



OFFICE of the AUDITOR GENERAL  
*Republic of Fiji*

## REPORT OF THE AUDITOR GENERAL OF THE REPUBLIC OF FIJI



**Coordination of Actions on Elimination  
of Violence against Women**

**Performance Audit**





OFFICE *of the* AUDITOR GENERAL  
*Republic of Fiji*

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File: 102

30 August 2019

The Honorable Ratu Epeli Nailatikau  
Speaker of the Parliament of the Republic of Fiji  
Government Buildings  
Constitution Avenue  
**SUVA**

Dear Sir

## **PERFORMANCE AUDIT REPORT ON COORDINATION OF ACTIONS FOR ELIMINATION OF VIOLENCE AGAINST WOMEN**

In accordance with section 152(13) of the Constitution of the Republic of Fiji, I am pleased to transmit to you my report on Performance Audit on Coordination of actions for Elimination of Violence against Women.

A copy of the report has been submitted to the Minister for Economy who as required under section 152(14) of the Constitution shall lay the report before Parliament within 30 days of receipt, or if Parliament is not sitting, on the first day after the end of that period.

Yours sincerely

Ajay Nand  
**AUDITOR-GENERAL**



Encl.

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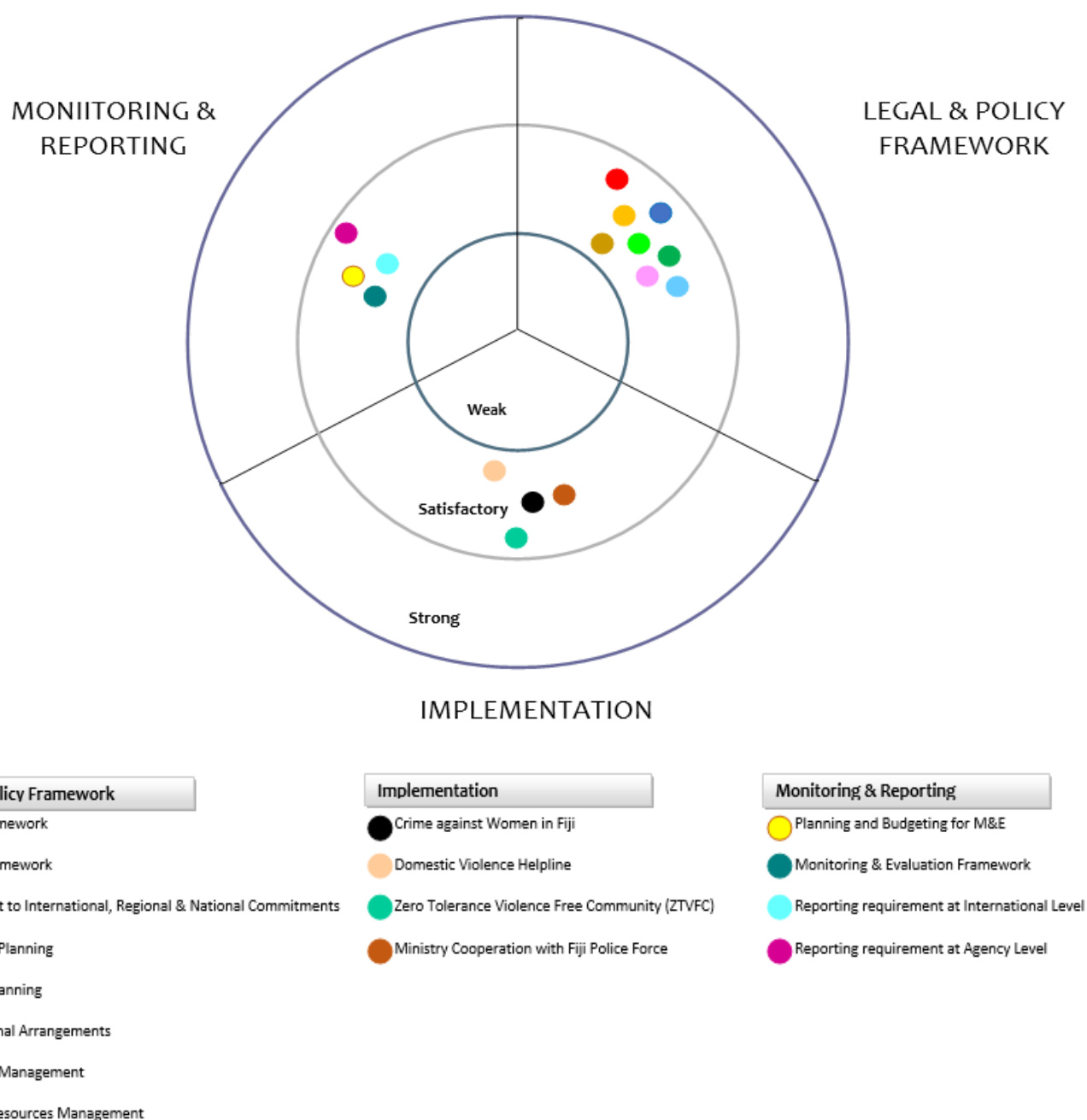
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## Audit Findings at a Glance



## Audit Overview

We carried out this audit to assess whether the implementation of the Women's Plan of Action (WPA) in particular its' thematic area on Elimination of Violence against Women is effective in realizing the commitment made by Ministry of Women, Children & Poverty Alleviation and stakeholders to the existing legal and policy framework that impact the issues of violence against Women.

We also assessed the extent of implementing the framework in the programs or initiatives identified by Ministry of Women, Children & Poverty Alleviation in association with relevant stakeholders. This initiatives or programs are set as a measures to assess the effectiveness and efficiency of frameworks applicable to violence against women.

In the end, we assessed whether the monitoring and reporting arrangements over the implementation of the framework are effective and whether improvements can be demonstrated.



## Acronyms

Abbreviation	Meaning
AIDS	Acquired Immunodeficiency Syndrome
ACP	Annual Corporate Plan
ADB	Asian Development Bank
APO	Assistant Project Officer
ASP	Assistant Superintendent of Police
ATS	Access to Services
BPA	Beijing Platform for Action
BP	Business Plan
CCF	Citizens Constitutional Forum
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CO	Clerical Officer
CSO	Civil Society Organisation
DAC	Development Assistance Committee
DIVA	Diverse Voices and Action for Equality
DCR	Daily Crime Reports
DEVAW	Declaration on the Elimination of Violence Against Women
DFAT	Department of Foreign Affairs and Trade
DMCP	Divisional Manager Community Policing (DMCP)
DoW	Department of Women
DSC	Development Sub Committee
DV	Domestic Violence
DVRO	Domestic Violence Restraining Order
DW	Director Women
EGMT	Executive Gender Management Team
EOI	Expression of Interest
EPDM	Equal Participation in Decision Making
EVAW	Elimination of Violence Against Women
FPF	Fiji Police Force
FSO	Force Standing Order
FSEL	Formal Sector Employment and Livelihood
FWCC	Fiji Women's Crisis Centre
FWRM	Fiji Women's Rights Movement
GBV	Gender Based Violence
GIA	Gender Impact Assessment
GIO	Gender Information Officer
GWE	Government Wage Earners
HIV	Human Immunodeficiency Virus
HQ	Headquarters
IATEVAWC	Inter-Agency Taskforce on the Elimination of Violence against Women and Children
INPEP	Integrated National Poverty Eradication Program
ILO	International Labour Organisation
IWP	Individual Work Plan
JICAV	Japanese International Corporation Assistance Volunteer
KPI	Key Performance Indicators
M&E	Monitoring and Evaluation
MDG	Millennium Development Goals

MOU	Memorandum of Understanding
MSWWPA	Ministry of Social Welfare, Women & Poverty Alleviation
MWCPA	Ministry of Women, Children & Poverty Alleviation
NDP	National Development Plan
NDVH	National Domestic Violence Helpline
NECV	National Employment Centre Volunteer
NGO	Non-Government Organisation
NSHRP	National Strategic Human Resources Plan
NWPA	National Women's Plan of Action
ODPP	Office of the Director of Public Prosecution
OECD	Organisation for Economic Co-operation and Development
PA	Personal Assistant
PAO	Principal Administration Officer
PAS	Principal Assistant Secretary
PO	Project Officer
PPA	Pacific Platform for Action
PRO	Principal Research Officer
PSMWCPA	Permanent Secretary Ministry of Women Children and Poverty Alleviation
RDSSD	Roadmap for Democracy and Sustainable Socio-Economic Development
RPPA	Revised Pacific Platform of Action
RRRT	Regional Rights Resource Team
SC	Special Constable
SDG	Sustainable Development Goal
SDP	Service Delivery Protocol
SEEDS	Sustainable Economic and Empowerment Development Strategy
SO	Sexual Offences
SOP	Standard Operating Procedures
SPO	Senior Project Officer
SWIA	Senior Women's Interest Assistant
SWIO	Senior Women's Interest Officer
TOC	Theory of Change
TOR	Terms of Reference
UN	United Nations
UNCEDAW	United Nations Convention on the Elimination of all forms of Discrimination Against Women
UNICEF	United Nations Children's Fund
UNDP	United National Development Program
UNIFEM	United Nations Development Fund for Women
VAW	Violence Against Women
VAWG	Violence Against Women and Girls
W&H	Women and Health
W&L	Women and the Law
WIA	Women Interest Assistant
WIO	Women Interest Officer
WPA	Women's Plan of Action
WRC	Women's Resource Centre
ZTVFC	Zero Tolerance Violence Free Communities

## Executive Summary

The Women's Plan of Action that address the thematic area on the Elimination of Violence against Women has been generally implemented. However, there are challenges with regards to effecting the legal and policy frameworks, alignment to international and regional plan of actions, operational planning i.e. strategically and annually, institutional arrangements and financial and human resources management.

Challenges faced with legislations include victims of violence being disadvantaged due to the gender neutral tone of legislation, thus the need to review them in a comprehensive and systematic manner given the passage of time since their enactment. There is also inconsistency in the application of the legislation for violence against women by service providers due to the pressure on women to reconcile with husbands/partners, women's lack of knowledge about rights and the law and the manipulation of law to undermine women's rights. Despite the positive changes to legislation with the intent to address the problem of violence against women, the use of legislation by women themselves is low due to the lack of awareness, social stigma and fear of repeated violence in their families.

Policies such as the Fiji Police Force No Drop Policy and the National Gender Policy are fairly implemented but can be improved through consistency in the review and coordination process. In addition, there are opportunities to improve the alignment of the Women's Plan of Action (WPA) to similar plans with international and regional counterparts.

While there is positive signs of consistency in the preparation and publishing of operational plans, its timely delivery can be improved. Also, there are limitations in the institutional arrangements due to the non-establishment of core committees to monitor the implementation of the WPA and the weaknesses identified in the inclusivity, coordination, sustainability and administration of the main EVAW taskforce.

Financial and human resource management is compromised by the non-maintenance of EVAW budget proposals, justifications and expenditure listings, increase in vacant positions at the DoW, policy and research unit not carrying out its intended purpose and staffs IWP not being maintained properly.

The process of implementing the framework has been administered and managed appropriately. However, the most alarming reality is that although women and girls make up the majority of victims for sexual offenses, there were processes that were not in accordance with the relevant guidance materials pertaining to the reduction of crime against Women in Fiji. These include administration of the National Domestic Violence Helpline, Zero Tolerance Violence Free Community (ZTVFC) and Ministry's co-operation with Fiji Police Force.

The monitoring and reporting arrangements at the global and national level has been managed appropriately. However, the Ministry of Women, Children & Poverty Alleviation needs to improve their internal processes in terms of the planning and budgeting for monitoring and evaluation activities, establishment and management of a monitoring and evaluation framework, meeting reporting requirements at both the international and agency levels.

## Key Findings and Recommendations

FINDINGS	RECOMMENDATIONS
<p><b>Framework regulating the activities on the Elimination of Violence against Women</b></p>	
<p>Despite the existence of relevant provisions in the Constitution and enactment of various legislations in addressing gender-based violence, there are several challenges in effecting them. These include factors such as legislation being gender neutral whereby victims of gender-based violence can be disadvantaged, problems at the implementation level, and minimal use of legislation by women themselves.</p>	<p>The Department of Women should ensure that:</p> <ul style="list-style-type: none"> <li>• Dialogue with Civil Society Organisations, NGO's and Women Rights Organisations is strengthened to ensure that legislative reform is conducted in a more integrated and comprehensive manner;</li> <li>• Prevention programs are focused on the prevention of coercive control and emotional violence, as well as physical and sexual violence, in addition rights of women and girls should be actively promoted;</li> <li>• Awareness and prevention programs are be delivered in such a manner that deliberately challenges the patriarchal (male dominated/male controlled) way of thinking for both men and women;</li> <li>• More attention is given to targeting isolated and vulnerable communities where various research findings have shown that women and girls to be at the greatest risk;</li> <li>• More effective awareness programs especially on the rights and the various laws and services available to women are implemented at the targeted high risk areas;</li> <li>• Continue to collaborate with Civil Society Organisations (CSO's), NGO's, Women's Rights Organisations and other bodies in order to provide sufficient awareness to women to excise their rights under the laws when victimised; and</li> <li>• To "unlearn" old beliefs that perpetuate domestic violence such as acceptance of violence from husbands and other beliefs.</li> </ul> <p>The Fiji Police Force should ensure that:</p> <ul style="list-style-type: none"> <li>• the No-drop policy for all offences against women and children are dealt with in a systematic and consistent manner;</li> </ul>

FINDINGS	RECOMMENDATIONS
	<ul style="list-style-type: none"> <li>• Police officers on the ground are skilled to respond expeditiously and sensitively to all cases of violence against women;</li> <li>• Police officers undergo legal literacy trainings so that the various provisions in the legislations are fully understood;</li> <li>• A more comprehensive and systematic approach for gender trainings are planned to include training and consultations with NGOs and other gender and women's groups; and</li> <li>• Necessary records are maintained for trainings and awareness carried out which are readily made available for audit and other reviews.</li> </ul>
<p>There is no specific policy developed for EVAW. However, this is incorporated as a section within the National Gender Policy which gives the overarching direction for EVAW and is managed by the MWCPA. Although this effort is acknowledged, the National Gender Policy has not been revised since its adoption in 2014. In addition, the "No Drop Policy" has not been reviewed since its establishment in 1995 and re-affirmation in 2013. However, the Fiji Police Force has indicated that they have recently completed the review process with the revised policy still in its draft stage.</p>	<ul style="list-style-type: none"> <li>• The Department of Women should ensure that policies relating to EVAW are regularly reviewed in consultation with relevant stakeholders.</li> <li>• The Fiji Police Force should finalize the revised "No Drop Policy" without any further delay and ensure that police officers are trained for its implementation. .</li> </ul>
<p>It has been four years since the establishment of the National Gender Policy in 2014 which may not be sufficient to form strong coordination initiatives to address the issue of violence against women. It is therefore pleasing to see that based on the evidence gathered during our audit, coordination exists in four out of six coordinative initiatives outlined in the National Gender Policy regarding gender based violence. However, there is still room for improvements with respect to the following initiatives:</p> <ul style="list-style-type: none"> <li>• Monitoring the effectiveness of the No Drop Policy in domestic violence cases in the Fiji Police Force; and</li> <li>• Analysing the effectiveness of the Domestic Violence Act 2009 and ensure continuing review of its provisions based on the effectiveness of the implementation of the law.</li> </ul>	<p>An inclusive and coordinated approach to the review and evaluation of policies and regulations should be spearheaded by the Department of Women.</p> <p>The Fiji Police Force should conduct awareness and trainings on the provisions of the Domestic Violence Act 2009 and subsequently monitor and evaluate its effectiveness as per the National Gender Policy.</p>

FINDINGS	RECOMMENDATIONS
Given that the Service Delivery Protocol has just been finalized, its implementation cannot be assessed just as yet.	
Absence of review of Fiji's legislative compliance with CEDAW provisions. However, the DoW has confirmed that for Fiji's current situation, the preparation of the CEDAW State Reports, its follow-up report, the Beijing Platform for Action (BPA) review reports and the Country Gender Assessment will constitute the most suitable review process.	The Department of Women should ensure that efforts are coordinated with stakeholders such as NGO's and CSO's to conduct reviews on Fiji's legislative compliance to the CEDAW provisions, based on the most appropriate indicators similar to the one used in the UNDP and UNIFEM review report.
Strategic Objectives of the International Action Plan placed more emphasis on preventative or pro-active measures whereas WPA had more focus on reactive measures in terms of responding to victims of gender based violence. Therefore, there is weak alignment between strategic objectives and the action plans due to the lack of effort by the DoW in undertaking research work on the root causes of violence against women.	<p>The Department of Women should ensure that:</p> <ul style="list-style-type: none"> <li>• Plans for the development of the next WPA are properly aligned to the Beijing Declaration and Platform of Action.</li> <li>• Strategic objectives in the WPA document clearly capture what the action plans purports to reflect.</li> </ul>
The Policy and Research Unit within the DoW depend on the research carried out by Civil Society Organisations and Non-Government Organisations for the development and implementation of Women's programs. They have not engaged or conducted any proper research to gauge the true root-cause of violence that women face. Therefore, there can be a risk that the conclusions drawn from these research findings could lead to ineffective measures and programs implemented, given the change in times.	<p>The Department of Women should:</p> <ul style="list-style-type: none"> <li>• Strengthen its Policy and Research Unit.</li> <li>• Properly demarcate work, so that research work is separate and distinct from the monitoring and evaluation function of the Department.</li> </ul>
Indicators for the achievement of target 5.2 of SDG 5 revealed that the provision and availability of data is important. However, given the multiple agencies, in Fiji's context, there is no single responsible agency for coordinating and collating data. However, there is clear correlation between the programs and projects outlined in the NDP to the activities in the WPA.	The Department of Women should strengthen its coordinating and data collection and collating strategies in collaboration with relevant stakeholders such as the Fiji Police Force and other stakeholders.
In considering the changes over time, the MWCPA was able to properly transit between the two Women's Plan of Action.	We acknowledge this achievement.
The DoW has successfully transitioned over the years since 1960 from being a section within Government, looking after Women's interest, to	We acknowledge this achievement.



FINDINGS	RECOMMENDATIONS
the DoW within the MWCPA in 2009. The Department has continued to pursue its roles as primary advisor to Government on public policies that affect women.	
Included in the general role of the Fiji Police Force in providing safety and security to all people of Fiji, is also the Force's role combating and dealing with violence against women. This role of the Fiji Police Force is clearly set out in the Domestic Violence Act.	We acknowledge this achievement.
While the Fiji Police Force have developed its strategic plan for the duration of four years, the MWCPA, at the time of the audit, did not have a strategic plan. The Ministry, however has now formalized a 3 year strategic plan for the years 2019 to 2022.	The Ministry of Women Children and Poverty Alleviation (MWCPA) should tailor make the National Strategic Plan to meet the needs and objectives of their Department, through the development of a strategic plan for the Ministry itself which will be cascaded to the ACP encompassing gender based violence.
<p>While we acknowledge the efforts of both lead agencies in publishing their Annual Corporate Plans (ACP), there was a delay in the preparation and endorsement of the MWCPA ACP for the years 2016/2017 and 2017/2018. In addition to the non-preparation of the 2017/2018 Department of Women Business Plan, the formulation of other organisation plans such as the Annual Work Plans for the MWCPA were not consistent over the years.</p> <p>On the other hand, the Fiji Police Force have consistently prepared and published Annual Corporate plans.</p>	<p>The Ministry of Women Children and Poverty Alleviation (MWCPA) should develop Annual Corporate Plans (ACP) for the Ministry and Business Plans for the Department of Women in a timely manner.</p> <p>The Department of Women should:</p> <ul style="list-style-type: none"> <li>• Develop and customize Annual Work Plans (AWP).</li> <li>• Capture targets/outputs in the Individual Work Plans for the effective measurement of the agency's or department's performance</li> </ul>
Non-establishment of the Executive Gender Management Team and National Advisory Committee since the adoption of the WPA in 2009.	The Department of Women through the EVAW Taskforce should establish the Executive Gender Management Team (EGMT) and the National Advisory Committee.
The EVAW Taskforce is the most active thematic desk in the Women's Plan of Action. However, there are weaknesses in relation to inclusivity, coordination, sustainability, and administration of the taskforce.	<p>The EVAW Taskforce should consider:</p> <ul style="list-style-type: none"> <li>• Faith-based organisations actively involved in the prevention of violence against women and girls through their missionary work as well as through their welfare and support.</li> <li>• Organisations that have been discussed and agreed upon to be part of the Taskforce should be done in a timely and consistent manner.</li> </ul>

FINDINGS	RECOMMENDATIONS
	<p>The EVAW Taskforce should ensure that:</p> <ul style="list-style-type: none"> <li>• Scheduled meetings are adhered to as captured in the Taskforce Terms of Reference.</li> <li>• Develop a Training register to capture an analysis of each stakeholder involved in the fight for EVAW.</li> <li>• List the training facilitators and the type of trainings they provide and the number of training already provided, dates and its facilitator.</li> <li>• All issues, recommendations, proposals, requests and suggestions are resolved and conducted accordingly in a timely manner.</li> </ul> <p>The EVAW Taskforce Secretariat should ensure that meeting minutes are properly signed and endorsed by the Chairperson, prior to circulation of the minutes to the members of the Taskforce.</p> <p>The Department of Women should ensure that:</p> <ul style="list-style-type: none"> <li>• All members of the EVAW Taskforce are present at the scheduled monthly meetings as per Terms of Reference.</li> <li>• A quorum is called before any meeting proceedings.</li> </ul>
<p>Management of Financial Resources is compromised by the absence of budget proposals and the non-maintenance of expenditure listings for the EVAW vote for the MWCPA.</p>	<p>The Department of Women should ensure that all Budget proposals are properly kept and maintained.</p> <p>The WPA desk officer should maintain an expenditure listing/ledger for the EVAW thematic area, and the remaining thematic areas for that matter.</p>
<p>Management of Human Resources is compromised by the increase in vacant positions at the MWCPA, Policy and Research unit not carrying out its intended purpose and absence and unsigned Individual Work Plans. On the other hand, even though the Fiji Police Force has had increased percentage composition of women from 2014 to 2017, women still make up a small percentage of the Fiji Police Force work force. Even so, women in prominent positions within Fiji Police Force is still very low.</p>	<p>The DoW to ensure that:</p> <ul style="list-style-type: none"> <li>• All vacant positions are filled with the appropriate candidate as soon as practicable.</li> <li>• Strengthen the Policy and Research Unit.</li> <li>• Properly demarcate work, so that research work is separate and distinct from the monitoring and evaluation function of the Department.</li> <li>• IWP's for all substantive post holders are properly developed and signed by the</li> </ul>



FINDINGS	RECOMMENDATIONS
	incumbent as well as their immediate supervisors.
<b>Implementation and Monitoring of Activities on Elimination of Violence against Women</b>	
<p>The percentage of female victims of sexual offenses compared to male victims has been consistently rising between 2014 and 2017.</p> <p>The most alarming fact is that the largest number victims of rape, abduction of persons under 18 years of age and indecent assault were minor girls.</p> <p>The number of cases recorded for indecently insulting or annoying any person from 2014 to 2017 decreased by 80 %. However, the maximum number (85%) for the said crime were women.</p> <p>The number of violence cases reported to Fiji Police Force is low compared to other agencies that collect the same data on violence against women.</p>	<p>Fiji Police Force should ensure adequate police manpower to effectively control the increasing incidents of crime including crime against women.</p> <p>Fiji Police Force should strengthen the method of conducting community's awareness regarding incidents of violence against women.</p>
<p>Review of the National Domestic Violence Helpline Statistics and Challenges report compiled by Fiji Women's Crisis Centre noted that there is a lack of urgency by relevant stakeholders in responding to domestic violence incidents.</p> <p>Several instances were noted where reports were not submitted by FWCC to Ministry of Women, Children and Poverty Alleviation. The inconsistent reporting by the Fiji Women Crisis Centre indicates poor monitoring and reviewing of projects by the Ministry of Women, Children and Poverty Alleviation. As a result, we could not substantiate whether the referral calls have been progressively improved.</p> <p>Review of documents pertaining to the project on National Domestic Violence Helpline noted that the frequency of reporting made by FWCC was not aligned with the reporting period as specified in the Grant Agreement. FWCC submitted reports on a monthly basis whereas the Grant Agreement specified a quarterly reporting system.</p>	<p>Fiji Police Force should identify gaps on the legislations relating to domestic violence and consult lead agency on the gaps between the actual work against domestic violence framework.</p> <p>The Department of Women should ensure proper maintenance and up keep of records pertaining violence against women.</p> <p>The Ministry of Women, Children &amp; Poverty Alleviation and Fiji Women's Crisis Centre should ensure honouring stipulations (paragraph 5.7, paragraph 5.9, paragraph 5.21, and paragraph 8.2) in the Grant Agreement.</p>

FINDINGS	RECOMMENDATIONS
<p>The assessment of the Relevance, Efficiency, Effectiveness, Inclusiveness and sustainability of the Department of Women's Zero Tolerance Violence Free Community were noted through the delays in hiring external evaluator to undertake the evaluation of ZTVFC project.</p> <p>The Ministry did not review the SOP (Standard Operating Procedures) to assess the effectiveness of accountability of records pertaining to each phases of the Zero Tolerance Violence Free Community Projects. As a result, records pertaining to the identifications, commitment and declaration phases of each project engaged with ZTVFC were generally lacking with the Ministry of Women, Children &amp; Poverty Alleviation.</p>	<p>The Ministry of Women, Children &amp; Poverty Alleviation should strengthened its internal processes and ensure proper maintenance and up keep of records pertaining to violence against women-</p> <p>The Ministry of Women, Children &amp; Poverty Alleviation in collaboration with relevant stakeholders should ensure that SOPs are reviewed from time to time.</p>
<p>The Memorandum of Understanding (MOU) between the MWCPA and Fiji Police Force expired in December 2018 and is yet to be renewed.</p>	<p>The Ministry of Women, Children &amp; Poverty Alleviation must carry out review of the MOU between Fiji Police Force.</p> <p>The review process must identify the gaps between operational work against the MOU between the Fiji Police Force.</p>
<p style="text-align: center;"><b>Performance Review and Reporting of the Activities on the EVAW</b></p>	
<p>DoW is yet to develop a comprehensive annual monitoring and evaluation plan for monitoring the impact of EVAW programs. The amount budgeted for the implementation of the WPA for the years 2014 to 2016/2017 were not fully utilized which resulted in a savings amounting to \$858, 634.56. Such savings could have been used for improving the monitoring process.</p>	<p>The Department of Women should appropriately plan and budget the monitoring and evaluation activities for the EVAW thematic area as well as the other thematic areas.</p>
<p>The establishment of the monitoring framework which include the Ministry for Women Executive Team &amp; National Women's Advisory Council did not eventuate. However, the DoW has established a draft monitoring and evaluation framework which is now strengthened through the Annual Planning Process (i.e. through the Costed operational Plan and Strategic Plan).</p>	<p>The Department of Women should ensure that a monitoring and evaluation framework is developed to guide staff in actually carrying out the monitoring and evaluation activity.</p>
<p>Delays in the preparation and submission of the Fiji State Reports to the CEDAW Committee.</p>	<p>The Department of Women should ensure that timelines set by the CEDAW Committee is adhered to.</p>

FINDINGS	RECOMMENDATIONS
Collaboration between Government and NGO's on issues regarding violence against women can be strengthened.	The Department of Women should strengthen collaboration with NGO's on issues regarding VAW.
While we acknowledge the efforts of both lead agencies in publishing their annual reports, the MWCPA Annual reports for 2014, 2015 and January to July 2016 were submitted to the cabinet office in May 2018 which is contrary to the legislative timeframe stipulated in Section 69 of the Finance Instructions 2010.	The Ministry of Women Children and Poverty Alleviation should ensure that Annual Reports are prepared and submitted to its Minister according to the timeline specified in section 69 of the Finance Instructions

## Conclusion

The Women's Plan of Action that address the thematic area on the Elimination of Violence against Women has been generally implemented. However, there are challenges faced with the legislations, its enforcement and use by victims of violence. There is a need to review the policies on violence against women. In addition, coordination and monitoring amongst key stakeholders can be further strengthened. There are also opportunities to improve with regards to aligning to international and regional plans of action, institutional arrangements and resource management.

The process of implementing the framework have been administered and managed appropriately. However, there were processes that were not in accordance with the relevant guidance materials pertaining to the reduction of crime against Women in Fiji.

The monitoring and reporting arrangements of the lead agencies can also be improved.

## 1.0 INTRODUCTION

This report provides an assessment of the efficiency and effectiveness of Ministry of Women and relevant stakeholders in administering the action plan on elimination of violence against women as area of concerns identified in the WPA

The focus of our assessment was on the coordination of action by the Department of Women in conjunction with relevant stakeholders on EVAW.

### 1.1 Background

1.1.1 The Ministry of Women, Children & Poverty Alleviation exist to care for the disadvantaged, children, people with disabilities and women. The Ministry of Women, Children & Poverty Alleviation is administered by the Minister for Women, Children & Poverty Alleviation and Permanent Secretary for Women, Children & Poverty Alleviation. It is the government agency that administers services and programs aligned to the:

- i. Care and protection of children
- ii. Provision of income support to families to address poverty
- iii. Provision of policy intervention for older person
- iv. Provision of policy intervention for persons with disabilities; and
- v. Promotion of gender equality and the empowerment of women
- vi. Monitor, evaluate and report on the progress and impact of the Integrated National Poverty Eradication Program (INPEP).<sup>1</sup>

1.1.2 The Ministry of Women, Children & Poverty Alleviation is divided in to three major division – Corporate, Department of Women and Department of Social Welfare. Department of Women is responsible for policy advice on issues pertaining to the empowerment of women and the achievement of gender equality. The Department align its programs and services to both national and international instruments which includes the:

- i. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1995
- ii. Beijing Platform for Action 1995
- iii. Revised Pacific Platform for Action: 2005 -2015
- iv. Roadmap for Democracy, Sustainable Socio – Economic Development: 2009 – 2014
- v. National Women’s Plan of Action (NWP): 2010 – 2019. <sup>2</sup>

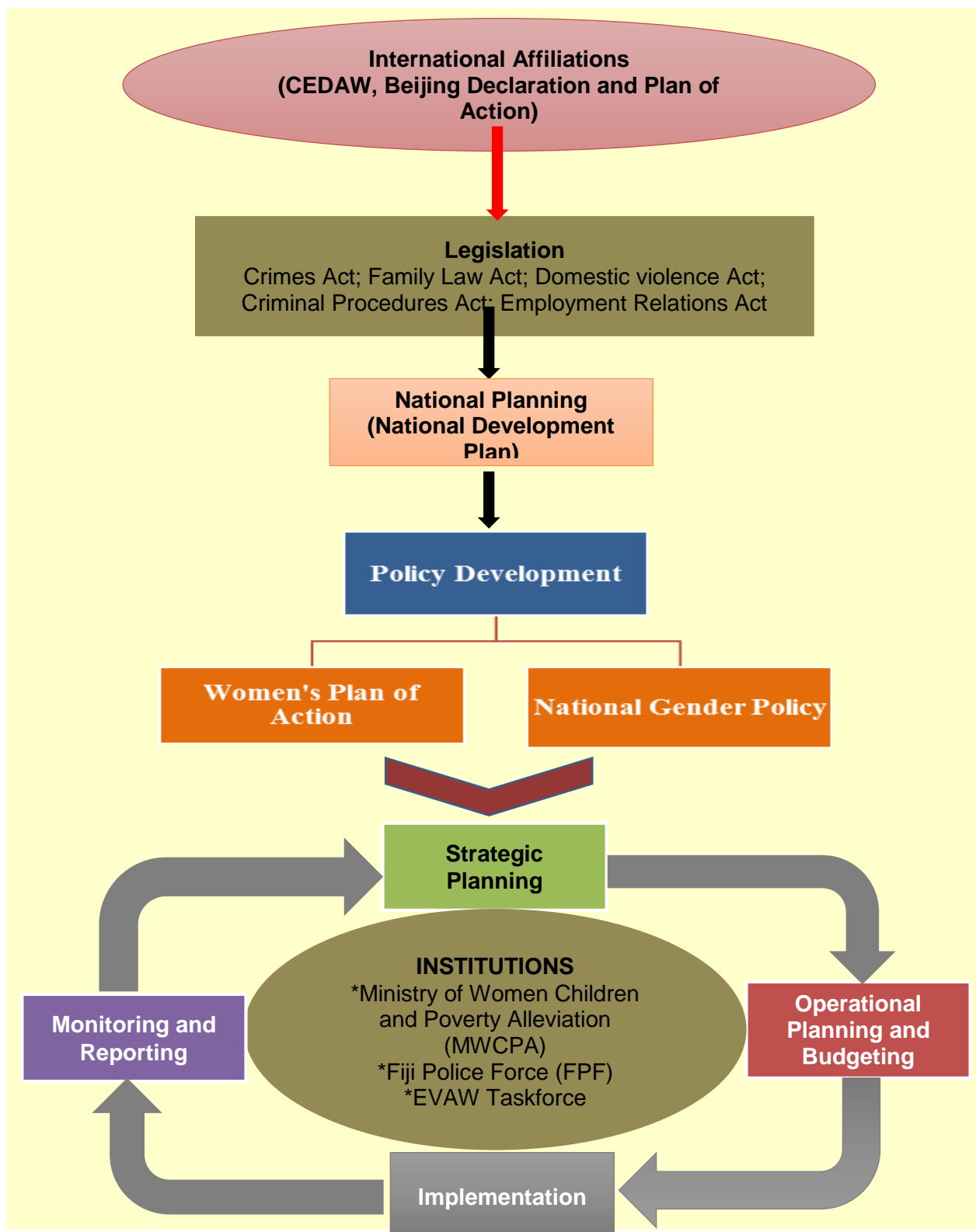
1.1.3 The WPA (2010 – 2019) has five priority areas for the development and advancement of women in Fiji. The areas of concern are formal sector employment and livelihood, equal participation in decision making, EVAW, access to services and women and the law.

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<sup>1</sup> Ministry of Women, Children & Poverty Alleviation, Annual Corporate Plan 2015, p.6

<sup>2</sup> Ministry of Women, Children & Poverty Alleviation, Annual Report 2013, p.30

## 1.2 Institutional Framework for Elimination of Violence against Women



### 1.3 Reasons for the audit

- 1.3.1 Gender inequality is one of the major social issue in the world especially in developing countries like Fiji where violence against women continue to increase over the years. This is evidenced by the daily media reports and other NGO's research papers and thus needs to be addressed at all levels.
- 1.3.2 Gender Equality and Women Development is one of the priority outcome of the State. This is embedded in the new National Development Plan, Roadmap for Democracy and Sustainable Socio-Economic Development 2010-2014 (RDSSSED), the 2013 Constitution including the National Strategic Human Resource Plan 2011 to 2015 (NSHRP).<sup>3</sup> Hence, the Ministry of Women, Children & Poverty Alleviation's outputs as per Annual Corporate Plan is aligned with the State priorities.
- 1.3.3 Fiji made its commitment in the Beijing Platform for Action 1995 which address the objectives of the empowerment of all women. The implementation of this platform is the sovereign responsibility of each State. This is resulted in the implementation of the first Fiji Women's Plan of Action (1999 – 2008) which served as a blueprint to integrate women and gender concerns and promote gender equity in the development process.<sup>4</sup>
- 1.3.4 As in most developed countries, women and children are the most vulnerable in Fiji, where women comprise 90% of victims of gender based violence. Because of the emerging issues on violence against women, the second Women's Plan of Action (2010-2019) was formulated in collaboration with development partners and community based organizations in 2009. There are five thematic areas that were addressed under the second WPA of which Elimination of Violence against Women is one of the concerns in Fiji's WPA.<sup>5</sup>
- 1.3.5 Thus sufficient time has lapsed to enable an assessment of the effectiveness of implementation of the activities identified in the WPA particularly on elimination of violence against women and the co-ordinated effort amongst the Ministry and the various stakeholders to ensure achievement of government's intended outcomes of eliminating violence against women.
- 1.3.6 The National Research on Women's Health and Life Experiences in Fiji (2010/2011) conducted by FWCC revealed that Fiji has the 4th highest prevalence of physical and or sexual partner violence over a woman's lifetime, compared with 20 countries that have used WHO research methodology.<sup>6</sup> The report also revealed that the combined prevalence of non-partner and intimate partner violence in Fiji (71%) is double the global estimate of 35.6%.<sup>7</sup>

<sup>3</sup> Ministry of Women, Children & Poverty Alleviation, Annual Corporate Plan, 2016, p.9

<sup>4</sup> Ministry for Social Welfare, Women & Poverty Alleviation, Women's Plan of Action (2010 – 2019), p.3

<sup>5</sup> Ministry for Social Welfare, Women & Poverty Alleviation, Women's Plan of Action (2010 – 2019), p.5

<sup>6</sup> Somebody's Life, Everybody's Business, FWCC National Research on Women's Health and Life Experiences in Fiji (2010/2011): A survey exploring the prevalence, incidence and attitudes to intimate partner violence in Fiji, Chapter 12, and p.137.

<sup>7</sup> Somebody's Life, Everybody's Business, FWCC National Research on Women's Health and Life Experiences in Fiji (2010/2011): A survey exploring the prevalence, incidence and attitudes to intimate partner violence in Fiji, Chapter 12, p.70

## 2.0 AUDIT OBJECTIVE, SCOPE AND METHODOLOGY

### 2.1 The purpose of our audit

- 2.1.1 The overall objective of the audit is to assess whether the implementation of Women's Plan of Action (WPA) in particular with area on Elimination of Violence against Women is effective by examining:
- the existing legal and policy framework (i.e. arrangements in place) aimed at eliminating violence against women and children within the Ministry of Women and with its stakeholders;
  - the process by which the framework has been implemented; and
  - The monitoring and reporting arrangements over the implementation of the framework and whether improvements can be demonstrated.

### 2.2 What we audited

- 2.2.1 We examined the existing legal and policy framework, records of activities, monitoring and reporting arrangements undertaken towards the elimination of violence against women by the Ministry of Women, Children & Poverty Alleviation in coordination with its stakeholders for the years 2014 to 2017 in Fiji.

### 2.3 How we audited

- 2.3.1 Our audit was conducted using the following evidence gathering techniques:

#### 1. Documentary Review

Reviews of documentary evidence was conducted. The documents reviewed are listed in Section 10.0 of this report.

#### 2. Interviews

Interviews were carried out with the officers listed in Table 2.1 below

Table 2.1: Details of interviews conducted

Unit	Officer
Department of Women	Acting Principal Research Officer
Department of Women	Senior Women Interest Officer (WPA)
Department of Women	Senior Women Interest Officer (Livelihood)
Department of Women	Senior Women Interest Officer (Research and Women & the Law)
Fiji Police Force – Planning Unit	Senior Research Officer
Fiji Police Force – Planning Unit	Director Planning
Fiji Women Crisis Centre	Coordinator

### 3. Analysis

Data extracted from the Fiji Police Force Crime Statistics Annual Report was also analyzed.



### 3.0 LEGISLATIVE & REGULATORY ENVIRONMENT, MULTI-SECTORAL COORDINATION & RESOURCING

- 3.0.1 The United Nations General Assembly adopted the Declaration on the Elimination of Violence against Women (DEVAW) in 1993.<sup>8</sup> The DEVAW is not a convention or treaty, therefore it is not legally binding. However, it covers issues related to VAW at a global scale and provides a strong statement of principle to the universal community.<sup>9</sup> The DEVAW sets out a clear definition of what VAW is and a set of provisions presented through six different articles that State parties are committed to upholding. According to the DEVAW definition, gender-based violence includes a host of harmful behaviors directed at women and girls because of their sex, including wife abuse, sexual assault, dowry related murder, marital rape, selective malnourishment of female children, forced prostitution, female genital mutilation, and sexual abuse of female children.<sup>10</sup> See Exhibit 3.1 for the complete definition.

#### Exhibit 3.1: United Nations Definition of Violence against Women

The term “violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Accordingly, violence against women encompasses but is not limited to the following:

- a. Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- b. Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- c. Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Source: United Nations General Assembly Declaration on the Elimination of Violence against Women, 1993. Articles 1 & 2

- 3.0.2 The 2013 Constitution of the Republic of Fiji recognizes through Section 26 *Rights to Equality and Freedom from Discrimination*, government’s commitments to gender equality. In particular, it prohibits discrimination against, directly or indirectly on the grounds of a persons, amongst others, “*actual or supposed personal characteristics or circumstances, including race, culture, ethnic, or social origin, color, place of origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy*”.<sup>11</sup> In addition, there are several legislations, policies and procedures that support non-discrimination and women’s rights to equality.
- 3.0.3 The Government has made a number of international and regional commitments for gender equality such as the:

- I. Convention on Elimination of all forms of Discrimination against Women (CEDAW);

<sup>8</sup>The Advocates for Human Rights website, Stop Violence against Women, also available at: <http://www.stopvaw.org/devaw>.

<sup>9</sup>The Advocates for Human Rights website, Stop Violence against Women, also available at: <http://www.stopvaw.org/devaw>.

<sup>10</sup>Researching Violence against Women: A Practical Guide for Researchers and Activists. Washington DC, United States: World Health Organization, PATH; Ellsberg M, and Heise L., 2005, paragraph 2, p.11.

<sup>11</sup>Fiji 2013 Constitution, Section 26 (3 (a))



- II. Beijing Platform for Action (BPA);
- III. Millennium Development Goals (MDG's) and now the Sustainable Development Goals (SDG's); and
- IV. Revised Pacific Platform of Action (RPPA).

These international and regional conventions and agreements for gender equality set the norms and standards that a country must strive to achieve. These conventions provide both guidance on women's human rights and rationales for development goals. They enable dialogue between development partners and provide guidelines for strategic planning, policy making, monitoring and evaluation.

- 3.0.4 In order to fulfil its obligations to international and regional commitments, Government has developed a Women's Plan of Action (WPA).<sup>12</sup>
- 3.0.5 We noted from our audit that since the ratification of the Convention on Elimination of All forms of Discrimination against women (CEDAW) and Fiji's commitments in Beijing during the World Conference on Women in 1995, the Department of Women (DoW) has been the primary advisor to Government on public policies that affect women and the key catalyst for the implementation of the WPA. Moreover, institutional arrangements between and amongst government offices have also been formulated to co-ordinate and monitor efforts to prevent violence against women in the country and change social norms and behavior.
- 3.0.6 The implementation of the WPA requires both financial and human resources. However, like all government projects, the limited resources of government will always be a challenge; therefore, the participation and contribution of Development Partners through technical assistance and financial support is not only important but imperative.<sup>13</sup>

### 3.1 Governing Laws, Policies and Procedures

- 3.1.1 Legislation is one of the most important instruments of government in organizing society and protecting citizens. It determines, amongst others, the rights and responsibilities of individuals and authorities to whom the legislation applies.<sup>14</sup>
- 3.1.2 Policies are principles, rules, and guidelines formulated or adopted by an organization to reach its long-term goals.<sup>15</sup>
- 3.1.3 On the other hand, procedures are the specific methods employed to express policies in action in day-to-day operations of the organization.<sup>16</sup>

<sup>12</sup>Women's Plan of Action 2010-2019 – paragraph 3, p.5.

<sup>13</sup> Women's Plan of Action 2010-2019 – paragraph 5, p.19.

<sup>14</sup>Best practice – Importance of Legislation, Auditing SA, Professor Herman de Jager, also available online at: [https://repository.up.ac.za/bitstream/handle/2263/14758/DeJager\\_Importance%282000%29.pdf?sequence=1&isAllowed=y](https://repository.up.ac.za/bitstream/handle/2263/14758/DeJager_Importance%282000%29.pdf?sequence=1&isAllowed=y).

<sup>15</sup>Best Practice – Business Dictionary, also available online at: <http://www.businessdictionary.com/definition/policies-and-procedures.html>

<sup>16</sup> Best Practice = Business Dictionary, also available online at: <http://www.businessdictionary.com/definition/policies-and-procedures.html>

- 3.1.4 Policies and procedures are designed to influence and determine all major decisions and actions, and all activities take place within the boundaries set by them. Together, they ensure that a point of view held by the governing body of an organization is translated into steps that result in an outcome compatible with that view.<sup>17</sup>
- 3.1.5 The following paragraphs discuss the issues regarding the governing laws, policies and procedures relating to ending violence against women.

### 3.1.1 Legal Frameworks for EVAW

- 3.1.1.1 Governments should enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society.<sup>18</sup>
- 3.1.1.2 Governments should periodically review and analyze legislation to determine its effectiveness in eliminating violence against women.<sup>19</sup>
- 3.1.1.3 The legislative environment related to violence against women in Fiji is positive and there are a number of laws that have potential to end violence against women, including amongst others, the Family Law Act 2003 and the Domestic Violence Act 2009<sup>20</sup> as shown in Table 3.1 below.

Table 3.1: Legislation Related to Violence against Women

Legislation	Aspects linked to Elimination of Violence against women
Family Law Act 2003	Covers marriage, divorce, maintenance, and custody and includes provision of injunctions for personal protection. Also recognises, the roles of both partners in a marriage and provides protection in the interests of children.
Domestic Violence Act 2009	Provides expanded authority to police to investigate and prosecute cases of domestic violence. Includes provisions that make it possible for victims to obtain domestic violence restraining orders against attackers.
Crimes Act 2009	Improved definitions of sexual assault, rape, and other crimes of violence against women. Also, includes offences related to trafficking in women and children with increased penalties.
Family Law Amendment Act 2012	Recognises de facto couples.
Criminal Procedures Act 2009	No corroboration required in sexual offence cases (s129) No evidence of past sexual history permissible (s130)
Employment Relations Promulgation 2007	Institute employer liability if they fail to prevent sexual harassment in the workplace.

- 3.1.1.4 Despite these constitutional provisions and the enactment of various legislations to try and address the issue of gender-based violence, and though there are some progressive elements to the legislations, there are challenges in the legislation and with its

<sup>17</sup>Best Practice = Business Dictionary, also available online at:

<http://www.businessdictionary.com/definition/policies-and-procedures.html>

<sup>18</sup> Beijing Declaration and Platform for Action 1995 Strategic objective D1, paragraph 124 (c), p.51.

<sup>19</sup> Beijing Declaration and Platform for Action 1995 Strategic objective D1, paragraph 124 (c), p.51.

<sup>20</sup> Fiji Country Gender Assessment, 2015, Section 7.2, p.75.

implementation where discrimination can be perceived to persist and may have an impact on gender equality.<sup>21</sup> Examples of challenges in legislation are noted in **Appendix 1**.

