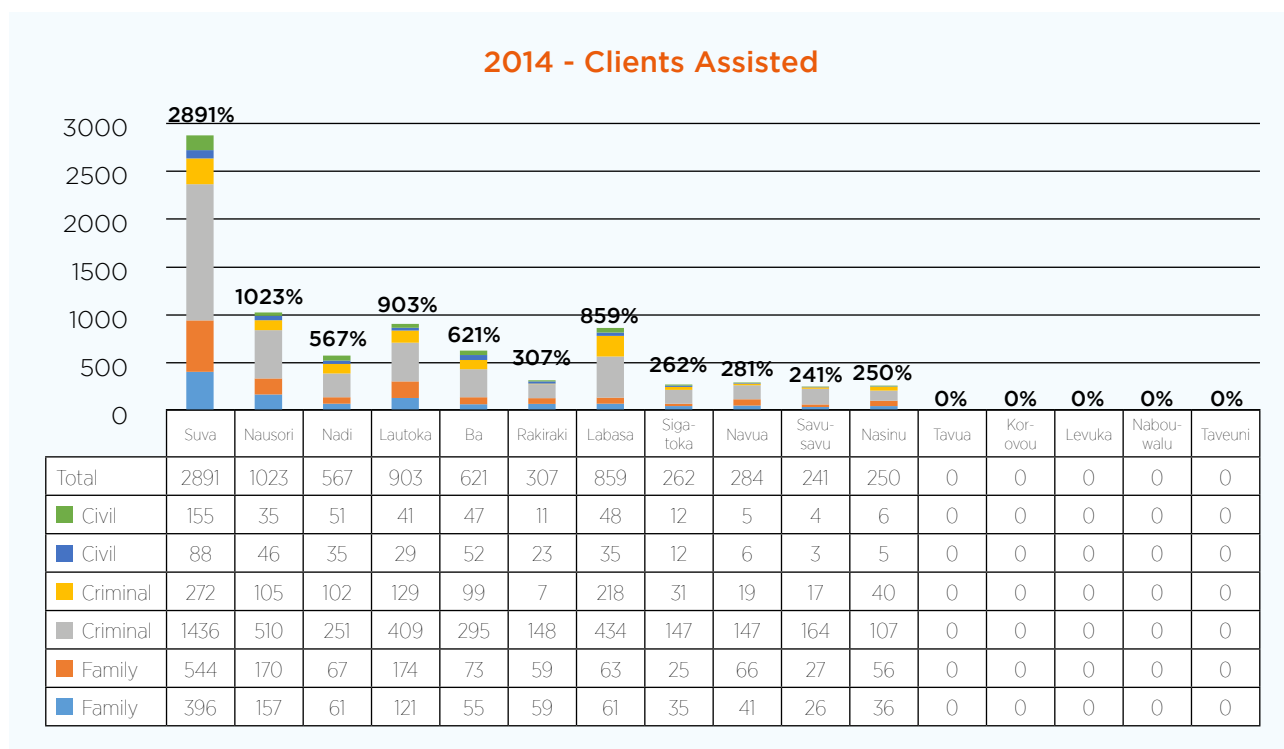
In 2012, the LAC<sup>11</sup> had 7 offices around the country. The LAC provided the highest number of assistance in Suva (901)

detailed as below:

- Criminal cases whereby 398 recipients were male and 117 were female,
- Family cases whereby 192 recipients were female and 124 were male, and
- Civil cases 65 recipients were female and 5 were male.

