

## Sexual Violence Against Women and Girls Rape Case Analysis 2019<sup>1</sup>

### Acknowledgement

This analysis is conducted and published by the Fiji Women's Rights Movement (FWRM)<sup>2</sup> and we extend our gratitude to the Acting 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 Paclii<sup>3</sup>. 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 Fiji<sup>4</sup>.

### 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. In 2018 and 2019, FWRM published findings from the annual analysis of rape cases for each of the respective years. 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 2019 can be accessed here: <http://odpp.com.fj/wp-content/uploads/2020/01/ODPP-Rape-and-Sexual-Offences-Statistics-1-January-31-December-2019.pdf>

## Sexual Violence Against Women and Girls Rape Case Analysis 2019

101 Rape Cases were decided in the High Court of Fiji in 2019<sup>5</sup>.

- In all 101 cases, the accused was a male.
- Average age of accused was 34 years old.
- The youngest accused was 12 years old.
- The oldest accused was 83 years old.
- In all 101 cases, the victim/ survivor was female.
- Average age of victim/ survivor was 16 years.

---

<sup>1</sup> 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.

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

<sup>3</sup> 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>

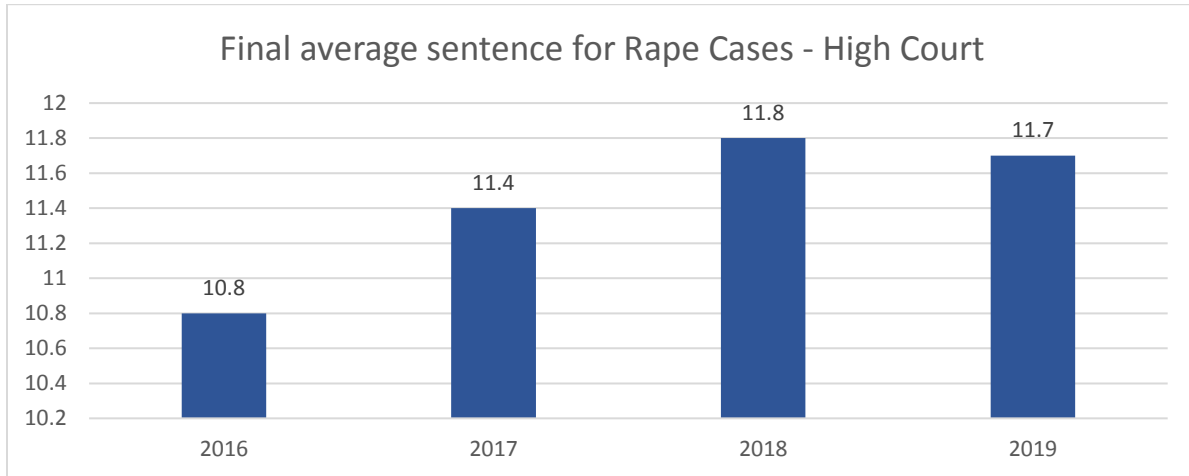
<sup>4</sup> <http://www.fwrm.org.fj/news/media-releases/67-all-category/news/press-releases/496-fwrms-office-of-the-director-of-public-prosecutions-publishes-sex-disaggregated-data>

<sup>5</sup> Please note that this analysis are only of rape cases that were decided in the High Court of Fiji in 2019. Some of these cases were brought before the courts prior to 2019. 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.