- 3.1.1.5 The above argument is consistent with the evidence presented in the Fiji Women's Crisis Centre, *Somebody's Life, Everybody's Business*, National Research on Women's Health and Life Experiences in Fiji (2010/2011) (FWCC National Survey). The survey presented that 64% of Fijian women who have ever been in an intimate relationship experienced physical and/or sexual violence or both by a husband or intimate partner in their lifetime, and 24% are suffering from physical or sexual partner violence today (i.e. at the time of the survey); while 58% experience emotional violence in their lifetime and 29% in the last 12 months (i.e. at the time of the survey).<sup>22</sup> According to the survey, this rate of violence against women and girls are among the very highest in the world.<sup>23</sup>
- 3.1.1.6 To gain a better understanding of the challenges in effecting legislation addressed at eliminating violence against women, we conducted documentary reviews and interviews. From this exercise, we were able to determine the causes of these challenges which have been classified into three main categories:
- I. Legislations are gender neutral whereby victims of gender-based violence can be disadvantaged;
  - II. Problems at the implementation level; and
  - III. Use of legislations by women themselves is low.

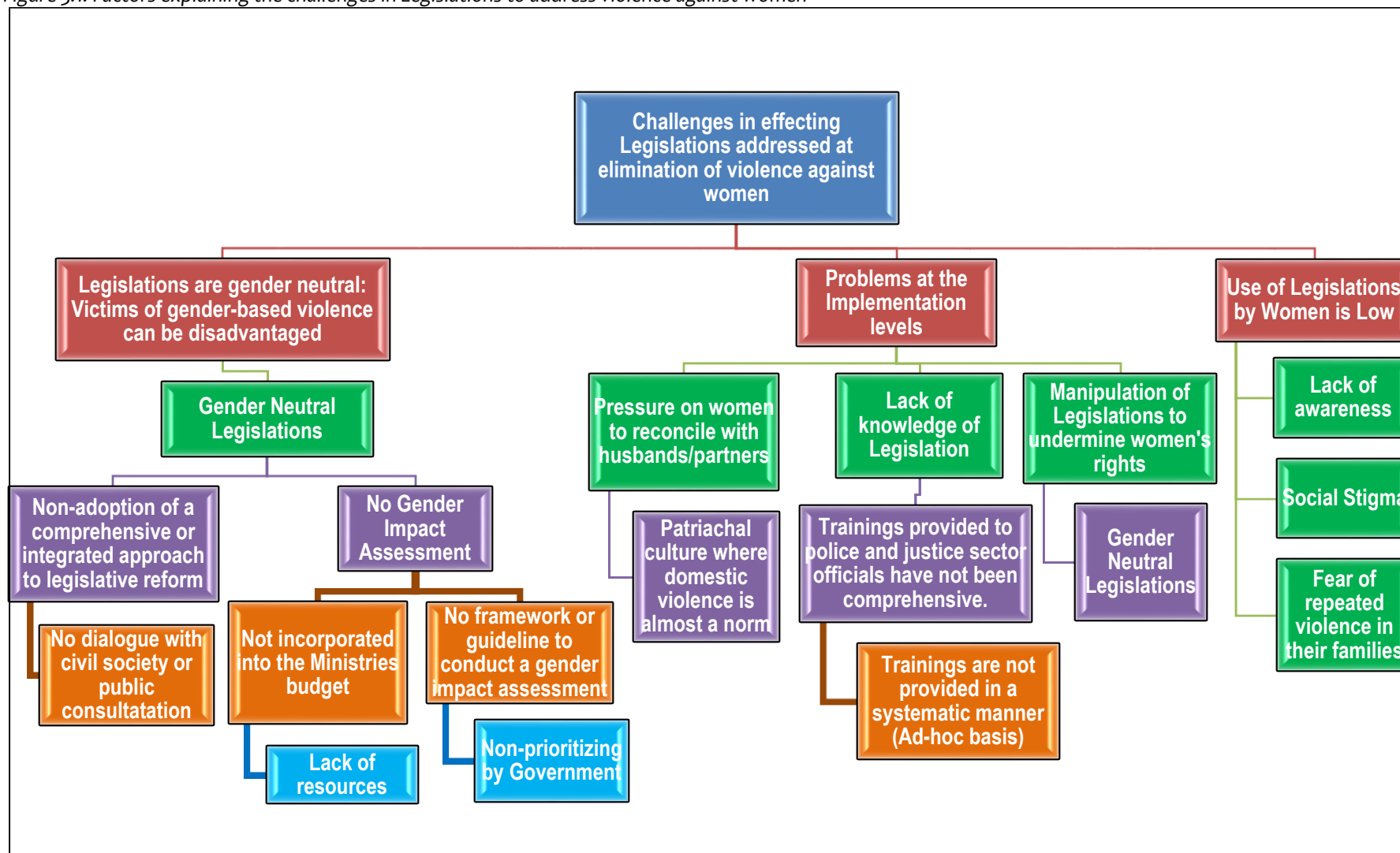
Figure 3.1 is a problem tree capturing the challenges in effecting legislations addressing violence against women. The root causes for each challenge/problem is revealed as one goes down the problem tree.

<sup>21</sup> 2016 Shadow NGO Report on Fiji's Fifth State periodic report to the CEDAW Committee, and the 2017 Concluding Observations Report of the CEDAW Committee, Article 1, Subsection 2, p.2.

<sup>22</sup> Fiji Women's Crisis Centre. 2013. *Somebody's Life, Everybody's Business! National Research on Women's Health and Life Experiences in Fiji (2010/2011)*, Chapter 13, Section 13.1, paragraph 3, p.146.

<sup>23</sup> Fiji Women's Crisis Centre. 2013. *Somebody's Life, Everybody's Business! National Research on Women's Health and Life Experiences in Fiji (2010/2011)*, Chapter 13, Section 13.1, paragraph 3, p.146.

Figure 3.1: Factors explaining the challenges in Legislations to address violence against women



Source: FWCC National Survey, 2015 ADB Gender Assessment and Discussions with FWCC Coordinator

The following paragraphs detail the root-cause for each problem.

### 3.1.1.1 Gender neutral legislation

- 3.1.1.1.1 We gathered that one of the challenges in effecting legislation is due to its gender neutral nature.
- 3.1.1.1.2 Gender Neutrality or Blindness refers to the inability to perceive that there are different gender based expectations and responsibilities and, consequently, the failure to realise that policies, programmes and projects may have different impact on women and men.<sup>24</sup>
- 3.1.1.1.3 The issue of gender neutral legislation was also explained by the Fiji Women's Crisis Centre (FWCC) Coordinator in discussions during audit. According to the Coordinator, most survey findings show that women are usually the victims of violence whether, domestic, sexual or physical. There is usually just a small percentage of violence that may have been caused by women but these are almost always negligible.<sup>25</sup>
- 3.1.1.1.4 Documentary review noted that gender neutral legislation ensure that both men and women have equal rights under the law.<sup>26</sup> While, in general circumstances, this is argued to be a step in the right direction, however, in terms of gender-based violence, in some cases, women and girls are further victimised as the law has enabled perpetrators and others to cause more suffering to vulnerable women.<sup>27</sup> The issue has been common with relations to DVRO cases. Perpetrators of violence have been able to obtain DVRO restrictions against women who are victims of gender based violence. See exhibit 3.2 for an example from the FWCC case files.

#### Exhibit 3.2: Case Files

##### Case No. 1

Station: YYY Magistrate's Court

Date: 11 May 2017

**Details:** Victim's husband applied for DVRO and the court had granted orders in favour of the husband to remove constructed and unconstructed material. This left the victim with no home to live in even though it was a matrimonial property. The order was given in the victim's absence.

**Source:** Case files obtained from FWCC on 18/04/2018.

- 3.1.1.1.5 According to the FWCC National survey, the enacted Acts have improved the legal framework for criminalising and prosecuting cases of sexual and domestic violence.<sup>28</sup> However, as mentioned above, the gender neutral legislation have had some negative impacts on the vulnerable, poor and victimised women.

<sup>24</sup> Fiji National Gender Policy, 2013, paragraph 4.10, p.9.

<sup>25</sup> Interview date: 30 January 2018 at FWCC Headquarters, Suva.

<sup>26</sup> Fiji Women's Crisis Centre. 2013. Somebody's Life, Everybody's Business! National Research on Women's Health and Life Experiences in Fiji (2010/2011), Chapter 1, Section 1.3.2, paragraph 3, p.17.

<sup>27</sup> Fiji Women's Crisis Centre. 2013. Somebody's Life, Everybody's Business! National Research on Women's Health and Life Experiences in Fiji (2010/2011), Chapter 1, Section 1.3.2, paragraph 3, p.17.

<sup>28</sup> Fiji Women's Crisis Centre. 2013. Somebody's Life, Everybody's Business! National Research on Women's Health and Life Experiences in Fiji (2010/2011), Chapter 1, Section 1.3.2, paragraph 5, p.16.

3.1.1.1.6 The issues with gender neutrality is attributed to non-adoption of comprehensive or integrated approach to legislative reform in the area of violence against women<sup>29</sup> and non-conduct of Gender-Impact Assessment. The following paragraphs elaborates on these root causes.

**3.1.1.1.7 Non-adoption of comprehensive or integrated approach to legislative reform in the area of violence against women.**

3.1.1.1.7.1 Interventions to prevent and respond to the issue of violence against women must take place at multiple levels, as violence against women is multi-causal and multidimensional.<sup>30</sup> One strategic tool is through legislative reform. Therefore, in order to achieve effective legislative reform, the need to adopt a comprehensive or integrated approach is vital.

3.1.1.1.7.2 According to the FWCC national survey, despite the changes to law, Fiji has not adopted a comprehensive or integrated approach to legislative reform in the area of violence against women.<sup>31</sup>

This issue is evident in other countries in the Pacific region like Vanuatu, Samoa, Cook Islands, Solomon Islands and Federated States of Micronesia (FSM) where legislation and policies to eliminate VAW have been advanced successfully, though typically through a piecemeal rather than a comprehensive approach<sup>32</sup> because the changes do not address the full range of gender-based violence or the underlying systematic discrimination against women.<sup>33</sup>

3.1.1.1.7.3 We also noted that the absence of an integrated and comprehensive approach to legislative reform was highlighted in the Fiji NGO Coalition on CEDAW Parallel Report submitted to the UN CEDAW Committee, in consideration of the Fifth Periodic report of Fiji. It presented that even though the Government has taken steps through the introduction of the various legislations, gender neutral legislations and policies can have negative impacts on vulnerable and poor victims of domestic violence, in most cases are women and girls.<sup>34</sup> Examples of challenges with the legislation are noted in **Appendix 1.**

3.1.1.1.7.4 FWCC Coordinator noted that the laws exist but it is gender neutral, therefore, it does not recognise the gender nature of domestic violence where it is mostly men that beat up women.

<sup>29</sup> Fiji Women's Crisis Centre. 2013. Somebody's Life, Everybody's Business! National Research on Women's Health and Life Experiences in Fiji (2010/2011), Chapter 1, Section 1.3.2, paragraph 1, p.17.

<sup>30</sup>Violence against Women in Melanesia and Timor-Leste: Progress made since the 2008 Office of Development Effectiveness report. Ellsberg, Mary, Brian Heilman, Sophie Namy, Manuel Contreras and Robin Hayes. 2011, International Center for Research on Women and AusAID. Canberra, p.2.

<sup>31</sup>Fiji Women's Crisis Centre. 2013. Somebody's Life, Everybody's Business! National Research on Women's Health and Life Experiences in Fiji (2010/2011), Chapter 1, Section 1.3.2, paragraph.1, p. 17.

<sup>32</sup> Secretariat of the Pacific Community (SPC). 2010a. Beijing + 15: Review of progress in implementing the Beijing Platform for Action in Pacific Island countries and territories. Noumea, paragraph 3.4.7, p.63.

<sup>33</sup> Fiji Women's Crisis Centre. 2013. Somebody's Life, Everybody's Business! National Research on Women's Health and Life Experiences in Fiji (2010/2011), Chapter 1, Section 1.3.2, paragraph.1, p. 17.

<sup>34</sup>Shadow NGO Report on Fiji's Fifth State periodic report to the CEDAW Committee 2016, and the 2017 Concluding Observations Report of the CEDAW Committee, Article 1, Paragraph 2, p.1.



**Exhibit 3.3** Legislations do not recognise the Gender Nature of Domestic Violence

“Nearly all surveys show this fact, whether we look at the FWCC national survey, records from social welfare, cases from the courts or even from Police statistics in that most of these violence is gendered (men against women, girls and children).....there would be a very tiny percentage where women might have caused the violence but it is often almost negligible.....Laws do not recognise that most violence cases are caused by men against women.....”

Source: Shamima Ali, FWCC Coordinator – Interview dated 30 January 2018

- 3.1.1.1.7.5 Moreover, absence of adopting a comprehensive or integrated approach to legislative reform is caused by the limited dialogue with civil society or public consultation. Research findings have noted that public consultation and support were not part of the Fiji’s legislative process nor has dialogue or cooperation been sought from civil society for implementation.<sup>35</sup>
- 3.1.1.1.7.6 In turn, as mentioned in the NGO coalition report to the CEDAW committee, failure to seek dialogue and cooperation from civil societies, would result in significant policy and implementation gaps that have negatively impacted women and girls.

The Department of Women while agreeing to the audit findings and recommendations<sup>36</sup> has indicated that as part of their current processes, they have started having consultation and dialogue with CSO’s and NGO’s. The Department has also added that our audit should also consider the work of the Interagency Taskforce as they have representatives of Government, NGO’s and development partners and also there has been a Ministerial Forum established where they bring in NGO’s, CSO’s and faith based organizations etc.

In terms of reviewing legislation that address Violence against Women (VAW), the Department of Women has agreed that this process has not been done. However they do not necessarily agree on the findings that consultations between the Ministries and the NGO’s and CSO’s have not been carried out at all and mentioned four instances where dialogue between CSO’s, NGO’s and Women’s Rights organizations have eventuated:

- Formulation of Service Delivery Protocol (SDP) in 2016;
- Preparation of the 5th state CEDAW report;
- Preparation for the Beijing Platform for Action +25 which is still yet to be published;
- Amendments of the Family Law Act 2012 to include victims in de-facto relationships.

The Department of Women further highlighted that there are plans in the NDP that captures specific legislations that needs to be reviewed.

<sup>35</sup>Violence against Women in Melanesia and Timor-Leste: Progress made since the 2008 Office of Development Effectiveness report. Ellsberg, Mary, Brian Heilman, Sophie Namy, Manuel Contreras and Robin Hayes, International Center for Research on Women and AusAID, Canberra, 2011, paragraph 2, .p. 21.

<sup>36</sup>Post exit meeting dated discussions dated 10th June, 2019.

## Recommendation

1. The Department of Women should ensure that dialogue with Civil Society Organisations, NGO's and Women Rights Organisations is strengthened to ensure that legislative reform is conducted in a more integrated and comprehensive manner.

### 3.1.1.1.8 Non-conduct of Gender Impact Assessment

- 3.1.1.1.8.1 Gender Impact Assessment (GIA) refers to an ex-ante evaluation, analysis or assessment of a law, policy or programme that makes it possible to identify, in a preventative way, the likelihood of a given decision having negative consequences for the state of equality between women and men. The main aim of conducting gender impact assessments is to improve the design and the planning of the policy under consideration, in order to prevent a negative impact on gender equality and to strengthen gender equality through better designed, transformative legislation and policies.<sup>37</sup>
- 3.1.1.1.8.2 The purpose of the GIA include:
  - reduce unintended negative consequences for either gender;
  - promote equality (opportunity and outcomes);
  - eliminate existing inequalities; and
  - Include views of different groups of w/m when formulating policies and programmes.<sup>38</sup>
- 3.1.1.1.8.3 In addressing violence against women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programs so that before decisions are taken, an analysis may be made of their effects on women and men respectively.<sup>39</sup>
- 3.1.1.1.8.4 Ensure a regular analysis of the impact of legislation and national policies on women, including the way in which particular laws are being implemented by government and law enforcement agencies, and ensuring that all legislation is gender inclusive.<sup>40</sup>
- 3.1.1.1.8.5 The process of GIA involve the steps outlined in Figure 3.2 below.

<sup>37</sup>European Institute for Gender Equality website, What is Gender Impact Assessment, also available online at: <http://eige.europa.eu/gender-mainstreaming/toolkits/gender-impact-assessment/what-gender-impact-assessment>.

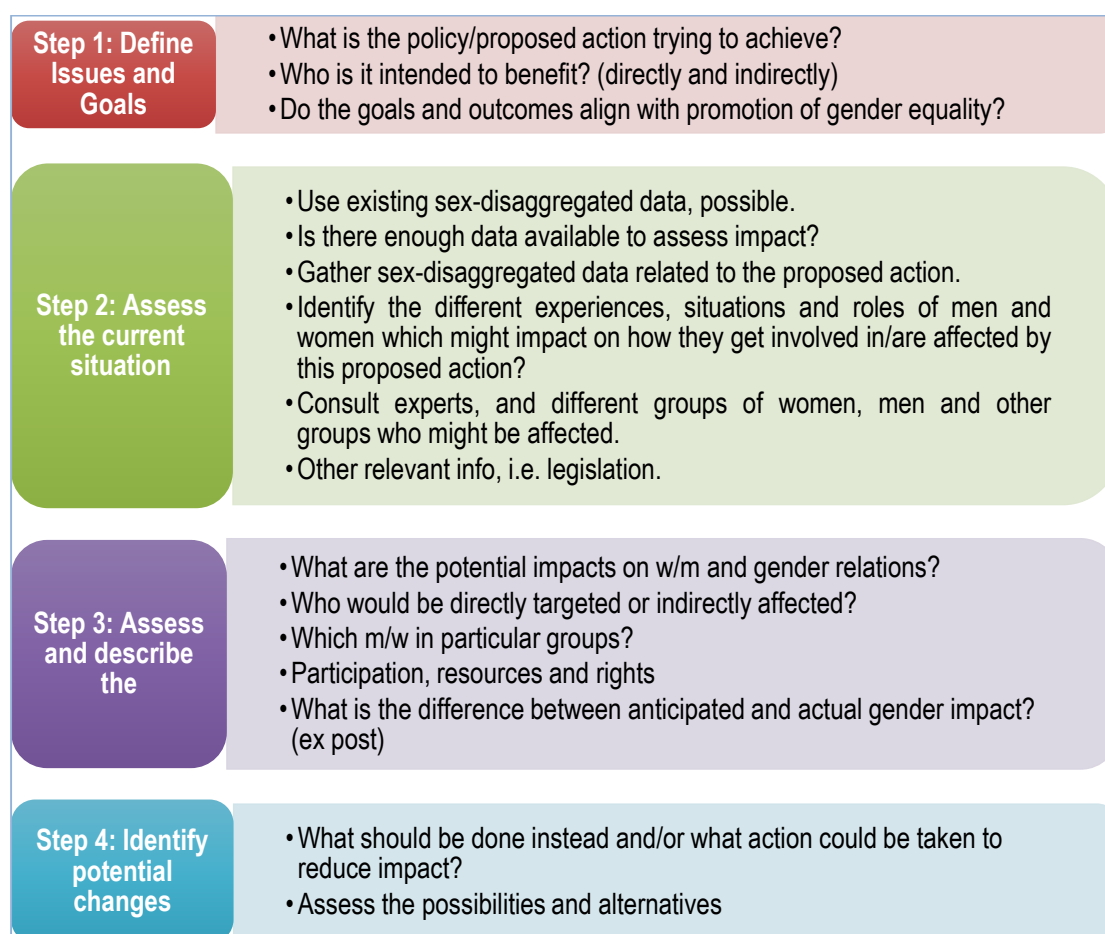
<sup>38</sup>Accessed online on: [http://oasis.col.org/bitstream/handle/11599/1745/2015\\_Wong\\_Gender-Impact-Assessment.pdf?sequence=2&isAllowed=y](http://oasis.col.org/bitstream/handle/11599/1745/2015_Wong_Gender-Impact-Assessment.pdf?sequence=2&isAllowed=y)

<sup>39</sup> Beijing declaration and Platform of Action 1995, paragraph 123, p.50.

<sup>40</sup> Fiji National Gender Policy, paragraph 5.7 (4), p.18.



Figure 3.2: Gender Impact Assessment Process



Source: [http://oasis.col.org/bitstream/handle/11599/1745/2015\\_Wong\\_Gender-Impact-Assessment.pdf?sequence=2&isAllowed=y](http://oasis.col.org/bitstream/handle/11599/1745/2015_Wong_Gender-Impact-Assessment.pdf?sequence=2&isAllowed=y)

- 3.1.1.1.8.6 Many countries have used GIA's in their national context. For example, the Netherlands, England and Uruguay, used GIA for Policy Development, to identify gender issues and project appraisal respectively.<sup>41</sup>
- 3.1.1.1.8.7 It is worth noting that the issue of conducting GIA's was highlighted by the UN CEDAW Committee in their concluding remarks to Fiji's 5<sup>th</sup> State report which was submitted in 29 June 2016.<sup>42</sup>
- 3.1.1.1.8.8 In response, the State quoted a passage from the Forward Message of the Honourable Speaker of Parliament in the UNDP and Fiji Parliament Support Projects toolkit. The toolkit was developed in 2017 to scrutinize legislation from a gender perspective. Details of the response is presented in Exhibit 3.4 below.

<sup>41</sup> Accessed online on: [http://oasis.col.org/bitstream/handle/11599/1745/2015\\_Wong\\_Gender-Impact-Assessment.pdf?sequence=2&isAllowed=y](http://oasis.col.org/bitstream/handle/11599/1745/2015_Wong_Gender-Impact-Assessment.pdf?sequence=2&isAllowed=y)

<sup>42</sup> CEDAW Committee concluding remarks to the 5<sup>th</sup> Fiji State Report to the CEDAW Committee, paragraph 5, p.2.

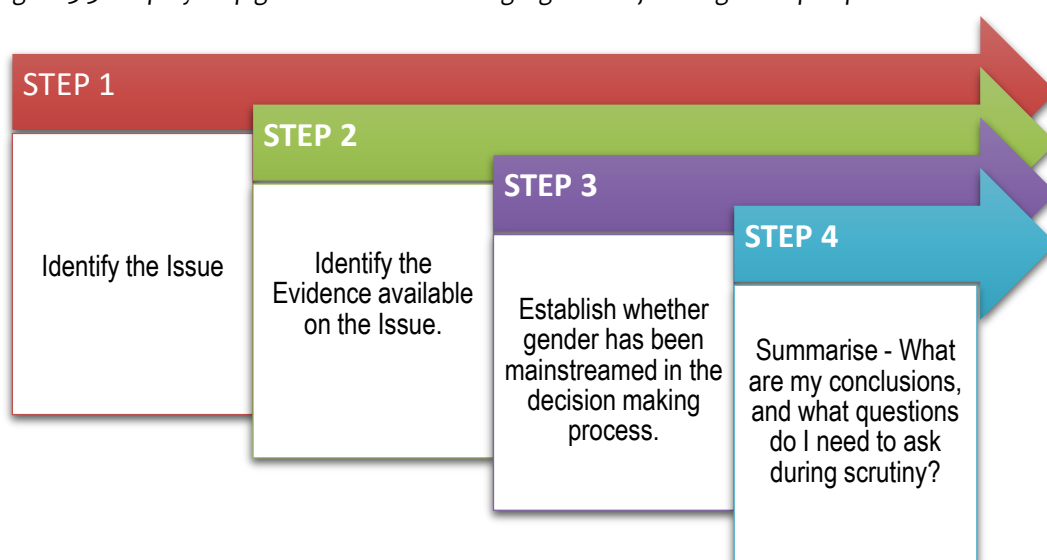
**Exhibit 3.4: State response to CEDAW Committee regarding gender impact assessment**

The Parliament Standing Orders ensure that gender issues are mainstreamed in the legislative processes. Standing Order 110-(2) provides that where a committee conducts an activity, the committee shall ensure that full consideration will be given to the principle of gender equality so as to ensure all matters are considered with regard to the impact and benefit on both men and women equally.

Source: Replies of Fiji in relation to list of issues and question to the fifth periodic report of Fiji, 04 January 2018.

- 3.1.1.1.8.9 The toolkit was developed by the Fijian Parliament with the assistance of the UNDP Fiji Parliament Support Project.<sup>43</sup> Moreover, upon reviewing the toolkit, we noted that the toolkit provided four main steps as a guide to scrutinizing legislation from a gender perspective. The steps are presented in Figure 3.3 below and **Appendix 3** identifies the relevant questions to ask at each step of the assessment process.

Figure 3.3: Step-by-step guideline to scrutinizing legislation from a gender perspective



Source: UNDP & Fiji Parliament Support Project, *Scrutinizing legislation from a Gender Perspective: A practical toolkit*, 2017.

- 3.1.1.1.8.10 Our review of the questions to ask at each step of the scrutinizing process revealed that one of the questions at Step 3 is “Can you identify if one gender is likely to be affected more than the other by the change in the law, and to what extent?” With this question alone, it shows that government is a step further into the right direction in terms of legislative reform.
- 3.1.1.1.8.11 in view of the above, we acknowledge the efforts put in by the Government and the various stakeholders in developing the toolkit to scrutinize legislation. This mainstreaming process is however restricted at the legislative level and is yet to be adopted at the ministry and agency levels.

<sup>43</sup> UNDP & Fiji Parliament Support Project, *scrutinizing Legislation from a Gender Perspective, A practical toolkit*, 2017.

### 3.1.1.2 Implementation of Legislations

- 3.1.1.2.1 Problems at the implementation level is another contributing factor to the challenges in effecting legislation and is caused by factors presented in Figure 3.4 below.

Figure 3.4: Causation Factors of Problems in implementation of legislations relating to EVAW



Source: FWCC National Survey & Fiji Country Gender Assessment 2015.

#### 3.1.1.2.2 Pressure on women to reconcile with husbands/partners

- 3.1.1.2.2.1 According to the FWCC National Survey, due to pressures on women to reconcile with husbands/partners following incidents of domestic violence, rather than seeking access to justice<sup>44</sup>, there have been challenges in implementing the legislation. This is because of the patriarchal culture where domestic violence is seen as almost a social norm.<sup>45</sup>
- 3.1.1.2.2.2 These social norms increase the risk of women's likelihood of experiencing intimate partner violence. They reinforce gender inequality in Fiji society as well as to norms and practices that condone violence.<sup>46</sup> For example, the Fiji Police Force is responsible for upholding laws against domestic violence and sexual crimes. However, police officers may also come to their work with ingrained socio-cultural attitudes about women's and men's roles in society that may lead them to be dismissive toward victims of physical and sexual violence.<sup>47</sup> The following cases are some examples of such incidences.

<sup>44</sup> FWCC National Survey, paragraph 2, p.17.

<sup>45</sup> Interview with FWCC Coordinator dated 30 January 2018 at FWCC Headquarters, Suva.

<sup>46</sup> FWCC National Survey, paragraph 2, p.132.

<sup>47</sup> Fiji Country Gender Assessment, 2015, paragraph 5, p.77.

**Exhibit 3.5** Case Files**Case No. 1**

Station: XXXX Police Station

Date: 13 September 2016

Details: a crimes officer at the XXXX Police Station did not charge the victim's husband because the victim committed adultery. Accordingly, after the counsellor informed him that adultery was no excuse for the victim's husband to physically abuse her and that she was still getting harassed by him 2 weeks after the abuse, the Crimes officer responded harshly to the counsellor and said for her not to tell him how to do his job.

**Case No. 2**

Station: WWW Police Station

Date: 31 July 2014

Details: The police officer who attended to the victim tried to reconcile the matter and was forcing her to stay with her husband when she wanted to leave. The victim's bags were already packed but the gates remained locked.

**Case No. 3**

Station: DD Police Station

Date: 13 December 2017

Details: The victim had a "Non-Contact" DVRO and the partner breached this order. When she reported, the police were reluctant to take the report and didn't pay attention to the Non-Contact Orders in place. They placed the victim in a risky situation by putting the victim and the perpetrator in the same room at the station. During this time, the perpetrator swore at the victim, which the Police ignored. The police pressured the victim to reconcile with the perpetrator and no charges were laid against the perpetrator.

Source: Case files obtained from FWCC on 18/04/2018.

- 3.1.1.2.2.3 In addition, according to the Fiji country gender assessment of 2015, some religion and media outlets have been promoting traditional and conservative views about female subservience suggesting that it is acceptable for men to "discipline" women who challenge the status quo. But, given the multicultural society that is evident in Fiji, the assessment report stipulated that this attitude may vary from one ethnic group to another. For example, in some Indo Fijian communities, it is often believed that the task of molding and disciplining a woman to ensure that she maintains her role as an obedient wife lies with her in-laws.<sup>48</sup>
- 3.1.1.2.2.4 Gender based violence will continue to prevail in the country unless and until entrenched social norms and mind-sets about women's roles and status are appropriately challenged and changed.<sup>49</sup> Therefore, prevention programs geared towards this area would ensure its effective implementation and positive outcomes.

Discussion with the Fiji Police Force during our exit meeting<sup>50</sup> reiterated that they have a "No Drop Policy" in place. This policy stipulates that any cases reported to Fiji Police Force has to go through proper procedures of prosecution in the court. As discussed in section 3.1.2.7 of this report, the FPF "No Drop Policy" was being reviewed and is yet to be finalized.

We also requested<sup>51</sup> for the number of cases reported to Police with respect to crimes against women in terms of those that:

- i) have successfully been prosecuted in court;

<sup>48</sup> Fiji Country Gender Assessment, 2015, paragraph 2, p.77.

<sup>49</sup> FWCC National survey, paragraph 1, p.7.

<sup>50</sup> Dated 30<sup>th</sup> May, 2019.

<sup>51</sup> Dated 11 June 2019.

- ii) are still pending; and
- iii) were unsuccessful /dropped and reasons for the cases being dropped.

This detailed request was also not made available.

In a second response to audit regarding case files about the police officers' conduct, the Fiji Police Force revealed that they hold regular online video conferences for briefing in which identified police stations are informed about police officers' conduct in response to domestic violence cases. Minutes of online video conference calls were not made available for audit review. However verbal instructions from the Commissioner are documented. All issues pertaining to Compliance, Professional Standards, Guidelines, Policies, Directives and Investigations are discussed during briefings.

The Internal Affairs Unit at Fiji Police Force is responsible for conducting investigations on police behavior while rendering services to public. With that, Internal Affairs Unit have carried out a lot of investigations on the cases of police behavior in rendering service to the public. Deputy Commissioner of Police informed that they will have to confirm the three cases reported with the Internal Affairs Unit on whether investigation has been conducted and the outcome of the investigation. We forwarded<sup>52</sup> the list of cases received from FWCC which included the three cases noted in Exhibit 3.5 above, to the Fiji Police Force to determine the status of investigations for each case. We were informed that the case file reported by FWCC do not include a report number from which the Fiji Police Force can use to trace it with the Internal Affairs Unit. Therefore, it will be difficult to trace the cases as majority of the Fiji Police Department documentation and processes are still being done manually.

The Chief Planning & Internal Affairs Officer discussed that for the past three years, police officers underwent training and gaps were identified on the sexual offenses matters. However we were not able to obtain<sup>53</sup> the training reports and weekly lectures conducted or any assessment on the results and outcomes of the training.

The Fiji Police Force have committed their resources and time in community policing and they believe that these matters need to be strengthened further in particular to the three police stations mentioned in Exhibit 3.5 of this audit report. Upon requesting<sup>54</sup> for evidence of the increase in resources committed for Community Policing, especially trend on the percentage increase in resources from 2014 to 2017, we noted from the response of the Fiji Police Force that:

- Fiji Police Force has corporate KPI's specifically tagged to women and child related crimes. These include Reducing Violence against Women by 10% and Reducing Violence against Children by 10%;
- There exists a Memorandum of Understanding with the Ministry of Women, Children and Poverty Alleviation (MWCPA) to tackle the issue of violence against women and children;

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<sup>52</sup> Dated 11 June 2019.

<sup>53</sup> Dated 11 June 2019.

<sup>54</sup> Dated 11 June 2019.

- The Fiji Police Force has a mutual understanding and a working relationship with a number of agencies both Government and Civil Society Organisations on the agenda which include UN Women, UNICEF, FWCC, FWRM and MSP;
- Other internal strategies and initiatives include:
  - i. DUAVATA Concept implementation through village and school visitations, awareness, tikina meetings, victim support, etc.;
  - ii. Advocating the Community Policing approach through the five pillars of Sports, Music, Religion, Vanua and Youth;
  - iii. Strengthening the participation of women through Police Wives/Mothers Club and the Fiji Police Women's Network;
  - iv. Increase in media awareness (e.g. Crime Stoppers, Talk back shows, brochures, Newspaper publications, media releases);
  - v. Smart Visibility Patrols on Hotspots/Red Zones;
  - vi. Attending workshops and training organised by FWCC in partnership with UNDP or other relevant organisations on ending violence against women and children; and
  - vii. In partnership with the Social Welfare in the 'Loloma Project' [Child Begging/ Labor].

The recent Restructure & Reform of the FPF will add value to the above initiatives.

Assessment of the data contained in the annual reports of the Fiji Police Force for the three years (2014 to 2016) noted that the target to reduce crimes against women and children by 10% is yet to be achieved.

Year	Percentage Increase in Crimes against Women	Percentage Increase in Crimes against Children
2014	+1%	+5%
2015	+1%	+12%
2016	-2%	-2%

As shown above, the trend in crime against women and children was increasing in the years 2014 and 2015. Even though there is a reduction in crimes against both women and children by 2% in 2016, overall the Fiji Police Force has not achieved its target of achieving 10% reduction in crimes against both women and children.

As for the Memorandum of Understanding between Fiji Police Force and Ministry of Women Children and Poverty Alleviation, it was noted that the MOU has expired in 2018 which was pointed out after the post exit meeting with MWCPA<sup>55</sup>. We were informed that there are plans to renew the MOU but it is still in discussion. In addition, we requested<sup>56</sup> that evidence be provided of the concept of mutual understanding with agencies both Government and CSO's as well as the other internal strategies and initiatives such as the DUAVATA Concept, and the other strategies listed from (ii) to (vii). But this was not provided to audit.

Training workshops are currently being undertaken to the upskill of police officers internally at the academy with the involvement of CSO's, the partnership with Australia Federation Police (AFP), and courses supported by UN in which a CEO of a women's NGO, Ms Shamima Ali, conducted these courses with the Fiji Police Force. Deputy Commissioner of Police informed us that there should be no excuses by Police Officers about the matters,

<sup>55</sup> Dated 10 June 2019.

<sup>56</sup> Dated 27 June 2019.

as they have access to all the trainings, and workshops provided by CSO's. Upon requesting<sup>57</sup> for training plans/schedules for the years 2014 to 2017, we were informed that there were trainings facilitated by FWCC on UN and AFP courses and that the Fiji Police Training Calendar for the year 2018/2019 would be made available for audit review. Subsequently our request<sup>58</sup> on the training schedules or reports regarding the trainings from FWCC and the 2018/2019 Fiji Police Training calendar was not facilitated.

The Department of Women agreed to the findings and recommendations<sup>59</sup> and added that the work on the Service Delivery Protocol (SDP) was more on intervention and they have not much on the prevention strategies, that is, the SDP is an example of an intervention strategy. However, with the Zero Tolerance Violence Free Community (ZTVFC) program, there are a lot of awareness being conducted in the communities which is a preventative mechanism for EVAW, even though they acknowledge that there are cases reported, but as part of awareness, they also capture the prevention side. Even in some of the communities that they have visited, there is a lot of awareness sessions.

## Recommendation

2. The Department of Women should ensure that:
  - prevention programs focus on the prevention of coercive control and emotional violence, as well as physical and sexual violence, in addition to actively promoting the rights of women and girls; and
  - Awareness and prevention programs are be delivered in such a way that deliberately challenges the patriarchal way of thinking for both men and women.
3. The Fiji Police Force should ensure that:
  - the No Drop Policy for all offences against women and children are dealt with in a systematic and consistent manner; and
  - Police officers on the ground are skilled to respond expeditiously and sensitively to all cases of violence against women.

### 3.1.1.2.3 Lack of knowledge of legislations

- 3.1.1.2.3.1 In addition to the pressure from service providers that women go through to reconcile with the perpetrator, their lack of knowledge on legislation as well as their human rights<sup>60</sup>, leads to problems with implementing the laws. This is particularly for the Domestic Violence Act.
- 3.1.1.2.3.2 Research findings reveal that women living in remote areas are prone to more violence and the fact that they have limited knowledge of available services and legislation, makes them more vulnerable.<sup>61</sup> According to a 2005 survey conducted by the World Health Organisation's (WHO) Multi-country study on Women's Health and Domestic Violence against Women, it stated that "*other studies have indicated that women living*

<sup>57</sup> Dated 11 June 2019.

<sup>58</sup> Dated 27 June 2019.

<sup>59</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019.

<sup>60</sup> Fiji Country Gender Assessment, 2015, paragraph 1, p.77.

<sup>61</sup> Fiji Country Gender Assessment, 2015, paragraph 3, p.77.



*in violent relationships often experience feelings of extreme isolation, hopelessness and powerlessness that makes it particularly difficult for them to seek help*".<sup>62</sup> With the WHO findings, the FWCC National survey concluded that according to observations from their staff, these forms of isolation are prevalent with many rural women. It noted that due to poverty and controlling actions from the perpetrators, these rural women do not even get an opportunity to come into the nearest towns to seek help. This in turn makes it more difficult for them to know about services that are available, and how it is accessed<sup>63</sup>, as well as their rights and legislation that were established for their protection.

- 3.1.1.2.3.3 Concurrently, the lack of knowledge from service providers, particularly the police officers also adds to the problem.<sup>64</sup> For example, there was a case in a Police Station that eventuated on 07/04/2015, where a woman living in a very abusive relationship was unable to escape and to report the matter to the police. Her husband would follow the victim around if she left the house and would forcefully take her back home when she tried to seek help. The victim finally managed to escape during her husband's absence and she went to a Police Station to report against her husband's ongoing abuse. She was informed by a police officer that nothing can be done in her case unless and until her husband harms her in any way that will leave visible injuries. The victim returned home and was beaten up again because her husband had found out that she had attempted to lodge a report against him. Fortunately, on the same week, the victim's neighbour informed her of services provided by FWCC and brought the victim to the centre. The victim was provided with therapeutic counselling and continuous support from the centre. She took out a DVRO against the husband and was granted the standard non-molestation condition in the order. The victim's husband has not abused her verbally, emotionally and physically again since he was summoned to appear in court for the DVRO.<sup>65</sup> Due to the officer's non-sensitive behaviour and non-consideration of the seriousness of the case, the victim was beaten up again by the husband.
- 3.1.1.2.3.4 The above findings underline the importance of having more outreach and awareness programs that reinforce women's rights to get help and stop the violence. Also the need for forefront line service providers to be trained to respond sensitively and without blame so that women are encouraged to seek help<sup>66</sup>. In addition, law enforcement agencies should be well-trained with the provisions set forth in the relevant legislations so that they are fully aware of the procedures to undertake when responding to victims of gender based violence.

The Deputy Commissioner of Police informed<sup>67</sup> that the lack of knowledge of Legislations is not an issue. This is justified by the number of awareness that they have carried out within and, to the extent the policy awareness have reached out to the

<sup>62</sup> WHO. 2005. WHO Multi-country Study on Women's Health and Domestic Violence against Women: Initial results on prevalence, health outcomes and women's responses. By Claudia García-Moreno, Henrica A.F.M. Jansen, Mary Ellsberg, Lori Heise and Charlotte Watts. WHO. Geneva, p.79

<sup>63</sup> FWCC National survey, paragraph 3, p.121.

<sup>64</sup> Fiji Country Gender Assessment, 2015, paragraph 3, p.77.

<sup>65</sup> Case files obtained from FWCC on 18/04/2018.

<sup>66</sup> FWCC National Survey, paragraph 5, p.121

<sup>67</sup> Exit meeting dated 30/05/2019



communities and faith based organizations. Upon requesting<sup>68</sup> for training reports for the total number of awareness for FPF carried out within the Force from 2014 to 2017 as well as the total number of awareness carried out in communities and faith based organizations from 2014 to 2017 and how many of these awareness programs are on policy awareness, we were informed that the Internal Affairs HQ and Divisional Internal Affairs personnel conduct weekly counselling & lectures to all police station personnel around the country on service delivery, system & processes and procedures. However, our request<sup>69</sup> for evidence on the weekly counselling & lectures was not facilitated by the Force.

Deputy Commissioner of Police informed that the main causes of the problem is the non-adherence to instructions and policies of the Fiji Police Force.

Deputy Commissioner of Police also advised that the society need to change their perception when it comes to policy awareness on the issue of gender. The joint effort with other Ministry, Departments and Civil Society Organizations need to be strengthened to allow the society to accept the fact of the new policy on violence against women.

The Department of Women agreed to the audit findings and recommendations.<sup>70</sup>

## Recommendations

4. The Department of Women should ensure that:
  - More attention is given to targeting isolated and vulnerable communities where various research findings have shown that women and girls to be at the greatest risk.
  - More effective awareness programs especially on the rights and the various laws and services available to women are implemented at the targeted high risk areas.
5. The Fiji Police Force should ensure that:
  - Police officers undergo adequate legal trainings so that the various provisions in the legislation are fully understood.
  - A more comprehensive and systematic approach for gender trainings are planned to include training and consultations with NGOs and other gender and women's groups.
  - Necessary records are maintained for trainings and awareness carried out which are readily made available for audit and other reviews.

### 3.1.1.2.4 Manipulation of law to undermine women's rights

- 3.1.1.2.4.1 Problems at the implementation level is also attributed to the fact that it is often manipulated by the perpetrators to undermine women's rights.
- 3.1.1.2.4.2 The FWCC National survey also found that given the new development in laws to be "gender neutral", this has also opened up for those with more economic power and

<sup>68</sup> Dated 11 June 2019.

<sup>69</sup> Dated 27 June 2019.

<sup>70</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019.

knowledge to be able to manipulate their situations to their advantages which could cause the victims of gender violence to face more difficulties. The “gender neutral” legislations are framed as such that enables both men and women equal rights under the law to seek DVRO’s.

- 3.1.1.2.4.3 The findings from the FWCC National survey was supported and raised in the NGO shadow report to the CEDAW Committee in consideration of the States 5<sup>th</sup> period report which focused on the Domestic Violence Act. It highlighted that the major reason for the ability of the legislation to be manipulated was because of the “gender neutral” nature of the Act. The report further cited that in making the Domestic Violence Act gender neutral, there have been several unintended consequences which includes the use of the Domestic Violence Act to remove their female partners from the matrimonial home by obtaining residential DVRO’s. The report also pointed out other reasons for the higher risk of manipulation of legislation which were due to the lack of knowledge by women but greater knowledge of the legal process by perpetrators, men’s higher earning capacity, no restrictions on leaving the home, and benefits from favorable attitudes of law enforcement towards men.<sup>71</sup>
- 3.1.1.2.4.4 The findings show that new legislations can be counterproductive in assisting gender violence victims because women are the vast majority of victims of domestic violence. Maintaining the gender neutrality of the laws and legislations that address violence against women can always leave women disadvantaged and increases their risk of being subjected to violence.

The Department of Women have agreed to the findings and recommendations<sup>72</sup>

### Recommendation

6. The Department of Women should ensure that dialogue with Civil Society Organisations, NGO’s and Women Rights Organisations must be strengthened to ensure that legislative and policy reform is conducted in a more integrated and comprehensive manner.

### 3.1.1.3 Women’s Use of legislation

- 3.1.1.3.1 Documentary review revealed that the low use of legislation by women has also led to challenges in effecting legislations.
- 3.1.1.3.2 Despite the promising legislative environment in Fiji, it is still noted that the use of these laws by women for their own protection is low due to the lack of awareness, social stigma and fear of repeated violence.<sup>73</sup>

<sup>71</sup> 2016 Shadow NGO Report on Fiji’s Fifth State periodic report to the CEDAW Committee, and the 2017 Concluding Observations Report of the CEDAW Committee, Article 1, Subsection 2 (d (i))p.4

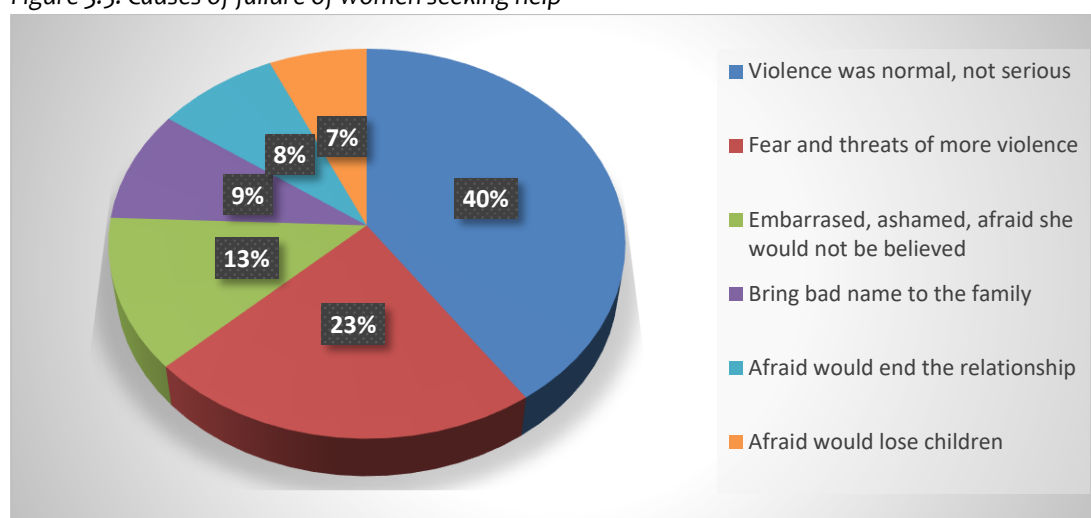
<sup>72</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

<sup>73</sup> Fiji Country Gender Assessment, 2015, Section 7.2, paragraph 1, p.75.

3.1.1.3.3 On the other hand, according to the FWCC National survey it was revealed that the main reasons that prevent women from seeking help are due to the following factors with percentage responses captured in Figure 3.5 below:

- i. Violence seen as being normal and not serious;
- ii. Fear and threats of more violence;
- iii. Embarrassed, ashamed, afraid she would not be believed;
- iv. Thought of bringing a bad name to the family;
- v. Afraid their relationship would end; and
- vi. Afraid to lose children.

Figure 3.5: Causes of failure of women seeking help



Source: FWCC National Survey, p.116.

3.1.1.3.4 The above figure suggests that the highest percentage of women, making up 40% of the respondents, do not seek help because of the ingrained thought that the violence is normal, hence it has not reached a crisis point. Therefore it is not serious enough to draw any attention. Furthermore, because of fear and threats of more violence, 23% choose rather to keep silent about the violence that is happening. On the other hand, while 13% do not seek help because they feel embarrassed, ashamed, and afraid of not being believed, the remaining 24% refuse to seek help because of the thought that this would bring a bad name to the family, fear of losing their children and that their relationship would end.