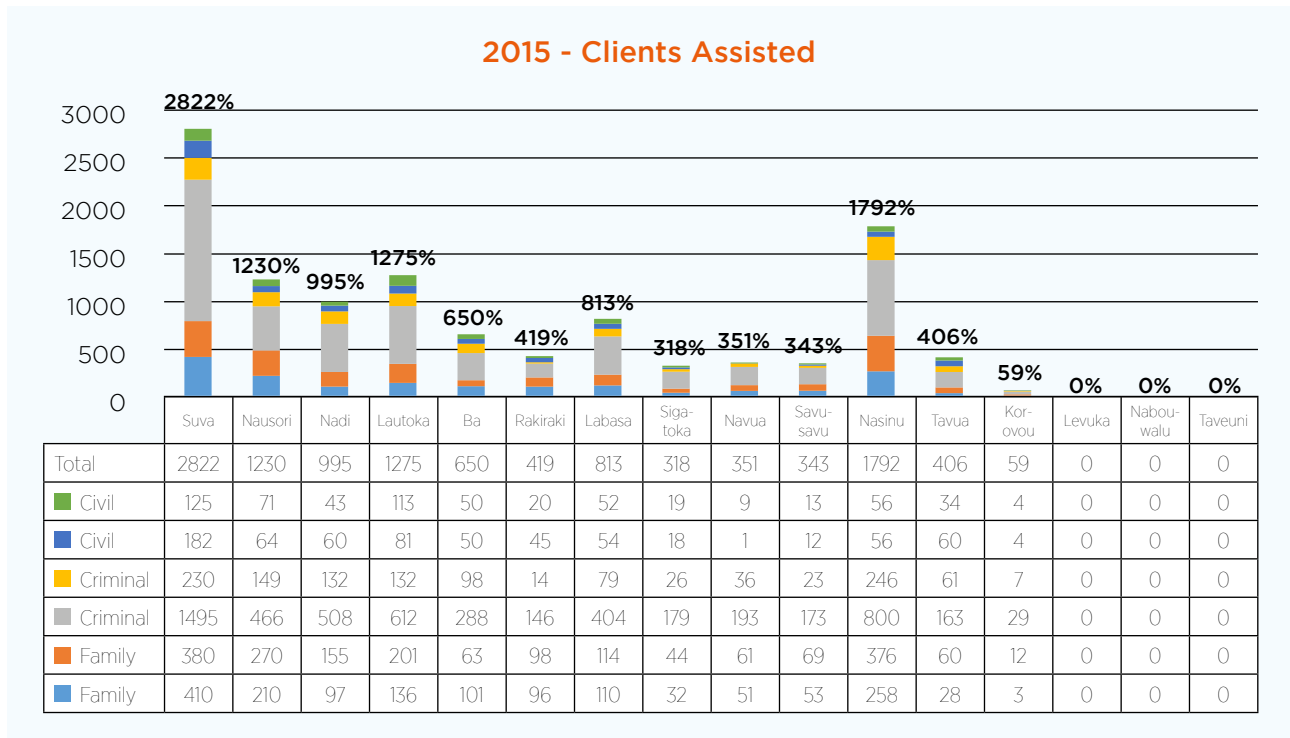


In 2013, the LAC opened an office in Sigatoka. The assistance provided by the Suva office more than doubled to 2,389 grants of legal aid compared with 901 grants in 2012. The other offices also had an increase in the assistance provided. Men received the highest number of grants of legal aid assistance in Criminal cases (3,204) whereas women received the highest number of grants of legal aid assistance in Family cases (1,051).<sup>12</sup>