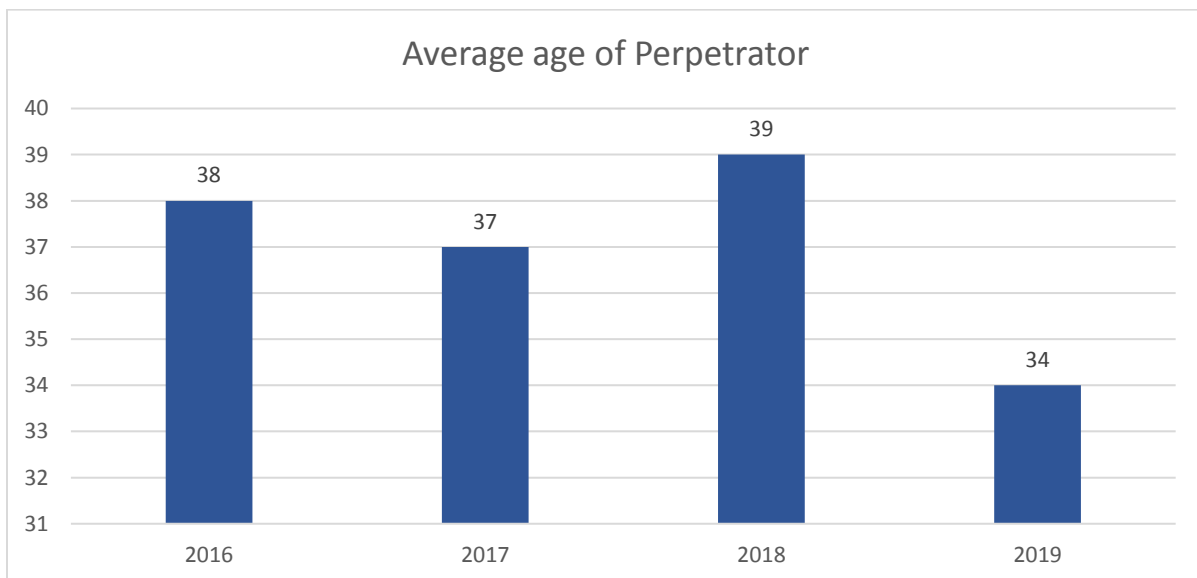
- The youngest victim/ survivor was 2 years 11 months old.
- The oldest victim survivor was 63 years old.
- Average number of days from incident to judgment is 977 days or 2.7 years.
- Average starting sentence 10 years 4 months.
- Average final sentence 11 years 8 months.
- The highest sentence meted out was 20 years 6 months.
- In 4 cases the accused were given a non-custodial sentence as 2 were minors, the other 2 were found not guilty of rape but 1 was found guilty of assault causing actual bodily harm and the other was found guilty of common assault.
- In 62 out of 101 cases, the accused was found guilty of rape.
- In 7 out of 101 cases, the accused was found guilty of a lesser charge. In these cases the accused was found guilty of the following offences; sexual assault and attempted rape (1), attempted rape (1), sexual assault (2), defilement (1), assault causing actual bodily harm (1) and common assault (1).
- In 32 out of 101 cases, the accused was acquitted.
- None of 101 cases, involved a person with disability.
- None of the cases referred to the use of forensic pathology.
- In 63% cases the victim/ survivor knew the accused.
- In 53% cases the victim/ survivor was 17 years or younger.

## Sexual Violence Against Women and Girls Rape Case Trend Analysis 2016-2019

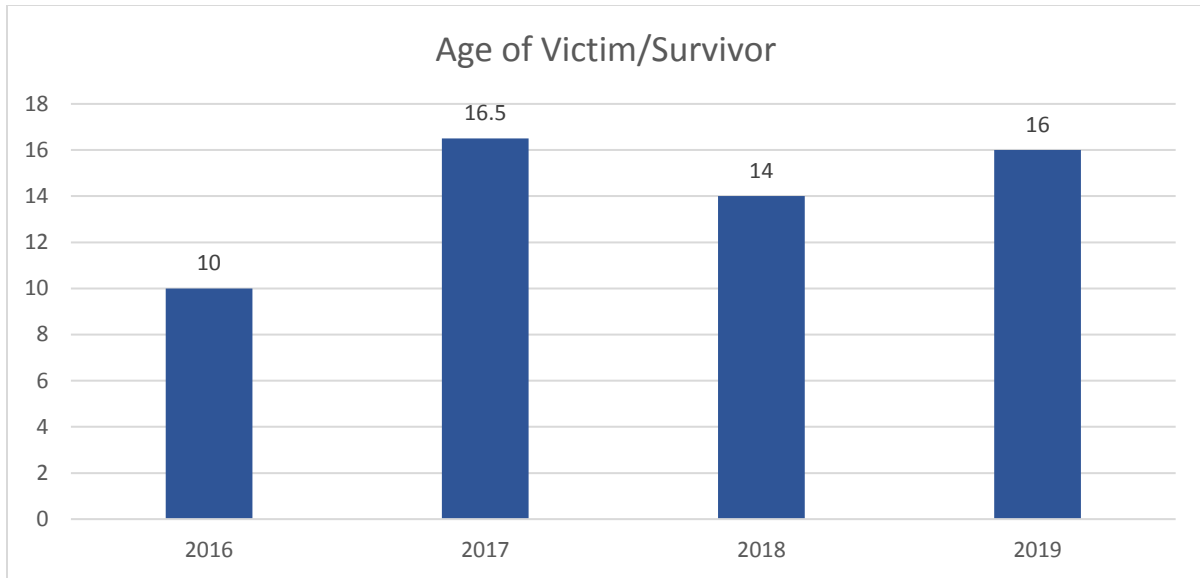
FWRM has further analyzed the past four years of data from the trend analysis looking at specific trends relation to sexual violence against women and girls particularly relating to the decided rape cases. The following analysis demonstrates these trend analysis data:



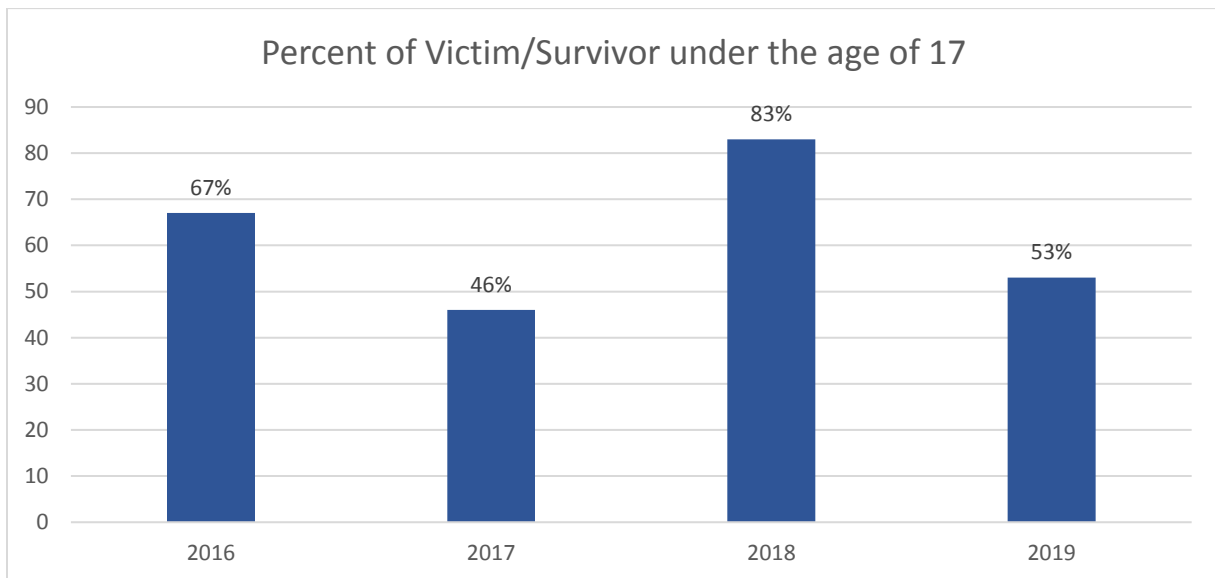
The average final sentence meted by the High Court has increased over the period of 2016- 2018 and has slightly dropped in 2019. The highest sentence for the year of 2019 was 20 years and 6 months. In the year 2018, Fiji's first life sentence was meted, which is the maximum sentence for rape.



