

## Sexual Violence Against Women and Girls Rape Case Analysis 2020<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 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 research on sexual violence against women and girls through the rape case analysis. As such every year FWRM consistently analyzes rape cases decided by the High Court and provides key findings related to sexual violence against women and girls.

## Sexual Violence Against Women and Girls Rape Case Analysis 2020

81 Rape Cases that were decided in the High Court of Fiji in 2020 was analysed<sup>5</sup>.

- In all 81 cases, the accused was a male.
- Average age of accused was 25 years old.
- The youngest accused was 14 years old.
- The oldest accused was 78 years old.
- In all 81 cases, the victim/ survivor was female.
- Average age of victim/ survivor was 14 years.
- The youngest victim/ survivor was 3 years.
- The oldest victim survivor was 83 years old.
- Average number of days from incident to judgment is 1105 days or 3 years.

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<sup>1</sup> This decision analysis adapted from 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>

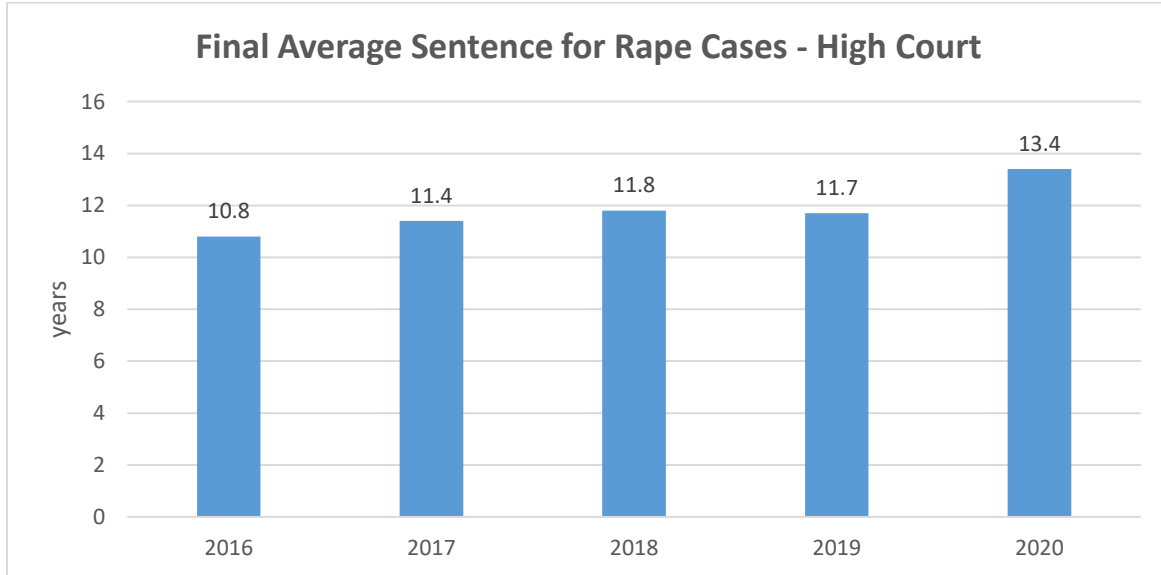
<sup>4</sup> <http://www.fwrn.org.fj/news/media-releases/67-all-category/news/press-releases/496-fwrn-office-of-the-director-of-public-prosecutions-publishes-sex-disaggregated-data>

<sup>5</sup> Please note that this analysis are only of rape cases that were decided in the High Court of Fiji in 2020. Some of these cases were brought before the courts prior to 2020. 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.