3.1.1.3.5 All these findings demonstrate that there is a high tolerance for men's violence against women. Therefore, an acceptance of the view that men have an entitlement to exert power over women leads to the acceptance of gender inequality.

The Department of Women have agreed to the findings and recommendations.<sup>74</sup>

<sup>74</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019.

### Recommendations

7.
  - (i) The Department of Women should continue to collaborate with Civil Society Organisations (CSO's), NGO's, Women's Rights Organisations and other bodies in order to provide sufficient awareness to women to exercise their rights under the laws when victimised; and
  - (ii) to "unlearn" old beliefs that perpetuate domestic violence such as acceptance of violence from husbands and other beliefs as shown in Figure 3.5.

### 3.1.2 Policy Environment for EVAW

- 3.1.2.1 The Beijing Declaration and Platform of Action proposes that it is essential to design, implement and monitor, with the full participation of women, effective, efficient and mutually reinforcing gender-sensitive policies and programs, including development policies and programs, at all levels that will foster the empowerment and advancement of women.<sup>75</sup>
- 3.1.2.2 States should pursue by all appropriate means and without delay a policy of eliminating violence against women.<sup>76</sup>
- 3.1.2.3 Table 3.2 details the different policies and procedures that aim to eliminate violence against women.

Table 3.2: Policies and procedures governing practices for ending violence against women

Legislation	Aspects linked to Elimination of Violence against women
National Gender Policy	The National Gender Policy includes general direction on ending discrimination against women as well as specific objectives to “identify and strengthen institutions in Fiji which promote and protect the human rights of women, in particular relation to gender-based violence”. This supports the National Women’s Action Plan, which has the elimination of violence against women as one of five key action areas. The ministry is partnering with other government agencies as well as donors, the UN, and nongovernment organizations to raise awareness of women’s human rights and the laws relating to violence against women and children. <sup>77</sup>
No Drop Policy	This is the only other policy specific to violence against women, which gives specific direction to the Fiji Police Force on how to carry forward domestic violence cases when the plaintiff has withdrawn a complaint. <sup>78</sup>  The genesis of this policy was to address the risk of undue pressure being placed on victim/survivors by perpetrators and the perpetrators’ family or others acting on the perpetrators’ behalf to withdraw their statements or complaint. The effect of police continuing with their prosecution relieves victim/ survivors of this burden. The Fiji Police Force is required by law to fully investigate all cases of domestic violence and bring the offenders to court. This policy applies to police officers too who are under no circumstances permitted to reconcile perpetrators with victims. <sup>79</sup>
Fiji National Service Delivery Protocol for responding to cases of Gender Based Violence.	Had been formulated after a series of consultation with key government ministries and departments, non-government organizations and service providers. Divisional consultations were held in the Eastern, Central, Western and Northern Divisions. The first draft was discussed at this consultation and was refined through consultation with key agencies. A national validation workshop was undertaken in May, 2017 to finalize the Protocol and was attended by key Stakeholders from government and Non-Government Organizations. The Protocol is in its final form for endorsement. In regards to training, UN Women has committed to provision of funding for the Training of Trainers on the Protocol as part of its roll out phase. The implementation of the Protocol will be part of the respective Service Providers role as continuation of services, however, this Protocol will strengthen the delivery of those roles. <sup>80</sup>

<sup>75</sup> Beijing declaration and platform of action 1995, paragraph. 19, p.3.

<sup>76</sup> UN Declaration on the Elimination of Violence against women (DEVAV), article 4.

<sup>77</sup> Fiji Country Gender Assessment 2015, Section 7.3, paragraph 2, p.78.

<sup>78</sup> Fiji Country Gender Assessment 2015, Section 7.3, paragraph 1, p.78.

<sup>79</sup> Fiji National Service Delivery Protocol for Responding to Cases of Gender Based Violence 2018, p.13.

<sup>80</sup> Replies of Fiji in relation to list of issues and questions to the fifth periodic report of Fiji, 04 January 2018, paragraph 28, p.7.

- 3.1.2.4 Our review of the policies in place revealed that there was no specific policy developed for the Elimination of Violence against women (EVAW). However, audit review of the EVAW Taskforce meeting minutes<sup>81</sup> revealed that a resolution was passed that an EVAW section will be incorporated in the National Gender Policy.
- 3.1.2.5 Therefore, overarching direction on EVAW comes from the National Gender Policy and is managed by the Ministry of Women, Children and Poverty Alleviation (MWCPA).<sup>82</sup> Upon review of the actual policy, we noted that section 5.18 of the National Gender Policy is dedicated entirely to addressing Gender Based Violence.
- 3.1.2.6 Given that the Service Delivery Protocol has just been finalized<sup>83</sup>, we acknowledge that its implementation cannot be assessed just as yet. However we found out that there were issues noted regarding the review and coordination process of the No Drop Policy and the National Gender Policy and this is detailed in the following paragraphs.

### 3.1.2.7 Review of Policies addressing EVAW

- 3.1.2.7.1 Policy review and revision is a crucial part of an effective policy and procedure management plan<sup>84</sup>.
- 3.1.2.7.2 Conduct an ongoing review of all legislations and policies relevant to women and gender equality.<sup>85</sup>
- 3.1.2.7.3 We gathered during our audit that since its establishment in 1995 and re-affirmation in 2013, the Fiji Police Force “No drop policy” has not been reviewed. However, discussions<sup>86</sup> with officials at the Fiji Police Force revealed that they have just completed the review process and the revised policy is still in its draft stage.<sup>87</sup>
- 3.1.2.7.4 In addition, while we acknowledge the establishment of the National Gender Policy coupled with the need to improve in some areas of the implementation of the policy across Ministries and Departments in Fiji (implementation relating to EVAW discussed in the next section), the policy has not been reviewed since its adoption in 2014.
- 3.1.2.7.5 Untimely review of policies would result in the responsible authorities having difficulty in enforcing requirements as they have become irrelevant due to change in time.

The review of the no Drop Policy is still ongoing and is yet to be finalised.<sup>88</sup> It is expected that awareness and training about the no drop policy will be conducted after it is finalized to ensure its effectiveness.

The Department of Women have agreed to the audit findings and recommendations<sup>89</sup>

<sup>81</sup> Meeting minutes dated 11/04/2013, 04/06/2013 and 16/12/2014.

<sup>82</sup> Fiji Country Gender Assessment 2015, Section 7.3, paragraph 1, p.78.

<sup>83</sup> Cabinet endorsement dated 30 January 2018.

<sup>84</sup> Best Practice – Power DMS website, Why is it important to review policies and procedures, also available online at: <https://www.powerdms.com/blog/why-it-is-important-to-review-policies-and-procedures/>

<sup>85</sup> National Gender Policy 2014, paragraph. 5.7 (2), p.18.

<sup>86</sup> Discussion with Principal Research Officer on 19/04/2018.

<sup>87</sup> Draft copy was received on 19/04/2018.

<sup>88</sup> Enquiry dated 11 June 2019.

<sup>89</sup> Dated 10<sup>th</sup> June, 2019

**Recommendations**

8. The Department of Women should ensure that policies relating to VAW are regularly reviewed in consultation with relevant stakeholders; and
9. The Fiji Police Force should finalize the “No Drop Policy” and train police officers on it.

**3.1.2.8 Policy Coordination in addressing EVAW**

- 3.1.2.8.1 In order to effectively work towards ending violence against women, States should build and sustain strong multi-sectorial strategies, coordinated nationally and locally.<sup>90</sup>
- 3.1.2.8.2 We noted that coordination and institutional strengthening were documented under section 5.18, paragraphs 13 to 18 of the National Gender Policy.
- 3.1.2.8.3 The Asian Development Bank (ADB) in their 2015 report of Fiji’s Country gender Assessment noted that coordination efforts amongst stakeholders needs to be strengthened.
- 3.1.2.8.4 Detailed in Table 3.3 below are the coordination and institutional actions that are to eventuate as outlined in section 5.18 of the National Gender Policy.

*Table 3.3: Coordination and Institutional Actions for EVAW outlined in the National Gender Policy*

Coordination and institutional action	Coordination Exists
Establish functional collaborating protocols among social service agencies dealing with persons affected by gender based violence, and strengthen their response capacity.	Yes
Strengthen the Sexual Offences Units, to be operated by trained gender Awareness officers at police stations, to increase the level and quality of reporting of sexual offences, and to ensure that victims are appropriately assisted and supported through the investigative process.	Yes
Monitor the effectiveness of the no drop policy in domestic violence cases in the Fiji Police Force.	No
Expand the Police Zero Tolerance Violence Free Community Projects.	Yes
Institute legal literacy programs for health care workers, with a focus on gender Based violence.	Yes
Analyze the effectiveness of the Domestic Violence Act 2009 and ensure continuing review of its provisions based on the effectiveness of the implementation of the law.	No

- 3.1.2.8.5 It has been four years since the establishment of the National Gender Policy in 2014 which is sufficient enough to form strong coordination initiatives to address the issue of violence against women. It is therefore pleasing to see that based on the evidence gathered during our audit, coordination exists in four out of six coordination initiatives outlined in the National Gender Policy regarding gender based violence. However, there is still room for improvements with respect to the following initiatives:

<sup>90</sup> Study from the Secretary General, ending violence against women, from words to action, 2006, paragraph 4, p.(vi).



- Monitoring the effectiveness of the No Drop Policy in domestic violence cases in the Fiji Police Force; and
- Analysing the effectiveness of the Domestic Violence Act 2009 and ensure continuing review of its provisions based on the effectiveness of the implementation of the law.

3.1.2.8.6 We acknowledge the efforts carried out so far by the various stakeholders. However, coordination still needs to be strengthened in other facets (as described in paragraph 3.1.2.8.5 above) regarding gender based violence.

The Department of Women has agreed to the audit findings and recommendations.<sup>91</sup>

### Recommendations

10. (i) An inclusive and coordinated approach to the review and evaluation of policies and regulations should be spearheaded by the Department of Women to update them.
- (ii) The Fiji Police Force should conduct awareness and trainings on the provisions of the Domestic Violence Act and subsequently monitor and evaluate its effectiveness as per the National Gender Policy.

## 3.1.3 International, Regional and National Commitments to ending VAW

3.1.3.1 Fiji has ratified the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) on 28 August 1995 obliging it to work towards the modification of its constitution and legislation to accord with the articles of CEDAW.<sup>92</sup> The CEDAW, known as the international bill of rights for women, remains the most comprehensive international human rights instrument addressing discrimination against women in a wide range of areas.<sup>93</sup>

3.1.3.2 Amongst others, but with focus on combating violence against women, other international and regional obligations that Fiji has committed itself to include:

- I. The Beijing Declaration and Platform of Action (BPA);
- II. The Millennium Development Goals (MDG's) now known as the Sustainable Development Goals (SDG's); and
- III. Regional Agreements such as the Revised Pacific Platform for Action (RPPA).

3.1.3.3 Therefore, in order to fulfil these international and regional obligations, the Women's Plan of Action (WPA) was developed in the aim of following through with these State commitments. The Women's Plan of Action identifies broad directions for action by Government, and also its stakeholders and development partners.<sup>94</sup>

<sup>91</sup> Post exit meeting discussions dated 10<sup>th</sup> June 2019.

<sup>92</sup> Translating CEDAW into law: CEDAW legislative compliance in nine Pacific island countries/ Vedna Jivan and Christine Forster. – Suva, Fiji: UNDP Pacific Centre: UNIFEM Pacific Regional Office, 2006, Chapter 3.1, paragraph 1, p.165.

<sup>93</sup> Translating CEDAW into law: CEDAW legislative compliance in nine Pacific island countries/ Vedna Jivan and Christine Forster. – Suva, Fiji: UNDP Pacific Centre: UNIFEM Pacific Regional Office, 2006, Chapter 3.1, paragraph 1, p. (i).

<sup>94</sup> Women's Plan of Action 2010-2019, paragraph 1, p.9.

### 3.1.3.4 Alignment of Action Plan to International, Regional & National Commitments

- 3.1.3.4.1 Action Plan involves a sequence of steps that must be taken, or activities that must be performed well, for a strategy to succeed. An action plan has three major elements which consists of:
- I. Specific tasks – What will be done and by whom;
  - II. Time Horizon – When will it be done; and
  - III. Resource Allocation – What specific funds are available for specific activities?<sup>95</sup>
- 3.1.3.4.2 The ultimate goal of an action plan is to allow ideas or activities to be focused and to decide what steps need to be taken in order to achieve particular goals. Moreover, it is more or less a statement of what is to be achieved over a given period of time.<sup>96</sup>
- 3.1.3.4.3 The Women's Plan of Action (WPA) will be the vehicle for the fulfilment of Fiji's obligations to international and regional commitments such as CEDAW, the Beijing Platform for Action and the Revised Pacific Platform for Action, in the ultimate interests of families, communities and all peoples in Fiji.<sup>97</sup>
- 3.1.3.4.4 However, it is worth noting that the CEDAW provisions were more driven towards State parties' legislative compliance in terms of efforts made by Government in establishing legislation that will help eliminate discrimination against women. On the other hand, the WPA was developed specifically in response to the Beijing Declaration and Platform for Action.
- 3.1.3.4.5 In the following paragraphs we examine Fiji's compliance to CEDAW separately from the other action plans. Further, we examine the national action plan in relation to international and regional action plans. We also present findings from evaluating implementation of the sustainable development goals and the national development plan. In addition, discussions will address the transitional change from WPA 1 to WPA 2.

#### 3.1.3.4.6 Compliance to CEDAW Provisions

- 3.1.3.4.6.1 State Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.<sup>98</sup>
- 3.1.3.4.6.2 Among the international human rights treaties, the Convention on the Elimination of all forms of Discrimination against women (CEDAW) has taken an important place in bringing the female half of humanity into the focus of human rights concerns. The

<sup>95</sup> Best Practice - Business dictionary, available online at: <http://www.businessdictionary.com/definition/action-plan.html>

<sup>96</sup> Best Practice - Kent University website, Action Planning, United Kingdom, also available online at: <https://www.kent.ac.uk/careers/sk/skillsactionplanning.htm>

<sup>97</sup> Women's Plan of Action 2010-2019, paragraph 3, p. 5.

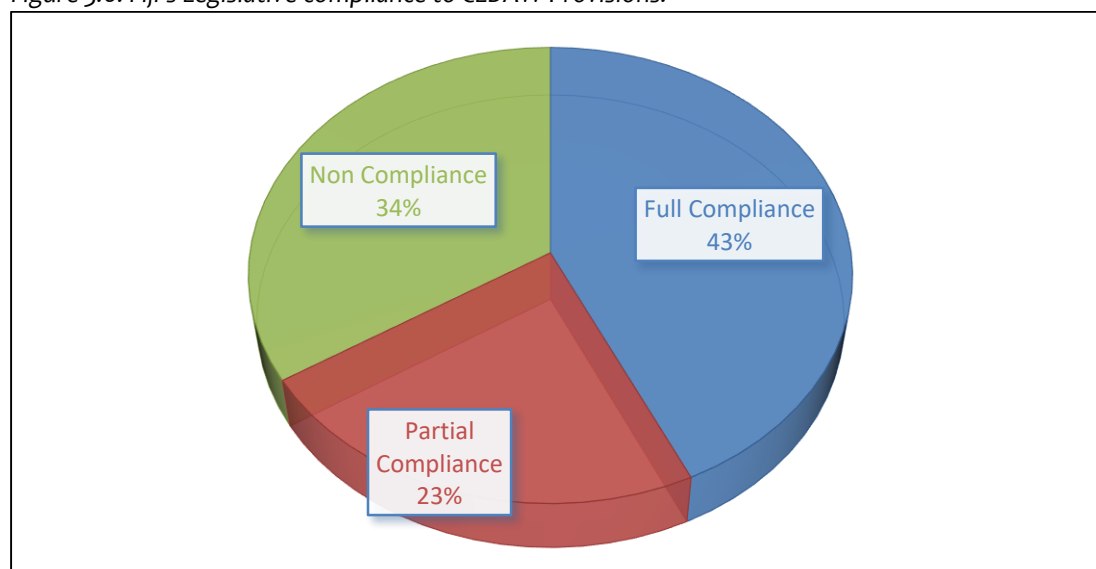
<sup>98</sup> CEDAW Article No. 3

Convention sets legally binding obligations to the State parties and sets the international standard for what is meant by equality between men and women.<sup>99</sup>

3.1.3.4.6.4 While scanning through the obligatory articles of CEDAW, we noted that there were no specific provision articulating how state parties are to address the issue of violence against women. On the other hand, it does place a lot of emphasis on the need for State parties to ensure that women are not discriminated against. More so, it is believed that gender based violence has been recognized as a form of discrimination as it is both a cause and consequence of gender inequality and inhibits women's ability to enjoy and exercise their human rights and fundamental freedoms.<sup>100</sup>

3.1.3.4.6.5 Documentary review revealed that there was a report published in 2007 by UNDP and UNIFEM with relation to Fiji's legislative compliance with CEDAW called *Translating CEDAW In to Law, CEDAW Legislative Compliance in Nine Pacific Island Countries*. The assessment of Fiji's legislation were based on 113 compliance indicators. An overview of the results is depicted in Figure 3.6 below.

Figure 3.6: Fiji's Legislative compliance to CEDAW Provisions.



**Source:** *Translating CEDAW into law: CEDAW legislative compliance in nine Pacific island countries/ Vedna Jivan and Christine Forster. – Suva, Fiji: UNDP Pacific Centre: UNIFEM Pacific Regional Office, 2006.*

3.1.3.4.6.6 The above diagram shows that in 2006, out of the 113 indicators, Fiji has fully complied with 49 (43%) of the indicators, partially complied with 26 (23%) and is non-compliant with the remaining 38 (34%) indicators.

3.1.3.4.6.7 The above results were also quoted in Fiji's combined 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> periodic report to the CEDAW Committee. However, audit review of Fiji's compliance to CEDAW report

<sup>99</sup> Statement to the Hague Forum 8-12 February, 1999, Role of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Realization of Women's Reproductive Health, Sexual Health and Reproductive Rights, also available online at: <http://www.un.org/popin/icpd/icpd5/hague/cedaw.pdf>

<sup>100</sup> Australian Human Rights Commission website, available online at: <https://www.humanrights.gov.au/our-work/sex-discrimination/projects/violence-against-women>.

revealed that the “assessment of Fiji’s compliance is based on the law in effect as at 30 December 2006”<sup>101</sup>.

- 3.1.3.4.6.8 It is noted that the enactment, amendments and revisions of legislation that address the issue of discrimination against women, for example, the Family Law Act 2003 and the Domestic Violence Act 2009, was Government’s aim to bring it in line with the provisions of CEDAW.
- 3.1.3.4.6.9 More so, as discussed in this reports preceding sub-sections regarding the challenges in effecting the various legislations that have been enacted, revised or amended, there should be coordinated efforts in place to undertake an independent review of Fiji’s legislative compliance to CEDAW provisions. However, more than a decade has lapsed and there has not been any independent reviews conducted by the lead agencies on women issues regarding Fiji’s legislative compliance to the CEDAW provisions.
- 3.1.3.4.6.10 Legislative reviews to CEDAW should be conducted by the Department of Women using reliable sources of indicators such as provided in the UNDP and UNIFEM report above. This is to ensure that the State is aware of its status in terms of legislative compliance to CEDAW. Moreover, since States are obliged to comply with the CEDAW provisions as it is legally binding, failure to do so may warrant attention from the international community which could be detrimental to the nation as a whole.

The Department of Women noted<sup>102</sup> that they have established a Ministerial Forum since 2014 which is chaired by the Minister and also the compilation of the Beijing Platform for Action review report which actually had a wide consultation. According to the Senior Women Interest Officer, the Department of Women is actually strengthening coordinated efforts with relevant stakeholders through the drafting of Terms of Reference of the forum to conduct reviews on Fiji’s legislative compliance to the CEDAW provisions.

The Department of Women further stated that the review carried out by UNDP and UNIFEM would be the best one yet and the Ministry is not planning to conduct a similar review because the only issue that the Ministry is working in accordance to is the CEDAW concluding remarks/recommendations. The Department added that the only reviews that would be conducted would be the ones done internally, as it will be part of their overall strategy to get their Beijing Plan of action (BPA) +25 review report and CEDAW follow-up report out. So for the current situation in Fiji, the Department of Women stated that the Beijing Plan of action (BPA) +25 review would be the most suitable one as it would contain all the relevant indicators. The Department of Women reiterated that the review of CEDAW provisions will be part of their process anyway going towards the CEDAW report which is due in 2022 and since the follow-up exercise on the 5th State CEDAW report will be due in a year as well, reviews will be done nevertheless.

<sup>101</sup>Translating CEDAW into law: CEDAW legislative compliance in nine Pacific island countries/ Vedna Jivan and Christine Forster. – Suva, Fiji: UNDP Pacific Centre: UNIFEM Pacific Regional Office, 2006, chapter 3, section 3.1, paragraph 1, p.165.

<sup>102</sup> Post exit meeting discussions dated 10<sup>th</sup> June 2019.

**Recommendation**

11. The Department of Women should ensure that efforts are coordinated with stakeholders such as NGO's and CSO's to conduct reviews on Fiji's legislative compliance to the CEDAW provisions, based on the most appropriate indicators similar to the one used in the UNDP and UNIFEM review report.

**3.1.3.4.7 Alignment of Action Plan to International and Regional Plan of Action**

- 3.1.3.4.7.1 The Women's Plan of Action (WPA) will be the vehicle for the fulfilment of Fiji's obligations to international and regional commitments such as CEDAW, the Beijing Platform for Action and the Revised Pacific Platform for Action, in the ultimate interests of families, communities and all peoples in Fiji.<sup>103</sup>
- 3.1.3.4.7.2 We noted that there were two plans of action, one was developed at the international level (Beijing Platform of Action) and the other at the regional level (Pacific Platform of Action).
- 3.1.3.4.7.3 The objective of the Beijing Platform for Action is the empowerment of all women. The implementation of this platform, including through national laws and the formulation of strategies, policies, programmes and development priorities, is the sovereign responsibility of each State, in conformity with all human rights and fundamental freedoms, and the significance of and full respect for various religious and ethical values, cultural background and philosophical convictions of individuals and their communities should contribute to the full enjoyment by women of their human rights in order to achieve equality, development and peace.<sup>104</sup>
- 3.1.3.4.7.4 The rationale for developing the Pacific Platform for Action on the Advancement of Women and Gender Equality (PPA) as a regional platform in addition to the global platform, was to ensure it included issues of particular relevance to Pacific women and reflected the context of their lives.<sup>105</sup>
- 3.1.3.4.7.5 While the BPA and WPA had Elimination of violence against women as one of the thematic areas, the PPA had the issue of violence against women included in the Women's legal and human rights thematic area. However, it had the following recommendations: Adopting policies and programmes to prevent sexual and family violence and criminalize any form of violence; Collecting sex disaggregated data on violence against women and its economic costs in order to curb the prevalence of sexual and family violence; Provide substantial support for programmes to assist victims of domestic violence; and Adopting multi-sectorial approach and recognising the important role of men, women, boys and girls in addressing the problem of violence against women.

<sup>103</sup> Women's Plan of Action 2010-2019 – paragraph 3, p.5.

<sup>104</sup> Beijing Declaration and Platform of Action, paragraph.9, p.8.

<sup>105</sup> Pacific Platform for Action on Gender Equality and Women's Humans Rights 2018-2030, Secretariat of the Pacific Community, also available online at: <http://www.spc.int/wp-content/uploads/2017/09/PPA-2018-Part-I-EN2.pdf>, paragraph 1, p.5.

- 3.1.3.4.7.6 Comparison between the Women's Plan of Action, Beijing Platform for Action and the Revised Pacific Platform for Action revealed that there were deviations noted between the strategic objectives of the two action plans as highlighted in Table 3.4 below.

Table 3.4: Brief on Strategic Objectives under the International and National Action Plans

STRATEGIC OBJECTIVES	
Beijing Platform for Action	Women's Plan of Action
I. Take integrated measures to prevent and eliminate violence against women.	I. Improved responses to crimes against women and children.
II. Study the causes and consequences of violence against women and the effectiveness of preventive measures.	II. Improved access to justice and legal services.
III. Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.	

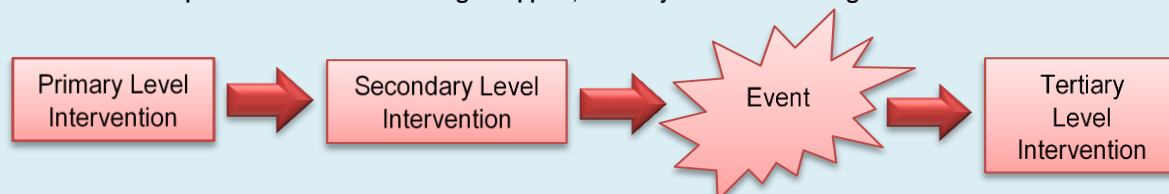
- 3.1.3.4.7.7 The strategic objectives presented in the table above revealed that while the international action plan placed more emphasis on preventative/proactive measures, the national WPA had more focus on reactive measures in terms of responding to victims of gender based violence.
- 3.1.3.4.7.8 In Australia, jurisdictions have taken action to criminalise, prevent and reduce domestic and family violence. They have taken a range of approaches to coordinate the responses to violence. They found that even though there is some intervention at the primary and secondary levels to predict and prevent domestic violence and to create a safe environment where there is freedom from fear of further violence, the main focus appears to be at the tertiary level. The report presents a view that implementing proactive approaches to dealing with violence against women will be more beneficial in the long-run. Refer Exhibit 3.6 for details.

**Exhibit 3.6** “Patch up” or “Prevent” the damage

In the main government agencies’ responses to social issues have been in the form of tertiary intervention. The responses are usually undertaken to address damage that is caused after the incident has occurred.

Patching up the damage gets more attention by government agencies because it is immediate, visible and more closely linked to government’s core business of keeping the peace, treating injury or housing the homeless. Often the immediate damage is addressed without tackling underlying problems that contribute to ongoing damage and disadvantage that can extend across generations.

Tertiary intervention is urgent and in response to a known, visible situation. Primary and Secondary Level intervention on the other hand is in response to a situation ‘that might happen’, so it may be seen as less urgent.



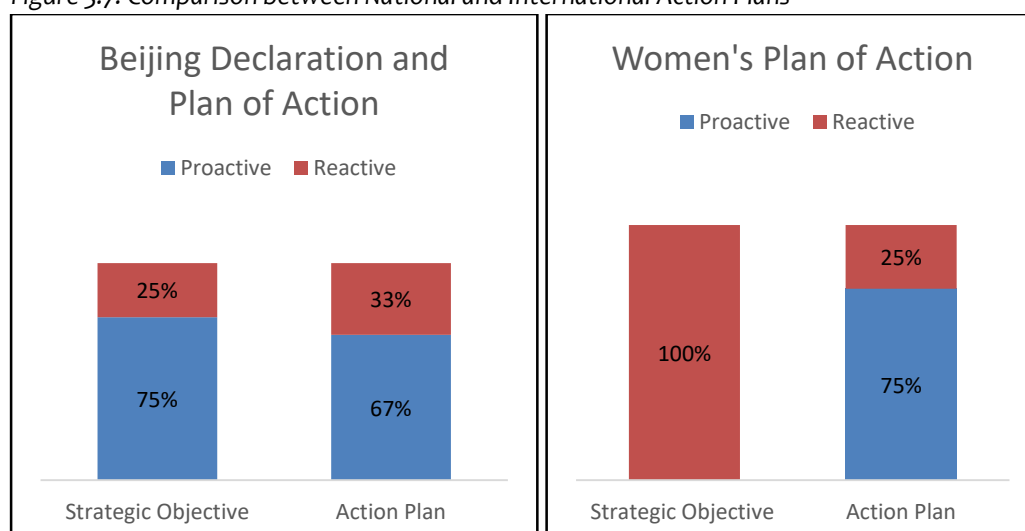
In an ideal world it would seem that early intervention could have prevented or at least reduced, the possibility of the antisocial event occurring. However, it is difficult for policy makers to positively prove that it was the hearing problem, the lack of education or the lack of meaningful employment that ultimately lead to the antisocial event.

Society might be concerned that early intervention initiatives could divert resources from urgent tertiary needs. The challenge for public sector policy setters is to persuade taxpayers and their elected representatives that specific early interventions at the primary or secondary levels will have direct long-term benefits.

Source: New South Wales Performance Audit Report on Responding to domestic and family violence, 8 November 2011.

3.1.3.4.7.9 Our review of the action plan for each strategic objective outlined in Table 3.4 above, revealed that the same conclusion drawn for the international action plan strategic objective still applies, in that the action plans are geared towards more proactive approaches. However, for the national plan, we noted that while the strategic objectives at the outset were reactively focused, a review of the action plans for each strategic objective revealed that only 25% was focused on reactive measures, the remaining 75% were proactive approaches. Refer Figure 3.7 below for a graphical representation of the analysis.

Figure 3.7: Comparison between National and International Action Plans





3.1.3.4.7.10 Therefore it can be concluded that for the national WPA, the strategic objectives can be misleading as it emphasises more on reactive approaches while the action plans in itself is 75% more towards proactive measures.

3.1.3.4.7.11 The weak alignment between the strategic objectives and the action plans can be attributed to lack of sufficient effort by the Department of Women in undertaking research work on the root causes of violence against women. This is detailed in the following paragraphs.

The Department of Women have agreed to the audit findings and recommendations.<sup>106</sup>

### Recommendation

12. The Department of Women should ensure that:
- Plans for the development of the next WPA are properly aligned to the Beijing Declaration and Platform of Action.
  - Strategic objectives in the WPA document clearly capture what the action plans purports to reflect.

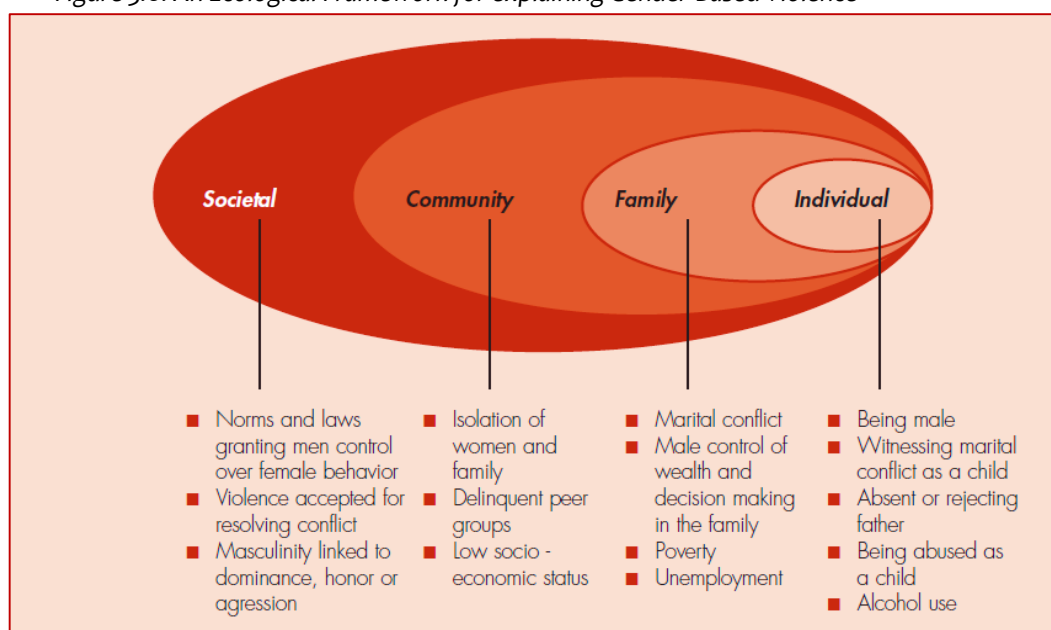
<sup>106</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

## 3.1.3.4.7.12 Research work on Root Causes of VAW

3.1.3.4.7.12.1 Government, regional organizations, the United Nations, other international organizations, research institutions, women's and youth organisations and non-governmental organizations, as appropriate should promote research, collect data and compile statistics, especially concerning domestic violence relating to the prevalence of different forms of violence against women, and encourage research into the causes, nature, seriousness and consequences of violence against women and the effectiveness of measures implemented to prevent and redress violence against women.<sup>107</sup>

3.1.3.4.7.12.2 In 2005, there was a practical guide for researchers and activists developed by Mary Ellsberg and Lori Heise, for researching violence against women. In this guide, they had paid particular attention to an "ecological framework" to understand the interplay of personal, situational, and socio-cultural factors that combine to cause abuse. This framework was first introduced in an article by Lori Heise in 1998. In this framework, as visualized in Figure 3.8 below, violence against women results from the interaction of factors at different levels of the social environment.

Figure 3.8: An Ecological Framework for explaining Gender-Based Violence



Source: *Researching Violence against Women: A Practical Guide for Researchers and Activists*, Ellsberg M, and Heise L., Washington DC, United States: World Health Organization, PATH; 2005, p.26.

3.1.3.4.7.12.3 While conducting literature reviews between the various studies, we noted that many causes of violence against women highlighted in the ecological framework above have been entrenched in Fiji's context as well. The findings from literature reviews are covered in the following paragraphs.

3.1.3.4.7.12.4 According to a survey conducted by the FWCC National Survey, there were certain factors that triggered violent behaviours from men in the home. In addition, there

<sup>107</sup>Beijing Declaration and Platform for Action, 1995, paragraph. 129 (a), p.55.

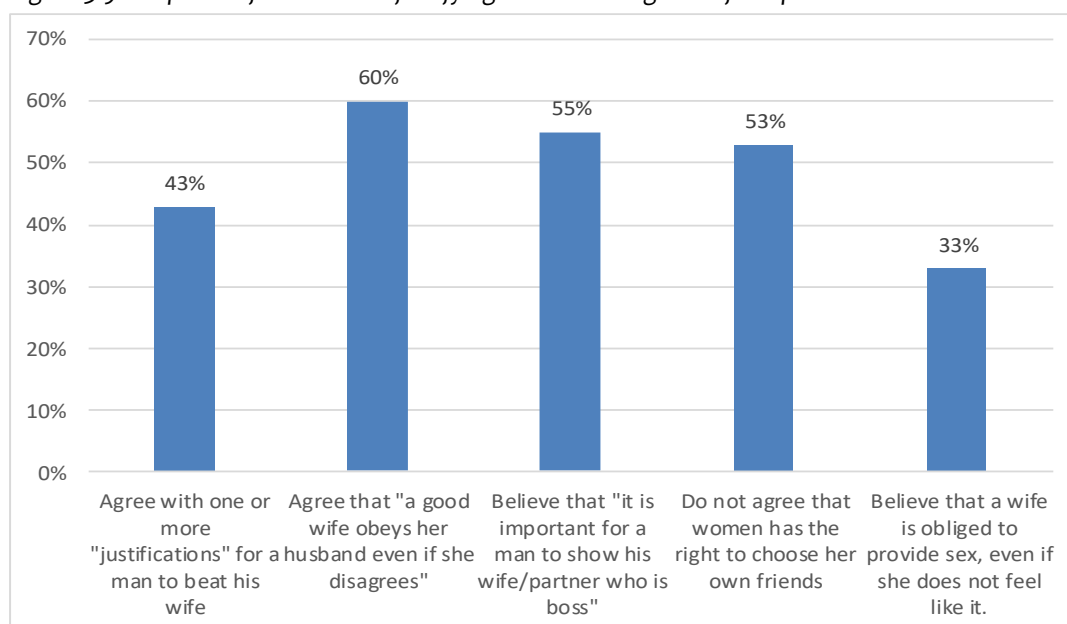
was also a consistent list of events that influence violence from husbands or partners at the world-wide level.<sup>108</sup> An analogy is tabulated in Table 3.5 below.

Table 3.5: Comparing national and global triggers to violence against women

Triggers of violence against women	Triggers
Fiji Context	Jealousy by husbands
	Women being disobedient
	The need to demonstrate that they are "in control"
	Drunkenness
World-wide Context	Not having food ready on time
	Not obeying the husband
	Talking back
	Failing to care adequately for the children or home
	Questioning him about money or girlfriends
	Going somewhere without his permission
	Refusing him sex
	Expressing suspicions of infidelity

3.1.3.4.7.12.5 However, while disturbing but alarmingly true, as highlighted in Figure 3.9 below, the FWCC survey also indicated that many women in Fiji agree with statements that undermine or negate women's rights.

Figure 3.9: Responses from women justifying a man beating his wife or partner



Source: Fiji Women's Crisis Centre. 2013. *Somebody's Life, Everybody's Business! National Research on Women's Health and Life Experiences in Fiji (2010/2011)*.

3.1.34.7.12.6 The above responses shows that women themselves accept the fact that men exert power over them. There has been common findings in other studies which indicates strongly that unequal gender norms and power relations are reinforced

<sup>108</sup>Researching Violence against Women: A Practical Guide for Researchers and Activists. Ellsberg M, and Heise L., Washington DC, United States: World Health Organization, PATH; 2005, paragraph 2, p.25.

by women as well as men. The above figure shows that majority of respondents agree that a good wife obeys her husband even if she disagrees.

3.1.3.4.7.12.7 In addition, other factors that were identified in the FWCC 2010-2011 study which correlates to the ecological framework demonstrate that a tolerance for men's violence against women and unequal gender power relations remain rooted in social norms and in the belief systems of some women and can be categorized into the following :

- The high rate of both partner and non-partner abuse show that the use of violence as a form of punishment and discipline is accepted within many families and communities. Women themselves minimize the impact of the violence on their health and well-being and many even say that they have not sought help because the violence was "normal".
- Men's violence against women is a learned behaviour. Witnessing domestic violence and being subjected to violence as a child can lead to an entitlement to exert power over women, and thus an acceptance of gender inequality by both women and men.
- Being regularly beaten as a child and frequent alcohol abuse are also key risk factors.

3.1.3.4.7.12.8 As mentioned above, these risk factors increase women's likelihood of experiencing intimate partner violence which are directly related to social norms that reinforce inequality in Fiji society, as well as to norms and practices that condone violence.

3.1.3.4.7.12.9 Although the ecological framework has gained broad acceptance for conceptualizing violence, there have been few attempts to explore how individual and community level risk factors relate to each other and ultimately influence women's vulnerability to violence. Findings from various studies have tried to explain this phenomenon and are tabulated in Table 3.6 below.

Table 3.6: Relationship between Individual and Community level risk factors

Contextual Study	Findings
Study in United States	Socio-economic status of the neighborhood had greater impact on the risk of violence than individual household income levels.
Study in Bangladesh	Some aspects of women's status could either increase or decrease a woman's risk of being beaten, depending on the socio-cultural conditions of the community she lives in. In one site, characterized by more conservative norms regarding women's roles and status, women with greater personal autonomy and those who participated for a short time in savings and credit groups experienced more violence than women with less autonomy. Community-level measures of women's status had no effect on the risk of violence. The opposite was true in the less conservative setting where women had better overall status. In this site, individual measures of autonomy and participation in credit schemes had no impact on the risk of violence, whereas living in a community where more women participated in credit groups and where women had a higher status overall had a protective effect.

Source: *Researching Violence against Women: A Practical Guide for Researchers and Activists*, Ellsberg M, and Heise L., Washington DC, United States: World Health Organization, PATH; 2005, paragraph 3, p.25.

- 3.1.3.4.7.12.10 An assessment of violence against women in Melanesia and East Timor found that more attention has been paid to law and justice support services for victims of violence than to preventing violence. It further stated that programs attempting to address violence without addressing the root causes of the problem are unlikely to succeed as they do not challenge men's belief that the violence is justified.<sup>109</sup>
- 3.1.3.4.7.12.11 Our discussions with officials<sup>110</sup> at the Department of Women revealed that the main reason that research work has not eventuated is due to the improper demarcation of work.
- 3.1.3.4.7.12.12 Further discussions with officials<sup>111</sup> revealed that the Department depends on findings from these researches to develop plans and implement programs. While this practice is acceptable, the change in time creates a risk that wrong conclusions might be drawn from research findings which can lead to ineffective measures and programs implemented. The officer also agreed to the risks identified by our audit and confirmed that the Policy & Research Unit in the department has not engaged or conducted any proper research to gauge the true root cause of violence that women face.

The Department of Women have agreed to the audit findings and recommendations.<sup>112</sup>

### Recommendation

13. The Department of Women should:
- Strengthen its Policy and Research Unit.
  - Properly demarcate work, so that research work is separate and distinct from the monitoring and evaluation function of the Department.

### 3.1.3.4.8 Sustainable Development Goals and National Development Plan

- 3.1.3.4.8.1 In the year 2000, leaders in 189 countries created a plan called the Millennium Development Goals (MDGs) which had a set of 8 goals. However, in the year 2015, the world leaders adopted a set of 17 goals known as the Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development which officially came into force on 1 January 2016.<sup>113</sup>
- 3.1.3.4.8.2 Gender equality and women's empowerment is integral to achieving the Sustainable Development Goals (SDG'). This is captured in SDG 5 which focuses on the achievement of gender equality and the empowerment of women and girls. It builds on MDG 3 which also addresses the same. A comparison of the global goals are documented in Table 3.7 below.

<sup>109</sup>Violence against Women in Melanesia and East Timor: Building on global and regional promising approaches, Ellsberg, M., Bradley, C., Egan, A., Haddad, A. (2008). Canberra, Australia: Australian Agency for International Development Office of Development Effectiveness, paragraph 1 and 2, p.160.

<sup>110</sup>Discussions with Acting Principal Research Officer (PRO), held on 24 April 2018

<sup>111</sup>Discussions with Senior Women's Interest Officer (SWIO) CEDAW, held on 11 May 2018

<sup>112</sup>Post exit meeting discussions dated 10<sup>th</sup> June, 2019

<sup>113</sup>United Nations SDG's website, available online at: <http://www.un.org/sustainabledevelopment/development-agenda/>

Table 3.7: SDG's Versus MDG's

Global goals	Target	Indicators for monitoring progress
SDG 5	5.2 – Eliminate all forms of violence against women and girls in the public and private spheres, including trafficking and sexual and other types of Exploitation.	5.2.1 -Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former partner in the previous 12 months, by form of violence and by age.  5.2.2 -Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence.
MDG 3	Target 3.A – Eliminate gender disparity in primary and secondary education, preferably by 2005, in all levels of education no later than 2015.	3.1 – Ratios of girls to boys in primary, secondary and tertiary education 3.2 –Share of women in wage employment in the non-agricultural sector 3.3 – Proportion of seats held by women in national parliament

- 3.1.3.4.8.3 According to the information tabled above, it is noted that the current SDG 5 is quite comprehensive in terms of promoting the achievement of gender equality and empowerment of all women and girls and particularly for the elimination of violence against women and girls. It is important to note that there are actually nine (9) target areas presented in SDG 5. Out of the nine, one of the targets pertain to the elimination of all forms of violence against women and girls which in turn has two indicators for monitoring progression.
- 3.1.3.4.8.4 Currently, the government's key planning document, which sets out strategic directions for each ministry and department is the National Development Plan which captures Fiji's commitments to international agreements, such as the Sustainable Development Goals (SDG's).
- 3.1.3.4.8.5 Successive Governments in Fiji have been able to incorporate priority areas of the WPA into their respective national development plans.<sup>114</sup> This has served as the basis for the work on women's development in Fiji. Table 3.8 below presents the national plans and strategic documents and how gender equality and development have been encapsulated in it.

Table 3.8: National and Strategic Development Plans over time

National and Strategic Plan of successive governments	Aspect of Gender Equality and Development
<b>Fiji Strategic Development Plan 2003 – 2005</b>	Chapter 5.3 focused on Gender and Development, with strategic objectives and key performance indicators.
<b>Sustainable Economic Development Strategies (SEEDS) 2008 – 2010.</b>	Chapter 9.9 on Gender and Development.
<b>The Roadmap for Democracy and Sustainable Social and Economic Development (RDSSED) 2009 – 2014</b>	Identifies the following strategies for good governance: Stronger protections for the application of the Bill of Rights such as the adoption of CEDAW definitions for discrimination against

<sup>114</sup> Fiji's combined 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> State periodic report to the CEDAW Committee, p.26.

National and Strategic Plan of successive governments	Aspect of Gender Equality and Development
	<p>women and the girl-child and Proposals to strengthen the operation of state services and the accountability framework: <u>Ensuring Effective, Enlightened and Accountable Leadership</u></p> <p>Leadership training and development at all levels will be a priority so that good leadership is realised sooner rather than later. Women and youth leadership will also be strengthened. <u>Social and Cultural Development</u></p> <p>The major challenges to enhancing the development of women include implementation and monitoring of the Equal Employment Opportunity Policy in all workplaces, presence of occupational discrimination and gender segregation in labour markets.</p>

Source: Fiji's national report on the 20 year review of the Implementation of the Beijing Platform for Action, MWCPA, 2014, p.4 & 5.

- 3.1.3.4.8.6 We acknowledge the current initiatives of government in trying to address the issue of gender based violence in the 5 year and 20 year National Development Plan 2017-2036. Figure 3.10 below depicts the link between the SDG's, NDP and WPA.

Figure 3.10: Comparison of Strategic Objectives for SDG, NDP and WPA regarding EVAW



Source: OAG Analysis of SDG No. 5, NDP 3.1.9 & WPA

- 3.1.3.4.8.7 While Target 5.2 of SDG 5 addresses the elimination of all forms of violence against women, in order for governments to monitor its progression, the main indicators are:
- Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or other psychological violence by a current or former partner in the previous 12 months, by form of violence and by age; and



- II. Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence.

- 3.1.3.4.8.8 According to the 2030 Agenda for Sustainable Development, the above indicators will be complemented by indicators at the regional and national levels which will be developed by member states, in addition to the outcomes of work undertaken for the development of the baselines for those targets where national and global baseline data does not yet exist.
- 3.1.3.4.8.9 In order for governments to achieve target 5.2 of SDG 5, they would need to develop strategies so as to achieve this goal based on the above indicators for monitoring progression. Therefore, as shown in Figure 3.10 above, government's strategies would be presented in the NDP.
- 3.1.3.4.8.10 Audit review of the NDP, in the case of eliminating violence against women, it was noted that the main strategies for the elimination of violence against women involved devising effective strategies for improved policing in response to violence against women and girls, adherence to best practices when responding to victims of intimate partners and to sexual violence against women and the development of the service delivery protocols.
- 3.1.3.4.8.11 In addition, according to the strategies presented, various programs and projects would need to be implemented. We noted that the main programs and projects were geared towards the implementation of the national gender policy and WPA and strengthening collaboration and partnership with NGO's. Refer Table 3.9 below for details of the strategies and its relevant programs.