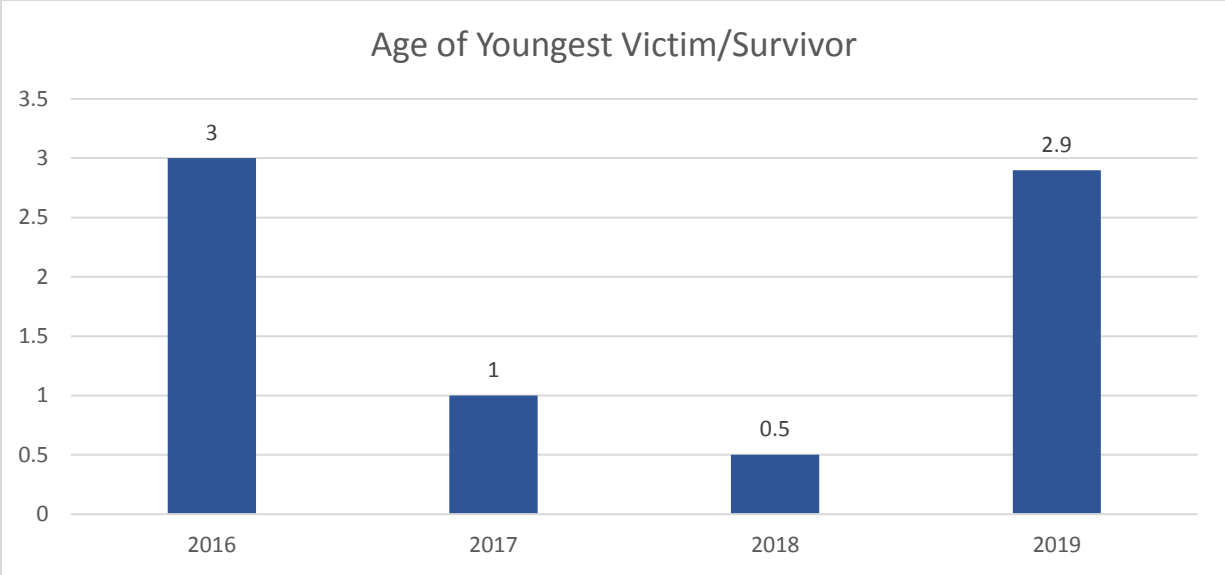
The average age of the perpetrator is between the ages of 34 – 39.



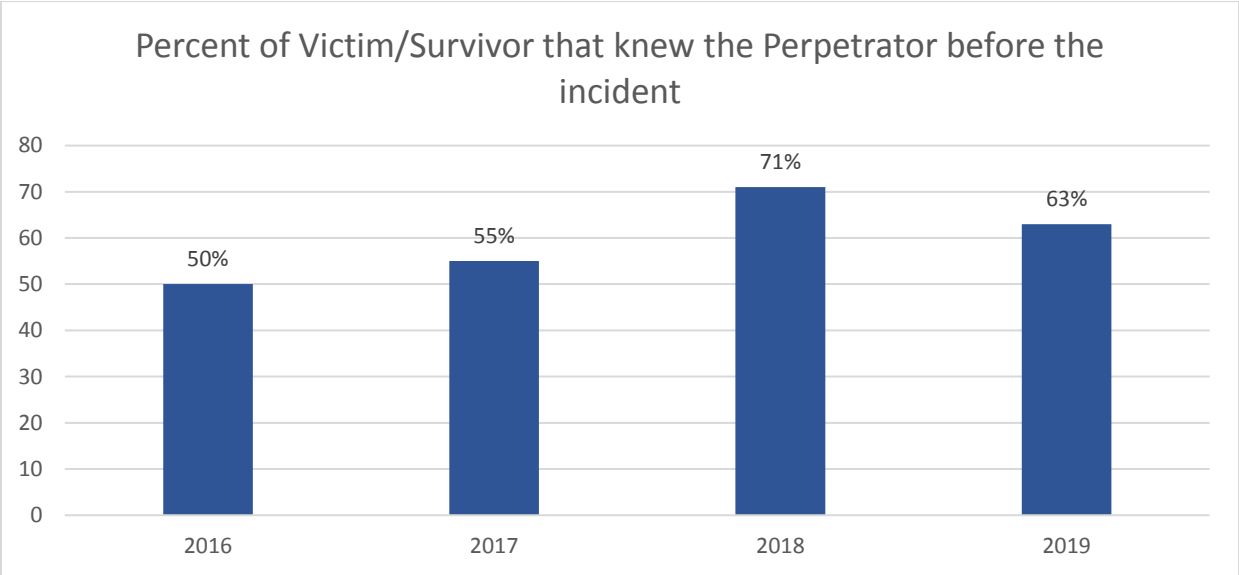
The average age of the victim/survivor has been under the age of 17 for the period of 2016-2019



For the period of 2016 – 2019, 62% of the victim/survivor has been under the age 17 years.



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