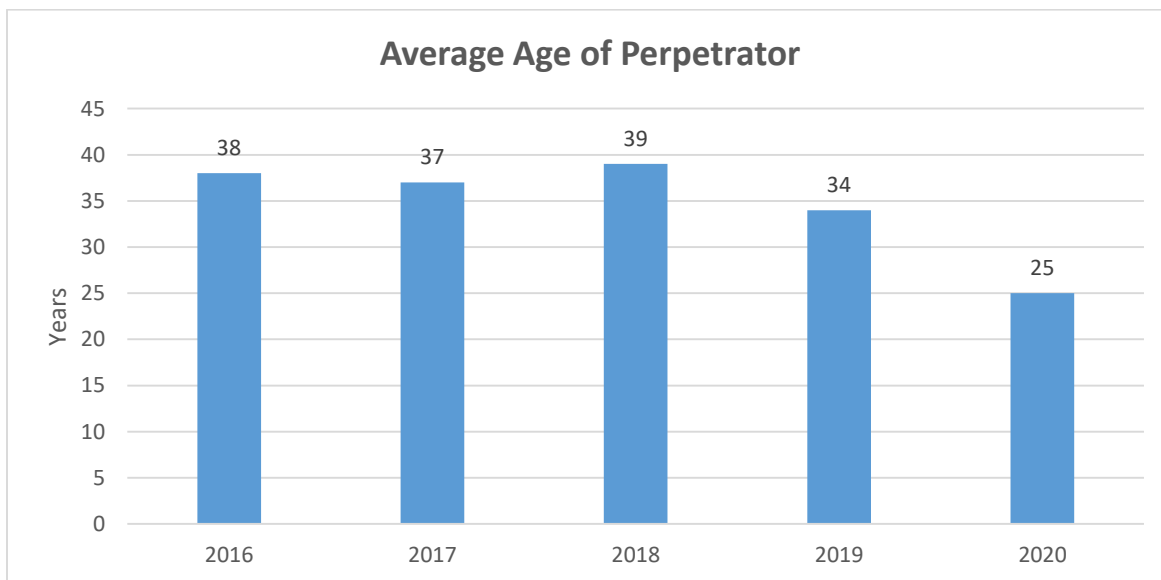
- Average starting sentence was 10 years 11 months.
- Average final sentence was 13 years 4 months.
- The highest sentence meted out was life imprisonment.
- In none of the cases the accused was given a non-custodial sentence.
- In 48 out of 81 cases, the accused was found guilty of rape.
- In 3 out of 81 cases, the accused was found guilty of a lesser charge. In all of these cases the accused was found guilty of Defilement.
- In 30 out of 81 cases, the accused was acquitted.
- In 4 out of 81 cases, the complainant was a person with disability.
- Only 1 out 81 cases referred to the use of forensic pathology.
- In 63% cases the victim/ survivor knew the accused.
- In 65% cases the victim/ survivor was 17 years or younger.

## Sexual Violence Against Women and Girls Rape Case Trend Analysis 2016-2020

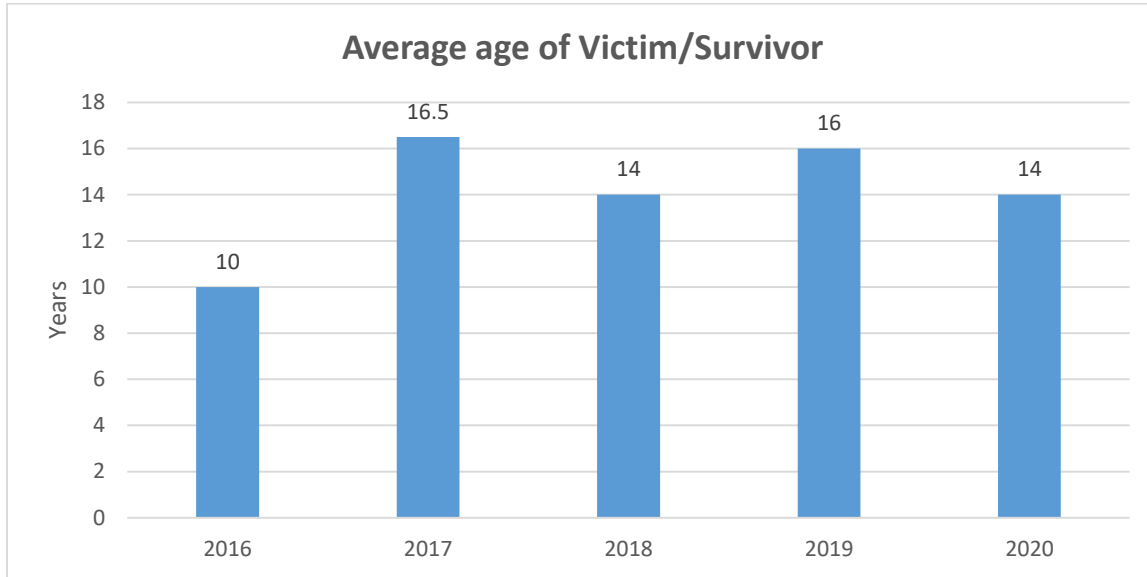
FWRM has further analyzed the past five years of data from the trend analysis looking at specific trends relation to sexual violence against women and girls particularly relating to the decided rape cases. The following analysis demonstrates these trend analysis data:



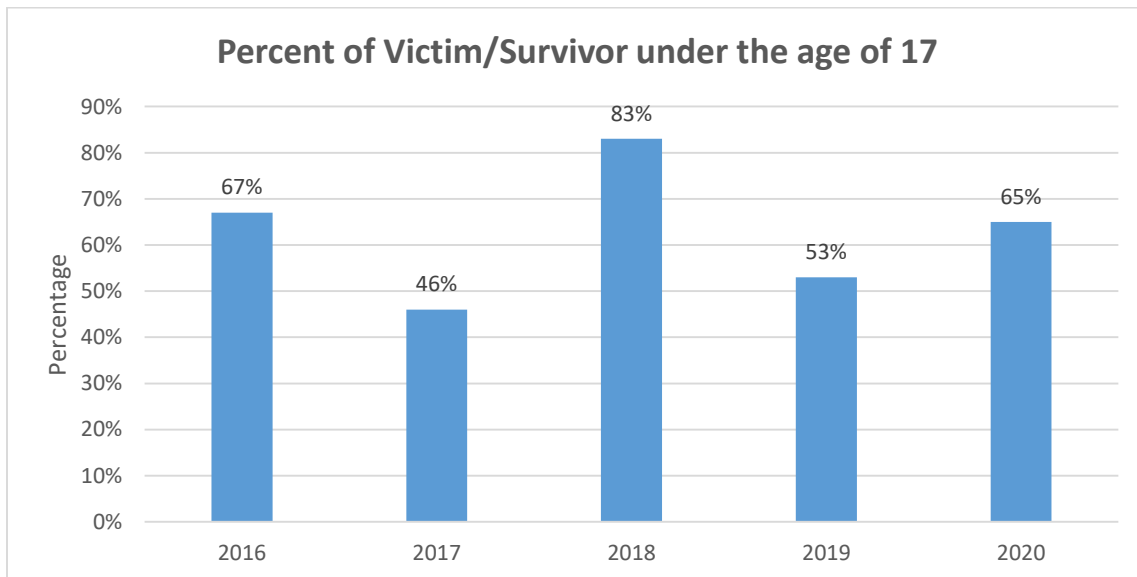
The average final sentence meted by the High Court has increased over the period of 2016- 2018 and has slightly dropped in 2019 and later increased in 2020. The highest sentence for the year of 2020 was life imprisonment. In the year 2018, Fiji's first life sentence was meted, which is the maximum sentence for rape.