Table 3.9: Programs and Projects outlined in the Fiji National Development Plan

Strategy	Planned Programs
<b>Implementation of the national gender policy and WPA</b>	<p>I. Legislation, policies and plan as per the National Gender Policy revised to ensure gender equity is promoted.</p> <p>II. Reviewing laws relating to eliminating violence against women and children as per the National Gender Policy.</p>
<b>Collaboration and Partnerships with NGO's</b>	<p>I. Declared Zero Tolerance Violence Free Community Projects.</p> <p>II. Establishment of GBV service delivery protocol for police and services responding to GBV.</p> <p>III. Overarching strategy developed by FPF to respond to GBV.</p>

Source: National Development Plan, p.57.

- 3.1.3.4.8.12 Our review of the indicators for the achievement of target 5.2 of SDG 5 revealed that the provision and availability of relevant data is important. However, given the multiple agencies involved in implementing strategies and programs for the elimination of violence against women (i.e. Fiji Police force and other relevant stakeholders such as FWCC), there needs to be a single agency responsible for coordinating and collating data. However, in Fiji's context, we were not able to determine the single agency which is responsible for the aforementioned tasks.

3.1.3.4.8.13 On the other hand, at the agency level, all planned programs relating to the implementation of the WPA and the national gender policy and the collaboration and partnership with NGO's are all captured in the WPA document, National gender policy and the service delivery protocol.

3.1.3.4.8.14 In view of the above we can conclude that there is clear correlation between the programs and projects outlined in the NDP to the activities in the WPA.

The Department of Women have agreed to the audit findings and recommendations.<sup>115</sup>

#### Recommendation

14. The Department of Women should strengthen its coordinating, data collection and collating strategies in collaboration with relevant stakeholders such as the Fiji Police Force and other stakeholders.

### 3.13.4.9 Transition from WPA 1 to WPA 2

3.1.3.4.9.1 Government should formulate and implement, at all appropriate levels, plans of action to eliminate violence against women.<sup>116</sup>

3.1.3.4.9.2 The National Women's Plan of Action (NWP) 1999 – 2008 in 1998 also known as WPA Volume 1 was developed after the 4<sup>th</sup> World Conference on Women in Beijing. The Plan consisted of the following five thematic areas;

- I. Mainstreaming women and gender concerns,
- II. Women and the law,
- III. Micro-enterprise development,
- IV. Balancing gender in decision-making; and
- V. Elimination of Violence against Women and Children.<sup>117</sup>

3.1.3.4.9.3 However, a midterm review of the WPA Volume 1 was conducted in 2005. The review recommended the inclusion of two new areas of concern, namely:

- I. Formal sector employment and livelihoods; and
- II. Health and reproductive health.<sup>118</sup>

We noted that the area of 'Micro enterprise development' was removed and included under Formal Sector Employment and Livelihoods and 'Mainstreaming Women and Gender Concerns' was also removed as a separate area as it is a process underlying all implementation. In addition, 'Women and the Law' and 'Elimination of Violence against Women and children' was retained.

The changes in area of concern addressed under the two Women's Plan of Action are detailed in Table 3.10 below.

<sup>115</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

<sup>116</sup> Beijing Declaration and Platform for Action 1995 Strategic objective D1 paragraph 124 (o), p.52.

<sup>117</sup> Fiji's National Report on the 20-Year review of the Implementation of the Beijing Platform of Action, MSWWPA, May 2014, section 1, paragraph 5, p.3.

<sup>118</sup> Fiji's National Report on the 20-Year review of the Implementation of the Beijing Platform of Action, MSWWPA, May 2014, section 1, paragraph 1, p.4.

Table 3.10: Distinctions under the two Women's Plan of Action

Women's Plan of Action 1999 –2008 (Volume 1)	Women's Plan of Action 2009-2019 (Volume 2)
<b>Mainstreaming women and gender concerns</b>	Access to Services: including Health and Reproductive Health and HIV & AIDS; Education and resources such as water, etc. (new thematic area)
<b>Women and the Law</b>	Women and the Law
<b>Micro-enterprise development</b>	Formal Sector Employment and Livelihoods (new thematic area)
<b>Balancing gender in decision-making</b>	Equal Participation in Decision Making
<b>Elimination of Violence against women and children</b>	Elimination of Violence Against Women and Children

3.1.3.4.9.4 Institutional mechanisms will be established to effectively implement the WPA. Yet, successful implementation will require joint commitments from the Government and Fiji's population at large and not just the women themselves.<sup>119</sup>

## 3.2 Key Stakeholders to Ending VAW

3.2.1 Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments.<sup>120</sup>

3.2.2 Violence against women is a grave violation of human rights.<sup>121</sup>

3.2.3 In order to effectively work towards ending violence against women, States should build and sustain strong multi-sectorial strategies, coordinated nationally and locally.<sup>122</sup>

3.2.4 The main key players for EAW in Fiji include the Department of Women in the Ministry of Women, Children and Poverty Alleviation, Fiji Police Force, Ministry of Health and the Judicial Department.<sup>123</sup>

3.2.5 Other Stakeholders involved in the fight to eliminate violence against women include Ministry of iTaukei Affairs, Ministry of Education, FWCC, Empower Pacific, emergency and temporary shelter service providers like Salvation Army and Homes of Hope, Legal Aid Commission, Office of the Director of Public Prosecution, UN Women, DFAT, and UNFPA.<sup>124</sup>

3.2.6 It is worth noting that the above stakeholders play a huge role in the institutional arrangement resulting in the formation of an Inter-Agency Taskforce. The Taskforce will be discussed in section 3.4.2 of this report.

<sup>119</sup> Women Plan of Action 2010-2019, paragraph 4, p.5.

<sup>120</sup> Beijing Declaration and Platform of Action 1995, paragraph 210, p.89.

<sup>121</sup> <https://www.humanrights.gov.au/our-work/sex-discrimination/projects/violence-against-women>

<sup>122</sup> Ending violence against women, from words to action, Study from the Secretary General, 2006, paragraph 7, p.vi.

<sup>123</sup> EAW Taskforce members

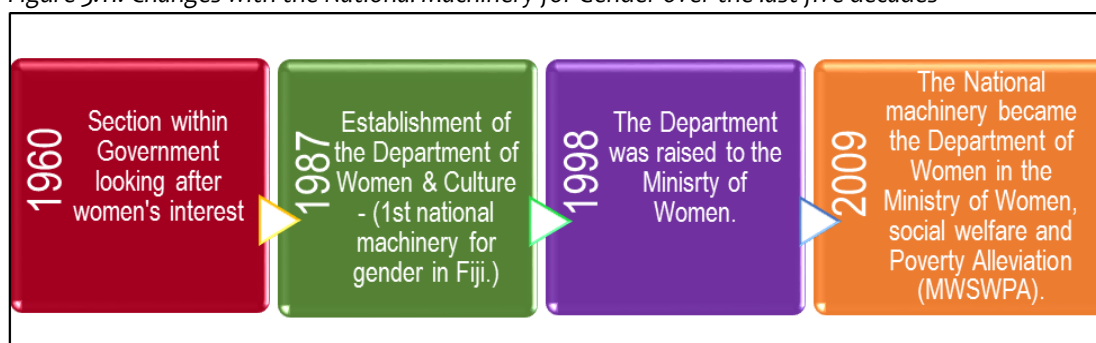
<sup>124</sup> EAW Taskforce members

### 3.2.1 Roles and Responsibilities of the Key Players

#### 3.2.1.1 Department of Women

- 3.2.1.1.1 Government should, based on a strong political commitment, create a national machinery, where it does not exist, and strengthen, as appropriate, existing national machineries, for the advancement of women at the highest possible level of government; it should have clearly defined mandates and authority; critical elements would be adequate resources and the ability and competence to influence policy and formulate and review legislation; among other things, it should perform policy analysis, undertake advocacy, communication, coordination and monitoring of implementation.<sup>125</sup>
- 3.2.1.1.2 Since 1960, a section has existed in Government to look after the interests of women. Figure 3.11 demonstrates the changes that the National Machinery for Gender in Fiji has undertaken over the years.

Figure 3.11: Changes with the National Machinery for Gender over the last five decades



Source: Fiji State Reports to the Committee on the Elimination of all form of Discrimination on Women (CEDAW)

- 3.2.1.1.3 The Department of Women has continued to pursue its role as primary advisor to Government on public policies that affect women. It is responsible for:-
- The coordination of implementing the National gender Policy across the whole government. This coordination includes the establishment of gender focal points within government agencies to assist in their own gender mainstreaming activities. This involves the review of government policies, processes, and human resource management systems.
  - Gender mainstreaming activities that are articulated in the National Gender Policy. These activities are consistent with the key thematic areas as stipulated in the Women's Plan of Action 2009-2019; that is the Formal Sector Employment and Livelihood, Equal Participation of Women in Decision making, Women and the Law, Access to Services and Elimination of Violence against women and Children.
  - Conducting advocacy work towards the elimination of violence against women and children, the implementation of women and gender equality.
  - Assisting the government in working towards the full and active participation of women in society.

<sup>125</sup> Beijing Declaration and Platform of Action, paragraph 203 (b), p.85.

- Provides a Ministerial support service including advisory support to the Minister, and administrative support as Chair of the Fiji Women Federation Advisory Council.<sup>126</sup>

### 3.2.1.2 Fiji Police Force

- 3.2.1.2.1 The role of the Fiji Police Force (FPF) is to provide safety and security to all the people of Fiji, including visitors. Central to this role is the endeavour to deal with violence against women and children. The role and responsibilities of the Fiji Police Force in responding to cases of gender-based violence are described in Table 3.11 below:

Table 3.11: Roles and responsibilities of FPF in responding to gender based violence

All police officers or employees of the Fiji Police Force (FPF) must:	Police Responsibilities in the Domestic Violence (DV) Act include:
<ul style="list-style-type: none"> <li>• Report GBV or sex crimes to the nearest police station, if they become aware of it officially or in any other way</li> <li>• Make arrangement for medical examination and treatment of GBV or sex crime victims</li> <li>• Provide security to victims who are receiving medical treatment</li> <li>• Make certain that victims are addressed in a language they understand about the processes involved in investigating GBV or sex crimes</li> <li>• Make sure that the FPF 'No Drop Policy' on DV, GBV, sex crimes and child abuse are fully explained to victims</li> <li>• Ensure that victims of GBV or sex crimes are provided with services that respect their dignity</li> <li>• Be sensitive to the sexual orientation, age, ethnicity, religion, language and culture of a victim of GBV or sex crimes</li> <li>• Be sensitive to the needs of persons with disabilities</li> <li>• Make sure that victims of GBV or sex crimes are provided with medical assistance</li> <li>• Make sure that victims are referred to counselling services</li> <li>• Make sure the victims of GBV or sex crimes are kept updated on the progress of the investigation.</li> </ul>	<ul style="list-style-type: none"> <li>• At the scene of an incident of domestic violence, assist the victim to get medical treatment and provide security while medical treatment is given</li> <li>• Provide information to the victim, written if appropriate and possible to do so regarding: <ul style="list-style-type: none"> <li>– Services that are available</li> <li>– Rights the victim has to seek protection and other orders under the DV Act</li> <li>– The duty that police may have to apply for an order for the protection of the victim under the DV Act</li> <li>– The responsibility the police have in relation to charging the perpetrator of the violence</li> <li>– Giving information about the complaints process that applies to police work in relation to domestic violence</li> </ul> </li> <li>• A police officer must make an application for a domestic violence restraining order (DVRO) for the protection of the woman/girl who is, or may become, a victim of domestic violence, under Section 14 (1) of DV Act. In summary, when a DV offence has taken place and where there is a risk to the victim, police must take out the order and: <ul style="list-style-type: none"> <li>– Apply for an interim restraining order by phone to a resident magistrate if after hours or on weekends</li> <li>– Provide assistance through a DVRO to any woman or child who is likely to be a victim of violence</li> <li>– Serve the DVRO to the perpetrator</li> <li>– Keep the victim consistently updated on the progress of investigation</li> </ul> </li> <li>• To ensure that all cases of domestic violence are thoroughly investigated in a timely manner</li> </ul>

<sup>126</sup> Ministry of Women Children and Poverty Alleviation, Annual Corporate Plan, 2016, Section 4, pp.11-12.

- To ensure that the victims understand the procedures and process of the investigation
- To ensure that victims are well-informed of their rights and FPF stances on the issue of crimes against women and children contained in the FPF 'No Drop Policy'
- Ensure any breach of a DVRO is investigated in a timely manner and ensure breaches of the DVRO are dealt with by ensuring accountability to such sections of the Bail act and are a prima facie unacceptable risk for bail by showing contempt of the order, continuation of the offence and risk to the complainant.

Source: Fiji National Service Delivery Protocol for Responding to Cases of Gender Based Violence, p.51 – 53

### 3.3 Planning for EVAW

3.3.1 Planning is a basic management function involving formulation of one or more detailed plans to achieve optimum balance of needs or demands with the available resources.<sup>127</sup> The optimal planning process used in any organisation, whether in the private or public sector involves the following processes:

- I. Identifying the goals or objectives to be achieved;
- II. Formulating strategies to achieve goals and objectives;
- III. Arranges the means required; and
- IV. Implements, directs and monitors steps in their proper sequence.<sup>128</sup>

3.3.2 Organisational Planning should take into account the outcomes of the national plans at the state level without compromising its deliverables. An overview of the planning hierarchy is summarized in Figure 3.12.

Figure 3.12: Hierarchy of Organizational Planning



3.3.3 In fact, at the agency level, it is important that strategic plans and annual plans are prepared and approved distinctively as there are significant differences in its components. However, despite its differences, it works hand-in-hand. While the annual planning

<sup>127</sup> Best Practice – Business dictionary, also available at: <http://www.businessdictionary.com/definition/planning.html>.

<sup>128</sup> Best Practice - Business dictionary, also available at: <http://www.businessdictionary.com/definition/planning.html>.



provides the nuts and bolts of how the necessary work will be done, but without the strategic planning framework, the annual planning process will be anything but strategic.<sup>129</sup>

- 3.3.5 Given the importance placed in the initial planning stages of any program, the following paragraphs discusses findings from audit evaluation of the planning documents of the Department of Women and the Fiji Police Force.

### 3.3.1 Strategic Planning

- 3.3.1.1 Strategic Planning is a tool for organizing the present on the basis of the projection of the desired future. The overall organizational policies, procedures, objectives, performance targets, budgets, programme and schedules are highlighted in the strategic plan. The plan facilitates progressive advancement of organizational goals.
- 3.3.1.2 A Strategic Plan would present a customized and focused plan for the Ministry.
- 3.3.1.3 The availability of the Strategic Plan would give information on the strategic focus and objectives of the organization and what actions/activities constitute the achievement of these objectives. Furthermore, in order to remain relevant and efficient, the Ministry should adapt to ever changing expectations of its stakeholders. In order to achieve this, the strategic plan would guide the organization on the planned strategic initiatives and what performance measurement indicators are in place to see the success of these initiatives. Also, the development of the strategic plan would provide responsibility specifications and the respective time frames within which actions or services would eventuate or be delivered. Lastly, the strategic plan should identify risks through risk analysis and outline mitigating measures for each identified risk.
- 3.3.1.4 During the period under review, our findings regarding the development of a Strategic Plan are tabulated below.

Table 3.12: Availability of Strategic Plans

Key Stakeholder	Availability of Strategic Plan	Comments
<b>Department of Women</b>	No	First request was sent on 9 Oct 2017, and last date of request was 17 Oct 2017 after four consecutive requests were sent. Upon the last request, audit was informed that the Strategic plan was not yet endorsed. The strategic plan pertained to the years 2012 – 2016.
<b>Fiji Police Force</b>	Yes	Strategic Plan dated 2015-2019. Audit review of the document revealed that one of Force's key performance indicators is the reduction in crime against women and children.

- 3.3.1.5 The above table indicates that while the Fiji Police Force has developed its strategic plan for the duration of four years, the Ministry of Women, Children and Poverty Alleviation did not have an approved 5 year Strategic Plan in place for the period under audit.

<sup>129</sup> Best Practice – Starboard Leadership Consulting LLC website, The difference between Strategic Planning and Annual Planning, also available online at: <https://www.starboardleadership.com/strategic-planning/the-difference-between-strategic-planning-and-annual-planning/>



- 3.3.1.6 The Ministry of Women, Children and Poverty Alleviation (MWCPA) drew its Annual Corporate Plans (ACP) from the relevant outcomes identified in successive Governments' National Strategic and Development Plans.<sup>130</sup> Although the National Strategic and Development Plans incorporated inputs from all the stakeholders, the plan was not customized to the Ministry.
- 3.3.1.7 However, discussions with officials<sup>131</sup> at the Ministry revealed that there were indications that the Ministry is still working on the Strategic Plan.
- 3.3.1.8 The management cited the high rate of staff turnover as a reason in the delay in development of a strategic plan.
- 3.3.1.9 Absence of the Strategic Plan for the period under audit made it difficult for us to measure performance of the Ministry because there were no standards against which performance could be measured.

The Department of Women have agreed to the audit findings and recommendations,<sup>132</sup> however, the Ministry has now published its Strategic Plan for 2019 to 2022.

### Recommendation

15. The Ministry of Women Children and Poverty Alleviation (MWCPA) should **develop** the National Strategic Plan to meet the needs and objectives of their Department, through the development of a strategic plan for the Ministry itself which will be cascaded to the ACP encompassing gender based violence.

## 3.3.2 Annual Planning

- 3.3.2.1 While the Strategic plan provides a vision for the future, informing each component of annual planning, including budget, income and program planning which an organisation needs to guide its work, the Annual Plan establishes specific, measurable outcomes to serve as the basis of implementing activities as well as evaluating performance.<sup>133</sup>
- 3.3.2.2 Annual plans are rooted and aligned to the strategic plan of the organization. Moreover, at the agency level, annual planning entails the preparation and approval of the following planning documents:
- ✓ Annual Corporate Plan (ACP);
  - ✓ Department Business Plan; and
  - ✓ Annual Work Plan for each unit<sup>134</sup> within each Department of Women.

Audit request for the above annual plans are captured in the table below.

<sup>130</sup> Annual Corporate Plan, paragraph 3.6, p.8.

<sup>131</sup> Confirmed on 16/05/2018.

<sup>132</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

<sup>133</sup> Best Practice – Strategic Vs Annual Planning, Mayes, Wilson and Associates, LLC, also available online at: [http://www.mayeswilsonassociates.com/sg\\_userfiles/Strategic\\_vs\\_Annual\\_Planning.pdf](http://www.mayeswilsonassociates.com/sg_userfiles/Strategic_vs_Annual_Planning.pdf)

<sup>134</sup> For the purpose of this report, Annual Work Plan is implied for each thematic area which in this case refers to the EVAW Annual Work Plan.

Table 3.13: Availability of Planning Documents (ACP, Business Plan and Annual Work Plans)

Planning Documents	2014	2015	2016	2016-2017	2017-2018
<b>Ministry of Women Children and Poverty Alleviation</b>					
Annual Corporate Plan	Yes	Yes	Yes	Yes	Yes
DoW Business Plan	Yes	Yes	Yes	Yes	No
Annual Work Plan	Yes	No	No	No	No
<b>Fiji Police Force</b>					
Annual Corporate Plan	Yes	Yes	Yes	Yes	Yes

3.3.2.3 While we acknowledge the efforts of both lead agencies in publishing their Annual Corporate Plans (ACP), it should be noted that there was a delay in the preparation and endorsement of the MWCPA ACP for the years 2016/2017 and 2017/2018. During the audit conduct, the two planning documents were not made available to audit. However, confirmation was received on 17 July 2019 that both ACP's were endorsed and published in March 2018.

3.3.2.4 The Non-preparation and submission of final copies of Annual Operation Plans indicates absence of approved targets/outputs for effective measurement of the agency's performance.

The Department of Women have agreed to the audit findings and recommendations.<sup>135</sup> It is worthy to note that audit sighting of the Ministry of Women Children and Poverty Alleviation website on 28 June 2019 confirm that the Annual Corporate Plan for the years 2016/2017 and 2017/2018 has been published and uploaded accordingly.

### Recommendation

16. The Ministry of Women Children and Poverty Alleviation (MWCPA) should develop Annual Corporate Plans (ACP) for the Ministry and Business Plans for the Department of Women in a timely manner.
17. The Department of Women should:
  - Develop and customize Annual Work Plans (AWP) for the EVAW Thematic desk.
  - Capture targets/outputs in the Individual Work Plans for the effective measurement of the agency's or department's performance.

## 3.4 Institutional Arrangements

3.4.1 Strong institutional mechanisms are required at national and international level to ensure action, coordination, monitoring and accountability.<sup>136</sup> Therefore, key institutional mechanisms have been established in Fiji to support integration of gender considerations in government.<sup>137</sup>

<sup>135</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

<sup>136</sup> Study from the Secretary General, ending violence against women, from words to action, 2006, paragraph 5, p.v.

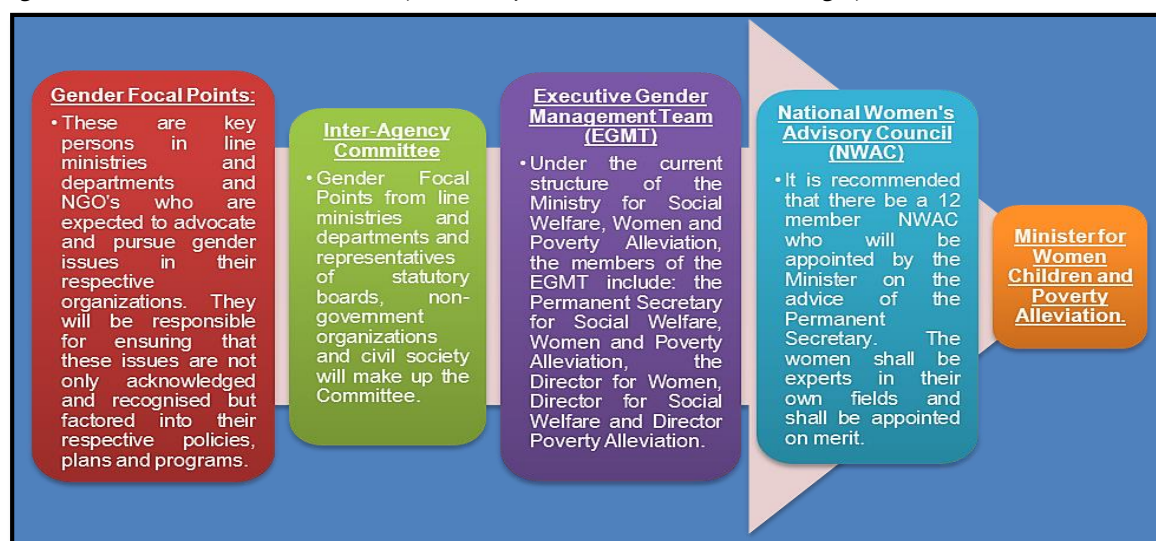
<sup>137</sup> Fiji Country Gender Assessment 2015, paragraph 3, p.83.

3.4.2 The Women's Plan of Action (WPA) is a national document hence it must be viewed within that context. The Department of Women would therefore need a clear definition of its role and functions to effectively deliver its service in the implementation of the revised WPA. In order to do so, the following institutional mechanisms are recommended:

- I. Gender Focal Points;
- II. Inter-agency committee (Taskforce);
- III. Ministry for Women Executive Team – PSMWCPA and DW; and
- IV. National Women's Advisory Council (by legislation).<sup>138</sup>

Figure 3.13 below captures the relationship between the institutional mechanisms that have been identified above.

Figure 3.13: Institutional Mechanisms for the Implementation and Monitoring of the WPA 2010-2020



Source: Women's Plan of Action, Volume 2, Annex 2

3.4.3 Figure 3.13 above denotes the monitoring and reporting structure with the main implementing committee being the Taskforce which is actually made up of the Gender Focal officers from the various line Ministries and Departments and NGO's. The Executive Gender Management Team (EGMT) provides technical advice and directions to the taskforce and monitors the progress of the WPA implementation and submits relevant updates to Development Sub Committee (DSC), the National Advisory Committee and Cabinet as directed by Minister.

3.4.4 Our findings in respect of the institutional arrangements is emphasised in the following paragraphs.

### 3.4.1 Ministry for Women Executive Team & National Women's Advisory Council

3.4.1.1 Core to the implementation and monitoring functions for the activities set out in the WPA is the establishment of core committees such as the Executive Gender Management Team

<sup>138</sup> MWCPA WPA Situational Analysis Volume 1, 2009, paragraph 154, p.49.

(EGMT) and the National Advisory Committee.<sup>139</sup> Table 3.14 outlines the roles and responsibilities of the core committees.

Table 3.14: Roles and Responsibilities of EGMT and National Advisory Committee

Executive Gender Management Team	National Advisory Committee
<p>Members comprise of:</p> <ol style="list-style-type: none"> <li>I. PS MWCPA</li> <li>II. Director Women</li> <li>III. Director Social Welfare</li> <li>IV. Director Poverty Alleviation.</li> </ol> <p>Terms of Reference of the EGMT:</p> <ol style="list-style-type: none"> <li>I. To provide technical advice and directions to the WPA inter agency committees and secretariat;</li> <li>II. To approve and allocate resources for the implementation of appropriate commitments under the WPA;</li> <li>III. To monitor the progress of the WPA implementation and submit relevant updates to DSC, the National Advisory Committee, and Cabinet as directed by Minister.</li> </ol>	<p>The role and responsibilities of the NWAC on Women are to:</p> <ul style="list-style-type: none"> <li>• Provide leadership to the work of the Minister responsible for Women to ensure that Government receives expert policy advice on identified policy and program issues and to develop a positive and active policy agenda for women in Fiji;</li> <li>• Provide recommendations, information and advice to the Minister for Women and the Ministry for Women, to facilitate a whole of Government approach to ensuring that programs and services match women's needs;</li> <li>• Monitor all Government policies and programs relating to women and measures of women's progress against set indicators;</li> <li>• Develop strategies for dealing with the causes of inequalities for women and to provide leadership to influence and shape women's policy;</li> <li>• Assist the Minister for Women to develop and maintain appropriate consultation/engagement mechanisms across Government, with the community and with stakeholders that ensures a broad based, inclusive process;</li> <li>• Provide advice and information to assist in research activities;</li> <li>• Report on a quarterly basis to the Minister for Women.</li> </ul> <p>The functions of the 12 member council are as follows:</p> <ul style="list-style-type: none"> <li>• The Minister will appoint members for a two-year term, subject to a review of performance every twelve months. Council members cannot be appointed for more than two consecutive terms.</li> <li>• The Council will meet at least quarterly. More frequent meeting may be required in the initial stages of operation. Sub committees may be set up to deal with specific issues.</li> <li>• The Director for Women will attend each meeting.</li> <li>• Public communications by the Council will be through the Chair of the Council in consultation with the office of the Minister for Women, consistent with agreed and established protocol.</li> <li>• Administrative and project support will be provided to the Council by the Department of Women.</li> </ul>

Source: Women's Plan of Action, Volume 2, Annex 2

3.4.1.2 We noted that since the adoption of the WPA in 2009, the core committees identified above have not been established.

<sup>139</sup> Women Plan of Action 2010-2019, paragraph 20, p.20.

3.4.1.3 Upon seeking clarification from the officials<sup>140</sup> at the Department regarding the reasons for the non-establishment of the committees, satisfactory response was not provided for the non-establishment of the monitoring committees. However, we were informed that there is a need to look at the overall Departments work in terms of connectivity of work which is linked to other thematic areas and not necessarily EVAW.

3.4.1.4 The non-establishment of the above committees shows lack of consistency on the part of the DoW in implementing what was actually planned out in the WPA. The establishment of these committees would enable the Department to focus on its mandated responsibility for providing policy advice on Women's and gender concerns and to fulfil its role as a catalyst in promoting the implementation of the WPA and international commitments.

The Department of Women have agreed to the audit findings and recommendations.<sup>141</sup>

### Recommendation

18. The Department of Women through the EVAW Taskforce should establish the Executive Gender Management Team (EGMT) and the National Advisory Committee.

## 3.4.2 EVAW Taskforce

3.4.2.1 Institutional mechanisms such as the inter-agency committees and taskforce will be established to effectively implement the WPA.<sup>142</sup>

3.4.2.2 Amongst other things, the re-establishment of the EVAW Taskforce is governments step in working towards providing positive and innovative approaches to achieving gender equality and to eliminate discrimination and violence against women.<sup>143</sup>

3.4.2.3 Since the re-establishment of the Taskforce in 2013,<sup>144</sup> we noted that there were positive outcomes which resulted from the taskforce which included the following:

- I. National Gender Policy;
- II. Service Delivery Protocol; and
- III. National Domestic Violence Helpline.

3.4.2.4 While we appreciate and acknowledge the work done by the taskforce, review of EVAW Taskforce meeting minutes and files revealed that there were weaknesses identified, in terms of inclusivity, coordination, sustainability, and administration. This is detailed in the following paragraphs.

<sup>140</sup> Response from SWIO (WPA), received on 29 March 2018.

<sup>141</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

<sup>142</sup> Women Plan of Action 2010-2019, paragraph 4, p.5.

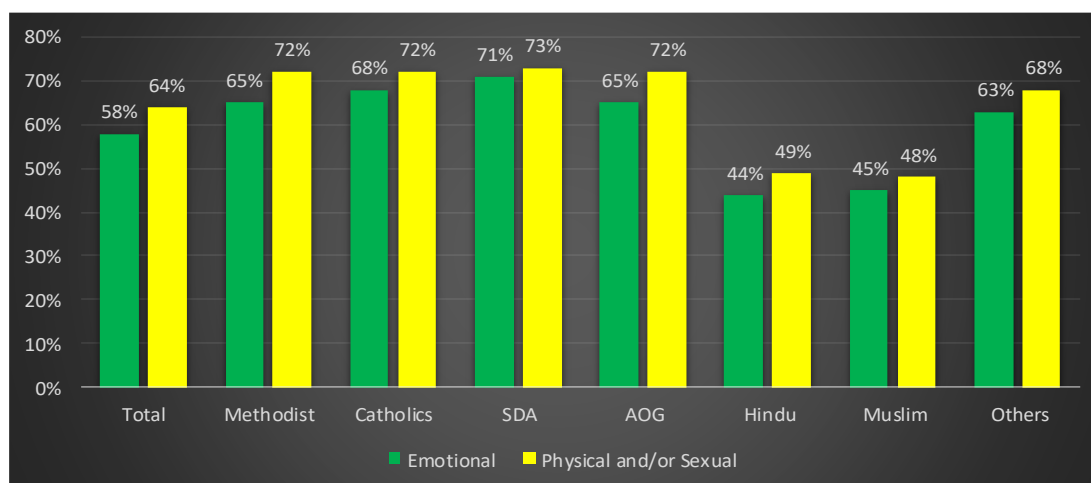
<sup>143</sup> Fiji National Development Plan, Section 3.1.9, paragraph 3, p.55.

<sup>144</sup> Fiji Women's Crisis Centre. 2013. Somebody's Life, Everybody's Business! National Research on Women's Health and Life Experiences in Fiji (2010/2011), paragraph 4, p.15.

### 3.4.2.5 Inclusivity of key members in the Taskforce

- 3.4.2.5.1 Eliminating societal attitudes and structures that support and perpetuate systematic discrimination and violence against women requires coordinated and multifaceted efforts by Governments, NGO's and other actors.<sup>145</sup>
- 3.4.2.5.2 Common findings from research work done in Fiji such as the ADB 2015 country gender assessment, revealed that faith-based organizations have significant influences on the issue of violence against women. A number of faith-based organizations incorporate messages about the need to end violence against women into their programs. Programs may emphasize that violence is a crime, that is against their religious teachings, and/or that it goes against principles of respect in traditional cultures. In addition, a number of these faith-based organizations including the Anglican Diocese and the Salvation Army have provided shelters for victims of VAW.
- 3.4.2.5.3 Similarly, according to the FWCC National Survey, there is considerable case study evidence of reduced tolerance of violence among key individuals and institutions, including some faith-based organizations.
- 3.4.2.5.4 On the other hand, literature review revealed that there were also traditional and conservative views about female subservience. It noted that these views have been promoted by some churches and others implying that men may “discipline” women who challenge the status quo.<sup>146</sup>
- 3.4.2.5.5 Figure 3.14 below shows the rates of emotional, physical and sexual violence faced by victims that belonged to the various religious denominations.

Figure 3.14: Rates of violence in religious denominations



Source: FWCC National survey

- 3.4.2.5.6 Numbers shown above reveal that there is higher rate of emotional, physical and sexual violence amongst all the Christian religions than the national average, and

<sup>145</sup>Study from the Secretary General, ending violence against women, from words to action, 2006, paragraph 4, p.22.

<sup>146</sup> ADB Fiji Country Gender Assessment 2015, paragraph 2, p.77.



women following the Hindu and Muslim faiths have somewhat lower rates than the national average.<sup>147</sup>

- 3.4.2.5.7 In their national survey recommendation, the FWCC highlighted the need for faith based organizations to be actively involved in the prevention of violence against women and girls through missionary work as well as through their welfare and support programs.
- 3.4.2.5.8 With this in mind, our audit attempted to determine whether there were any actual progress or discussions to include faith-based organizations in the taskforce. Review of the minutes for the EVAW Taskforce meetings showed the following outcomes:

*Table 3.15: Discussions for inclusion of faith-based organizations*

Date	Discussions on inclusion of faith based organizations	Action Taken
1/2013	Co-opt Anglican Church Ms. Seremaia Lomaloma to be part of the Taskforce.	None
2/2013	Exploring the inclusion of active Faith based groups in the Taskforce. The Chair moved that it be tabled as an agenda in next taskforce meeting (inclusion may be in the form of sub related issues).	None

- 3.4.2.5.9 We also noted that during the first Taskforce meeting in 2015, a representative from FWCC raised the issue that in some cases of domestic violence, religion ignores law. The same sentiments were passed by the Divisional Manager Community Policing (DMCP) during their presentations at the preliminary audit meeting on 10 November 2017 at the Fiji Police Force Headquarters.
- 3.4.2.5.10 Audit review of the Taskforce meeting minutes noted that one of the action plans raised in the 2<sup>nd</sup> meeting of 2013 dated 11 April 2013, was to consider inviting the Office of the Director of Public Prosecution (ODPP) and the Legal Aid Commission to the forum. However, upon reviewing the meeting minutes, it was revealed that the ODPP joined in 12 October 2016, after three years had lapsed and the Legal Aid Commission had just joined the taskforce on 7 June 2017 after a lapse of four years.
- 3.4.2.5.11 According to the EVAW Taskforce TOR, one of the roles of the secretariat is to notify members of each meeting confirming the venue, time and date, together with an agenda of items to be discussed.
- 3.4.2.5.12 Failure to include organizations that could have a significant positive impact on the reduction of gender based violence in the EVAW Taskforce can result in major societal benefits foregone.

<sup>147</sup> FWCC National Survey, paragraph 2, p.42.



The Department of Women have agreed to the audit findings and recommendations.<sup>148</sup>

### Recommendation

19. The EVAW Taskforce should also consider:

- The active involvement of faith-based organisations in the prevention of violence against women and girls through their missionary work as well as through their welfare and support.
- Organisations that have been discussed and agreed upon to be part of the Taskforce should be done in a timely and consistent manner.

### 3.4.2.6 Sustainability of Taskforce

3.4.2.6.1 To meet its coordinating role, the Inter Agency Taskforce on the Elimination of Violence against Women and Children (IATEVAWC) will need to meet monthly to monitor and evaluate the implementation of the Annual Work Plan.<sup>149</sup>

3.4.2.6.2 We noted that there were supposed to be sixty (60) EVAW Taskforce meetings conducted from the years 2013 to 2017. However, since the re-establishment of the Taskforce in 2013, there were only fifteen (15) meetings conducted for the same period as captured in Table 3.16 below

Table 3.16: Taskforce meetings conducted

Year	No. of meetings	Dates
2013	5 meetings	1. 26/02/2013 2. 11/04/2013 3. 04/06/2013 4. 15/07/2013 5. 27/08/2013
2014	2 meetings	6. 05/06/2014 7. 16/12/2014
2015	2 meetings	8. 05/03/2015 9. 08/09/2015
2016	2 meetings	10. 12/10/2016 11. 07/12/2016
2017	3 meetings	12. 08/02/2017 13. 05/04/2017 14. 07/06/2017
2018	1 meeting	15. 10/05/2018

3.4.2.6.3 After discussions with the Coordinator of FWCC, the above findings were confirmed, in that the scheduled meetings for the taskforce were not always convened. The Coordinator added that the sustainability of the Taskforce needs to be strengthened.

The Department of Women have agreed to the audit findings and recommendations.<sup>150</sup>

<sup>148</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

<sup>149</sup> EVAW Taskforce Terms of Reference, paragraph 4.1.

<sup>150</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

## Recommendation

20. The EVAW Taskforce should ensure that scheduled meetings are adhered to as captured in the Taskforce Terms of Reference.

### 3.4.2.7 Administration of the Taskforce

- 3.4.2.7.1 The Ministry of Social Welfare Women and Poverty Alleviation, shall provide Secretariat including sufficient administrative resources to the committee to enable it to adequately carry out its functions.<sup>151</sup>
- 3.4.2.7.2 Meeting minutes are the written or recorded documentation that is used to inform attendees and non-attendees about what was discussed and what happened during a meeting. The minutes are generally taken or recorded during the meeting so that participants have a record of what transpired during the meeting.<sup>152</sup>
- 3.4.2.7.3 Best practice entails that meeting minutes be signed by both the Secretary and Chairperson so as to add to the documents weight as evidence.<sup>153</sup>
- 3.4.2.7.4 The Secretary shall ensure that the minutes of the last meeting are checked by the Chairperson and accepted by the Committee as the true and accurate record at the commencement of the next meeting.<sup>154</sup>
- 3.4.2.3.5 Audit noted that all copies of the minutes of the meeting of EVAW Taskforce received from the Department of Women were not signed or endorsed.
- 3.4.2.7.6 Unendorsed copies of minutes provided by the Secretariat for our review revealed that matters discussed included amongst other things, the establishment of core secretariat support group, scoping of strategic documents, involvement of faith based institutions, the need for police officers to undergo legal literacy training on the Domestic Violence Act and Child Welfare Act, crimes against women, need for more awareness on the Domestic Violence Restraining Order (DVRO) for police officers, collection of sex-disaggregated data, Taskforce terms of reference, 16 day activism, submission to the village by laws, adoption of EVAW Taskforce, Zero Tolerance Violence Free Community (ZTVFC) work program to be developed for its evaluation, Service Delivery Protocol (SDP) work program to be developed as per the Annual Work Plan for its development, need for multi-sectorial approach, development of a risk assessment framework, development of the National gender policy, development of a National EVAW Policy, gender sensitization training of the Taskforce for comprehension and consistency for advocacy/ approaches.

<sup>151</sup> EVAW Taskforce Terms of Reference, paragraph 4.1.

<sup>152</sup> Best practice – the balance careers, human resources, also available online at:

<https://www.thebalancecareers.com/what-are-meeting-minutes-and-who-records-them-1918733>

<sup>153</sup> Best practice – Leadership at Manitoba – Meeting minutes, build your organization's effectiveness, p.2, also available online at: <https://www.gov.mb.ca/agriculture/industry-leadership/board-operations/pubs/meeting-minutes-factsheet.pdf>

<sup>154</sup> EVAW Taskforce Terms of Reference, paragraph 4.2.

- 3.4.2.7.7 Our discussions with officials at the Department confirmed the above findings. However, we were informed that for 2018, the Taskforce had its first meeting on 10 May 2018 and minutes of meetings are now being signed. Conversely, the meeting minutes that we received were still not signed.
- 3.4.2.7.8 Improper record of meetings of the EVAW reflects a lack of accountability on the part of the Secretariat in keeping up with general best practices.

The Department of Women have agreed to the audit findings and recommendations.<sup>155</sup>

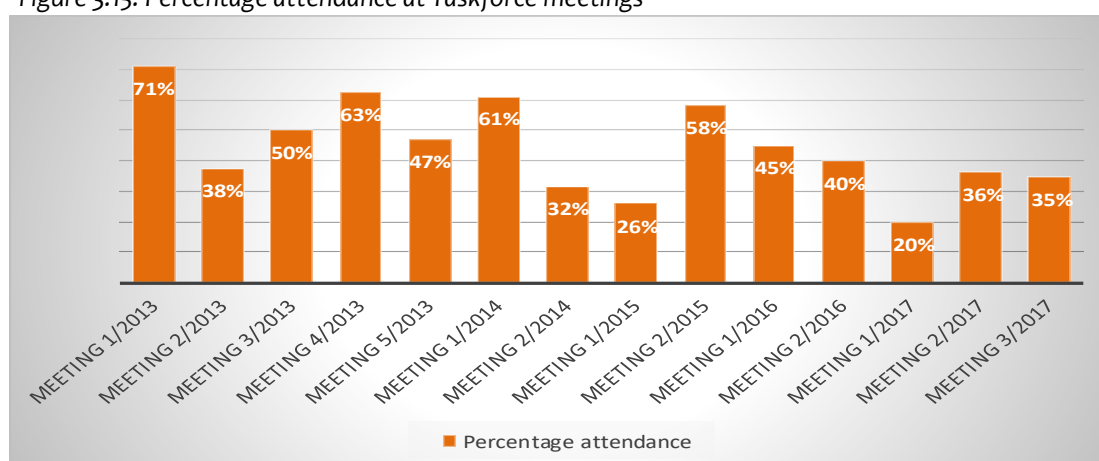
### Recommendation

21. The EVAW Taskforce Secretariat should ensure that minutes of meetings are properly signed and endorsed by the Chairperson, prior to circulation of the minutes to the members of the Taskforce.

### 3.4.2.8 Taskforce meeting attendance

- 3.4.2.8.1 The Taskforce Committee shall coordinate the work of government agencies, civil societies and relevant international agencies engaged in matters relating to violence against women and children.<sup>156</sup> Therefore, in order to ensure that this coordination is sustained, commitments by the taskforce members is paramount.
- 3.4.2.8.2 Our review of the meeting minutes revealed that the attendance of various members of the taskforce were not consistent and only some members provided reasons for not attending the meetings. Figure 3.15 below captures a summary of the percentage of attendance.

Figure 3.15: Percentage attendance at Taskforce meetings



Source: Taskforce meeting minutes

- 3.4.2.8.3 Lack of attendance of meetings by members of the taskforce shows lack of commitment which could affect the deliverables of the Taskforces.

<sup>155</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

<sup>156</sup> EVAW Taskforce Terms of Reference

The Department of Women have agreed to the audit findings and recommendations.

157

## Recommendation

22. The Department of Women should ensure that:

- all members of the ERAW Taskforce are present at the scheduled monthly meetings as per Terms of Reference.
- a quorum is called before any meeting is allowed to proceed.

### 3.4.2.9 Training Register

- 3.4.2.9.1 Governments should create, improve or develop as appropriate, and fund the training programs for judicial, legal, medical, social, educational and police and immigrant personnel, in order to avoid the abuse of power leading to violence against women and sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be assured.<sup>158</sup>
- 3.4.2.9.2 Governments including local governments, community organizations, non-governmental organizations, educational institutions, the public and private sectors, particularly enterprises, and the mass media, as appropriate should organize, support and fund community-based education and training campaigns to raise awareness about violence against women as a violation of women's enjoyment of their human rights and mobilize local communities to use appropriate gender-sensitive traditional and innovative methods of conflict resolution.<sup>159</sup>
- 3.4.2.9.3 Training registers or records are evidence that certain people attended certain trainings/classes. Typically training registers includes the training topic, the name of the instructor, the date, and the trainee's name.<sup>160</sup>
- 3.4.2.9.4 Audit review of the ERAW Taskforce meeting minutes revealed that during its first meeting for 2016 held on 12 October 2016, the issue of provision of trainings were discussed. From the approved minutes of the meeting, it was discussed that trainings were to be delivered by United Nations Children's Fund (UNICEF), Regional Rights Resource Team (RRRT) and Fiji Women's Crisis Centre (FWCC). An issue was raised by the FWCC Coordinator, that the type of training provided by each agency needs to be set out clearly so that repetition and duplication can be avoided.
- 3.4.2.9.5 We noted that the Department of Women did not maintain a training register where details of the type of training provided by each agency was recorded.
- 3.4.2.9.6 We also noted that non-maintenance of the training register was due to the weak coordination amongst training providers. Also, there is no space for dialogue between

<sup>157</sup> Dated 10<sup>th</sup> June, 2019

<sup>158</sup> Beijing Declaration and Platform of Action 1995, paragraph 125(e), p.53.

<sup>159</sup> Beijing Declaration and Platform of Action 1995, paragraph 125 (g), p.53.

<sup>160</sup> Best practice – Training on Demand, J.J. Keller, also available online at: <https://www.jjkellertraining.com/TrainingResources/1812/OSHA>

training providers and the participants themselves on training schedules and sessions which the training providers were expected to facilitate.

- 3.4.2.9.7 Failure to properly capture and document training engagements as well as the weak coordination of training providers amongst themselves and between participants will result in trainings being repeated and duplicated resulting in value not being maximised from available resources.

The Department of Women have agreed to the audit findings and recommendations.<sup>161</sup>

### Recommendation

23. The EVAW Taskforce should:

- Develop a Training register to capture details of trainings provided by each stakeholder involved in the fight for EVAW.
- List the training facilitators and the type of trainings they provide and the number of training already provided, dates and its facilitator.

### 3.4.2.10 Taskforce Meeting Resolutions

- 3.4.2.10.1 Meetings, then, are held to inform people about policies or operations, gather information, conduct trainings, resolve problems, or make decisions. Solving problems, setting goals, and making concrete plans to follow through are the purpose of decision-making and problem-solving meetings. A decision is worthless if no plans are made to assure its implementation. Responsibility for follow-through can be delegated to accountable individuals.<sup>162</sup>
- 3.4.2.10.2 Throughout the meeting, participants need to be vigilant in recognizing action items. That is, those matters that call for specific steps towards a solution. These action items generally are the most important reasons for the meetings. Any business that is not fully dealt with, will tend to appear again and again until a concrete decision is made. The key, then, is to manage meetings so that specific issues are discussed and solved. These should be quality solutions that have a positive effect on the future.<sup>163</sup>
- 3.4.2.10.3 Audit review of the EVAW Taskforce meeting minutes found that many of the issues or planned actions were not resolved.
- 3.4.2.10.4 The failure of the Secretariat in capturing all details in the action sheets pending closures and action items actually closed, has been cited by the DoW as one of the main reasons for the unresolved issues and non-implementation of action plans. Therefore, the primary objective for holding meetings has not been achieved.

The Department of Women have agreed to the audit findings and recommendations.<sup>164</sup>

<sup>161</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

<sup>162</sup> Best practice – University of California, Conducting effective meetings, also available online at: <https://nature.berkeley.edu/ucce50/ag-labor/7labor/11.htm>

<sup>163</sup> Best practice – University of California, Conducting effective meetings, also available online at: <https://nature.berkeley.edu/ucce50/ag-labor/7labor/11.htm>

<sup>164</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

**Recommendation**

24. The EVAW Taskforce should ensure that all issues, recommendations, proposals, requests and suggestions are supported by actions, person(s) responsible for the actions and planned completion date so that these are completed in a timely manner.