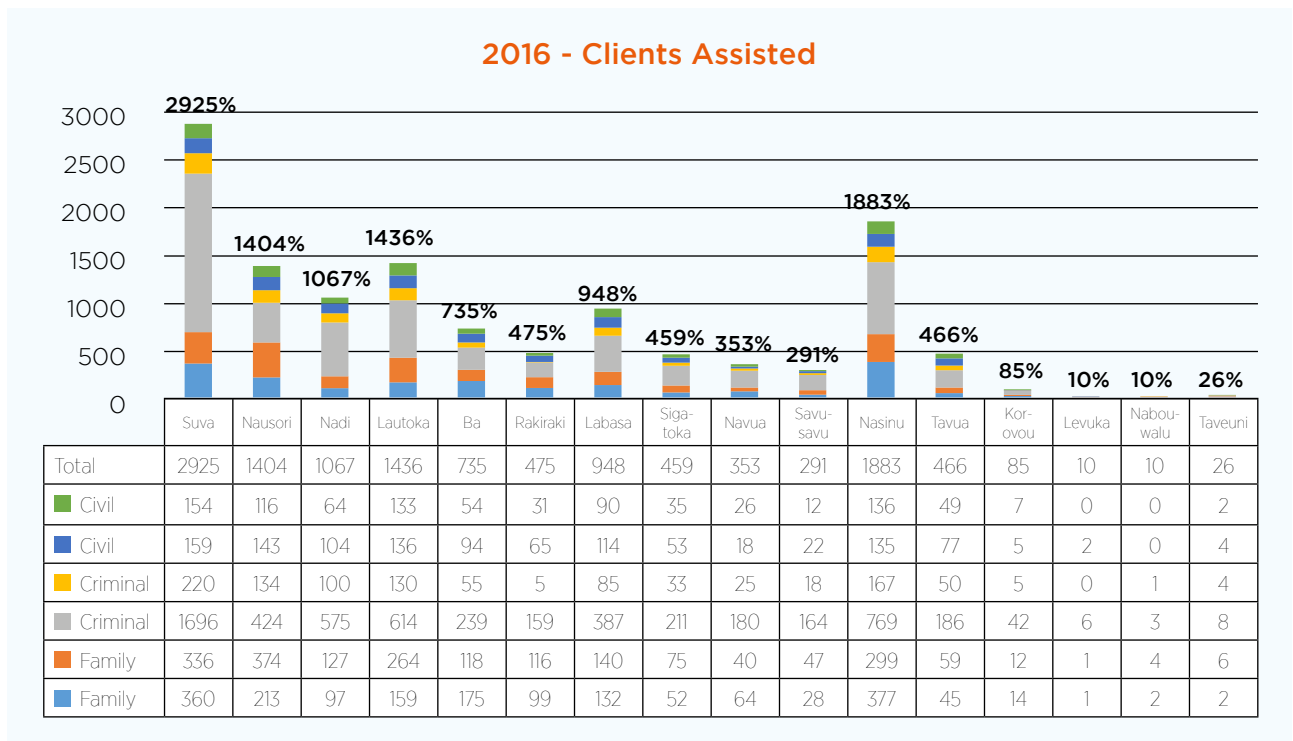


In 2014, the LAC opened new offices in Navua, Savusavu and Nasinu. In all the offices the number of assistance provided increased. Men received the highest number of grants of legal aid

assistance in Criminal cases (4,048) whereas women received the highest number of grants of legal aid assistance in Family cases (1,324).<sup>13</sup>



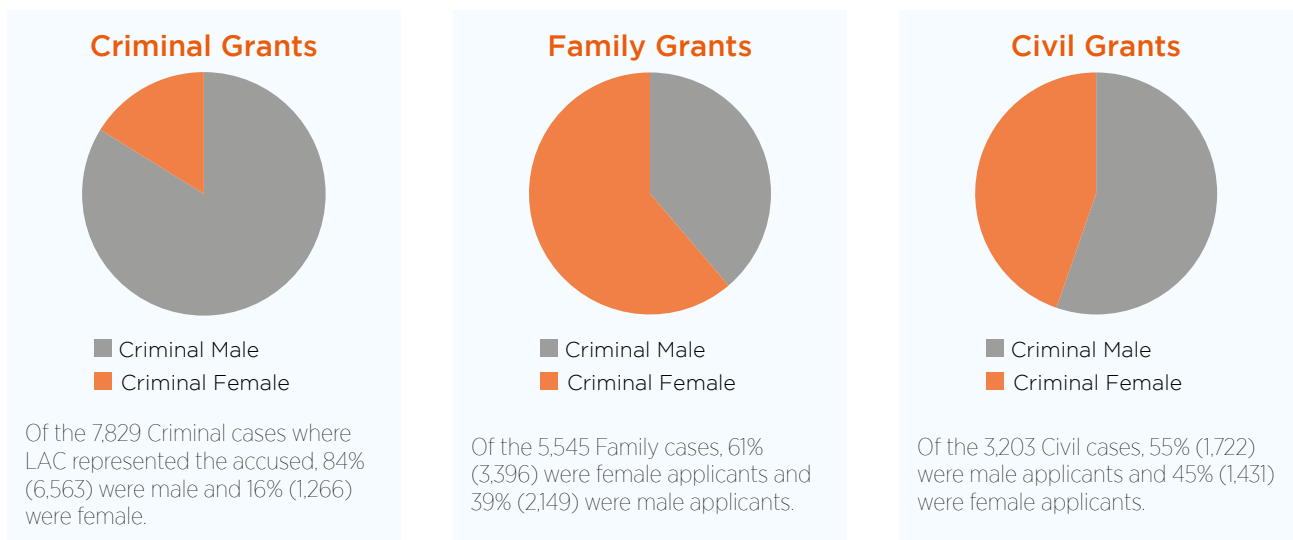
In 2015, the LAC opened new offices in Tavua and Korovou. In all the offices the number of grants of legal aid assistance provided increased. Men received the highest number of grants of legal aid assistance in Criminal cases (5,456) whereas women received the highest number of grants of legal aid assistance in Family cases (1,903).<sup>14</sup>