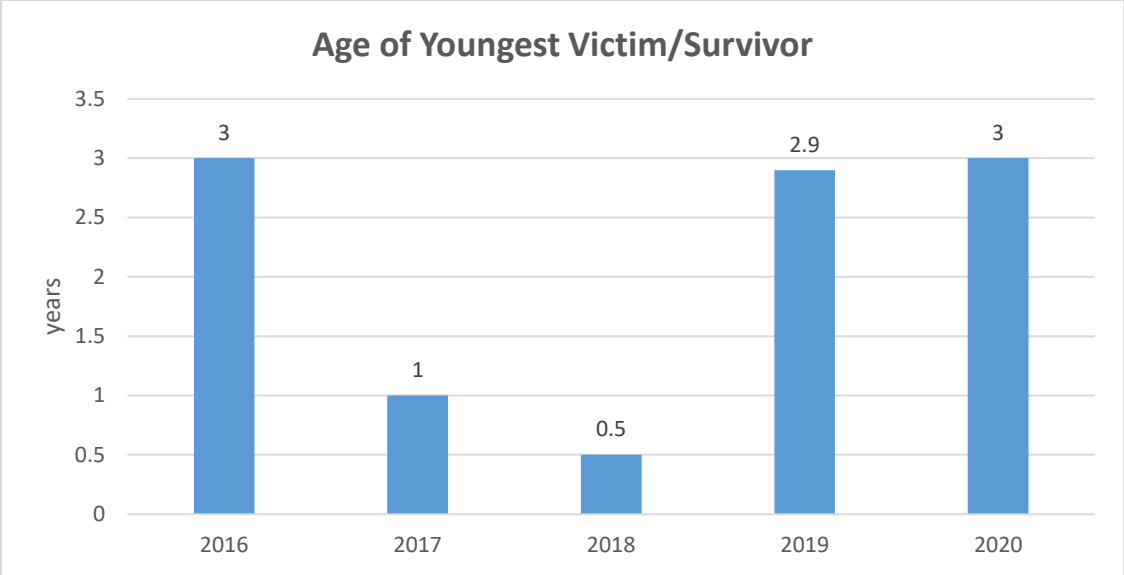
The average age of the perpetrator has been between the ages of 34 – 39 in the period from 2016-2019, however this has decreased to 25 in 2020.



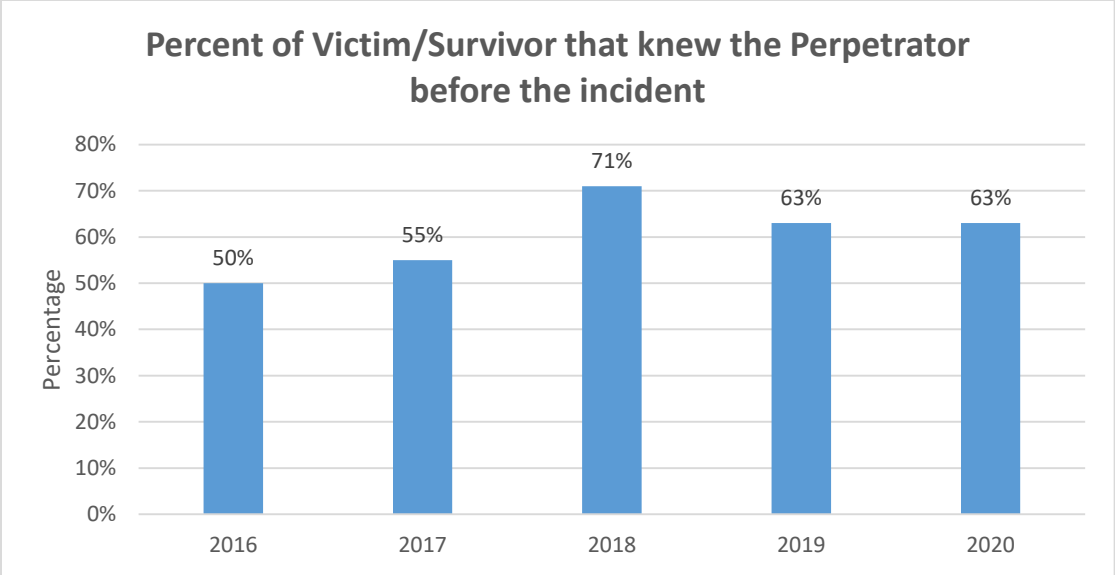
The average age of the victim/survivor has been under the age of 17 for the period of 2016-2020



The average percent of the victim/survivor under the age of 17 years has been 63% for the period of 2016-2020.



The age of the youngest victim/survivor continues to be under 5 years.



For the period of 2016-2020, majority of the perpetrators were known to the victim/survivor