### 3.5 Adequate Resourcing

- 3.5.1 Financial and human resources have generally been insufficient for the advancement of women. Full and effective implementation of the Platform for Action, including the relevant commitments made at previous United Nations summits and conferences, will require a political commitment to make available human and financial resources for the empowerment of women.<sup>165</sup>
- 3.5.2 Government should allocate adequate resources within the government budget and mobilize community resources for activities related to the elimination of violence against women, including resources for the implementation of plans of action at all appropriate levels.<sup>166</sup>
- 3.5.3 The WPA will be the vehicle for the fulfilment of Fiji's obligations to international and regional commitments such as CEDAW, the Beijing Platform for Action and the Revised Pacific Platform for Action, in the ultimate interests of families, communities and all peoples in Fiji.<sup>167</sup>
- 3.5.4 One of the five thematic areas in the WPA is the Elimination of Violence against women (EVAW). The implementation of the WPA with relation to EVAW would enable the following to be effected:

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<sup>165</sup> Beijing Declaration and Platform of Action 1995, paragraph 345, p.128.

<sup>166</sup> Beijing Declaration and Platform for Action 1995, paragraph 124(p), p.51.

<sup>167</sup> Women's Plan of Action 2009-2019 – paragraph 3, p.5.

Table 3.17: Results of Implementing WPA 2009-2019

<ul style="list-style-type: none"> <li>• Establishment and implementation of the national policy on Gender Based Violence.</li> <li>• Review of existing policies such as No Drop Policy, Sexual Harassment Policy, Obligations on CEDAW, and Convention on the Rights of a Child, Human Rights and DEVAW</li> <li>• Improve responses to crimes against women and children through the upgrading of facilities to deal with crimes.</li> <li>• Public awareness on the current policies, regulations and legislations, Family Law Act 2004, Employment Relations Promulgation 2008, Equal Employment Opportunities, Crimes Decree 2009 and Domestic Violence Decree 2009.</li> <li>• Public awareness on issues of gender based violence.</li> <li>• Community awareness of unacceptability of violent behaviour.</li> <li>• Expansion of the Zero Tolerance Violent Free Community (ZTVFC) Projects through coordinated effort of key agencies.</li> </ul>	<ul style="list-style-type: none"> <li>• Support programs to victims of violence including young boys.</li> <li>• Purple ribbon campaign for women's issues.</li> <li>• Develop Framework for Sexual Exploitation of Women and Children through research on trafficking of women and children.</li> <li>• Public awareness on violence against women and children with disabilities.</li> <li>• Create a framework of analysis and reports on issues of violence.</li> <li>• Community Education Programs through awareness and Focus group training.</li> <li>• Collect and publicize data on violence against women and children.</li> <li>• Modern and civic education in school curriculum.</li> </ul>	<ul style="list-style-type: none"> <li>• Public images of women in the media.</li> <li>• Review and implement laws to provide mandatory custodial sentence for convicted persons.</li> <li>• Gender sensitive programs for Police, the Judiciary, Prisons and correctional services.</li> <li>• Quick disposal of cases involving women and children.</li> <li>• Awareness programs on violence against women to ensure that laws, operational procedures and rules for evidence are gender sensitive.</li> <li>• Gender training and policy analysis for key personnel.</li> <li>• Gender audits for government departments.</li> <li>• Strengthen inter agency Taskforce on violence against women and children.</li> <li>• Capacity building to enhance skills and services provided to victims of violence.</li> </ul>
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Source: Women's Plan of Action, Table 3, pp.34-38.

### 3.5.1 Financial Arrangements

- 3.5.1.1 The success of policies and measures aimed at supporting or strengthening the promotion of gender equality and the improvement of the status of women should be based on the integration of the gender perspective in general policies relating to all spheres of society as well as the implementation of positive measures with adequate institutional and financial support at all levels.<sup>168</sup>
- 3.5.1.2 Government has continued to fund the WPA through the provision of operating grants to the Department of Women. Table 3.18 and Figure 3.16 summarizes the percentage of the national budget that is allocated to the WPA through the MWCPA and Department of Women, respectively.

<sup>168</sup> Beijing Declaration and Platform of Action 1995, paragraph 57, p.20.

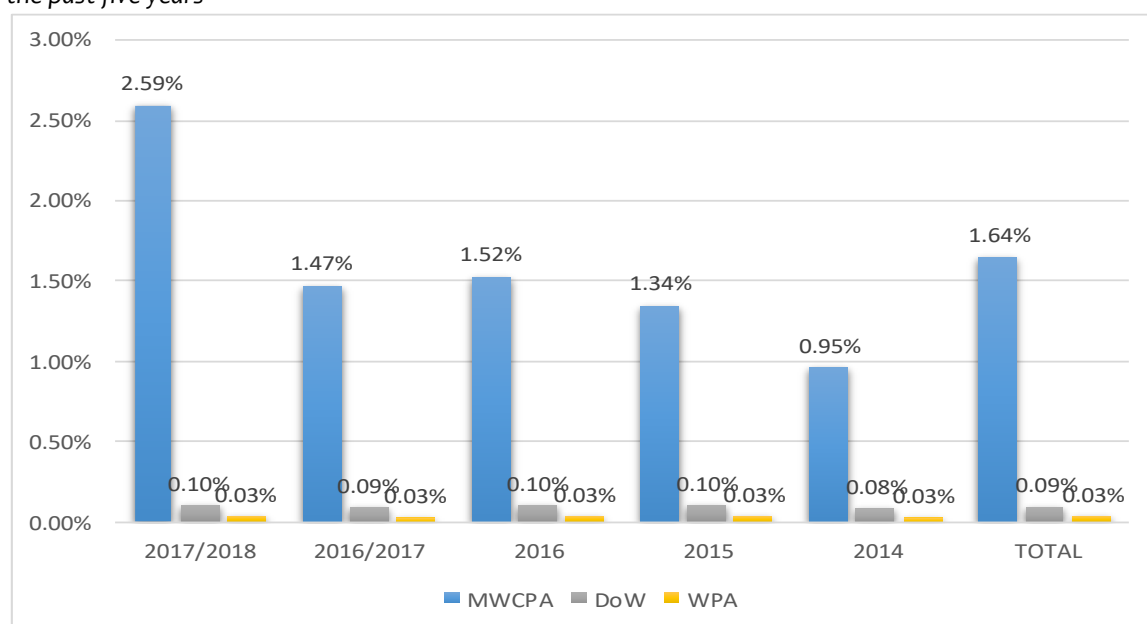


Table 3.18: Actual National Budget Allocated to MWCPA, DoW and WPA respectively for the past five years

Year	National Budget	MWCPA Budget	DoW Budget	WPA Allocation
2017/2018	4,384,200,000	113,354,100	4,384,200	1,388,000
2016/2017	3,821,000,000	56,019,000	3,438,900	1,000,000
2016	3,425,700,000	52,151,900	3,425,700	1,000,000
2015	3,335,400,000	44,812,100	3,335,400	1,000,000
2014	2,933,750,000	27,981,500	2,347,000	750,000
<b>TOTAL</b>	<b>17,900,050,000</b>	<b>294,318,600</b>	<b>16,931,200</b>	<b>5,138,000</b>

Source: Fiji Budget Estimates 2014, 2015, 2016, 2016/2017 & 2017/2018.

Figure 3.16: Percentage change in National Budget Allocated to MWCPA, DoW and WPA respectively for the past five years

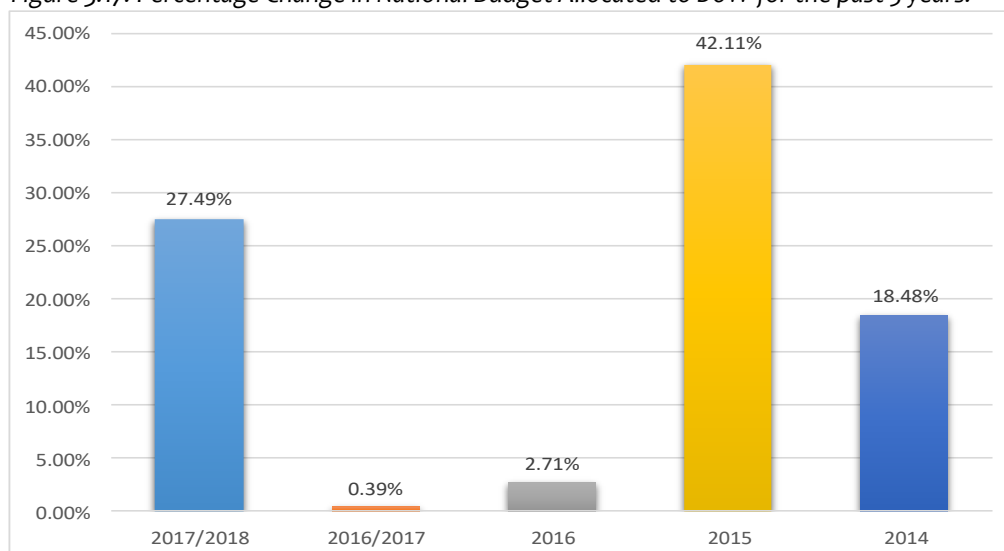


Source: Fiji Budget Estimates 2014, 2015, 2016, 2016/2017 & 2017/2018

3.5.1.3 The total percentage the Department of Women acquired from the overall Government budget over the past five years is 0.09 percent which is less than one percent. In an annual allocation, the department receives 0.08 to 0.10 percent allocation. Therefore, it seems that government is investing very minimal towards Women Empowerment and Gender Mainstreaming.

3.5.1.4 In terms of percentage change in National budget allocation for the Department of Women from 2014 to 2017/2018, as captured in figure 3.17 below, there has been huge fluctuations in budget allocation to the Department.

Figure 3.17: Percentage Change in National Budget Allocated to DoW for the past 5 years.

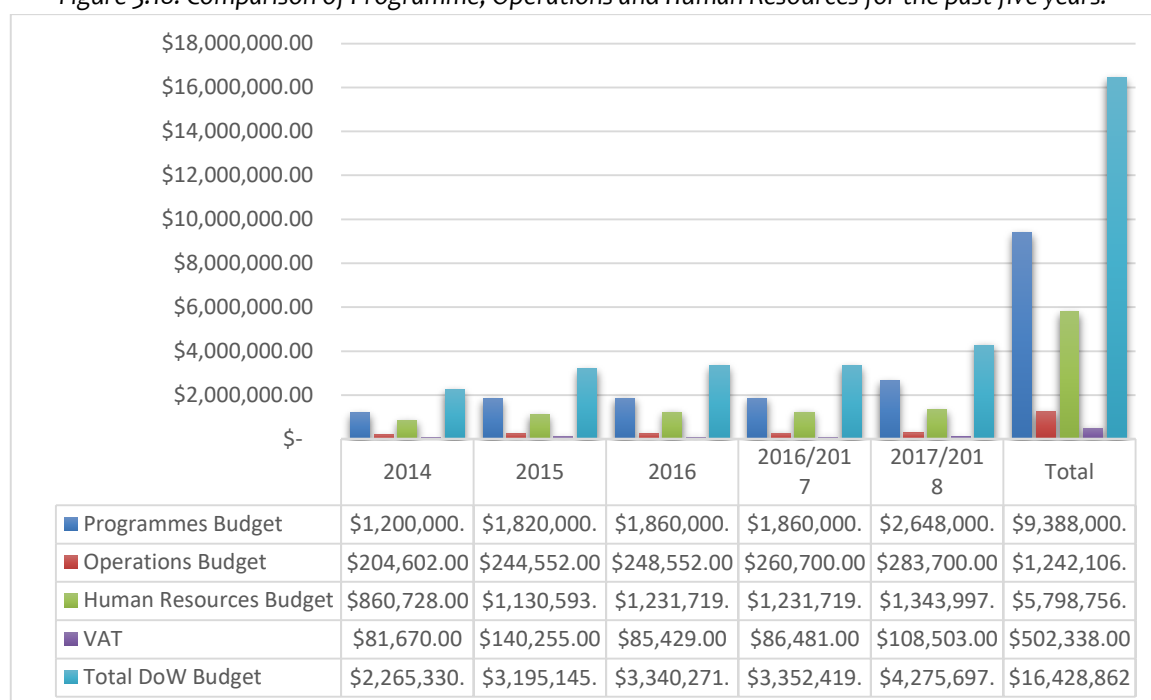


Source: Fiji Budget Estimates 2014, 2015, 2016, 2016/2017 & 2017/2018

3.5.1.5 Generally from 2014 to 2015, there was an increase of 18.48 and 42.11 percent, respectively in the allocation amounting to an increase of \$367,000 in 2014 and \$988,400 in 2015. However, in 2016 and 2016/2017, budget allocation shows minimal change in allocation amounting to \$90,300 and \$13,200, respectively and then again in 2017/2018 there is a change of 27.49 percent amounting to \$945,300. The highest percentage increase was in the 2015 budget whereby a considerable 42% increment was made from the previous budget year.

3.5.1.6 The budget allocated to the Department is further broken into three categories namely Programmes, Operations and Human Resources allocations. Figure 3.18 below captures the different categories.

Figure 3.18: Comparison of Programme, Operations and Human Resources for the past five years.

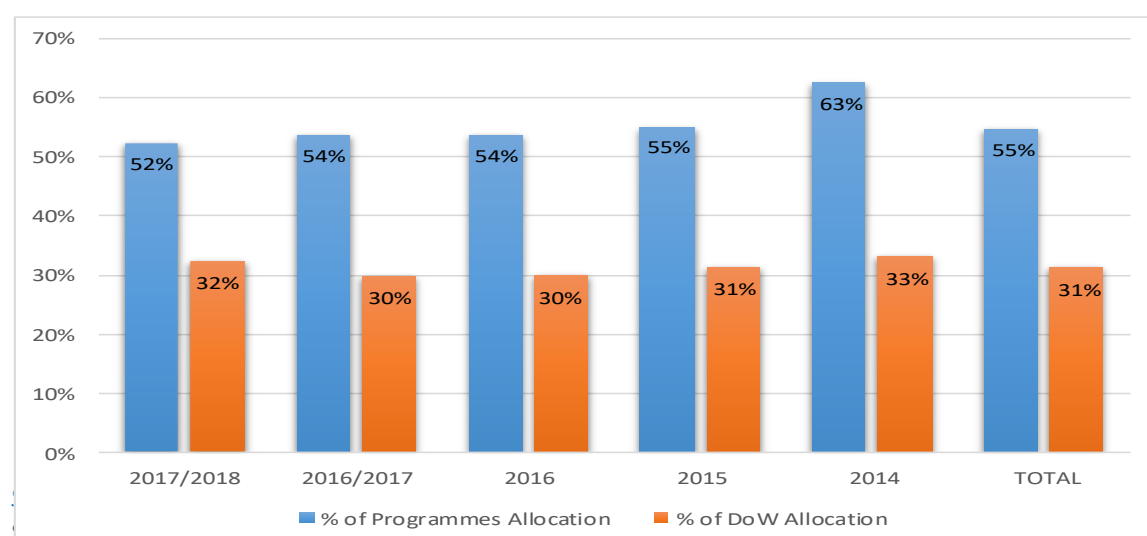


Source: Fiji Budget Estimates 2014, 2015, 2016, 2016/2017 & 2017/2018

It is noted that the highest allocation has been for Program budgeting followed by Human Resources and then operations. The concentration for the department remains at implementing programs for women at the grass-root level where they are empowered and uplifted in life.

- 3.5.1.7 The Women's Plan of Action is funded from the Programme Allocation of the Department of Women and as captured in Figure 3.19 below. We noted for the past five years, the WPA comprised a total of 31% and 55% of the Department of Women and the Programmes allocation, respectively.

Figure 3.19: Comparison of the Program Allocation against the Department of Women Budget



- 3.5.1.8 Given that the WPA is the vehicle for the fulfilment of the State's obligations to international and regional commitment and is referred to as the guiding document for work undertaken by the MWCPA to address women's needs, interests and aspirations across economic, social, legal and political spheres, the information in the above paragraphs may be an indication that government is investing very minimal towards women empowerment and gender mainstreaming through its budget process.

- 3.5.1.9 Further audit investigations revealed that there were weaknesses with the financial arrangements in place for EVAW. They are described in the following paragraphs.

### 3.5.1.10 Budget Proposals and Justifications for EVAW

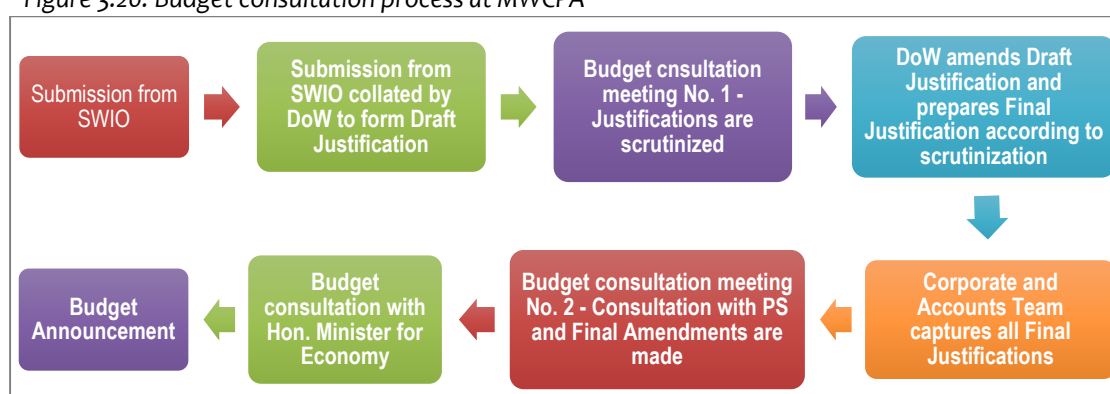
- 3.5.1.10.1 After evaluating the agency's proposal, the Ministry of Finance shall seek Cabinet's approval of the revenue retention arrangement, on behalf of the agency concerned.<sup>169</sup> After evaluating the agency's proposal, the Ministry of Finance must advise the agency accordingly, who then must make a submission to Cabinet for mandatory endorsement.<sup>170</sup>

<sup>169</sup> Finance Instructions 2010, Section 23 (4).

<sup>170</sup> Finance Instructions 2010, Section 25(3).

- 3.5.1.10.2 The WPA has five strategic objectives which are: Formal Sector Employment and Livelihood; Equal Participation in Decision Making; Elimination of Violence against women; Access to Services, including health and HIV and AIDS, education and other basic services (water and sanitation, housing and transport); and Women and the Law.<sup>171</sup>
- 3.5.1.10.3 Given that the WPA budget was to cater for all the five thematic areas, we intended to establish as to what portion of the WPA budgetary vote was allocated to EVAW alone. In order to establish this, we requested for the budget proposal or justification for the years 2014 to 2016/2017 that was prepared by the Department of Women to be submitted to Ministry of Economy. The budget consultation is described in Figure 3.20 below.

Figure 3.20: Budget consultation process at MWCPA



Source: Department of Women Confirmation on 04 November 2018

- 3.5.1.10.4 We made several requests (detailed in Table 3.19 below) to the Finance team for the Department of Women regarding the budget proposal. However, we received only one budget proposal for the financial period 2017/2018 that was prepared by SWIO (WPA) when she was acting as Director Women.

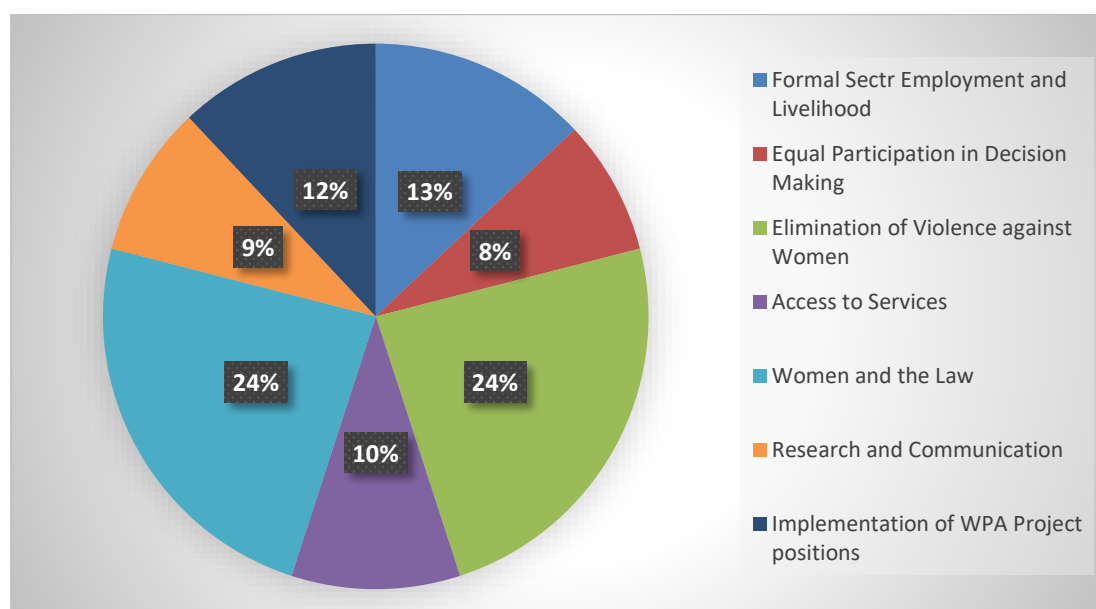
Table 3.19: Evidence of the requests regarding budget proposal.

Request date	Mode of request	Attention to	Subject Of request	Response
27/03/2018	Email	SWIO (WPA) and SWIO (Livelihood)	Budget submission	Referred to the Accounts Unit for their response. However, SWIO (WPA) was able to provide the budget submission for the DoW for 2017/2018 on 06/04/2018. However, this was the draft submission and the approved submission was not able to be obtained.
28/03/2018	Email	Accounts team	Budget Submission	No response
04/04/2018	Second request via Email	Accounts team	Budget submission	Referred back to Acting PRO.
11/04/2018	Email	SWIO (Research)	Budget Submission	Confirmed that figures were not available, however referred audit team back to the Accounts team.

<sup>171</sup> Women Plan of Action 2010-2019, paragraph 1, p.5.

- 3.5.1.10.5 Audit review of the draft budget submission that was received from SWIO (WPA) revealed that the total proposed WPA budget for the year 2017/2018 was \$1,556,000. The EVAW allocation made up 24 percent of the proposed WPA budget. Details of percentage allocation is presented in Figure 3.21 below.

Figure 3.21: Percentage allocation of the proposed WPA budget for 2017/2018



Source: Proposed WPA budget submission for 2017/2018.

- 3.5.1.10.6 We further noted that the final approval for the WPA allocation with reference to the 2017/2018 budget estimates was \$1,388,000; a decrease of 12% from what was proposed. The only explanation received regarding the decrease in approval vote was that the overall budget approval lies with Ministry of Economy.
- 3.5.1.10.7 Apart from the budget submission received from SWIO (WPA) pertaining to the financial period 2017/2018, we could not obtain the proposals for the period under the scope of our audit which was 2014, 2015, 2016 and 2016/2017.
- 3.5.1.10.8 We gathered that high rate of staff turnover and poor handing over and improper maintenance of records were reasons for the unavailability of the Department's budget proposals and justifications.

The Department of Women have agreed to the audit findings and recommendations.

172

## Recommendation

25. The Department of Women should ensure that all budget proposals are properly kept and provided for audit and other reviews when required.

<sup>172</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

### 3.5.1.11 ERAW Expenditure Listing

- 3.5.1.11.1 The proper management of expenditure is fundamental to ensuring value-for-money in delivering services to the community.<sup>173</sup>
- 3.5.1.11.2 All payments, including VAT, must be immediately recorded in the financial management information system and an Expenditure Ledger.<sup>174</sup>
- 3.5.1.11.3 The WPA encompasses the following five thematic areas: Formal Sector Employment and Livelihood; Equal Participation in Decision Making; Elimination of Violence against women; Access to Services, including health and HIV and AIDS, education and other basic services (water and sanitation, housing and transport); and Women and the Law.<sup>175</sup>
- 3.5.1.11.4 In order to properly track the expenditures made for each thematic area, maintaining detailed record of expenditures is beneficial.
- 3.5.1.11.5 Audit request for actual expenditures pertaining to the ERAW could not be determined as all payments were charged to the WPA Account Allocation No. 1-24301-75999-060152 which includes all the five thematic areas. The actual expenditures are outlined in Table 3.20 below.

Table 3.20: Details of Actuals committed

Year	WPA Actuals
<b>2017/2018</b>	1,412,332.59
<b>2016/2017</b>	939,398.29
<b>2016</b>	466,736.03
<b>2015</b>	891,406.54
<b>2014</b>	593,824.58
<b>TOTAL</b>	<b>2,891,365.44</b>

Source: Extracted from FMIS

- 3.5.1.11.6 Failure to properly record of expenditure for each thematic area would make it difficult to monitor the progress and expenditure trends.

The Department of Women have agreed to the audit findings and recommendations.

176

### Recommendation

- 26.** The WPA desk officer should maintain an expenditure listing/ledger for each of the ERAW thematic areas.

<sup>173</sup> Ministry of Women Children & Poverty Alleviation, Finance Manual 2013, Part 2, paragraph 1, p.3.

<sup>174</sup> Finance Instructions 2010, Section 15.

<sup>175</sup> Women Plan of Action 2010-2019, paragraph 1, p.5.

<sup>176</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

### 3.5.2 Human Resources Management

- 3.5.2.1 Human Resources Management is a function within an organization concentrated on recruiting, managing and directing people who work on it. Human Resources Management plays a strategic role in managing people and the workplace culture and environment and if effective, it can contribute greatly to the overall company direction and the accomplishment of its goals and objectives.<sup>177</sup>
- 3.5.2.2 Full and effective implementation of the Platform for Action, including the relevant commitments made at previous United Nations summits and conferences, will require a political commitment to make available human and financial resources for the empowerment of women.<sup>178</sup>
- 3.5.2.3 In the following paragraphs, we discuss some of the issues concerning manpower within the MWCPA and the Fiji Police Force.

#### 3.5.2.4 Man-power strength at MWCPA

- 3.5.2.4.1 In light of foregoing and the planned activities for the Department of Women, the broad functions would be providing policy advice to government; education and training; and research and policy analysis. Therefore, in order to effectively carry out these functions, amongst other things, it is recommended that there be strengthening and building capacity of the Department of Women's human resources, particularly those at senior technical and policy levels should be done in partnership with central agencies of government.<sup>179</sup>
- 3.5.2.4.2 An overview of the organization structure within the Department of Women is shown in Figure 3.22 below.

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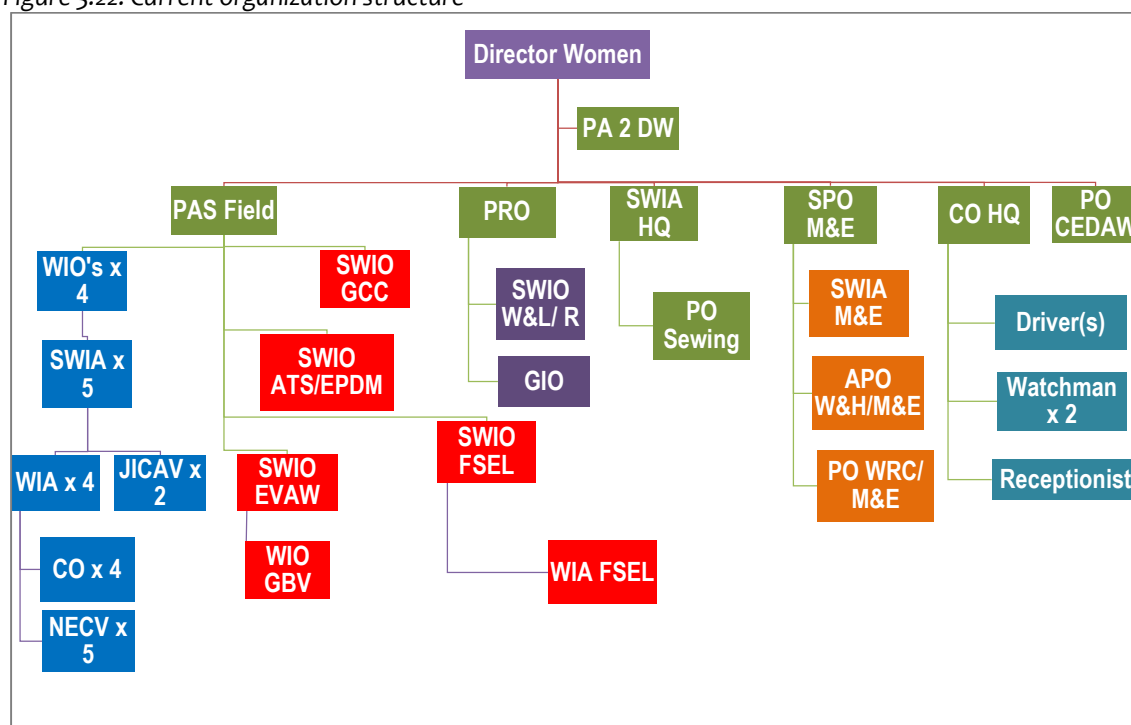
<sup>177</sup> Best Practice – Griffith College website, the importance of Human Resources Management, also available at: <https://www.griffith.ie/blog/importance-human-resource-management>

<sup>178</sup> Beijing Declaration and Platform of Action 1995, paragraph 345, p.128.

<sup>179</sup> MWCPA WPA Situational Analysis Volume 1, 2009, paragraph 157(i), p.50.



Figure 3.22: Current organization structure



Source: Department of Women Confirmation on 10 June 2018

3.5.2.4.3 A summary of the core responsibilities of each level within the hierarchy is reflected in **Appendix 4** of this report.

3.5.2.4.4 Our review of the DoW workforce revealed increase in vacant positions, at the Department's Policy & Research Unit not carrying out its intended purpose and staff Individual Work Plans not maintained properly. These issues are elaborated in detail below.

#### 3.5.2.4.5 Increase in vacant positions

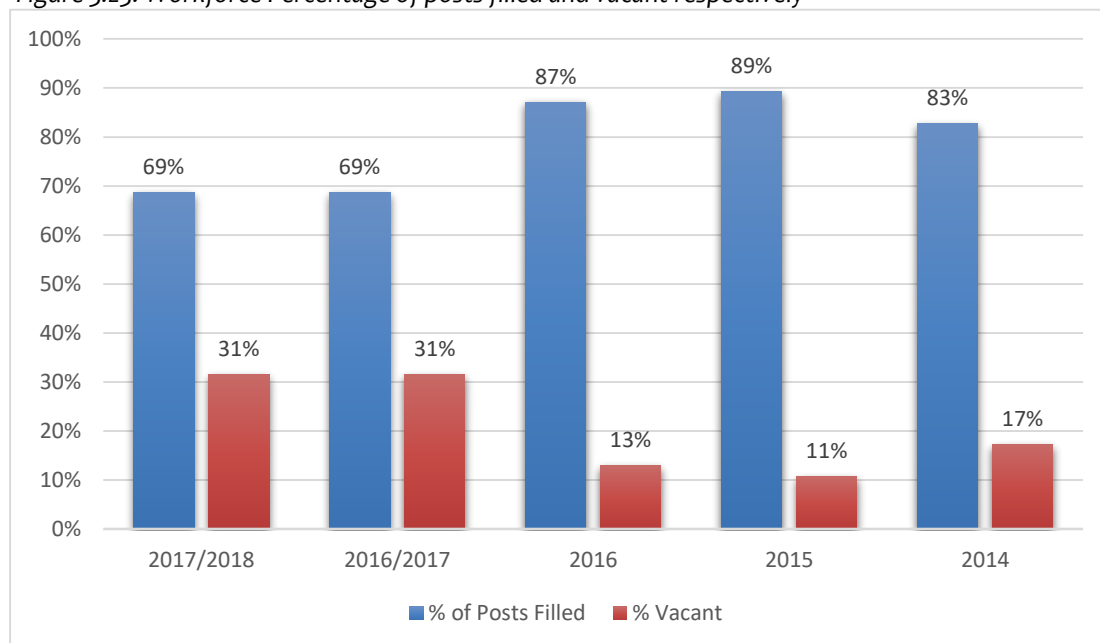
3.5.2.4.5.1 The most efficient and productive organisations are those who have talent acquisition and retention plans in place and when a position becomes vacant, the pipeline can quickly be filled with quality candidates.<sup>180</sup>

3.5.2.4.5.2 Audit review of the man-power strength at the MWCPA revealed that, as captured in Figure 3.23 below, vacant positions have increased significantly over the past five financial periods as at 25 May 2018.

Figure 3.23 below shows that vacant posts in the Department of Women increased from 17 to 31 percent for the periods 2014 to 2017/2018 respectively, which is a matter of concern and warrants immediate attention.

<sup>180</sup> Best Practice – In Source website, A vacant position is more costly than you think, also available online at: <https://insourcenow.com/news-events/2017/06/vacant-position-costly-think/>

Figure 3.23: Workforce Percentage of posts filled and vacant respectively



Source: Department of Women Person to Post listing for the years 2014, 2015, 2016, 2016/2017 and 2017/2018.

3.5.2.4.5.3 An analysis of the workforce status at the DoW, as captured in **Appendix 5** of this report, revealed that high percentage of vacant posts was evident in 2016/2017 and 2017/2018 amounting to 11 posts or 31 percent of the total man power as presented in Figure 3.23 above. The vacancies were in part due to the creation of new positions such as:

- I. WIA – Gender and climate change
- II. WIA – Information Officer
- III. WIA – Gender Based Violence Officer

3.5.2.1.5.4 MWCPA cited the following reasons for the delay in the processing and subsequent filling of the vacant posts:

- Job Evaluation Exercise that was undertaken in 2017 where officers at divisional positions were filling in higher posts, resulting in more vacant posts arising;
- Lack of resources in the HR department in dealing with the current workforce capacity of the Ministry; and
- The introduction of the rehabilitation programs (i.e. Help for Homes Initiative, Home Care and Farm Care) post cyclone Winston, Josie and Keni where most resources of the Ministry, including the Human Resources department, were diverted to assist in the programs.

3.5.2.4.5.5 Failure to fill vacant positions on time may have an adverse effect on the targeted output of the Department. As such, the service delivery of the Department may not be at par due to increase in the responsibilities of the Department with limited human resources.

181 The Department of Women have agreed to the audit findings and recommendations.

### Recommendation

27. The DoW should ensure that all vacant positions are filled on a timely basis.

#### 3.5.2.4.6 Policy & Research unit not carrying out its intended purpose

3.5.2.4.6.1 Government, regional organizations, the United Nations, other international organizations, research institutions, women's and youth organisations and non-governmental organizations, as appropriate should promote research, collect data and compile statistics, especially concerning domestic violence relating to the prevalence of different forms of violence against women, and encourage research into the causes, nature, seriousness and consequences of violence against women and the effectiveness of measures implemented to prevent and redress violence against women.<sup>182</sup>

3.5.2.4.6.2 Discussions with the Acting PRO on 24 April 2018 revealed that since the establishment of the Principal Research Officer (PRO) in 2012, the incumbent has not been engaged in any actual research work. **Appendix 4** presents the core functions of the PRO position.

3.5.2.4.6.3 Further discussions with the Acting PRO during audit revealed that one of the root causes of the Policy and Research Unit not being able to carry out its intended purpose was that there was no clear demarcation of responsibilities so as to strengthen the research capacity of the Policy and Research unit. We further gathered that the unit has been relying on secondary data and other reports from other agencies. The idea of PRO and the Policy and Research Unit was more on report compilation and monitoring and was not really focused on the collation of data, analysis and actual research work so as to provide policy briefs to executives for internal improvements of their own programs apart from the issues happening on the ground.

3.5.2.4.6.4 Failure of the Policy and research Unit in carrying out their intended work would impede on the proper attainment of objectives of the Department and the Ministry as a whole.

However, we acknowledge the strengthening of the Monitoring & Evaluation team of the Ministry as a whole but note that the roles and responsibilities of this Unit is different from the Policy and Research Unit headed by the Principal Research Officer.

The Department of Women agreed<sup>183</sup> with the issue that the Policy and Research Unit did not carry out primary research on domestic violence but rely on secondary method of research in terms of providing a statistical review.

<sup>181</sup> Post exit meeting discussions dated 10<sup>th</sup> June 2019.

<sup>182</sup> Beijing Declaration and Platform for Action, 1995, paragraph 129 (a), p.55.

<sup>183</sup> Post exit meeting discussions dated 10<sup>th</sup> June 2019.

## Recommendation

28. The Department of Women needs to:

- Strengthen the Policy and Research Unit.
- Properly demarcate responsibilities of the Policy and Research Unit and the Monitoring and Evaluation function of the Department.

### 3.5.2.4.7 Absence and Unsigned Individual Work Plans

3.5.2.4.7.1 In order to function effectively, it is essential for all employees of an organisation to have an understanding of the organisations overall strategic direction. As such all employees of the organisation should have a work plan and performance objectives that identify their tasked activities and expected results.<sup>184</sup>

3.5.2.4.7.2 The work plan or performance objectives (usually annual) reflect the organizations strategic direction, business plans and/or annual plans. Therefore, creating work plans/ performance objectives is a joint responsibility of both the employee and his/her supervisor. Supervisors have the final approval to ensure work plans/ performance objectives are integrated across the organisation and support the overall goals of the organisation.<sup>185</sup>

3.5.2.4.7.3 Best practices also promote the endorsement of Individual Work Plan's (IWP's), ensuring that the work of the employees in an organisation are well coordinated and aligned to organisational goals and objectives. In signing the IWP's, it shows collaboration in that both the incumbent and the immediate supervisor agree on the key performance indicators, planned activities, anticipated evidence of achievement and how it links to the Operational planned outcomes/outputs at the Department and Ministry level.

3.5.2.4.7.4 A number of staff IWPs requested for audit review were not provided. In addition, IWP's which were provided were not signed by the incumbent and their immediate supervisors. Tabulated in Table 3.21 below shows the list of IWP's that were requested during audit.

Table 3.21: Availability of Individual Work Plans

EDP No.	Post Title	2014	2015	2016	2016-2017	2017-2018
93537	SWIO (Research)	Yes	Yes	Yes	No	Yes
53169	SWIO (WPA)	Yes	Yes	No	No	No
53669	SWIO (Livelihood)	Yes	No	Yes	No	No

3.5.2.4.7.5 Furthermore, upon receiving the IWP from SWIO (Research), we enquired the reasons why the IWP's were not signed. We were informed that the signed copies were kept with the HR section in Toorak. However, upon reviewing the personal files of the

<sup>184</sup> Best practice – HR Council website, HR Standard 3.3 also available at: <http://www.hrcouncil.ca/resource-centre/hr-standards/standards-display.cfm?intCategoryID=12&id=16>

<sup>185</sup> Best practice – HR Council website, HR Standard 3.3 also available at: <http://www.hrcouncil.ca/resource-centre/hr-standards/standards-display.cfm?intCategoryID=12&id=16>

various officers, audit noted that none of the IWP's sighted were signed and most of the officer's files did not even have the IWP's filed in it.

- 3.5.2.4.7.6 Absence of IWP's may lead to uncertainty in focused roles and may result in officers undertaking tasks not within the objectives and goals of the Ministry. In addition, unsigned IWP's indicates that officers may have not agreed on the outcomes which were expected to be achieved within a financial year.

The Department of Women have agreed to the audit findings and recommendations.

<sup>186</sup>

### Recommendation

29. The Department of Women should ensure that IWP's for all substantive post holders are properly developed and signed by the incumbent as well as their immediate supervisors.

### 3.5.2.5 Man-power strength at Fiji Police Force

- 3.5.2.5.1 The Fiji Police Force is responsible for upholding laws against domestic violence and sexual crimes. However, police officers may also come to their work with ingrained sociocultural attitudes about women's and men's roles in society that may lead them to be dismissive toward victims of physical and sexual violence.<sup>187</sup>
- 3.5.2.5.2 When it comes to the prosecution of offenders, we know that ending impunity means that laws must be enforced. Women must have access to the police to file a criminal report and receive legal advice and protection orders. The response to violence must be immediate, coordinated and effective so that crimes are punished and justice is secured. This is true for times of peace and conflict. There can be no lasting peace when women suffer sexual violence. Courts and the justice system must be accessible and responsive to criminal and civil matters relating to violence against women. Women must be informed of their legal rights and supported to navigate the legal system. And for this, we need more women police officers, prosecutors and judges, because we know that women serving on the frontlines of justice strengthen justice for women and children.<sup>188</sup>
- 3.5.2.5.3 When a police force can show the visible presence of members of the minorities and women in prominent positions, it can be a clear indication of its acceptance in the population.<sup>189</sup>

<sup>186</sup> Post exit meeting discussions dated 10<sup>th</sup> June 2019.

<sup>187</sup> Fiji Country Gender Assessment, 2015, paragraph 5, p.77.

<sup>188</sup> UN Women website - A speech by Lakshmi Puri at the ACP – EU Parliamentary Assembly dated 19 June 2013, also available at: <http://www.unwomen.org/en/news/stories/2013/6/it-is-time-for-action-to-end-violence-against-women-a-speech-by-lakshmi-puri>.

<sup>189</sup> International Labor Organization (ILO) website – Working in a 'man's world': women in the Fiji police force, responses by Former Director of Training in the Fiji Police Force, Kasanita Seruvatu dated 08 October 2008, also available online at: [http://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS\\_099054/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS_099054/lang--en/index.htm).

3.5.2.5.4 Our review revealed that women only made up 20 to 23 percent of the total workforce population in the Fiji Police Force during the periods 2014 to 2017. Even though there is an increase in the percentage composition over the four years, there is still an indication that women make up only a small percentage of the total work force of the Fiji Police Force.

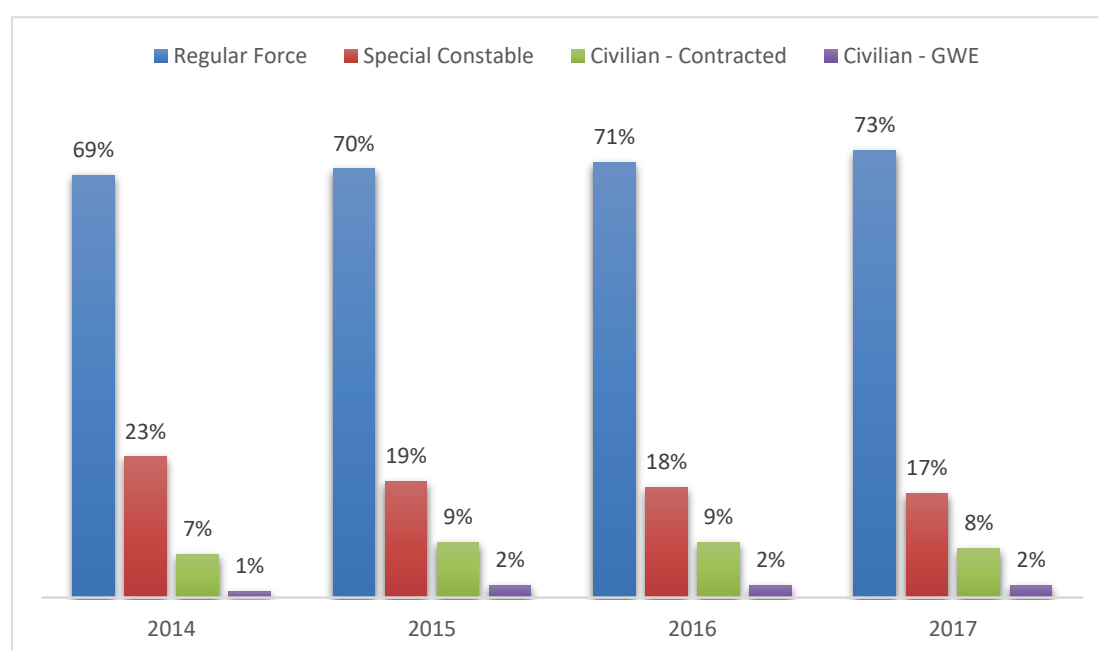
3.5.2.5.5 Table 3.22 and Figure 3.24 show that there is a higher percentage of women among regular force (73% in 2017).

Table 3.22: Women representation at the Fiji Police Force

Regular Force	2014	2015	2016	2017
Male	2183	2184	2218	2334
Female	554	644	656	693
Total	2737	2828	2874	3027
SC's	2014	2015	2016	2017
Male	943	867	939	885
Female	184	176	164	166
Total	1127	1043	1103	1051
Civilian – Contracted	2014	2015	2016	2017
Male	38	36	36	37
Female	56	83	86	79
Total	94	119	122	116
Civilian – GWE	2014	2015	2016	2017
Male	49	44	44	43
Female	10	12	12	12
Total	59	56	56	55
Overall	2014	2015	2016	2017
Total Number of Males	3213	3131	3237	3299
Total Number of Females	804	915	918	950
Total Manpower Status	4,017	4,046	4,155	4,249

Source: Fiji Police Force - April/May 2018

Figure 3.24: Percentage of women in different categories of the Fiji Police Force



Source: Fiji Police Force Confirmation - April/May 2018

- 3.5.2.5.6 Major obstacles to creating a more balanced representation of women in the Fiji Police Force are the deeply entrenched belief's and stereotyped attitudes towards women in the workplace. Culture, socialization processes and religion play a role in this. Also, another major obstacle to gender equality are women themselves. Sometimes women live up to the expectations of society, especially their male counterparts, in that by appearing helpless and non-assertive, even when holding positions of authority and responsibility. Moreover, by accepting certain kinds of jobs women reinforce deeply entrenched beliefs that they are weaker than men and cannot perform the same duties as men.<sup>190</sup>
- 3.5.2.5.7 In terms of women joining higher ranks of the police force, this is difficult because of the entrenched attitudes and belief's regarding women in general in policing not only in Fiji but in the Pacific region as a whole. Women who do reach higher ranks, their work is made even harder on the ground when they deal with male counterparts who have deeply ingrained ideas about gender roles in society.<sup>191</sup> The new target should also contribute towards increasing women in position of authority and decision making.
- 3.5.2.5.8 The presence of women in prominent positions in the Fiji Police Force can promote gender equality and assist in curbing violence against women in the long term.

In an exit meeting<sup>192</sup> Deputy Commissioner of Police informed that they have a dedicated unit in the force such as Sexual Offenses unit, Juvenile Bureau that deal with sexual offenses on women. In respect to manpower, they have strengthened their sexual offenses unit by placing more women due to the sensitivity of the cases on sexual offense against women. Deputy Commissioner of Police further responded that the Fiji Police Force will provide the detail summary of the number of women personnel in the said unit. Upon requesting<sup>193</sup> for number of established female personnel in the Sexual Offenses Unit and the Juvenile Bureau from 2014 to 2017, audit was informed that as of 2019, there are 13 female officers in the SOU and 9 in the Juvenile Bureau.