In 2016, the LAC opened new offices in Levuka, Nabouwalu and Taveuni. In all the offices the number of grants of legal aid assistance provided increased. Men received the highest number of grants of legal aid assistance in Criminal cases (5,663) whereas women received the highest number of grants of legal aid assistance in Family cases (2,018).<sup>15</sup>

### 2017 Legal Aid Data

In 2017, the LAC authorised grants of legal aid in 16,577 cases whereby 63% of cases involved male applicants and 37% involved female applicants. Of the 16,577 cases, 7,829 (47%) were Criminal cases, 5,545 (33%) Family cases and 3,203 (19%) Civil cases.<sup>16</sup>



## Duty Solicitor Scheme

The LAC provides assistance under the Duty Solicitor Scheme. It is a 'one off' assistance provided to those who urgently need assistance. People are not required to apply for the Duty Solicitor Scheme, however, for continued assistance people are required to apply to the LAC. The service is only limited to Criminal and Family cases and does not extend to Civil cases. In 2017, around 8,000 people have been assisted under the Scheme.<sup>17</sup>

## Support Services for Women and Girls with a Disability

In a case that was initiated in 2012, both parties, a husband and a wife both persons with disabilities were supported by the LAC before the Family Court. The LAC prepared them and assisted the parties to understand the proceedings and to enable their effective participation in court proceedings on an equal basis. A case study providing an example of this support is included at p40 of the ['Balancing the Scales: Improving Fijian Women's Access'](#) to Justice Report.

## Transparency - Sex Disaggregated Data and Annual Reports

The LAC does not have publicly available data on:

- The number of applications for legal aid disaggregated by type of case (Criminal, Family, Civil) and sex of the applicant.
- The number of cases in which legal aid is granted disaggregated by type of case (Criminal, Family, Civil) and sex of the applicant.
- The LAC has no Annual Reports from 2011-2017 that are publicly available.

## End Notes

- 1 Source: Data provided to FWRM by the LAC (2012-2016 was received in November 2017 and 2017 data in June 2018)
- 2 Source: Data provided to FWRM by the LAC (2012-2016 was received in November 2017 and 2017 data in June 2018)
- 3 Source: Fiji Budget Estimates 2015
- 4 Source: Fiji Budget Estimates 2016
- 5 Source: Fiji Budget Estimates 2016/2017
- 6 Source: Supplement to the 2017-2018 Budget Estimates
- 7 Source: Understanding our Legal Aid Commission 2018 <http://fijisun.com.fj/2018/05/26/understanding-our-legal-aid-commission/> (accessed on 20 June 2018)
- 8 Source: Fiji Budget Estimates 2015
- 9 Source: Supplement to the 2017-2018 Budget Estimates
- 10 Source: Data provided to FWRM by the LAC (2012-2016 was received in November 2017 and 2017 data in June 2018)
- 11 Source: Data provided to FWRM by the LAC (2012-2016 was received in November 2017 and 2017 data in June 2018)
- 12 Source: Data provided to FWRM by the LAC (2012-2016 was received in November 2017 and 2017 data in June 2018)
- 13 Source: Data provided to FWRM by the LAC (2012-2016 was received in November 2017 and 2017 data in June 2018)
- 14 Source: Data provided to FWRM by the LAC (2012-2016 was received in November 2017 and 2017 data in June 2018)
- 15 Source: Data provided to FWRM by the LAC (2012-2016 was received in November 2017 and 2017 data in June 2018)
- 16 Source: Data provided to FWRM by the LAC (2012-2016 was received in November 2017 and 2017 data in June 2018)
- 17 Source: Understanding our Legal Aid Commission 2018 <http://fijisun.com.fj/2018/05/26/understanding-our-legal-aid-commission/> (accessed on 20 June 2018)





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