The Deputy Commissioner noted that the number of women police officers has increased in recent years and the Force is benchmarking to the UN peace keeping missions women ratio of 20%. The Force has been able to exceed this rate and are targeting 33% with reform and restructure.

The Department of Women have agreed to the audit findings and recommendations.<sup>194</sup>

<sup>190</sup>International Labor Organization (ILO) website – Working in a 'man's world': women in the Fiji police force, responses by Former Director of Training in the Fiji Police Force, Ksanita Seruvatu dated 08 October 2008, also available online at: [http://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS\\_099054/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS_099054/lang--en/index.htm).

<sup>191</sup> International Labor Organization (ILO) website – Working in a 'man's world': women in the Fiji police force, responses by Former Director of Training in the Fiji Police Force, Ksanita Seruvatu dated 08 October 2008, also available online at: [http://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS\\_099054/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS_099054/lang--en/index.htm).

<sup>192</sup> Dated 30<sup>th</sup> May 2019

<sup>193</sup> Dated 11 June 2019.

<sup>194</sup> Post exit meeting discussions dated 10 June 2019.



## 4.0 IMPLEMENTATION OF ACTIVITIES ON EVAW

4.0.1 This section specifically looks at the activities by which the framework has been implemented and the monitoring of activities on elimination of violence against women.

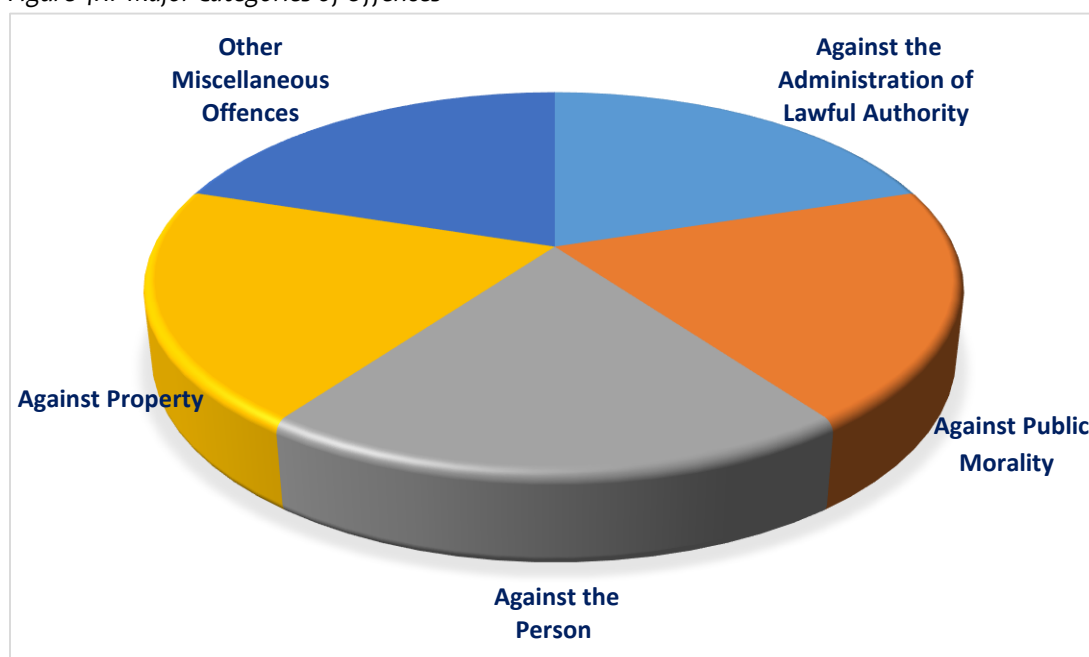
### 4.1 Crime against Women in Fiji

4.1.1 Crime against women includes any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.<sup>195</sup>

4.1.2 As stipulated in the Force Standing Order (FSO), the Fiji Police Force Annual Statistics Report is derived from receiving reports in Police Stations, Community Posts, and other units or intra/inter agencies which provide information and daily crime reports (DCR).<sup>196</sup>

4.1.3 As per the Crimes Act 2009, there are 250 different offences which are classified under a cluster of five major categories as shown in Figure 4.1 below.

Figure 4.1: Major Categories of Offences



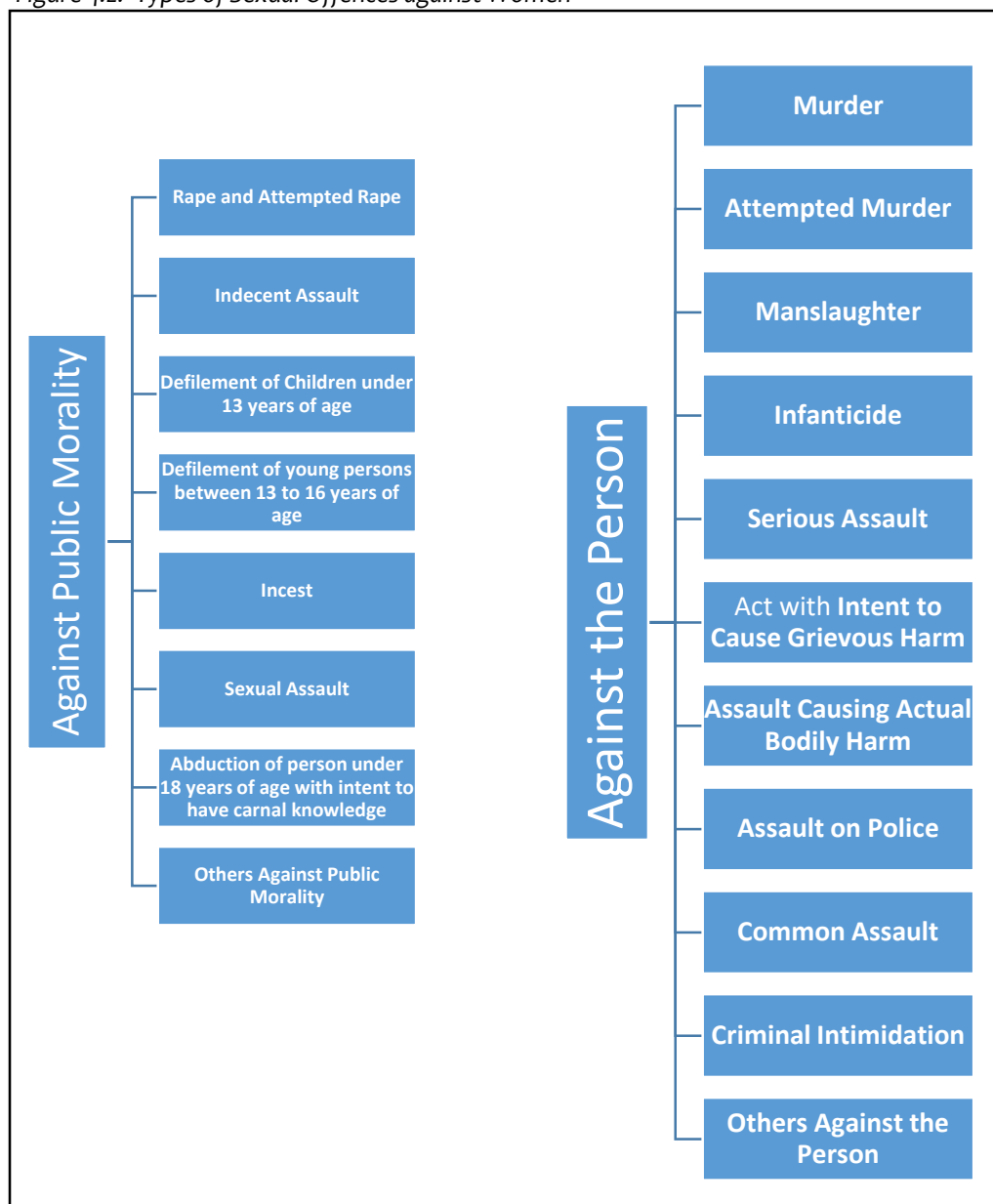
Source: Fiji Police Crime Statistics Annual Report 2017, Section 1.2, p. 7

4.1.4 The victims for the incidents of crime against women is categorized under Offences against Public Morality (includes Sexual Offences, Abortion Offences) and Offences against the Person (includes common assault). These two categories are then sub-categorised as depicted in the Figure 4.2 below;

<sup>195</sup> Uttar Pradesh Performance Audit on Empowerment of Women, page 20, paragraph 1.

<sup>196</sup> Fiji Police Crime Statistics Annual Report 2017, page 7, section 1.1.

Figure 4.2: Types of Sexual Offences against Women



Source: Fiji Police Force Crime Statistics Annual Report 2017, page 34, section 9.1

- 4.1.5 The victims for the incidents of crime against women as categorized in the Crimes Act 2009, define sexual offences into 17 different types as illustrated below;<sup>197</sup>

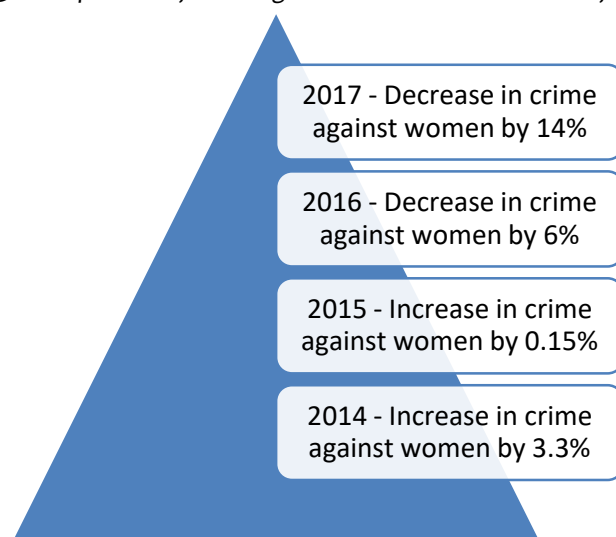
<sup>197</sup> Crimes Act 2009, Part 12, Section 206 – 223.

Table 4.1: Types of Sexual Offences against Women

Sexual Offenses 1 - Rape
Sexual Offenses 2 - Attempted to commit rape
Sexual Offenses 3 - Assault with an intent to commit rape
Sexual Offenses 4 - Sexual Assaults
Sexual Offenses 5 - Abduction of persons under 18 years of age with intent to have carnal knowledge
Sexual Offense 6 - Indecent Assault
Sexual Offense 7 - Indecently insult or annoying any person
Sexual Offense 8 - Defilement of children under 13 years of age
Sexual Offense 9 - Defilement of young persons between 13 years and 16 years of age
Sexual Offense 10 - Defilement of intellectually impaired person
Sexual Offense 11- Procurement for unlawful practices
Sexual Offense 12 - Procuring defilement by threats or fraud or administering drugs
Sexual Offense 13 -Householder permitting defilement of a child on premises
Sexual Offense 14 - Householder permitting defilement of a person under 16 years of age on premises
Sexual Offense 15 - Conspiracy to defile
Sexual Offense 16 - Unnatural offence with animals
Sexual Offense 17 - Incest by any relative

- 4.1.6 The measure of performance for the Fiji Police Force is tagged to the institutional Annual Corporate Plan (ACP) through the Key Performance Indicators (KPI's).<sup>198</sup> This is to reduce crime against women by 10%. The achievement of this measure of performance indicates that the Force have aligned to *Key Pillar 1 Ensuring Sustainable Democracy and Good and Just Governance* and *Key Pillar 5 Achieving higher Economic Growth* under the RDSSD (Roadmap for Democracy Sustainable Socio-Economic Development). Overall, there was a 14% decrease in the crime against women cases recorded in 2017 when compared to the previous year. Refer to Figure 4.3 for detail.

Figure 4.3: Comparison of crime against women cases recorded from 2014-2017



Source: Fiji Police Force Crime Statistics Annual Report 2017, Table 31.0, p.34)

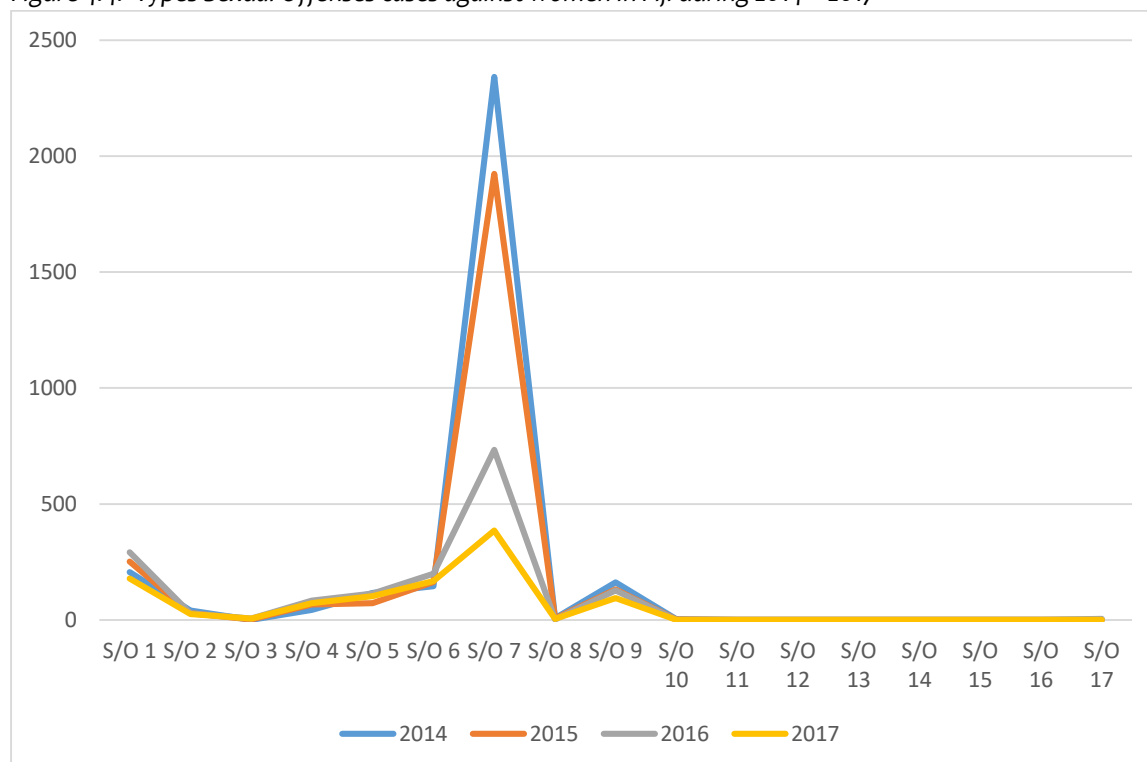
- 4.1.7 Over the four year period the incidents of crime against women recorded has gradually decreased. In 2014, there was a 3.3% increase in crime against women cases recorded compared to the previous year, and 0.15% percent increase in incidents of recorded crime

<sup>198</sup> Fiji Police Force Crime Statistics Annual Report 2017, Section 1.9, p.8

against women were recorded in 2015. However, there was a decrease in crime against women cases recorded by 6 percent and 14 percent in 2016 and 2017 respectively.

- 4.1.8 Information provided by Fiji Police Force, revealed that incidents of the 17 sexual offenses (refer name in Table 4.1 above) against women in Fiji have been decreasing consistently as shown in the figure below.

Figure 4.4: Types Sexual Offenses cases against women in Fiji during 2014 – 2017



Source: Fiji Police Force Crime Statistics Annual Report 2017, Table 41.0, p.42

From the total of 3,066 offenses recorded in 2014, a total of only 1,041 was recorded in 2017. As can be seen from the table above that there has been 66 percent decrease in all types of sexual offense between 2014 and 2017.

- 4.1.9 However, audit review revealed findings which may be contrary to the statistics discussed above. These are discussed in detail below.
- 4.1.10 The percentage of sexual offences against female victims compared to male victims has been consistently increasing over the four year period from 2014 and 2017. Refer to the table 4.2 and figure 4.5 below for details.

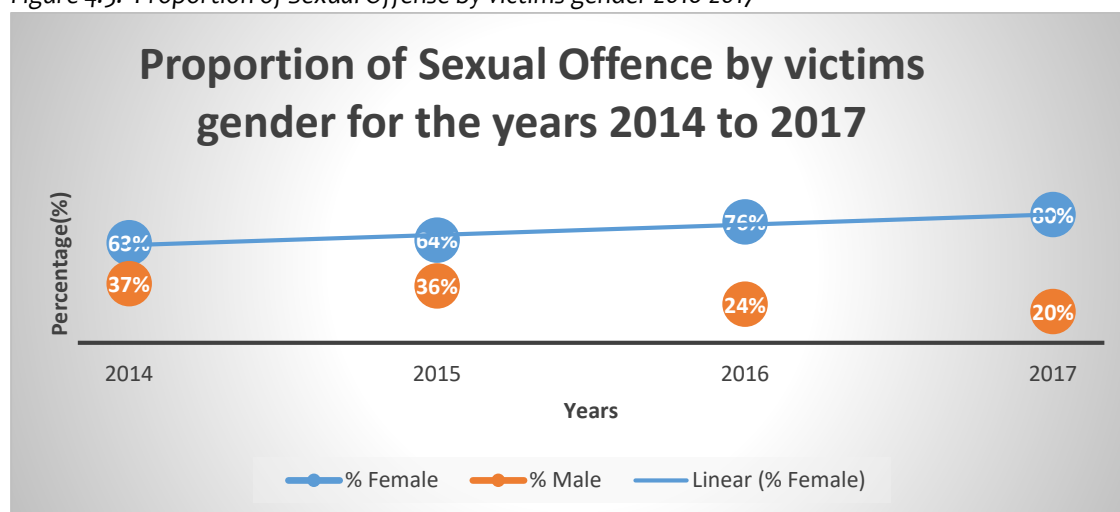
Table 4.2: Sexual Offences by victim's gender from 2014 to 2017

No.	Year Type of Sexual Offences	2014		2015		2016		2017	
		Female	Male	Female	Male	Female	Male	Female	Male
S/O 1	Rape	182	24	232	20	276	16	157	22
S/O 2	Attempt to commit rape	34	6	29	1	23	5	16	10
S/O 3	Assault with intent to commit rape	0	0	2	0	5	1	5	1
S/O 4	Sexual assaults	29	14	54	13	73	11	60	12
S/O 5	Abduction of person under 18 years of age with intent to have carnal knowledge	105	10	66	6	104	10	93	10
S/O 6	Indecent Assault	128	18	152	12	171	28	150	18
S/O 7	Indecently insulting or annoying any person	1,267	1,057	1,040	883	436	298	255	130
S/O 8	Defilement of children under 13 years of age	8	0	6	0	2	0	5	0
S/O 9	Defilement of young persons between 13 years and 16 years of age	159	3	128	4	114	13	93	1
S/O 10	Defilement of intellectually impaired persons	3	0	2	0	1	0	1	0
S/O 11	Procurator for unlawful practices	0	0	0	0	0	0	0	0
S/O 12	Procuring defilement by threats or fraud or administering drugs	0	0	0	0	0	0	0	0
S/O 13	Householder permitting defilement of a child on premises	0	0	0	0	0	0	1	0
S/O 14	Householder permitting defilement of a person under 16 years of age on premises	0	0	0	0	1	0	0	0
S/O 15	Conspiracy to defile	0	0	0	0	0	0	0	0
S/O 16	Unnatural offence with animals	0	0	0	0	0	0	0	0
S/O 17	Incest by any relative	1	0	1	0	5	0	1	0
Total		1,916	1,132	1,712	939	1,211	382	837	204

Source: Fiji Police Force Crime Statistics Annual Report 2017, Table 42.0, p.42-43

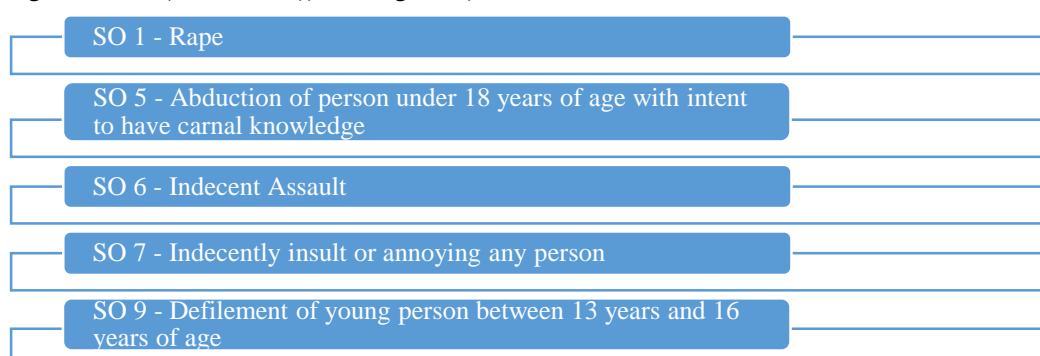
The figures illustrated above has been further analysed to establish the percentage distribution of sexual offences by victims gender from 2014 to 2017. Refer to Figure 4.5 below for details;

Figure 4.5: Proportion of Sexual Offense by victims gender 2016-2017



- 4.1.11 It can be seen in the chart above that there have been 17 percent increases in female victims of sexual offenses between 2014 and 2017. The percentage of female victims of sexual offenses has been very steep. For example, during 2016 the percentage of female victims increased by 12% from 64 % in 2015 to 76 %. The incident of sexual offenses against female has not declined in 2017.
- 4.1.12 According to the research report on *Balancing the Scales – Improving Fijian Women’s Access to Justice* published by Fiji Women’s Rights Movement (FWRM) in 2017, revealed that women and girls are the victims/survivors in 9 out of 10 cases reported to the Fiji Police Force in all categories of sexual offenses case.
- 4.1.13 We further analysed the major sexual offenses against female victims by observing and analysing data recorded by Planning, Policy, Research & Development and Statistics Unit of the Fiji Police Force. The following has been identified as major sexual offenses cases that were frequently reported and recorded by Fiji Police Force.

Figure 4.6: Major Sexual Offences against female



- 4.1.14 It can be seen from the illustration above that these major sexual offences against female victims were contributing more than 63 percent of the total sexual offences in Fiji. The categories of major sexual offences against females and distribution and analysis by age during the last four years are shown in Table 4.3 below.

Table 4.3: Major Sexual Offences against female during the last four years.

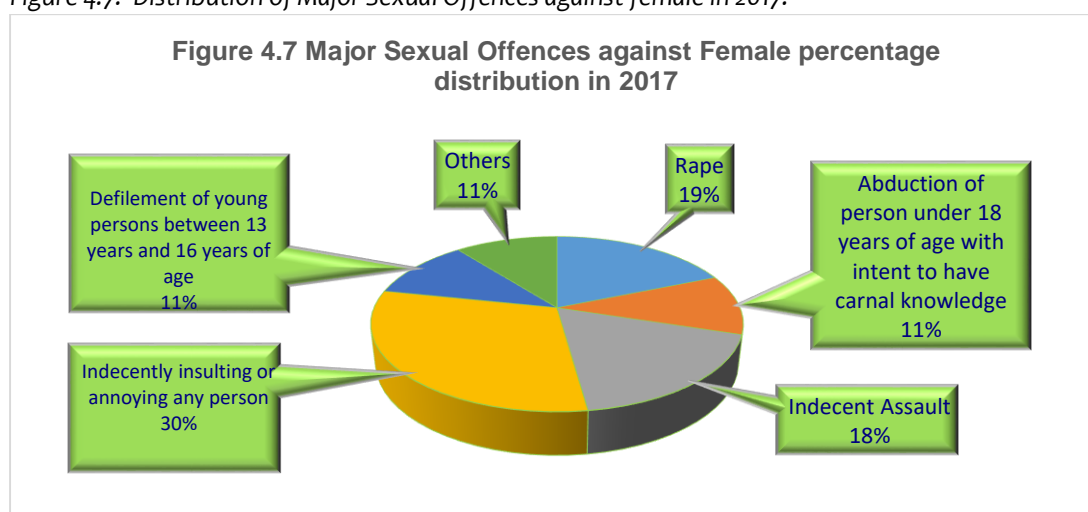
Year	Rape	Abduction of person under 18 years of age with intent to have carnal knowledge	Indecent Assault	Indecently insulting or annoying any person	Defilement of Young person between 13 years and 16 years of age	Others
2014	182	105	128	1267	159	75
2015	232	66	152	1040	128	94
2016	276	104	171	436	114	110
2017	157	93	150	255	93	89
<b>Total</b>	<b>847</b>	<b>368</b>	<b>601</b>	<b>2998</b>	<b>494</b>	<b>368</b>

Source: Fiji Police Crime Statistics Annual Report 2017, Table 42.0, p42-43

The number of rape cases recorded against female (women and girls) from 2014 to 2016 shows upward trend by 52% while 2017 indicates a downward trend of 43% compared to previous year. A similar trend is evident in indecent assault and other cases recorded by Fiji Police Force. However, indecently insulting or annoying any person and defilement of young person between 13 years and 16 years of age shows downward trend from 2014 to 2017. Furthermore, abduction of persons under 18 years of age with intent to have carnal knowledge fluctuates from the year 2014 to 2017. Although, the decreasing rate shown each year from 2014 to 2017, the number of recorded sexual offences against female victims dominate over the number of recorded sexual offences against male victims in a year (i.e. from 2014 – 2017).

Based on data from Table 4.3 above, the detail distribution of major sexual offences against female in 2017 provided in Figure 4.7 below.

Figure 4.7: Distribution of Major Sexual Offences against female in 2017.



Source: Fiji Police Crime Statistics Annual Report 2017, Table 42.0

The cases of indecently insulting or annoying any persons recorded a highest percentage distribution of 30% followed by rapes cases distribution of 19%, indecent assault distribution of 18% for the year 2017.



We further analysed the data of rape cases that was recorded by Fiji Police Force by age for minor girl's category in Fiji from 2014 to 2017. Refer to Table 4.4 for details;

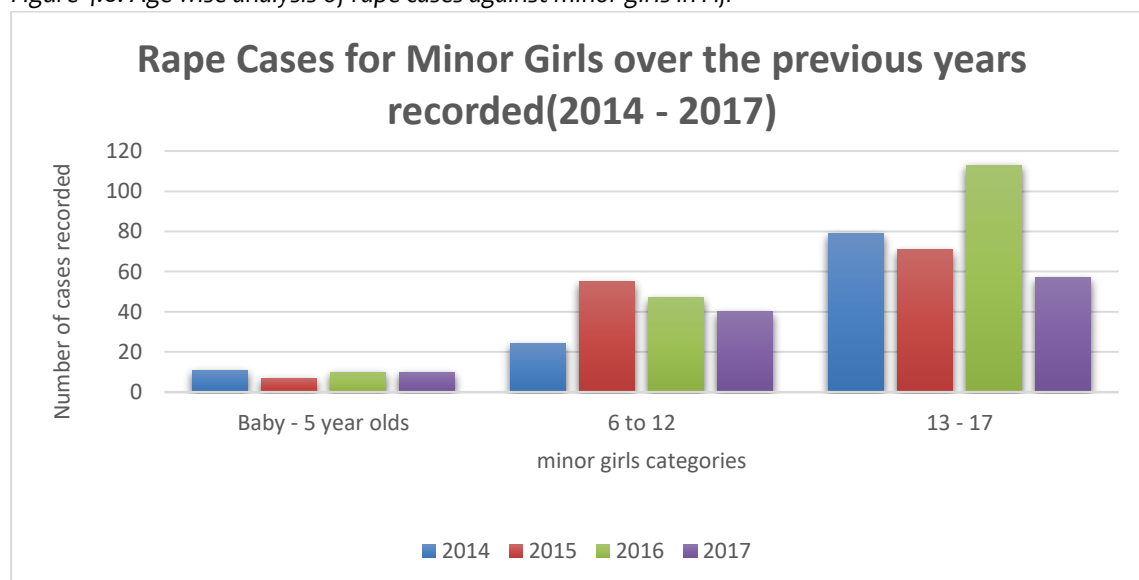
Table 4.4: Age wise analysis of rape cases against minor girls in Fiji

Year	Baby – 5 year olds	6 to 12	13 - 17	Total	Total Number of cases	Percentage of minor girls to total cases
2014	11	24	79	114	182	63%
2015	7	55	71	133	232	57%
2016	10	47	113	170	276	62%
2017	10	40	57	107	157	68%
<b>Total</b>	<b>38</b>	<b>166</b>	<b>320</b>	<b>524</b>	<b>847</b>	<b>62%</b>

Source: OAG Fiji analysis based on the Fiji Police Force Crime Statistics Annual Report, 2017

The data presented on table 4.4 is graphically shown in Figure 4.8 below to indicate the trend of rape cases under minor girl's category who are victims of sexual violence cases.

Figure 4.8: Age wise analysis of rape cases against minor girls in Fiji



- 4.1.15 We observed from the above analysis that the number of rape cases increased (28%) suddenly from 2014 to 2015 and (19%) increased from 2015 to 2016 over the previous years. The most alarming fact is that the largest number (62%) of victims of rape were minor girls. Increase in the number of rape cases for the last three years has been very significant.
- 4.1.16 According to the Research paper on *Balancing the Scales – Improving Fijian Women's Access to Justice* conducted by FWRM in 2017, in 2016 the Office of the Director of Public Prosecution (ODPP) rape and sexual offences statistics shows that rape accounts for 71% of the sexual offences cases prosecuted. Children under 18 years of age are the victim/survivors in 59% of rape cases prosecuted.
- 4.1.17 The age analysis and chart distribution of abduction of person under 18 years of age are as follows.

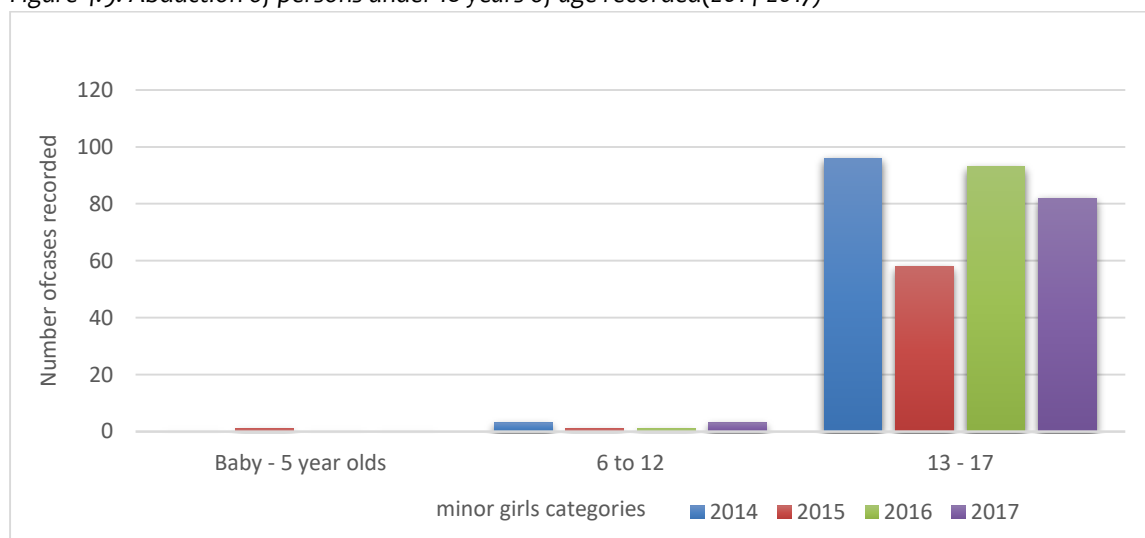
Table 4.5: Age wise analysis of abduction of person under 18 years of age in Fiji

Year	Baby – 5 year olds	6 to 12	13 - 17	Total	Total Number Of cases	Percentage of minor girls to total cases
2014	0	3	96	99	105	94%
2015	1	1	58	60	66	91%
2016	0	1	93	94	104	90%
2017	0	3	82	85	93	91%
<b>Total</b>	<b>1</b>	<b>8</b>	<b>329</b>	<b>338</b>	<b>368</b>	<b>92%</b>

Source: OAG Fiji analysis based on the Fiji Police Force Crime Statistics Annual Report, 2017.

- 4.1.18 There was 58 percent increase in cases of abduction of person under 18 years of age with an intent to have a carnal knowledge from 2015 to 2016. The most alarming fact is that the largest number (92%) of victims of this offences were minor girls. Refer to Figure 4.9 below for further details.

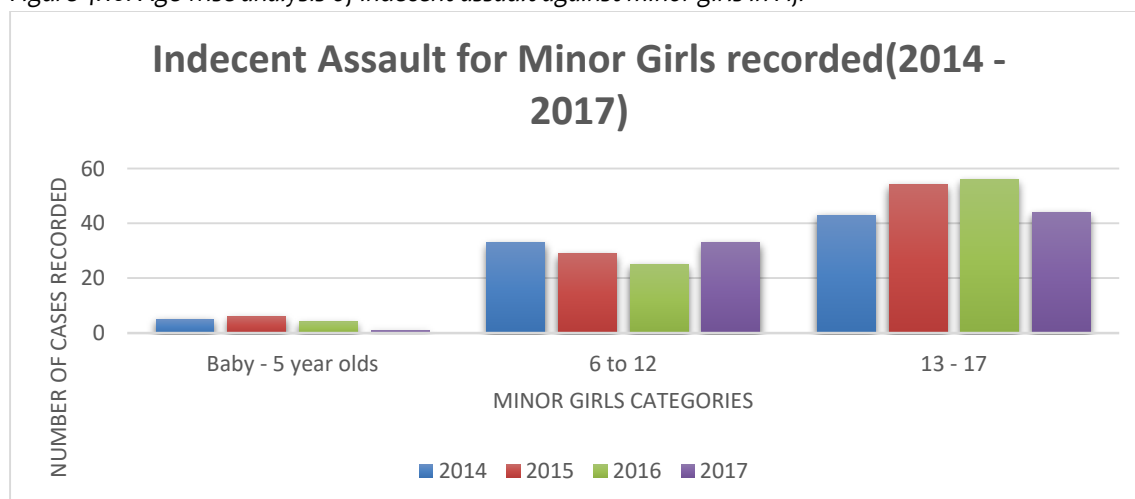
Figure 4.9: Abduction of persons under 18 years of age recorded(2014-2017)



Source: OAG Fiji analysis based on the Fiji Police Force Crime Statistics Annual Report, 2017.

- 4.1.19 The age analysis and chart distribution of indecent assault are presented under Figure 4.10 below:

Figure 4.10: Age wise analysis of indecent assault against minor girls in Fiji



Source: OAG Fiji analysis based on the Fiji Police Force Crime Statistics Annual Report, 2017.

- 4.1.20 We noted that the cases of Indecent Assault has increased from 128 in 2014 to 152 in 2015 and 171 in 2016. There has been a significant increase of 19% in 2015 over the previous year. The most alarming fact is that the largest number (55%) of victims of indecent assault were minor girls.
- 4.1.21 The age analysis for indecently insulting or annoying any person against women in Fiji are shown in Table 4.6 below.

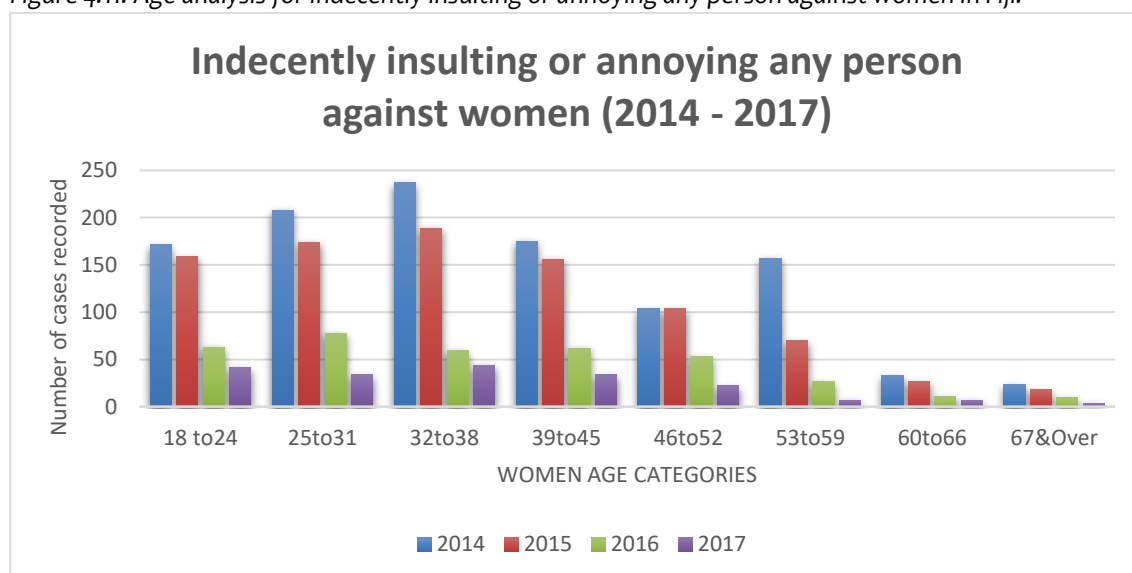
Table 4.6: Age wise analysis for indecently insulting or annoying any person against women in Fiji

Year	18 To 24	25 to 31	32 to 38	39 to 45	46 to 52	53 to 59	60 to 66	67 & Over	Total	Total Number of cases	Percentage of women to total cases
2014	171	208	237	175	104	157	33	23	1,108	1,267	87%
2015	159	174	189	156	104	70	27	18	897	1,040	86%
2016	63	78	59	62	53	27	11	10	363	436	83%
2017	41	34	44	34	22	7	7	4	193	255	76%
<b>Total</b>	<b>434</b>	<b>494</b>	<b>529</b>	<b>427</b>	<b>283</b>	<b>261</b>	<b>78</b>	<b>55</b>	<b>2561</b>	<b>2,998</b>	<b>85%</b>

Source: OAG Fiji analysis based on the Fiji Police Force Crime Statistics Annual Report, 2017.

The data presented on table 4.6 above is reflected in a bar graph distribution below.

Figure 4.11: Age analysis for indecently insulting or annoying any person against women in Fiji.



Source: OAG Fiji analysis based on the Fiji Police Force Crime Statistics Annual Report, 2017.

- 4.1.22 The number of cases recorded for indecently insulting or annoying any person from 2014 to 2017 decreased by 80 %. However, the maximum number (85%) for the said crime were women.

4.1.23 Table 4,7 below contains data gathered from the Fiji Police Force Crime Statistics and represent victims of domestic violence against women and children from the year 2014 to 2017.

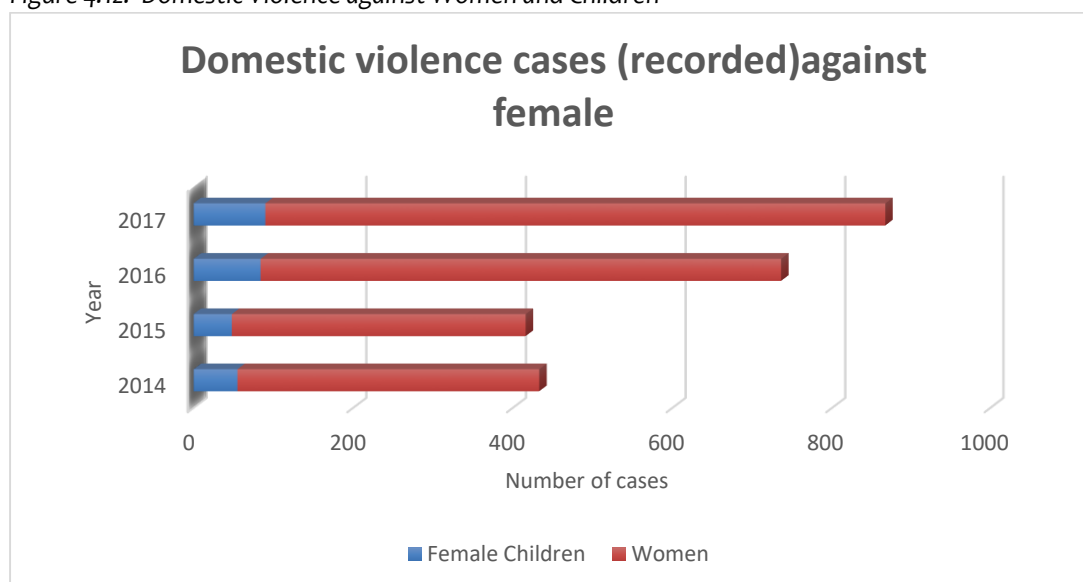
Table 4.7: Domestic Violence against women and children

Year	2014	2015	2016	2017
Domestic Violence against Women (Females, age is 18 years or more)	378	368	652	777
Domestic Violence against Female Children (Age is less than or equal to 17 years)	55	48	84	90
<b>Total</b>	<b>433</b>	<b>416</b>	<b>736</b>	<b>867</b>

Source: Fiji Police Crime Statistics Annual Report 2017, Table 44.0, p.43

Further analysis of the data presented above is shown below.

Figure 4.12: Domestic Violence against Women and Children



There was 80 % increase in domestic violence against women and girls in 2016 and further 18 % increase in 2017. The most alarming fact is that the largest number (89%) of victims of domestic violence cases were women. Increase in the number of domestic violence cases over the previous years has been very significant.

As discussed with Fiji Police Deputy Director Planning, Statistician -and Research Officer, the outcome of the joint awareness and advocacy work has driven the increase in domestic violence. The society are fully trained about the concepts of domestic violence.

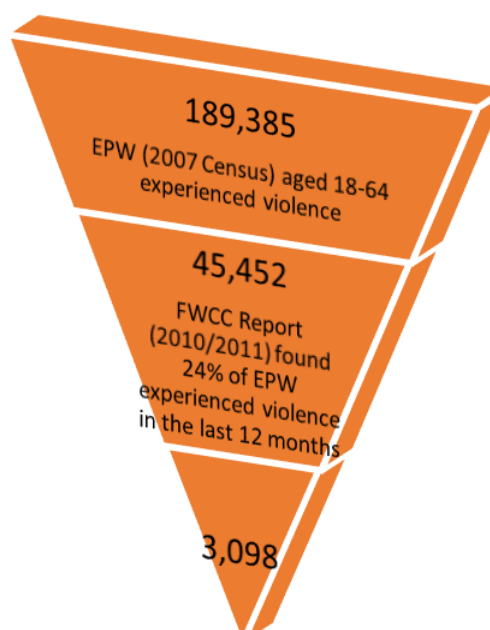
Another contributing factor to the increase in domestic violence is the change in the definition of a domestic setting. Initially, violence in the domestic setting only applied to married couples, but with the introduction of the Domestic Violence Act 2009, family or domestic relationships extends to include spouse, other family members, persons who normally or regularly resides in the household or residential facility, boyfriend or girlfriend.

4.1.24 Furthermore, in 2017, only 3,098 women reported domestic violence, sexual or physical violence matters to the police. This represents less than 7 in 100 women (7%) who experienced violence reporting this to the police based on the women estimated to have experiences in the FWCC Report [N=45,452].

4.1.26 The women victims of the Domestic violence would find it more comfortable to report to FWCC rather than reporting violence to a male Police Officer at the Fiji Police Stations.

Figure 4.13: Reporting from Public to the Police

4.1.27 Fiji Women Crisis Centre in its 2010/2011 survey on Women Health and Life Experiences in Fiji (Somebody's Life Everybody's Business) found that the combined prevalence of non-partner and intimate partner violence in Fiji (71%) is double the global estimate of 35.6%. The report also found that 24% of women (almost one in four women) in an intimate relationship experienced physical and/ or sexual violence in the last 12 months, or 45,452 women aged 18-64 who were ever in an intimate relationship with a man, at the time of 2007 Census.



4.1.28 The transition of the definition from the Penal Code to the Crimes Act has been a major contributing factor on the increase in female victims of sexual offenses. In the Penal Code, the definition of these offenses was totally different from the Crimes Act. For example, rape in the Penal Code was basically the sexual offenses which was restricted to penetration whereas the definition of rape in the Crimes Act has changed differently from the Penal Code. Section 207(2) of the Crimes Act 2009 stated that:

A person rapes another person if;

- a. The person has the carnal knowledge with or of the other person without the other person's consent; or
- b. The person penetrates the vulvar, vagina or anus of the other person to any extent with a thing or a part of the person's body that is not a penis without the other person's consent; or
- c. The person penetrates the mouth of the other persons to any extent with the person's penis without the other person's consent.

4.1.29 The difference between the statistics from Fiji Police Force and other NGO's (such as FWCC), is that statistics in the Fiji Police Force are the ones that reported and recorded. The FWCC research is far bigger than the statistics recorded and reported by Fiji Police Force.

- 4.1.30 Victim of more than one crime is another contributing factor in the increase of sexual offenses by victim's gender. For example, victims of rape, attempt to commit rape, assault with intent to commit rape, sexual assaults would be counted 5 times in any victim gender irrespective of female or male victims.
- 4.1.31 Discussions with Fiji Police Force revealed that Planning and Statistics Unit will be carrying out reconciliation of the cases that has happened earlier to rightfully peg in the period the offenses takes place.

In an exit meeting<sup>199</sup> Manager Statistics/Planning informed that the Force gauge their performance on 20% threshold set by UN Uniformed Gender Parity Strategy 2018 in which they have achieved and exceeded the threshold of women in the workforce. With the reform in place, the force intend to increase women in the workforce to 33%.

### Recommendation

Fiji Police Force should:

30. Ensure adequate police manpower to effectively control the increasing incidents of crime including crime against women. :
31. Strengthen the method of conducting community's awareness regarding incidents of violence against women.

## 4.2 Domestic Violence Helpline

- 4.2.1 Globally, violence against women is recognized as a social, economic, political debate as well as fundamental violation of human rights. Fiji ratified United Nations Transforming our World – The 2030 Agenda for Sustainable Development in 2015 which includes 17 Sustainable Development Goals and 169 measurable targets. Target 5.2 stated “to end all forms of discrimination against all women and girls and eliminate all forms of violence against women and girls in the public and private spheres”<sup>200</sup>
- 4.2.2 The 5 year and 20 year National Development Plan is a fundamental basis of government operation which aligned with 2030 Sustainable Development Goals. The National Development Plan also focused on “Empowering Women to reach their full potential” in which Fiji Ministry of Women and concerned interagency stakeholders will enhanced responsive policies and coordinated referral networks in combating violence against women.
- 4.2.3 Many times, victim/survivors and the people around them are not able to seek timely help for various reasons. Some do not know who to seek help from and others have little hope

<sup>199</sup> Dated 30<sup>th</sup> May 2019.

<sup>200</sup> United Nations, Transforming our World, the 2030 Agenda for Sustainable Development, Goal 5, paragraph 5.2.

of receiving genuine help given the limitation of some existing agencies.<sup>201</sup> The Ministry in its collaborative approach is intended to recognize the desire to support victims/survivors of such crime through the establishment of a 24 hour toll free helpline to victims/survivors of Domestic Violence.

4.2.4 The 24 hour toll free helpline serves as a lifeline to support victims/ survivor of domestic violence, provide emergency assistance, immediate professional counselling, provide relevant and legal advice to callers and to create powerful network between the Ministry, Fiji Police Force, Judiciary, NGO's and medical agencies to assist victims of domestic violence.<sup>202</sup>

4.2.5 The following stakeholders<sup>203</sup> can access the National Domestic Violence Helpline.

Figure 4.14: Stakeholder to the NDVH



#### 4.2.1 Processes of Acquiring National Domestic Violence Helpline

4.2.1.1 The Ministry of Women, Children and Poverty Alleviation advertised an expression of interest in the Fiji Sun on the 2<sup>nd</sup> of April, 2016 and closed on the 15<sup>th</sup> of April, 2016. Subsequently, the Ministry received four submissions from the following reputable non-government organisations;

- ✓ Empower Pacific
- ✓ Lifeline Fiji
- ✓ Fiji Women's Crisis Centre
- ✓ Medical Services

4.2.1.2 The organisations listed above were called on 05<sup>th</sup> of May, 2016 at the Ministry's conference room to make presentations on their line of operations to the committee. Committee members comprised of representatives from the following agencies:

- ✓ Ministry of Women, Children and Poverty Alleviation – Raijeli Mawa (Acting Director Women - Chairperson)
- ✓ Fiji Procurement Office – (Assistant Procurement Officer - Member)
- ✓ Fiji Procurement Office – (Senior Procurement Officer – Member)
- ✓ Ministry of Industry, Trade & Tourism – (Assistant Statistician – Member)
- ✓ Ministry of Women, Children & Poverty Alleviation - (Gender Advisor – Member)

<sup>201</sup> Ministry of Women, Children & Poverty Alleviation, Concept Note – 24 Hour National Domestic Violence Helpline, Section F – Background, paragraph 3

<sup>202</sup> Ministry of Women, Children & Poverty Alleviation, Concept Note – 24 Hour National Domestic Violence Helpline, Section G.

<sup>203</sup> Ministry of Women, Children & Poverty Alleviation, Concept Note – 24 Hour National Domestic Violence Helpline, Section G.

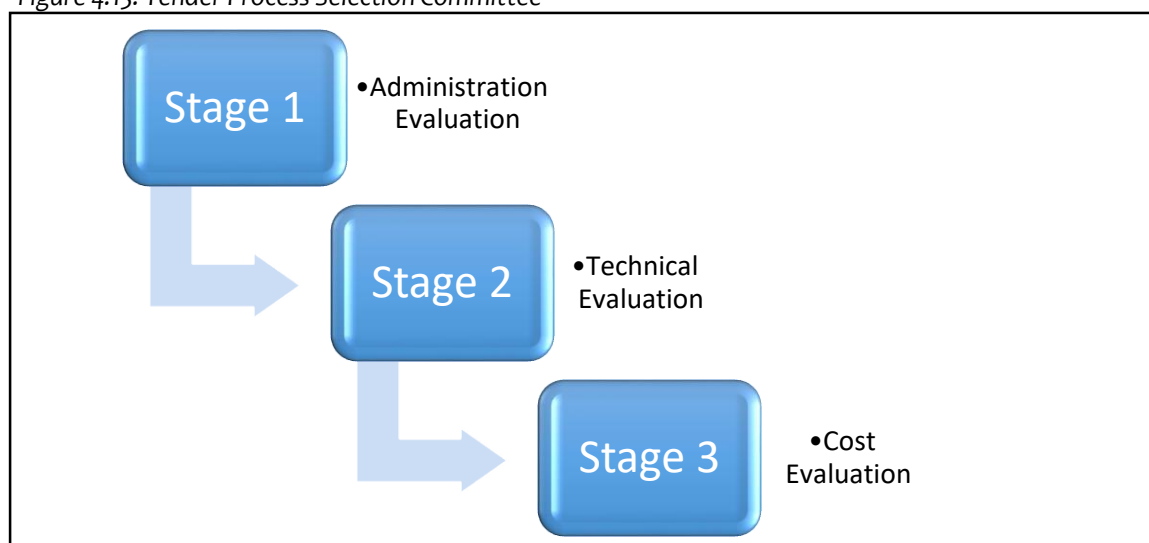


- ✓ Ministry of Women, Children & Poverty Alleviation – (Acting Senior Women Interest Officer – Secretariat)

The committee decided that the four non-government organisation were capable of providing evidence which allow them to be considered in the second level of assessment which is the selective tender process.

- 4.2.1.3 The selective tender process was advertised on 25<sup>th</sup> of May 2016 and closed on 08<sup>th</sup> of June, 2016. The Ministry received the tender submission from the same non-government organisation. The tender evaluation committee met on the 15<sup>th</sup> of June, 2016. The purpose of the meeting was to evaluate and recommend the organization to be awarded the tender of establishing the 24 Hour National Domestic Violence Helpline.
- 4.2.1.4 The Ministry of Women, Children and Poverty Alleviation and Fiji Women's Crisis Centre entered into a Grant Agreement which was made successful on 16<sup>th</sup> of September, 2016. Fiji Women's Crisis Centre is a charitable organisation, incorporated under Charitable Trust Act (Cap 67) of Fiji.<sup>204</sup> The Ministry of Women, Children and Poverty Alleviation agree to make available to Fiji Women's Crisis Centre (FWCC) the aggregate principal amount of F\$170,000 VIP which are to be paid in instalments.<sup>205</sup>
- 4.2.1.5 The selection process was made by the tender committee on the following basis:

Figure 4.15: Tender Process Selection Committee



Upon evaluation made by the Tender Evaluation Committee, it was recommended that tender for National Domestic Violence Helpline be awarded to Fiji Women's Crisis Centre (FWCC).

- 4.2.1.6 FWCC will continue to monitor and evaluate the Helpline and the referral system during the duration of this Agreement to ensure the referral system is progressively improved. All referrals made will be recorded and copies of these to be provided to the Ministry every

<sup>204</sup> Grant Agreement between Ministry Women, Children & Poverty Alleviation and Fiji Women's Crisis Centre, p.1

<sup>205</sup> Grant Agreement between Ministry of Women, Children & Poverty Alleviation and Fiji Women's Crisis Centre, paragraph 3.1, p.3

quarter. FWCC will ensure that counsellors are appropriately trained and supported and the quality of counselling services provided via the Helpline will be closely monitored.<sup>206</sup>

- 4.2.1.7 A report on the quality of counselling services will be given to the Ministry on a quarterly basis.<sup>207</sup> FWCC will maintain and use appropriate hardware and software to record data from calls and work with the telecommunication stakeholders and other contractors if necessary maintain and use appropriate hardware and software to keep records of all call as received and made and provide the same to the Ministry as required by the Ministry.<sup>208</sup>
- 4.2.1.8 FWCC will provide a financial and operational report to the Ministry on a quarterly basis as outlined in Schedule before the release of the next tranche of funds. FWCC's reports to the Ministry should include data analysis from Helpline calls. If FWCC becomes aware of any matter which may reasonably expected to change the scope or timing of the Project delivery, FWCC must give written notice to the Ministry.<sup>209</sup>
- 4.2.1.9 The FWCC must provide the Ministry quarterly financial reports of the funds that have been utilized with a Program implementation report no later than one month after the relevant quarter.<sup>210</sup>  
The FWCC shall provide to the Ministry a final audit report no later than two months after the period under audit.<sup>211</sup>
- 4.2.1.10 The Ministry may conduct site visits on a quarterly basis during the term of this Agreement, to review and comment on the utilization of the Government Grant and the progress of the program.<sup>212</sup>
- 4.2.1.11 Our review of documents pertaining to the project on National Domestic Violence Helpline noted that the frequency of reporting made by FWCC was not aligned with the reporting period as specified in the Grant Agreement.
- 4.2.1.12 We also noted instances of reports were not submitted by FWCC to Ministry of Women, Children and Poverty Alleviation. The inconsistent reporting by the Fiji Women Crisis Centre indicates poor monitoring and reviewing of projects by the Ministry of Women, Children and Poverty Alleviation. As a result, we could not determine whether the referral calls has been progressively improved. Table 4.8 provide the details of reports not submitted and the reports that are submitted by EVAW desk in the Department of Women.

Table 4.8: Limitation in review reports for DV Helpline Project

Reports not submitted by EVAW desk	Reports submitted by EVAW desk
Referral report - September 2016	Statistics and Challenges report – April 2017
Referral report – October 2016	Statistics and Challenges report – May 2017
Referral report – November 2016	Statistics and Challenges report – June 2017
Referral report – December 2016	Statistic and challenges report – January to March 2018

<sup>206</sup> Grant Agreement between MWCPA and Fiji Women's Crisis Centre, paragraph 5.7, p.4

<sup>207</sup> Grant Agreement between MWCPA and Fiji Women's Crisis Centre, paragraph 5.9, p.4

<sup>208</sup> Grant Agreement between MWCPA and Fiji Women's Crisis Centre, paragraph 5.11, p.5

<sup>209</sup> Grant Agreement between MWCPA and Fiji Women's Crisis Centre, paragraph 5.21, p.6

<sup>210</sup> Grant Agreement between MWCPA and Fiji Women's Crisis Centre, paragraph 8.2, p.7

<sup>211</sup> Grant Agreement between MWCPA and Fiji Women's Crisis Centre, paragraph 8.3, p.7

<sup>212</sup> Grant Agreement between MWCPA and Fiji Women's Crisis Centre, paragraph 10.1, p.8

Reports not submitted by EVAW desk	Reports submitted by EVAW desk
Referral report – January 2017	Statistics and challenges report – August 2018
Referral report – February 2017	Statistics and challenges report – December 2017
Report on quality of counselling services from September 2016	Statistics and challenges report – March to December 2017
Quarterly Financial report	Statistics and challenges report – January 2018
Program Implementation report	Statistics and challenges report – July 2017
Final audit report	Statistics and challenges report – November 2017
Site Visit report by EVAW desk of Department of Women	Statistics and challenges report – September 2017

- 4.2.1.13 Our review of the National Domestic Violence Helpline Statistics and Challenges report compiled by Fiji Women's Crisis Centre for the months of March to June, 2017 noted that there is a lack of urgency by relevant stakeholders such as Fiji Police Force and villages in responding to domestic violence incidents. Refer to Appendix 6 for details of challenges faced by FWCC when handling cases of domestic violence.
- 4.2.1.14 Discussions with the Fiji Police Force officials stated that referral cases of domestic violence reported to respective police stations are not treated as referral domestic violence cases in the Fiji Police Force daily crime records. Thus, it is recorded as a normal criminal cases against women. Therefore there is no statistics to identify the referral cases of domestic violence in the Fiji Police Crime Statistics Annual Report.
- 4.2.1.15 In an exit meeting<sup>213</sup> with Fiji Police Force, we were informed that when cases are reported to Fiji Police Force, they are looked on the stipulations specified in the Crimes Act 2009 . There is no special offense on violence against women as they breached stipulations stated in the Crimes Act. As a result, all complaints, irrespective whether it is a referral cases or not, are treated as normal due to the said reason. Fiji Police Force does not have dedicated resources to focus on preparing reports for referral cases. Some referral cases are reported through direct line at Sexual Offence unit while some are reported directly to Fiji Police Force.
- 4.2.1.16 The above findings has resulted in hostile behaviour of Fiji Police Officers during the time the Domestic Violence cases were referred, problems with transportation when cases were referred, passing the call around when a follow up is done from Domestic Violence Helpline, Police in remote areas are constantly pushing responsibilities for jurisdiction on each other. Refer to Appendix 6 for detail examples.
- 4.2.1.17 We further observed that there were significant number of complaints made by the survivors and concerned parties of domestic violence. Nevertheless, there were individual officers from certain stakeholders who reflected the utmost urgency of the case reported to them. Refer to **Appendix 6** for details.
- 4.2.1.18 Audit acknowledged the rollout of the Service Delivery Protocol training to service provider and the launched of the Service Delivery Protocol that will leverage opportunity for improved service on trauma faced by the survivors of domestic violence. Fiji National Service Delivery Protocol is to outline overall guidelines for standard operating procedures

<sup>213</sup> Dated 30<sup>th</sup> May 2019.

for inter-agency response to gender based violence. This Protocol provides guidance on key aspects of response and service delivery, including:

- Outlining best practice and minimum standards for a survivor centred approach to service delivery.
- Guiding principles and minimum standards for ethically and safely responding to cases of GBV for organisations that work specifically on GBV, to prevent further victimization of the survivor by service providers.
- Agreed referral pathways which adhere to minimum standards for responding to GBV survivors.
- Outlining of the key roles and responsibilities of multi-sectoral service providers, including health, social services, police and legal aid. This includes the responsibility for service delivery coordination and governance.
- How to follow best practice in terms of confidentiality protocols, informed consent and mandatory reporting guidelines and procedures.
- Specific approaches required to adequately support child survivors, in line with the Fiji Interagency Guidelines on Child Abuse and Neglect.
- Ensuring an inclusive response for diverse populations, including women and girls with disabilities, as well as lesbian, bi-sexual, and trans-women.

The Department of Women revealed that the Ministry and Fiji Women's Crisis Centre (FWCC) have delivered the roll-out of Service Delivery Protocol (SDP) through wide consultation with service providers of domestic violence cases. The final Service Delivery Protocol clearly specified the roles of service providers of domestic violence on the process and procedures in handling domestic violence cases

### Recommendation

32. Fiji Police Force should identify gaps in legislation relating to domestic violence and consult lead agency on the gaps between the actual works against domestic violence framework.

33. The Ministry and FWCC should ensure that paragraphs 5.7, 5.9, 5.21, and 8.2 of the Grant Agreement are complied with.

34. The Department of Women should ensure proper maintenance and up keep of records pertaining violence against women.

## 4.2 Zero Tolerance Violence Free Community (ZTVFC)

- 4.3.1 Cabinet endorsed the establishment of the Zero Tolerance Violence Free Community (ZTVFC) project in 2008. The project is part of government's broader response to the Elimination of Violence against Women (EVAW) implemented through the Ministry for Women, Children and Poverty Alleviation. The project has expanded and has far covered the four division of Fiji namely Northern, Western, Eastern and Central Division as follows. The distribution of ZTVFC project and its phases are illustrated below.

Figure 4.16: Distribution of ZTVFC project by Divisions (2008 – 2018)



Source: Zero Tolerance Violence Free Communities Listings as at 10/02/2018

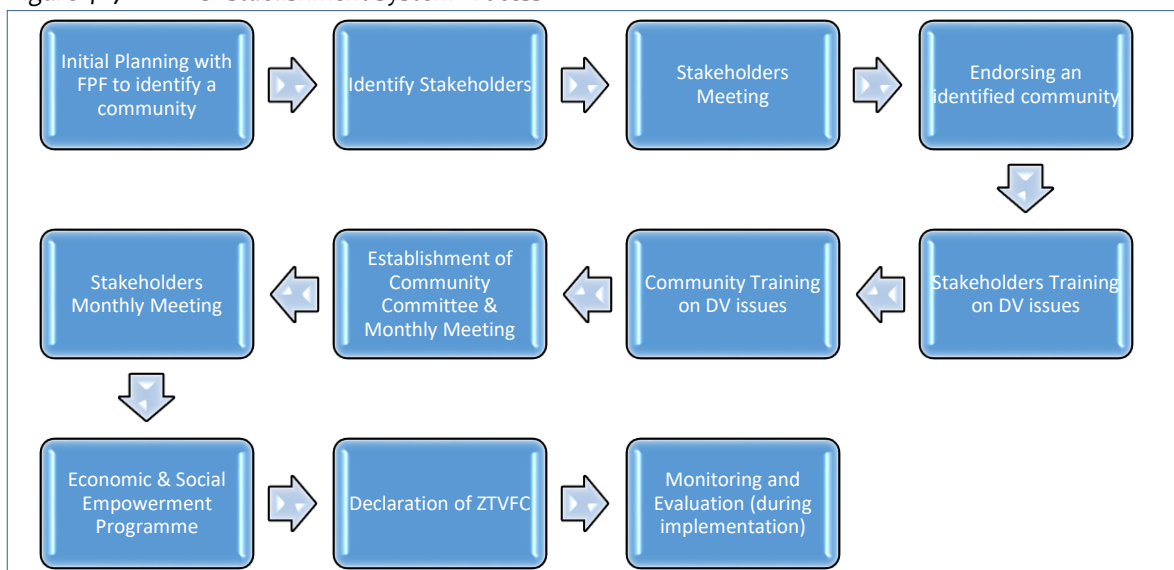
- 4.3.2 The Beijing Declaration and Platform of Action (1995), the Convention on the Elimination of All Forms of Discrimination against Women (1979) and the UN Security Council Resolution 1325 (2000). The Pacific Platform of Action (1994) and the Pacific Plan (2005) are the commitments made by Fiji in international and our regional forums and all these contain sections on violence against women.<sup>214</sup>
- 4.3.3 The Women's Plan of Action and SEEDS both demand of all sectors of government to work together on all spheres of work. Violence against women requires the concerted effort of relevant government Ministries, Civil Society and community based organisations and Development partners working together to create communities that have zero tolerance for any form of violence.<sup>215</sup>
- 4.3.4 Since 2008, a total of 88 communities were engaged with the ZTVFC. Sixty (60) communities have been declared violence free and fourteen (14) communities officially committed while fourteen (14) communities are still at the early phases of implementation.<sup>216</sup>
- 4.3.5 In establishing ZTVFC, there are processes to follow in which the communities are identified through consultation with the Fiji Police Force and the project would only be undertaken in the identified community upon endorsement by the relevant community.
- 4.3.6 The identified ZTVFC will be officially declared after all the processes illustrated below are undertaken.

<sup>214</sup> Cabinet Memorandum on Violence Against Women endorsed on 13<sup>th</sup> June 2008, paragraph 8.2

<sup>215</sup> Cabinet Memorandum on Violence Against Women endorsed on 13<sup>th</sup> June 2008, paragraph 8.3

<sup>216</sup> ZTVFC Listings as at 10/02/2018

Figure 4.17: ZTVFC Establishment System Process



Source: Standard Operating Procedures for establishing ZTVFC, 2011, pp. 4 - 10

### 4.3.1 External Evaluation of Zero Tolerance Violence Free Community (ZTVFC)

- 4.3.1.1 Formative evaluation will be undertaken as a follow up and will be undertaken through interviews, group discussion and household discussions on the progress, topics covered and other questions to provide feedback on the programme implementations.<sup>217</sup>
- 4.3.1.2 An external evaluator will be engaged to undertake evaluation of the project after three – six months from the official declaration.<sup>218</sup>
- 4.3.1.3 The objective of this Evaluation Project is to assess the Relevance, Efficiency, Effectiveness, Inclusiveness and sustainability of the Department of Women’s Zero Tolerance Violence Free Community. Other issues to consider and actions to be undertaken include the review of the updated Monitoring and Evaluation Framework and advising on issues arising, review of indicators and comments on their efficacy, comment on monitoring form and procedures, review off and comments on Work Plan & Budget, review off and comments on annual reports to donors, comment on ethical guidelines and their efficacy of implementation, comment on support of other government offices and key stakeholders.<sup>219</sup>
- 4.3.1.4 However, we noted that there were delays in hiring external evaluator to undertake the evaluation of ZTVFC project. The audit observed that the following factors contributed to the delay in the commencement of the external evaluation on ZTVFC project. These are highlighted in detail in Figure 4.17(a). The exit meeting<sup>220</sup> with the Ministry of Women officials noted that the evaluation of the ZTVFC project is currently in progress.

<sup>217</sup> Standard Operating Procedures on ZTVFC, paragraph 11.3, p.10

<sup>218</sup> Standard Operating Procedures on ZTVFC, paragraph 11.5, p.10

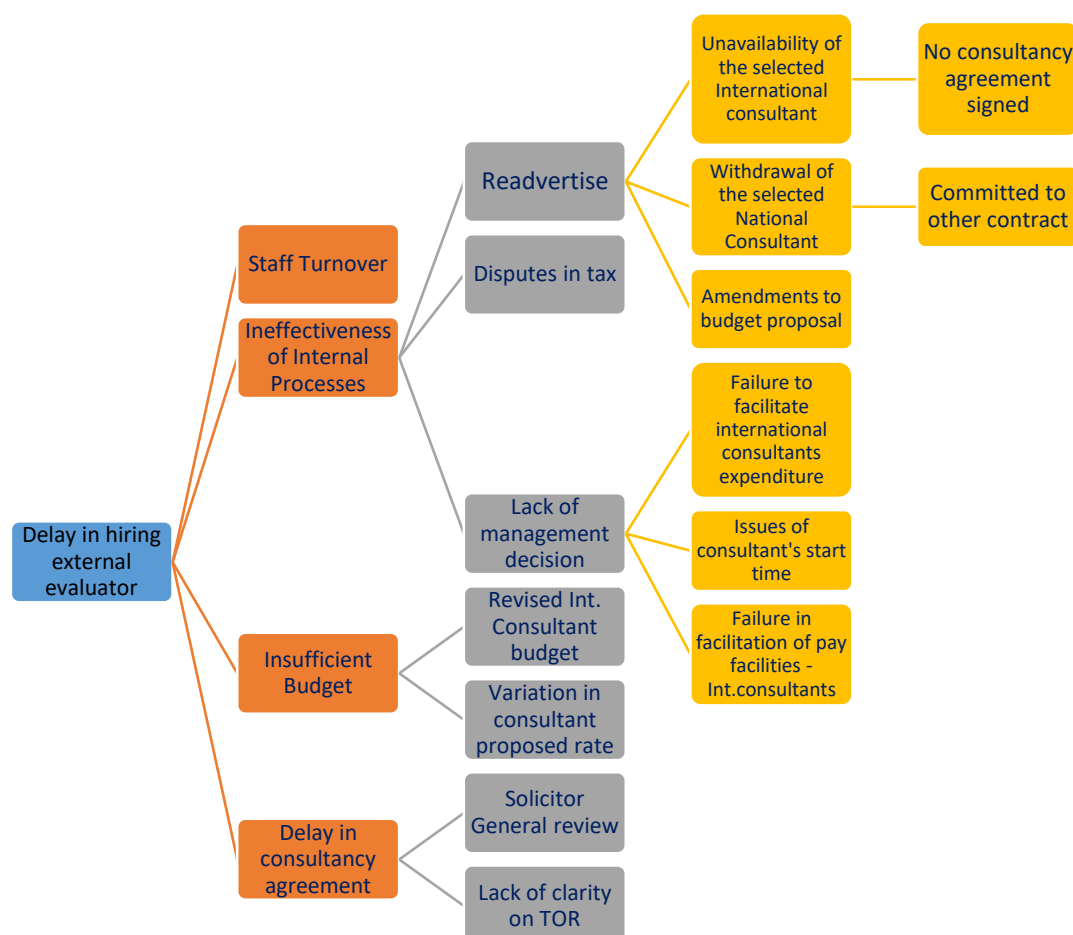
<sup>219</sup> Terms of Reference on Call for Consultancy, paragraph 11, p.2

<sup>220</sup> Dated 10<sup>th</sup> June, 2019



4.3.1.5 Due to delay in the appointment of an external evaluator, the Ministry and relevant stakeholders are yet to assess the relevance, effectiveness, inclusiveness and sustainability of the Department of Women's Zero Tolerance Violence Free Community Projects.

Figure 4.17(a): Factors caused the Delay in Hiring External Evaluator



4.3.1.6 Furthermore, records pertaining to the identifications, commitment and declaration phases of each project engaged with ZTVFC were generally lacking with the Ministry of Women, Children & Poverty Alleviation.

4.3.1.7 The Ministry did not carry out a review of the SOP (Standard Operating Procedures) to assess the effectiveness of accountability of records pertaining to each phases of the Zero Tolerance Violence Free Community Projects.

### Recommendation

35. The Ministry of Women should strengthen its internal processes and ensure proper maintenance and up keep of records pertaining to violence against women.

36. The Ministry in collaboration with relevant stakeholders should ensure that SOPs are reviewed from time to time.



## 4.4 Ministry Cooperation with Fiji Police Force

- 4.4.1 With Government's goal to reduce poverty to a negligible level, the Ministry of Women, Children & Poverty Alleviation seeks to promote the development and empowerment of women towards gender equality in partnership with relevant stakeholders. The collaborative approach is intended to recognize the desire to strengthen the relationship in the empowerment of women and children and promoting Gender Equality.<sup>221</sup>
- 4.4.2 The objective of the MOU is for the Ministry of Women, Children & Poverty Alleviation and the Fiji Police Force to endeavour to take necessary measures to promote and develop cooperation in the field of protection of human rights of women and children.<sup>222</sup> The term of the MOU is for 3 year and shall commence on the 10<sup>th</sup> of December, 2015 and come to an end on 10<sup>th</sup> December, 2018.<sup>223</sup>

### 4.4.1 Effectiveness of Engagement with Fiji Police Force

- 4.4.1.1 The Ministry undertakes to negotiate with the relevant development partner(s) for the provision of Training on Gender Mainstreaming, Gender and Human Rights to be included in the annual Police Training calendar for every training for recruits and refresher training for operational police and police prosecutors, to provide advisory support to the Fiji Police Force on technical issues of gender mainstreaming, to provide quarterly to the Divisional Police Commanders on the progress of the Ministry's Zero Tolerance Violence Free Community Programs within their divisions.<sup>224</sup>
- 4.4.1.2 The Fiji Police Force undertakes to provide to the Ministry's quarterly meeting of the Inter – Agency Task Force on the Elimination of Violence against Women (EVAW) sex-disaggregated data on the number of reported cases on violence against women, domestic violence, sexual violence, child abuse, child neglect, and child sexual abuse and actions taken. Inclusion of topics of "Domestic Violence Decree, the Child Welfare Decree, Sexual and Personal violence offences in the Crimes Decree in the Fiji Police Force Annual Training calendar to continuously build the capacities of police officers in the area of the Elimination of Violence against Women and Children.<sup>225</sup>
- 4.4.1.3 There shall be a review conducted in the third quarter of the MOU. Both parties shall share the outcomes of the review for further enhancement of the partnership.<sup>226</sup>
- 4.4.1.4 However, we noted that quarterly progress records pertaining to the Ministry's ZTVFC programs submitted to Divisional Police Commanders by Women Interest Assistant within their divisions were generally lacking with the Ministry of Women, Children & Poverty Alleviation.

<sup>221</sup> MOU 2015 between Ministry of Women, Children & Poverty Alleviation & Fiji Police Force, p.2

<sup>222</sup> MOU 2015 between Ministry of Women, Children & Poverty Alleviation & Fiji Police Force, paragraph 1.0, p.2

<sup>223</sup> MOU 2015 between Ministry of Women, Children & Poverty Alleviation & Fiji Police Force, paragraph 2.0, p.2

<sup>224</sup> MOU 2015 between Ministry of Women, Children & Poverty Alleviation & Fiji Police Force, paragraph 3.2, p.3

<sup>225</sup> MOU 2015 between Ministry of Women, Children & Poverty Alleviation & Fiji Police Force, paragraph 3.3(ii), p.4

<sup>226</sup> MOU 2015 between Ministry of Women, Children & Poverty Alleviation & Fiji Police Force, paragraph 3.4(c)(d), p.5

4.4.1.5 Moreover, the Fiji Police Force is yet to include the topics of Domestic Violence Act, Child Welfare Act, Sexual and Personal violence offences in the Police Academy Training Manual August 2017 – July 2018.

4.4.1.6 Furthermore, the Ministry and Fiji Police Force are yet to undertake review in the third quarter (December 2018) of the MOU.

4.4.1.7 During the exit meeting<sup>227</sup> we were informed by the Manager Statistics/Planning that the matter was discussed during the workshop on CEDAW and Ministry of Women and Fiji Police Force has set a timeline to review the MOU.

In another exit meeting<sup>228</sup> with Department of Women advised that the MOU with Fiji Police Force has expired in 2018 and decision is yet to be made to renew it. Despite expiry of the MOU, the reporting systems from Fiji Police Force to Department of Women is still active.

The Department of Women agreed with the recommendation on reviewing the MOU with Fiji Police Force as the Service Delivery Protocol is solely focused only the procedures and process in handling domestic violence cases for service providers and does not accommodate other provisions specified in the MOU with Fiji Police Force.

### Recommendation

37. The Ministry of Women should carry out review of the MOU between Fiji Police Force. The review process must identify the gaps between the operational work against the MOU between the Fiji Police Force.

<sup>227</sup> Dated 30<sup>th</sup> May, 2019.

<sup>228</sup> Dated 10<sup>th</sup> June, 2019

## 5.0 MONITORING AND REPORTING ENVIRONMENT

- 5.0.1 It is best organizational practice to ensure that activities of the organization are sufficiently monitored. Monitoring activities include collection of data, analysis of the information and experiences and drawing of conclusions. These are then recorded and reported together with recommendations for future actions including improvements and new developments.
- 5.0.2 Monitoring and reporting of the EVAW thematic area of the WPA is conducted via an implementation plan which has a monitoring and evaluation component and the monitoring framework.
- 5.0.3 Effective monitoring and reporting will result not only in demonstrating the changing position of women in the key areas of concern but also identify policy changes required. Furthermore, it will improve the implementation of the EVAW programs so as to ensure that the issue of violence against women is prevented, reduced or eliminated altogether.

### 5.1 Monitoring Strategies

- 5.1.1 Monitoring is a continuous process, conducted internally throughout the project cycle, either by managers or by beneficiaries, to measure the progress of development interventions against pre-defined objectives and plans.
- 5.1.2 According to the Organization for Economic Co-operation and Development's (OECD) definition of evaluation which was developed by its Development Assistance Committee (DAC), the term evaluation refers to the systematic and objective assessment of an on-going or completed project, programme or policy, its design, implementation, and results in relation to specified evaluation criteria. Evaluation involves measuring objectively what was done, what happened as a result and why. The key features of evaluation are independence, transparency and methodology.<sup>229</sup>
- 5.1.3 The aim of monitoring and evaluation is:
- ✓ To assess impact and value for money;
  - ✓ To enable and promote learning from success and challenges in programme design and implementation; and
  - ✓ To ensure accountability to taxpayers, beneficiaries and stakeholders.<sup>230</sup>
- 5.1.4 In the case of violence against women, a focus on impact and results would help the Department of Women in a number of ways as presented in Table 5.1 below.

Table 5.1: Rationale for the importance of Monitoring and Evaluation of VAW programming

Rational	Brief
Clarify assumptions about interventions, integrate them into a Theory of Change (ToC) <sup>231</sup> and make them viable for testing.	Given the weakness of the evidence base on VAW, it is only by identifying, monitoring and evaluating the accuracy of assumptions about 'what works and why' that the programming will be strengthened

<sup>229</sup> Department for International Development, Guidance Note 3 on monitoring and evaluation for programming on VAWG, p.5

<sup>230</sup> Department for International Development, Guidance Note 3 on monitoring and evaluation for programming on VAWG, Chapter 1, p.5.

<sup>231</sup> ToC – refers to a comprehensive description and illustration of how and why a desired change is expected to happen in a particular context. It is focused in particular on mapping out or “filling in” what has been described as

	in the future. This will also help us learn how change happens and how interventions can contribute positively and negatively to social transformation.
Identify risks that can affect the programme intervention and develop monitoring mechanisms in order to successfully manage these risks.	There are specific risks that can influence the success of a programme, such as the failure of police to investigate incidents of VAWG in a project that is designed to improve access to justice for survivors of VAWG.
Keep the programme relevant, effective and efficient.	Through constant monitoring to identify a program's effects in the wider context, the intervention can then be adjusted to ensure maximum impact.
Provide accountability to all stakeholders.	This includes the donor/taxpayer, activists and beneficiaries, and is important for increasing legitimacy, building credibility and enhancing support for social transformation. Collecting data and demonstrating the impact of efforts to prevent VAWG can be a powerful way to increase political will, support and resources to ultimately end VAWG.
Empower stakeholders to analyze the change process and ensure ownership and sustainability.	Evidence shows work on VAWG is most effective when it prioritizes women's needs and rights, is accountable to them, and sees their empowerment and rights as both means and ends in themselves (see Principle 1.7 on p. 11 of the Theory of Change).

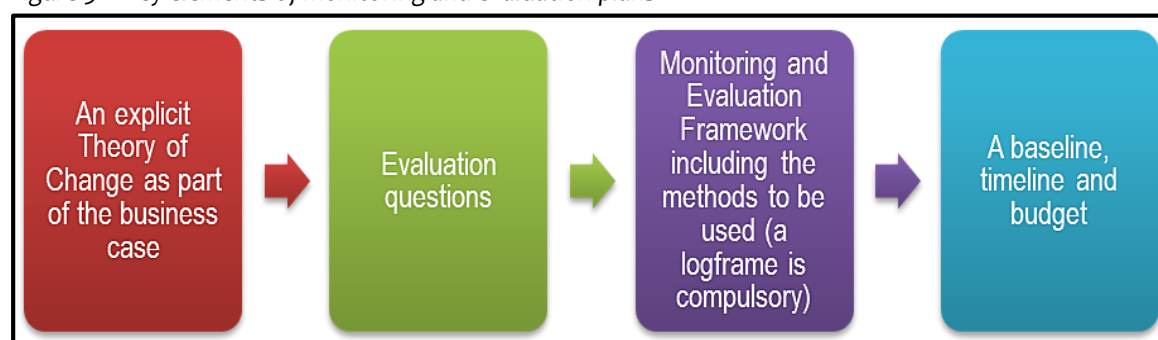
Source: Department for International Development, *Guidance Note 3 on monitoring and evaluation for programming on VAWG*, p.5.

- 5.1.5 We noted weaknesses, as noted below, in relation to the monitoring and evaluation of the EAW programs.

### 5.1.1 Planning and Budgeting for Monitoring and Evaluation Activities

- 5.1.1.1 Monitoring and Evaluation Plans should be created at the design phase of a violence against women project or programme and should specify how the intervention will be addressed. Furthermore, research shows that planning evaluation before the programme implementation ensured targets are more realistic, which would assist in the planning of programme roll outs.<sup>232</sup> Figure 5.1 contains some standard steps to follow which can be included in VAW programs.

Figure 5.1: Key elements of monitoring and evaluation plans



Source: Department for International Development, *Guidance Note 3 on monitoring and evaluation for programming on VAWG*, p.8

the “missing middle” between what a program or change initiative does (its activities or interventions) and how these lead to desired goals being achieved. It does this by first identifying all the conditions (outcomes) that must be in place (and how are these related to one another casually) for the goals to occur. These are all mapped out in an Outcomes Framework. (<http://www.theoryofchange.org/what-is-theory-of-change/how-does-theory-of-change-work/when-to-use/>)

<sup>232</sup> Department for International Development, *Guidance Note 3 on monitoring and evaluation for programming on VAWG*, Chapter 3, p.8.

- 5.1.1.2 During the audit, it was noted that the DoW did not develop a comprehensive annual monitoring and evaluation plan for monitoring the impact of EAW programs. We further noted that the issue of developing a monitoring and evaluation plan was highlighted during the first meeting of the EAW Taskforce at its re-establishment on 26 February 2013. It was noted that the responsibility for scoping the strategic documents was assigned to the core secretariat support group. The strategic documents was to include an implementation plan with a monitoring and evaluation component.
- 5.1.1.3 Discussions with officials of DoW confirmed that there was no monitoring and evaluation plan produced till date of the audit. It was revealed to audit that the only strategic documents that was developed was the Annual Work Plan for 2013. As addressed in section 3 of this report, the subsequent periods Annual Work Plan were also not developed.
- 5.1.1.4 Furthermore, we noted that the amount budgeted for the implementation of the WPA for the years 2014 to 2016/2017 were not fully utilized. Details of savings are listed in Table 5.2 below.

Table 5.2: Savings for years 2014 to 2016/2017

Year	WPA Budget (\$)	WPA Actuals(\$)	Savings (\$)
2016/2017	1,000,000	939,398.29	60,601.71
2016	1,000,000	466,736.03	533,263.97
2015	1,000,000	891,406.54	108,593.46
2014	750,000	593,824.58	156,175.42
<b>TOTAL</b>	<b>3,750,000</b>	<b>2,891,365.44</b>	<b>858,634.56</b>

Source: Budget figures obtained from Government budget appropriation & Actual figures derived from FMIS.

The savings could have been used for improving the monitoring process.

- 5.1.1.5 Inability to properly plan and budget for monitoring and evaluation activities lowers the priority given to the activity by DoW. It will also limit the DoW in demonstrating their ability to carry out their responsibilities so that corrective measures are appropriately taken.

The Department of Women have agreed to the audit findings and recommendations.<sup>233</sup>

### Recommendation

38. The Department of Women should appropriately plan and budget the monitoring and evaluation activities for the EAW thematic area as well as the other thematic areas.

## 5.1.2 Monitoring and Evaluation Framework

- 5.1.2.1 To ensure effective implementation of the Platform for Action and to enhance the work for the advancement of women at the national, sub regional/ regional and international levels, Governments, the United Nations system and all other relevant organizations

<sup>233</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

should promote an active and visible policy of mainstreaming a gender perspective, inter alia, in the monitoring and evaluation of all policies and programs.<sup>234</sup>

5.1.2.2 A clear framework is essential to guide monitoring and evaluation. A framework should explain how the programme is supposed to work by laying out the components of the initiative and the order or the steps needed to achieve the desired results. A framework increases understanding of the programme's goals and objectives, defines the relationships between factors key to implementation, and articulates the internal and external elements that could affect the programme's success.<sup>235</sup>

5.1.2.3 Monitoring and evaluation frameworks:

- ✓ Assist in understanding and analyzing a programme;
- ✓ Help to develop sound monitoring and evaluation plans and implementation of monitoring and evaluation activities;
- ✓ Articulate programme goals and measurable short, medium and long-term objectives;
- ✓ Define relationships among inputs, activities, outputs, outcomes and impacts;
- ✓ Clarify the relationship between programme activities and external factors; and
- ✓ Demonstrate how activities will lead to desired outcomes and impacts, especially when resources are not available to conduct rigorous impact evaluations. They often display relationships graphically.<sup>236</sup>

5.1.2.4 The monitoring framework will include the Executive Gender Management Team and the National Women's Advisory Council.<sup>237</sup>

5.1.2.5 In reviewing the documents related to monitoring, we noted that the DoW had developed a template for internal monitoring and reporting which guided the desk officers responsible for each thematic area. However, as specified in the WPA document, the Department of Women was to set up an Executive Gender Management Team and the National Women's Advisory Council as part of the monitoring framework. However, as the highlighted in Section 3.4.1 of this report, the establishment of the teams did not eventuate.

5.1.2.6 Upon seeking clarification from the officials<sup>238</sup> at the Department regarding the reasons for the non-establishment of the committees, we were not provided satisfactory explanations for the non-establishment of the monitoring committees. However, we were informed that there is a need to look at the overall Departments work in terms of connectivity of work which is linked to other thematic areas and not necessarily EVAW.

<sup>234</sup> Beijing Declaration and Platform for Action, paragraph 292, p.119.

<sup>235</sup> Best Practice – UN Women website, Virtual knowledge centre to end violence against Women and Girls, Monitoring and Evaluation Frameworks, also available online at: <http://www.endvawnow.org/en/articles/335-monitoring-and-evaluation-frameworks-3-parts.html>

<sup>236</sup> Best Practice – UN Women website, Virtual knowledge centre to end violence against Women and Girls, Monitoring and Evaluation Frameworks, also available online at: <http://www.endvawnow.org/en/articles/335-monitoring-and-evaluation-frameworks-3-parts.html>

<sup>237</sup> Women's Plan of Action, paragraph 2, p.20.

<sup>238</sup> Response from SWIO (WPA), received via email on 29 March 2018.



- 5.1.2.7 In the absence of the Executive Gender Management Team and the National Women's Advisory Council as part of the monitoring framework, we enquired on the existence of an alternative monitoring and evaluation framework, DoW confirmed that the evaluation framework was what was envisaged to be undertaken during the external evaluation with its TOR which was parts of the call for EOI for the evaluation of the ZTVFC. In contrary, audit noted that the evaluation that the officer was referring to, encompassed the evaluation of the ZTVFC program as a stand-alone exercise which did not include the monitoring and evaluations of other programs within the EAW thematic area. Even so, the evaluation of the ZTVFC still has not eventuated till the date of the audit.
- 5.1.2.8 However, audit acknowledges that the Department has just currently developed an accountability framework to strengthen the monitoring capacity of the Department.
- 5.1.2.9 The absence of a monitoring framework can lead to ineffective and undocumented monitoring practices for institutional memory.

The Department of Women agreed with the audit findings and recommendations<sup>239</sup> however they have draft monitoring and evaluation framework and it is now strengthened through the new Annual Planning process (i.e. through the Costed Operation Plan and Strategic Plan).

#### Recommendation

39. The Department of Women should ensure that a monitoring and evaluation framework is developed to guide staff in carrying out the monitoring and evaluation activity.

## 5.2 Reporting Strategies

### 5.2.1 Reporting requirement at the International Level

- 5.2.1.1 The implementation of the Convention is monitored by the Committee on the Elimination of Discrimination against Women (CEDAW). The Committee's mandate and the administration of the treaty are defined in Articles 17 to 30 of the Convention. The Committee is composed of 23 experts nominated by their Governments and elected by the States parties as individuals "of high moral standing and competence in the field covered by the Convention".<sup>240</sup>
- 5.2.1.2 At least every four years, the States parties are expected to submit a national report to the Committee, indicating the measures they have adopted to give effect to the provisions of the Convention. During its annual session, the Committee members discuss these reports with the Government representatives and explore with them areas for further action by

<sup>239</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

<sup>240</sup> Best Practice – United Nations Human Rights Office of the High Commissioner website, Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979, also available online at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>



the specific country. The Committee also makes general recommendations to the States parties on matters concerning the elimination of discrimination against women.<sup>241</sup>

5.2.1.3 In the following paragraphs, issues noted during our audit of timeliness and coordination of efforts between stakeholders in the preparation of the State report are highlighted.

#### 5.2.1.1 Reporting Timelines to the CEDAW Committee

5.2.1.1.1 The Committee requests the State party to respond to the concerns expressed in the present observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its next periodic report in July 2014.<sup>242</sup>

5.2.1.1.2 As captured in Table 5.3 below, the 5<sup>th</sup> State report was submitted to the CEDAW Committee in 2016 despite concluding remarks from the committee specifying that the report be submitted in July of 2014. Hence, preparation and submission of the State report to the CEDAW Committee was delayed by two years.

Table 5.3: State reports submitted to the CEDAW Committee

No.	Period covered in report	Due date as per Committee's concluding remarks	Actual submission date
5 <sup>th</sup> State report	2010 to 2014	July 2014	2016
6 <sup>th</sup> State report	2015 to 2018	Not stated	Planned to be in 2020

5.2.1.1.3 Discussions with officials at the DoW revealed that the delay was caused by the following factors:

- ✓ Long processing time for consultations and internal validation with other agencies on the draft report;
- ✓ Progressive work was not done in advance, hence work processes in itself was challenging;
- ✓ Realignment of the State report against the Reporting Format and requirements of the UN Treaty; and
- ✓ High staff turnover which affected continuation of work and capacity to progress through with the whole process till submission to cabinet for approval and eventually to the CEDAW Committee.

5.2.1.1.4 Given that all State parties ratifying the Convention are obliged under the provisions of the convention, non- adherence to the concluding remarks of the Committee may hinder the states progression in terms of implementation of the articles. This can also lead to the widening of the States status in the gender gap index report in which one of the contributing factors is gender based violence.

The Department of Women have agreed to the audit findings and recommendations.

<sup>243</sup>

<sup>241</sup>Best Practice – United Nations Human Rights Office of the High Commissioner website, Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979, also available online at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

<sup>242</sup> CEDAW Committee concluding remarks to the combined 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Fiji State Report to the CEDAW Committee, paragraph 52, p.13.

<sup>243</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

**Recommendation**

40. The Department of Women should ensure that timelines set by the CEDAW Committee is adhered to.

**5.2.1.2 Coordinative Actions in preparing the State Reports**

- 5.2.1.2.1 The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next report, as well as to consult a variety of women's and human rights organizations during that phase.<sup>244</sup>
- 5.2.1.2.2 The Committee calls upon the State party to include, in its delegation for the consideration of that report, representatives who possess expertise in the broad range of areas covered by the Convention, so as to ensure a constructive and fruitful dialogue.<sup>245</sup>
- 5.2.1.2.3 We further noted that, alongside the State's report on the implementation of the provisions of CEDAW, there were parallel coalition reports also submitted by the NGO groups in Fiji. Some of the parties involved in the compilation of the coalition report were:
1. The Fiji Women's Crisis Centre (FWCC);
  2. The Fiji Women's Rights Movement (FWRM);
  3. Citizens Constitutional Forum (CCF);
  4. Diverse Voices and Action for Equality (DIVA) Fiji;
  5. femLINK Pacific;
  6. Fiji Disabled Peoples Federation;
  7. National Union for Commercial Factory Workers;
  8. Haus of Khameleon;
  9. Pacific Sexual and Reproductive Health Centre;
  10. Pacific Disability Form; and
  11. Soqosoqo Vakamarama iTaukei.
- 5.2.1.2.4 Comparison of the two different reports to the CEDAW Committee during audit revealed that statements showcased different standpoints. While the State report pointed out more of the positive outcomes that the State has undertaken in terms of implementation of the CEDAW provisions, the NGO coalition reports depicted a more negative standpoint, one in which loopholes and shortfalls were presented to the CEDAW Committee.
- 5.2.1.2.5 The findings reveal that the existence of weak collaboration between the government body and the NGO's on issues regarding violence against women.
- 5.2.1.2.6 Failure to show collaboration may hinder the States progression in implementing the CEDAW provisions.

<sup>244</sup> CEDAW Committee concluding remarks to the combined 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Fiji State Report to the CEDAW Committee, paragraph 51, p.13.

<sup>245</sup> CEDAW Committee concluding remarks to the combined 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Fiji State Report to the CEDAW Committee, paragraph 52, p.13.

The Department of Women have agreed to the audit findings and recommendations.

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### Recommendation

41. The Department of Women should strengthen collaboration with NGO's on issues regarding VAW.

## 5.2.2 Reporting requirements at the Agency Level

5.2.2.1 Each agency must prepare an annual report for submission to its Minister by 30<sup>th</sup> May in the following year.<sup>247</sup>

5.2.2.2 Each annual report must contain the following minimum information –

- Review by Permanent Secretary – summary of major issues during the year; overview of performance and activities; and outlook for the future;
- Agency Overview - vision, mission and values; services ; and organizational structure;
- Report on Performance – contribution to the Strategic Development Plan; service delivery performance compared with targets; and performance of trading and manufacturing accounts (where applicable);
- Management and Resources – senior executives and their responsibilities; human resources; infrastructure; procurement (results of tenders and exemptions from competitive procurement); and Finances such as audited financial statements.<sup>248</sup>

5.2.2.3 The Minister responsible for women will provide an annual report of achievements and changes to the Plan of Action and progress reports on continuing work.<sup>249</sup>

5.2.2.4 During the audit, it was noted that the MWCPA did not prepare Annual reports for the years 2014 to 2016 (7 months).<sup>250</sup> Table 5.4 details the Annual reports that have been published by the MWCPA and Fiji Police Force.

Table 5.4: Published Annual Reports for MWCPA and Fiji Police Force

Agency	2014	2015	2016 (7 months)	2016/2017
<b>MWCPA</b>	Yes	Yes	Yes	Yes
<b>Fiji Police Force</b>	Yes	Yes	Yes	Yes

5.2.2.5 While we acknowledge the efforts of both lead agencies in publishing their annual reports, it should be noted that the MWCPA Annual reports for 2014, 2015 and January to July 2016 were submitted in May 2018 which is contrary to the legislative timeframe stipulated in Section 69 of the Finance Instructions 2010.

<sup>246</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

<sup>247</sup> Finance Instructions 2010, Section 69.

<sup>248</sup> Finance Instructions 2010, Section 70(1).

<sup>249</sup> Women Plan of Action, paragraph 3, p.20.

<sup>250</sup> At the date of drafting the report, preparation of the 2016/2017 annual reports had yet to eventuate as the finalization of the audited financial statements had yet to be completed.

5.2.2.6 Delay in preparation of Annual reports can impede on the effective monitoring of EVAW programs and activities by its line Ministry.

The Department of Women have agreed to the audit findings and recommendations<sup>251</sup> and provided audits with updates on the publication of the Annual reports. The Annual reports for 2014 – 2017 have been published on the Ministry website.

**Recommendation**

42. The Ministry of Women Children and Poverty Alleviation should ensure that Annual Reports are prepared and submitted to its Minister according to the timeline specified in section 69 of the Finance Instructions.

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<sup>251</sup> Post exit meeting discussions dated 10<sup>th</sup> June, 2019

## 6.0 APPENDICES

### Appendix 1 Challenges perceived in Legislation affecting Gender based violence

#### **Crimes Act 2009**

There are inherent problems with the definition of “consent,” which only partially bans the requirement of proof of resistance in sexual offence cases.<sup>25</sup> The Act also allows for a defence to sex with children between 13 – 16 when there is a “reasonable cause to believe” that victim was 16 or older. Furthermore, domestic violence cases are charged under the Crimes Act and the penalties imposed are captured under “Assaults,” which carry relatively light sentences with a maximum of one year for common assault and maximum five years for assaults causing actual bodily harm.<sup>27</sup> Where domestic violence cases are prosecuted (more often in instances where actual bodily harm has occurred), perpetrators only receive a sentence of 0.82 years on average.<sup>28</sup> The Sentencing and Penalties Act of 2009 provides an opportunity for judges to enhance punishment for domestic violence cases based on aggravating factors, but case law analysis on sentencing decisions shows that the act has not had a tangible effect on the final sentences imposed.

#### **Domestic Violence Act 2009**

On its face the Domestic Violence Act is a progressive piece of legislation, as it extends protections to “de facto” relationships and recognizes the multiplicity of other family relationships. It is also widely understood to cover same sex relationships. Moreover, a greater number of courts have jurisdiction to review domestic violence cases and there is increased flexibility in being able to obtain domestic violence restraining orders (DVRO) as well as expanding police authority to investigate and prosecute domestic violence. .... Fiji still has not adopted a “comprehensive or integrated approach to legislative reform in the area of violence against women [and girls] . . . because the changes do not address the full range of gender-based violence or the underlying systemic discrimination against women.” In making the Domestic Violence Act gender neutral, there have been several unintended consequences. For example, the Constitution guarantees effective remedies for persons who have experienced discrimination, which under CEDAW General Recommendation 19, includes violence against women and girls. The State claims that access to justice has been strengthened by Legal Aid.<sup>34</sup> Yet, men have used the Domestic Violence Act to remove their female partners from the matrimonial home by obtaining residential DVRO's. Husbands are better positioned to access the justice system because they have higher earning capacity, no restrictions on leaving the home, greater knowledge of the legal process, and benefit from favourable attitudes of law enforcement toward men. Consequently, men have engaged Legal Aid before their spouses, effectively barring them from benefitting from one of the few viable means to access the courts. The object and purpose of the Act is defeated because women are the vast majority of victims of domestic violence.

*Source:* 2016 Shadow NGO Report on Fiji's Fifth State periodic report to the CEDAW Committee, and the 2017 Concluding Observations Report of the CEDAW Committee, Article 1, Subsection 2, part (c) and (d).

## Appendix 2 List of Case Files received from FWCC

*(Names of Stations have been withheld)*

### 2014 Cases

**1. Post: RAK PolicePost**

**Date:** First week of January 2014

**Details:** The victim had taken her daughter to the movies and returned home. Police sided with the perpetrator (husband) by encouraging him to report his wife as a missing person even if she leaves the house for a few hours trying to cause the victim shame. Husband has been restricting victim's movements and verbally/emotionally abusing her.

**2. Station: QD PoliceStation**

**Date:** 8/1/14

**Details:** The police constable went to the victim's house and forced her to reconcile with the perpetrator while her DVRO case was still in court.

**3. Station: QD PoliceStation**

**Date:** 21/7/14

**Details:** Police constable did not charge the perpetrator for breaching the DVRO when the victim reported the matter and showed him the order. The constable told the victim to apply for another DVRO even though the order she had was still valid.

**4. Post: WWW PolicePost**

**Date:** 31/7/14

**Details:** The police officer who attended to the victim tried to reconcile the matter and was forcing her to stay with her husband when she wanted to leave. The victim's bags were already packed but the gates remained locked.

**5. Post: DWS PolicePost**

**Date:** 30/07/2014

**Details:** The victim had an interim DVRO granted on 10/07/14. From then to when the victim came to the Centre on 30/07/14; the interim DVRO had not been served to the victim's husband. The victim's husband continued to harass her during this time and when the victim complained to DWS Police Post, her report was not recorded by the police officers.

**6. Station: QD PoliceStation**

**Date:** 13/02/14

**Details:** The police constable was very rude to the victim and did not want to cooperate with her when she reported her husband for breaching the DVRO.

**7. Station: QD PoliceStation**

**Date:** 13/04/14

**Details:** The station did not serve the victim's husband with the DVRO filed against him. This only came to light when he did not turn up for the court case. The police showed biasness because they did not serve the DVRO promptly on the husband, however when the

husband applied for child recovery, they were quick to serve the documents to the victim

**8. Station:** QD Police Station

**Date:** 26/2/14

**Details:** Police officers informed the victim that it was not their responsibility to assist her with DVRO forms and that they don't keep any at the station; they told her that if anyone wanted it, then the person should get it from court.

**9. Post:** GG Police Post

**Date:** 04/03/14

**Details:** The victim's husband had taken two police officers from the station to evict the victim from their house. No court orders were given yet the police officers told the victim to leave the house and take her clothes. These police officers did not do anything when the victim's husband and her mother-in-law tried to assault her.

**10. Station:** NS Police Station

**Date:** 05/03/14

**Details:** The police officer did not take the victim's complaint regarding her husband but told parties to file for divorce because they did not get on well.

**11. Station:** WQ Police Station

**Date:** 15/12/14

**Details:** The Officer in Charge discouraged the victim to charge her husband. The victim's husband is also a police officer and had physically and verbally assaulted the victim during their police Christmas party. This was witnessed by other police officers and their family members. From 4am to 9am the victim was at WQ Police Station wanting to have her husband charged for the assault. There was a cross DVRO done. The victim's DVRO against her was effective however when the victim's husband would continuously breach the DVRO, police did not take action.

**12. Station:** LB Police Station

**Date:** 16/03/14

**Details:** A police officer who is the victim's brother-in-law witnessed her being beaten up by his brother. He did not stop his brother but convinced him to apply for a DVRO against her when the victim lodged her report with the police.

**13. Station:** NS Police Station

**Date:** 13/09/14

**Details:** The victim got her medical done and lodged her report against her husband for physically assaulting her. She asked the police officer to lay charges on her husband. The next day, when the victim's husband went to the station to give his statement, the victim felt sorry for him and wanted to drop the charges laid against him. The police officers dropped the charges despite knowing that the No Drop Policy was in place.



**14. Station:** WQ Police Station**Date:** 13/09/14**Details:** When the victim reported her husband for breaching the DVRO the police officer attending to the case reconciled the matter at the victim's home even when the victim did not wish to reconcile.**15. Post:** OKA Police Post**Date:** 10/09/14**Details:** The victim was badly assaulted by her husband and reported the matter to the police and got her medical done. The Corporal called her husband and advised them to reconcile the matter. Two weeks later, the victim's husband threatened to beat her again and damaged the windows and TV in the house. When the counsellor advocate called the Corporal and checked why he reconciled the case, he told the counsellor that he could not do anything because he was busy in the community.**16. Service Provider:** VN court counsellor**Date:** 28/05/14**Details:** During the counselling session, the counsellor told the victim to go home and pray to God and do as her husband and in-laws' say instead of addressing the issue. The victim was not happy with the way the counsellor spoke to her and was taking her husband's and in-laws' side.**17. Service Provider:** QD Magistrates Court**Date:** 17/03/14**Details:** According to the victim, the Magistrate dismissed the victim's DVRO after listening to her husband (perpetrator) had said. The victim felt as if no one had believed her.**18. Service Provider:** Magistrates Court Registry**Date:** 30/01/14**Details:** On 06/01/14 the victim applied for a DVRO and had an interim order. The Court Registry did not send the order out until 30/01/14 (24 days later). The urgency and safety for the victim and her children was not regarded.**19. Service Provider:** LB court counsellor**Date:** 20/09/14**Details:** During marriage counselling, the victim's husband (perpetrator) wanted to reconcile but she refused to do so. The victim was then blamed and was told by the counsellor that she was the problem in the marriage. The counsellor told the victim to return to her husband and when the victim refused, the counsellor told the victim that she had a bad heart and when she dies, she will die with that bad heart. The counsellor was judgemental and had blamed the victim for the marriage not working out - further victimizing her after the abuse the victim had gone through with her husband.

**20. Station:** CC Police Station**Date:** 30/9/14:-

**Details:** A victim called and informed her counsellor that she had been physically and verbally abused by her husband. The husband held her hands by force and followed her wherever she went, monitoring her every move and he also told the victim that he will take their baby away from her after she gives birth. The victim asked her counsellor to find out from the police if the DVRO she applied against the husband has been served or not. Before this, her counsellor called the courthouse first and she found out that the affidavit and acknowledgement of service for this DVRO has still not been filed in court. The officer who received the order from the courthouse has given it to the Station Officer due to his shift being over. The counsellor called the police station to talk to the Station Officer but he was out of the office and she tried on his mobile. The counsellor was able to get through to him and she enquired if the DVRO of this victim has been served or not. Instead of simply replying with a yes or no the Station Officer's tone went high and he replied for the victim to just go and report about the husband's breach of the order. The victim's counsellor mentioned to Station Officer that it has been 3 months since the DVRO was issued and the order was still not served and it's laxity and ignorance on the police part as they were supposed to follow the Domestic Violence Decree and served the summon and order as soon as practicable. Due to this non-action and delay by police, the victim was still suffering abuse from the husband who has not yet been served or explained the seriousness of the DVRO. The station officer, not liking what he was being confronted with, turned off his phone.

**NB:** in order for a breach of DVRO offence to be established, the DVRO needs to be served first on a perpetrator before it can be considered that he had breached the DVRO. It was clear in this case that the Station Officer did not even know the elements of a breach of DVRO.

**21. Station:** CC Police Station**Dates:** 2014

**Details:** A victim, before accessing the centre services, used to constantly report to the police station about the violence she was going through many times. A certain police officer who happened to be in the station whenever the victim reports always informs the victim that it would be no use reporting because nothing can be done in her case. This police officer also told the victim to return home, reconcile, and live happily with the husband despite the victim suffering. On one occasion, the victim's husband reported against the victim for a very minor argument and the above mentioned police officer having being present in the police station made sure that the victim's husband was attended to properly. His report was taken; he was well explained the DVRO and he applied for it against the victim with the help of the police. The above mentioned police officer was also related to the victim's husband resulting in her not wanting to do anything against his continuous abuse of the victim. This case clearly shows the unfair implementation of the DVRO, the ignorance, biasness, delay and unprofessionalism of police officers when dealing with a domestic violence case where a woman is a victim.

This case illustrates how a gender neutral law is misused by the service providers and perpetrator to further subject the victim to more violence.

**22. Service Provider: Legal Aid CC**

**Dates:** 17/11/14

**Details:** Before accessing the centre services, a victim having had enough of the violence she went through, decided to apply for a DVRO for her protection. She was aware of the DVRO and she has set her mind to it. Upon visiting the Legal Aid and talking to a victim Information Officer, she felt discouraged, helpless and hopeless. The Legal Aid officer told the victim that she is only a de-facto partner and not legally married hence if she ever gets thrown out of the partner's house because of the DVRO, she should not blame others for what is likely to happen. Instead of considering the violent situation the victim was in and her need to be protected by the DVRO, this officer dissuaded and discouraged the victim and this victim Information Officer failed to refer the victim to see the Legal Aid lawyer for proper advice. This resulted in the victim returning home to continue suffering her violent life. The above mentioned officer should have assisted the victim with what she wanted rather than wrongly advising the victim. **This case depicts the misleading information, ignorance and delay in the proper implementation of the DVRO.**

**23. Station: NBL Police Station**

**Dates:** 2014

**Details:** A case of domestic violence was reported at the NBL Police Station. The victim wanted to file for DVRO and no form was available at the police station. The excuse given was that the case needs to be called in NBL Court and then a DVRO will be given. SB Women's Crisis Centre ended up faxing a DVRO form to the NBL Police station and explained to the police officers how to fill it.

**24. Station: YY Police Station**

**Date:** 5/2/14

**Details:** victim was assaulted by her de-facto and his partner. Victim reported to Police and they were charged. Case went to court. Meanwhile her partner threatened to kill her and her report was not taken by YY Police. Instead they scolded her and sent her away.

**25. Station: YY Police Station**

**Date:** 6/2/14

**Details:** victim's nephew and his family inflicted violence on victim. She reported to Police but they did not attend to her report. Victim kept calling them to come and attend to her report and at last made an effort to visit the station where by she was promised by an officer that they will attend her report that night.

**26. Station: YY Police Station**

**Date:** 7/2/14

**Details:** victim was accused of having marital affair by Officer in charge and one women Constable Officer of YY Police Station. Victim kept telling them that she left her matrimonial home due to violence.

**27. Station: YY Police Station****Date:** 10/3/14

**Details:** victim was assaulted by her husband many times and she would report at YY Police Station. Reconciliation was always done by a certain Police Officer at YY Police Station who failed to take the report as he is a relative of victim's husband. Meanwhile victim's husband reported to YY Police after the victim reported and the husband alleged that victim assaulted him first and that he assaulted her in self-defense. The above mentioned officer threatened victim that she could be charged for attempt to murder and due to the fear victim reconciled the case.

**28. Station: YY Police Station****Date:** 8/3/14

**Details:** victim had been inflicted violence by her nephew and his wife. Victim took out a DVRO against both of them issued on 14/2/14 and police delayed in serving the order whereby victim continued to face violence. Counsellor followed up till 18/3/14 and order was still not served.

**29. Station: NUK Police Post****Date:** 21/3/14

**Details:** victim is married to a Police Officer. She was assaulted by him and she went to lodge her report to NUK Police Post. The Police Officer she reported to did not record her report. She was instead advised to go and see the officer in charge of YY Police Station.

**30. Station: YY Police Station****Date:** 21/3/14

**Details:** Officer in Charge was very rude to the victim. Victim had reported about her husband who is a Police Officer inflicting violence on her. Officer in Charge was not willing to listen to the victim and accused her of assaulting her children which was reported to him by her husband. Officer in Charge also threatened her that he can put her in the cell for assaulting the children and nothing was done about the violence inflicted on her by her husband. Officer in Charge made a false promise to the victim that he will bring her children to her and she was made to wait at the station the whole day.

**31. Station: NUK Police Post****Date:** 24/3/14

**Details:** victim was granted with a DVRO on 24 February 2014 and her order was not served to the perpetrator till 24 March 2014. Each time the counsellor advocate followed-up with a Corporal based at NUK Police Post, the allocated DVRO officer made excuses that either he is busy or short of staffed. Therefore, victim continued to face violence.

**32. Station: YY Police Station****Date:** 13/5/14

**Details:** victim had DVRO against her relative and her order was not served. Due to this, the respondent never attended three court cases. Counsellor followed up with Police and

she was informed that order was not received by them.

**33. Station:** YY Police Station

**Dates:** Between May to June 2014

**Details:** A certain Police officer threatened the victim to stay in her matrimonial relationship and the officer threatened that he will put her in police custody for a night if she attempted to run away. The officer visited her house regularly to see what she cooked but never heard her side of the story.

**34. Station:** YY Police Station

**Date:** 3/7/14

**Details:** victim reported breach of DVRO against her nephew and Police did not charge him as he told police that he is the trustee. Police informed victim they cannot charge him as he is the trustee.

**35. Station:** YY Police Station

**Date:** 15/7/14

**Details:** Officer in charge was reluctant to serve the DVRO to the respondent and the victim was suspicious that the respondent is related to the officer. She was asked to get another DVRO from Court in order for them to ask the respondent to move out of the house.

**36. Station:** MMM Police Station

**Date:** 2/4/14

**Details:** victim had applied for DVRO against her de-facto and the order was not served to the perpetrator by police even though two court cases took place. Therefore, the perpetrator never attended the case as he was not aware of the cases. Upon the follow-up by counsellor advocate a police officer informed that she has to send the order to YY Police Station as the respondent resides in YY.

**37. Station:** MMM Police Station

**Date:** 9/10/14

**Details:** a certain Police Officer of MMM Police Station never assisted victim to get her belongings from her husband's place in MMM despite the fact that the victim had travelled all the way from XXX.

**38. Station:** MMM Police Station

**Date:** 3/11/14

**Details:** A police officer at the MMM Police station was advising victim to reconcile with her son who had assaulted her. Victim refused to do so and the police officer threatened to lay charges against her as well.

Victim said she told him he can do so but she will not withdraw the case and then he asked her to go for medical.

**39. Station:** XXX PoliceStation**Date:** 23/4/14

**Details:** victim had DVRO against her boyfriend but he continued to harass her. Victim's report was not taken seriously by the Police and boyfriend was not charged for breach of DVRO as victim wished for the accused to be arrested. Police Officers explained that victim had an extramarital affair with the perpetrator therefore if case goes to court her husband will come to know as well as he is not aware of it at that moment.

**40. Station:** XXX PoliceStation**Date:** 14/5/14

**Details:** victim was badly assaulted by her de-facto and she lodged a report with XXX Police Station. Her medical was done and the perpetrator was charged and placed in custody. Meanwhile victim and her 3 year old son was never provided with food as they spent the whole day at the Police Station wondering where they would be accommodated as she was not allowed by her in-laws to stay at her home. Counsellor advocate provided her with counselling, food, clothes and night accommodation was arranged by Ba WCC.

**41. Station:** XXX PoliceStation**Date:** 2/6/14

**Details:** victim had a non-contact DVRO against her husband. Her husband breached the order by following her in town and he grabbed her hand to talk to her. She went to XXX Police Station to lodge her report but police officer never took her report for breach of DVRO.

**42. Station:** XXX Police Station**Date:** 20/8/14

**Details:** victim complained that the Prosecution officer handling her case against her husband was biased and was favouring her husband who is well known figure in XXX.

**43. Station:** XXX Police Station**Date:** 29/8/14

**Details:** victim complained that a police officer was talking rudely to her when she requested for her copy of her medical report. The police officer also threatened her that if they do provide her with her copy of medical report then they shall inform Ministry of Education about her also being charged to appear in Court.

**44. Station:** XXX Police Station**Date:** 14/11/14

**Details:** a police officer at the XXX Police Station spoke rudely to the victim and addressed the victim at the top of his voice. Victim felt embarrassed and was shamed in front of all who were present at the station. Victim was also given wrong information regarding the DVRO.

**45. Station:** KK PoliceStation**Date:** 6/3/14

**Details:** a court orderly who was based at the Sigatoka Police Station was very rude to the victim during her maintenance case. She was told to shut up and wait as he had already

called her husband's name but no other name. Victim felt very embarrassed and angry with the shaming attitude by this court orderly.

**46. Station:** DD Police Station (Crimes Office)

**Date:** 4/1/14

**Details:** police officers questioned victim in an open room giving no consideration of how sensitive her domestic issues were. In addition, the police officers' attitude was very hostile towards the victim.

**47. Station:** DD

**Date:** 2/1/14

**Details:** Police officer was very hostile towards victim by threatening to slap her in order to force her to give a statement admitting to committing a planned kidnapping.

**48. Station:** DD Police Station

**Date:** 5/1/14

**Details:** victim was met with hostile behavior from the police officers when she reported on the domestic violence she was undergoing. There was a lack of action on her report and they tried to get victim to drop her complaint by accusing her of lying and threatening her of being locked up.

**49. Station:** DD

**Date:** 16/1/14

**Details:** police officers were very hostile to victim by using delay tactics and refusing to take any action on her report.

**50. Station:** DD Police Station

**Date:** 4/2/14

**Details:** Police officers had delayed taking any action on victim's report of the domestic violence she was undergoing and had tried to get victim to reconcile and drop the complaint against the perpetrator.

**51. Station:** DD Police Station

**Date:** 7/2/14

**Details:** victim reported on domestic violence at the DD Police Station but the police officers spoke rudely to the victim and did not record her report.

**52. Service Provider:** DD Magistrate Court

**Date:** 16/4/14

**Details:** The Deputy Registrar, during the victim's family matter, had tried to reconcile the victim with her husband. The victim was refusing to reconcile and the Deputy Registrar blamed the victim for the matrimonial issues the victim was facing with her husband.



**53. Service Provider: Legal Aid KK****Date:** 25/4/14

**Details:** there was a delay and a lack of action on the victim's Legal Aid file. When the case was being called in court, her lawyer from the Legal Aid Commission failed to speak in Court to explain to the Court the details about what the victim had wanted, for example, that there was need for financial support for her children. Furthermore, the case was continuously given a mention date and justice for the victim was delayed.

**54. Station: MMM Police Station****Date:** 17/7/14

**Details:** victim was raped and she got pregnant. When she reported, the police officers were hostile towards her and did not show any initiative to taking action. Due to the lack of action on their part, the file went missing and there was also evidence of non-implementation of the no drop policy by police.

**2015 Cases****1. Station: LB Police Station****Date:** 07/04/15

**Details:** The Police refused to write victim's report regarding her de-facto. The De-facto partner was also present at the Station and the Police told the victim to take the matter directly to Court without pressing charges.

**2. Station: KK Police Station****Date:** 12/05/15

**Details:** Police refused to take victim's complaint about her de-facto partner being verbally abusive towards her and he refused to contribute towards their expenses.

**3. Post: QD Police Post****Date:** 08/05/15

**Details:** Woman police constable who attended to the victim informed her that the perpetrator has been charged. A counsellor following-up on the case later called and found that the perpetrator wasn't charged and that the constable had given false information to the victim and counsellors.

**4. Station: WQ Police Station****Date:** 30/06/15

**Details:** Police have had the victim reconcile numerous times and did not write victim's complaint against her brother who is threatening her to vacate their parents' house. The victim was hesitant to report again due to lack of action of the Police. Counsellor informed the police that the victim has an ongoing DVRO case in Court and only after the counsellor contacted the Police did they write the victim's report.

**5. Station: KG Police Station****Date:** 19/06/15

**Details:** victim went to KG Station to press charges against her husband for physically abusing her. The police officer on duty called the victim's husband and informed him

about the victim wanting to press charges. The victim was later called by an officer who repeatedly tried to dissuade the victim from pressing charges. The police officers continued giving excuses for not arresting the perpetrator. The victim had to seek shelter at a friend's house for her safety and her children's safety as the Police had told her that they could not assure her safety. The perpetrator also vandalized various items in the victim's house but the police refused to document the victim's statement giving the reason that the victim's husband cannot be charged for any damage done by him in the absence of the victim.

6. **Station:** NS Police Station

**Date:** 27/06/15

**Details:** victim's ex-husband tried to physically harm her but she defended herself. The perpetrator reported to police against the victim first and the victim reported later. When the perpetrator withdrew his report, the police pressured the victim to also withdraw her complaint.

7. **Station:** KG Police Station

**Date:** 24/06/15

**Details:** The police officers did not take any action on breach of DVRO orders and arrested the perpetrator after three days of the breach.

The police were also pressuring the victim to reconcile with her husband (perpetrator).

8. **Station:** QD Police Station

**Date:** 20/06/15

**Details:** Police officers came to arrest the victim without showing her any orders for her arrest then proceeded to drag her in handcuffs. The victim was placed in the cell for a night and bailed out the next day. She had blood clots on her inner arms.

9. **Station:** NQ Police Station

**Date:** 29/05/15

**Details:** victim's husband is the SO of NQ Police Station where the victim lodged all her reports about her husband physically, verbally and emotionally abusing her. None of the reports were acted upon and the police have done nothing to help the victim. The victim has various scars from the abuse including scars from when the perpetrator poured hot water on her hand.

10. **Station:** KG Police Station

**Date:** 02/12/15 - 04/12/15

**Details:** Police did not take any action against the perpetrator even after the victim repeatedly reported that he was assaulting her multiple times and breaching DVRO orders. Last incident and reporting occurred on 2 Dec. On 4 Dec, a counsellor called to follow up with the victim and found that the perpetrator was still harassing her. Upon calling the Station, the counsellor found that the Police had been giving false information about taking action against the perpetrator and nothing had been done while the victim had been fearful of her safety.

11. **Station:** MK Police Station

**Date:** 14/06/14

**Details:** victim lodged a complaint against her husband (also a police officer) of physical

assault. A male police officer questioned the victim in regard to sexual assault/rape in a way that was humiliating to her. The officer continued questioning about sexual abuse even after being repeatedly told by the victim that the complaint was in regards to physical assault. The same officer also repeatedly called the victim's personal mobile to sexually harass her and threatened to sexually abuse her if she did not help in gathering evidence against her husband for rape. Victim felt pressured and withdrew her complaint to save herself from further harassment but was charged for giving false information. Victim was sent to prison for 4 months as a result.

12. **Station:** QD Police Station

**Date:** 22/09/15

**Details:** victim's husband forced the victim into prostitution to earn money. When victim reported the matter to police, they only charged the husband with the minimum charge of annoying another person.

13. **Station:** BO Police Station

**Date:** 01/08/15

**Details:** victim's husband had breached Court order and a counsellor had called the station to see if someone could help the victim with the situation because no action had been taken even after that victim had repeatedly called the station. The victim was hospitalized thus could not physically go to the station to lodge a complaint and when the counsellor informed the Constable about this, she was told that he was the only constable on duty at that time and no one else is available or will be going to the victim to assist her.

14. **Station:** BO Police Station

**Date:** 02/08/15

**Details:** Police officer had taken victim's statement and passed the case file over to KG Police Station and the victim was only informed about the change when a counsellor called BO Station to follow up. Counsellor was informed that the perpetrator's residence fell into KG Station's jurisdiction. Counsellor then proceeded to contact the officer in charge of the case at KG where she was informed that the officer's shift had ended and he would again be referring the case. None of the police officer handling the case understood how the delay affected the victim's situation and her safety.

15. **Station:** BO Police Station

**Date:** 27/07/15

**Details:** Police refused to write the victim's statement against the victim's husband who had assaulted her and tried to pour a bucket of water on their daughter. The police insisted that there was no valid reason to file a case.

16. **Station:** AW Police Station

**Date:** March 2015

**Details:** Police officers were hostile to the victim and forced the victim to sign her statement using her thumb print.

17. **Sexual Offenses Unit:** LB

**Date:** 07/01/15

**Details:** victim was an adult survivor of child sexual abuse who came to FWCC seeking help. The counsellor assisting her encouraged her to report the matter. When the victim reported the matter, the police officer who interviewed the victim blamed the victim for

the incident saying why did she not inform her mother about it as soon as the incident had occurred. Victim explained that the perpetrator had been family and she did not know how to tell her mother. The police officer responded inappropriately to the victim. The victim felt humiliated and came outside of the interview room crying. The counsellor accompanying the victim followed up the matter and spoke with the officer who interviewed the victim. The officer explained that she was trying to compare this case of child abuse to another child abuse case which is why she was asking such questions. The counsellor informed her that no two cases are the same and she should not be treating child abuse survivors in this manner.

18. **Station:** AW Police Station

**Date:** June 2015

**Details:** Police officers were uncooperative and making the victim struggle to receive information and updates in regard to her case. The victim had lodged a report in June and three months later (September), the victim was still waiting for the police to charge the perpetrator.

19. **Station:** BO Police Station

**Date:** 23/03/15

**Details:** Police officers failed to take any action when victim reported that the perpetrator had breached DVRO. Victim was told that the DVRO was only a standard non-molestation order and that there was no "Non-Contact" ticked in that section so there is nothing they can do.

20. **Station:** NQ Police Station

**Date:** 11/03/15

**Details:** Police officers did not press charges against the perpetrator saying that there was a lack of evidence even though the victim had a medical report with her for evidence. They also didn't assist her in applying for DVRO.

21. **Station:** WQ Police Station

**Date:** March 2015

**Details:** Police officers did not take her complaint and there was no written report at the station where the victim had lodged her complaint. The police officers reconciled the matter multiple times.

22. **Station:** KG Police Station

**Date:** 22/07/15

**Details:** Police officers assisted the victim in filling a DVRO application form which was incomplete. The victim had to come to a FWCC counsellor to seek help with completing the filling of the application. The counsellor assisting the victim called the Police Officer who had filled the form to inquire why it was incomplete and the officer responded saying that the victim should not have come to the counsellor to seek help.

23. **Station:** BO Police Station

**Date:** 18/08/15

**Details:** victim had applied for a DVRO against her partner who had tried to kidnap her and the DVRO was given to the BO Police Station on the same day (8 August) but the police

made a delay in serving the DVRO orders despite the severity of the situation and the victim being at risk since she was 3 months pregnant at the time. A counsellor had to keep following up regarding the serving of the DVRO orders.

24. **Station:** AW Police Station

**Date:** 06/08/15

**Detail:** Police Officers informed the victim that after they had conducted the investigation, they had passed the case onto their superiors to continue but nothing was being done.

25. **Station:** LB Police Station

**Date:** 5 month ago (March 2015)

**Details:** Perpetrator had been verbally abusing the victim every day. Victim (13-year-old) had informed her mother about the incident and her mother had reconciled the matter. However, the verbal abuse escalated to threats and victim wanted to report the matter to police. Counsellors advised the victim that it is child abuse and encouraged the victim to report the matter but the police did not take any action against the perpetrator and tried to reconcile the matter as well.

26. **Station:** CC Police Station

**Date:** 7/4/15

**Details:** A victim living in a very abusive relationship was unable to escape and to report the matter to the police. Her husband would follow the victim around if she leaves the house and would forcefully take her back home when she tries to seek help. The victim finally managed to escape during her husband's absence and she went to the CC Police Station to report against her husband's ongoing abuse. She was informed by a police officer that nothing can be done in her case unless and until her husband harms her in any way that will leave visible injuries. The victim returned home and was beaten up again because her husband had found out that she had attempted to lodge a report against him. Fortunately, on the same week, the victim's neighbour informed her of services provided by FWCC and brought the victim to the centre. The victim was provided with therapeutic counselling and continuous support from the centre. She took out a DVRO against the husband and was granted the standard non-molestation condition in the order. The victim's husband has not abused her verbally, emotionally and physically again since he was summoned to appear in court for the DVRO. NB: this case illustrates the lack of knowledge and non-action of the police and its consequences on the victim. The day the victim finally escaped and reported to the police, the above named officer would have prevented the victim from getting beaten up again by being sensitive to the issue and considering the seriousness of the case. Her response towards the victim clearly showed reluctance and lack of knowledge on the DV Decree & DVRO resulting in lack of action in this case.

27. **Station:** CC Police Station **Date:** 8/6/15

**Details:** A victim was heavily assaulted by the turaga ni koro in her village on 08/6/15. The Turaga ni koro is the victim's uncle. The victim then called the police station to report this matter and a police officer from the CC Police Station attended to her call. When the victim approached the CC Police Station the next morning (09/6/15) to check with the police, she was shocked to find out there was no record of her report. The victim was very disappointed with the police officer who had taken her report the previous day. When the victim accessed the Centre's services, she had injuries on her face yet the police did nothing to

the perpetrator who also happens to be her uncle and the turaga ni koro.

28. **Station:** CC Police Station

**Date:** 6/8/15

**Details:** The above mentioned officer accompanied a victim to her husband's place to retrieve her belongings as per the order in the DVRO. The victim's mother-in-law and victim's husband were interfering with the victim while she was trying to pack and collect her belongings. However, the accompanying police officer told the victim to hurry up because he was late for court and that he did not want to get into trouble in that situation. While the victim was being subjected to further abuse from her in-laws and husband inside the house, this police officer waited outside the house and did not stop the abuse nor did he tell the perpetrators to respect the court order.

29. **Station:** SB

**Date:** 10/01/15

**Details:** victim was embarrassed and further victimized by a female Police Officer in a public place, where victim and her husband were blamed for what had happened to their daughter, being sexually harassed by a taxi driver for letting their child to come alone to town. This child was sexually harassed and Police officers blaming her parents.

30. **Station:** SB Police Station

**Date:** 1/10/15

**Details:** One victim had reported that she was beaten by her husband, she reported to SB Police Station. Upon enquiring about what had happened to her report at the Police station, the Police Officers accused her of telling lies about being beaten up by her husband, and they did this in front of other people and the victim felt humiliated and degraded.

31. **Station:** TT Police Station

**Date:** 14/6/15

**Details:** A victim had reported being assaulted by her husband to TT Police station and had asked the Police officer to charge him. There was also a DVRO in place and the husband had breached it. The Police officer overlooked this and told the husband to go home and talk nicely to his wife. This victim was threatened to be killed by the husband in front of their son and no action taken by Police.

32. **Station:** TK Police Station

**Date:** 27/5/15

**Details:** victim was assaulted by her husband in TK. She reported at the TK Police Station and she requested for a DVRO. Her husband was a Turaga ni Koro in a neighbouring village. The Police officer did not make the DVRO application and he allowed the husband to take her daughter away from her brother and then allowed the husband to come to the station to talk things over, to which the victim did not agree because she was scared and injured.

**33. Service Provider: Police****Date:** 31/3/15**Details:** victim complained of breach of DVRO by the perpetrator but the police failed to take her report. The victim was not sent for medical examination even though she should have and the police forced her to reconcile with the perpetrator.**34. Service Provider: Legal Aid Commission****Date:** 13/4/15**Details:** there was lack of assistance from the Legal Aid Commission when victim sought for assistance for her domestic violence case and Legal Aid was supporting/representing the perpetrator.**35. Service Provider: DD Police****Date:** 14/5/15**Details:** victim reported to police about her domestic violence case but police officers verbally abused her and delayed taking any action.**36. Service Provider: DD Police****Date:** 26/6/15**Details:** victim was met with hostile behaviour when she reported her domestic violence case and no report was taken by police.**37. Service Provider: DD Police****Date:** 23/6/15**Details:** victim reported her domestic violence case to police but was instead met with hostile behaviour from the police and there was a lack of action taken.**2016 Cases:****1. Station: NS Police Station****Date:** 8/5/2016**Details:** Police constable threatened the victim saying that her daughter was lying about being sexually assaulted by the perpetrator who is their landlord residing in the same residential complex. In this case, the victim's husband had passed away and the victim was residing with her children who were all below the age of 18.**2. Station: NS Police Station****Date:** 31/5/16**Details:** A police officer told the counsellor that he will keep her informed regarding the team of officers who were harassing victim during investigations; however, he did not. The counsellor called him several times but he did not respond or give her an update the investigations.**3. Station: QD Police Station****Date:** 27/6/16**Details:** The police constable did not know the difference between a DVRO application form (Form 1) and a DVRO court order (Form 2 and 3). When the perpetrator (husband) showed the



constable a filled but unfiled DVRO application Form 1, the constable told the victim to move out of the house even though no orders had been given by the court.

4. **Station:** QD Police Station

**Date:** 1/6/16

**Details:** When the victim reported a breach of DVRO (assault and threatening with a knife) the constable who served her at the station told the victim that the DVRO was invalid even though it was a permanent order (form 3). The perpetrator in this case was the victim's step-mother's partner who resides under the same roof as the victim. After the victim later followed up with the constable, she was then informed that the perpetrator has been charged with criminal intimidation and assault, however, the police failed to charge him with a breach of DVRO. – Lack of immediate action by Police in a case of breach.

5. **Station:** QD Police Station

**Date:** 26/9/16

**Details:** A police constable called the victim a "smartass" while recording her statement. He also restricted her from calling her lawyer or anyone else while being interviewed. The perpetrator in this case was a stranger who had allegedly nearly caused an accident involving the victim and he had sworn at the victim.

6. **Station:** WQ Police Station

**Date:** 14/1/16

**Details:** (a) victim was assaulted by her brother, who had then forcefully evicted her from home. Victim had gone to report to the police, however the police did not apply for a DVRO for her protection. The police sent her to have her medical examination done however when the victim went to check on her medical exam form, she found out that the medical report was missing from the Station.

(b) When our Counsellor Advocate followed up, the police informed us that there was no record of our victim's complaint. The victim remembers the face of the police officer who took her report when she had lodged her complaint.

7. **Station:** NQ Police Station

**Date:** 20/3/16

**Details:** After the accused was charged for attempted rape, he was taken to the survivor's house to show police the crime scene. According to the victim, he was brought in handcuffed while the victim, her child and family were all present. It was traumatizing for the victim and her family reliving the ordeal. It was uncalled for, unprofessional and ignorant behaviour from the Police Officers of NSN Police Station.

8. **Station:** KG Police Station

**Date:** 18/11/16

**Details:** A police constable made fun of the victim's report when she went to report about her ex-boyfriend posting naked pictures of her on Facebook.

9. **Station:** BO Police Station  
**Date:** 9/11/2016  
**Details:** The sergeant informed the victim's husband (perpetrator) about her whereabouts when she decided to leave the house-putting the victim's life in danger.
10. **Station:** MMM Police Station  
**Date:** 4/9/2016  
**Details:** The constable failed to charge the victim's father-in-law. According to the victim, he purposely lost the report as it was the second time which he had done that to her.
11. **Station:** KK Police Station  
**Date:** 24/3/2016  
**Details:** Although the woman constable laid charges on the perpetrator for breaching the DRVO, he was released. According to the woman constable, the perpetrator was released because there was not going to be a Magistrate present in court the next day, and because they could not keep him in over the long Easter weekend.
12. **Station:** MIA Police Station  
**Date:** 16/9/2016  
**Details:** victim requested if she could be assisted with a DVRO application form. A woman constable informed her to return on Monday because the Station had no DVRO application forms.
13. **Station:** XXXX Police Station  
**Date:** 13/09/2016  
**Details:** According to the Crimes Officer, he did not charge the victim's husband because the victim committed adultery. After the counsellor informed him that adultery was no excuse for the victim's husband to physically abuse her and that she was still getting harassed by him 2 weeks after the abuse, the Crimes Officer responded harshly to the counsellor and said for her not to tell him how to do his job.
14. **Station:** ULE Police Post  
**Date:** 12/3/2016  
**Details:** According to the victim, the constables did not assist her when her mother-in-law snatched her baby away from her hands. They informed her that they could not do anything about the matter.
15. **Service Provider:** Social Welfare Office - SS  
**Date:** 12/11/2016  
**Details:** victim felt that the social welfare officer was very biased and judgmental while interviewing her. The officer was trying to get the victim to reconcile with her husband for their child's sake even though the victim had been experiencing continuous physical, verbal and emotional abuse from him.
16. **Service Provider:** Social Welfare Office - LB  
**Date:** 15/09/2016  
**Details:** victim was told by an officer that her application had been approved, however when

she went to the office, the same officer told her that her application had not been approved (Child Safety and Protection Scheme).

17. **Service Provider:** Social Welfare Office - VN

**Date:** 18/2/2016

**Details:** The victim's child was forcefully taken away from her by a female Social Welfare Officer. The victim's husband had distorted events that happened at home regarding the victim and her 8-month old son when he reported to Social Welfare. The officer did not listen to the victim when she tried to explain what had actually happened. The victim's husband did this so he could take the child away from her as he was having extra marital affairs.

18. **Service Provider:** Legal Aid Commission – NQ

**Date:** 23/9/2016

**Details:** victim had gone to Legal Aid to get assistance with Form 5: Maintenance and Contribution. The victim informed the counsellor that the victim Information Officer filled the form according to what she wanted and not what the victim wanted. According to the victim, she felt unheard. victim also said that the victim Information Officer questioned her on why she could not go to work because she was young and physically fit.

19. **Service Provider:** Legal Aid Commission – NQ

**Date:** 11/4/2016

**Details:** victim felt as if her case was handled lightly because the lawyer did not do anything that the victim had requested. The victim wanted to apply for contempt of court order regarding her children's custody case but the lawyer told her that the magistrate did want any other applications. No proper explanation was given by the lawyer.

20. **Station:** SB Police Station

**Date:** 10/10/16

**Details:** Crime officer from SB Police station was very rude to a sexually assaulted victim. He blamed the victim and said why she did not yell for help and how come her clothes were not torn. Blaming her for reporting the matter late and her fault.

21. **Station:** DD Police Station

**Date:** 3/1/16

**Details:** victim and her neighbour had counterreported against each other. While giving her statement to police, the victim felt intimidated. She wasn't informed of her rights nor was she allowed to read her statements. The victim ended up being charged for criminal intimidation while no charges were taken up against her neighbour.

22. **Station:** DD Police Station

**Date:** 14/3/16

**Details:** victim was harassed by her in-laws and her husband. When victim reported, the police called her husband's family since the police knew them personally and they made things difficult for the victim. There was a serious breach of confidentiality by the police in this case.

23. **Station:** MMM Police Station

**Date:** 14/4/16

**Details:** counsellor/advocate was following up on a victim's case with the police and the police officer she spoke to rudely told the counsellor/advocate not to question police on their work.

**24. Station:** DD Police Station**Date:** 18/4/16**Details:** victim had reported to the police about her missing husband. She had suspected that he could be with his mistress. However, police made fun of her by saying that she was not servicing her husband properly. The other police officers in the station were also laughing at the victim.**25. Station:** DD Police**Date:** April, 2016**Details:** victim had reported that she was sexually assaulted. The police who dealt with her blamed her for the abuse and they pressed her cheeks and told her to admit that it was consensual.**26. Station:** MMM Police**Date:** June 2016**Details:** victim was being assaulted by her husband and DVRO was granted sometimes in April. The DVRO was not served by police until a follow up in June and it was found that the DVRO was misplaced. As a result, the victim was assaulted again by her husband the next day.**27. Service Providers:** Justice of Peace – CC**Date:** Jan 2016 – May 2017**Details:** Some JP (Justice of Peace) are reluctant and even make excuses not having the time to be able to witness victim's DVRO applications due to having personal relations with the Respondents. They can be the Respondent's father, uncle, grandfather, neighbours and friends. As a result, they refuse to certify the DVRO applications. This is very unprofessional of some JP(s) hence it contributes to the lack of action, delay, unfair and improper implementation of the DVRO. In a jurisdiction where there is a small number of JPs, reluctance of witnessing DVRO forms create a more difficult system for women victims who are trying to get access to justice and protection.**28. Service Providers:** Judiciary & Police**Dates:** Jan 2016 – May 2017**Details:** There is unfair implementation of the DVRO and the unfair court decisions by the magistrates. Rakiraki WCC has observed in a lot of cases, that both the police and the court are quick to act on a DVRO applied by a man against a woman despite the fact that she is the victim. Often a lot of men, who do this, are either worried the woman might report his continuous abuse of her or he is having an extra marital affair and wants to get rid of the wife through the DVRO. Rakiraki WCC is still facing the access to justice issues with the police, court and Legal Aid with the delay of cases, lack of action and the non-implementation of the DVRO breach. There are still some police officers who respond unprofessionally to the victims and who do not act on the reports from women but these officers are held accountable for their actions by empowered victims.**2017 Cases****1. Station:** QD Police Station**Date:** 16/2/17**Details:** When the victim went to the report that her step son had been violent and had been smoking marijuana in the house, the woman police constable told her to sort their family problem out at home.

2. **Station:** QD Police Station

**Date:** May 2017

**Details:** victim was physically assaulted by her husband. She reported the matter and got her medical done but was pressured by a police officer to reconcile. According to the victim, her husband was just warned but not charged.

3. **Station:** QD Police Station

**Date:** 20/11/17

**Details:** Although the victim's de-facto was charged with breaching the DVRO, he escaped police custody and broke into the victim's house the same night. He locked the doors and threatened to kill anyone who tried to open the door. The victim had to hide in the bushes outside her home for her protection.

4. **Station:** BO Police Station

**Date:** 15/05/17

**Details:** Officers at BO Police Station told the victim to go back to her husband when she went to the station. A woman police constable yelled in front of other police officers saying "Your husband is a good man, go back to him!" The victim was humiliated and responded saying that the woman constable did not know her husband and that she was the one that was suffering; not the woman constable.

5. **Station:** BO Police Station

**Date:** 15/6/17

**Details:** The police constable told the victim not to report her husband's DVRO breach; if she did, her children will be taken to Social Welfare. He questioned her about who would pay rent if her husband was charged. victim is aware that the police constable is good friends with her husband. BO Police Station officers have mocked the victim making remarks like "You should listen to your husband, he's a good man but you never listen to him." victim has continuously been physically, verbally and emotionally abused by her husband and humiliated by police officers.

6. **Name of Station:** LB Police Station

**Date:** 24-27<sup>th</sup> March 2017

**Details:** victim had tried to report threats which were made to her daughter by her daughter's mother in-law. Her mother in-law had said that she will tell her grandson to rape the victim's daughter. The victim tried to report the matter several times. Her report was not taken by the police officers on duty. The Corporal on duty told the victim to only return to the station when her mother in-law's grandson had raped her daughter.

7. **Name of Station:** LB Police Station

**Date:** 12/5/17

**Details:** Mentioned officer did not adhere to Child Protection Act. She did not charge the child's partner but reconciled both parties (Child sexual abuse case).

8. **Name of Station:** NS Police Station**Date:** 3/12/17

**Details:** victim wanted to press charges on her brother for threatening her, kicking down her door, breaking her lights and being aggressive however the constable only questioned him for about half an hour before releasing him. The constable failed to charge the victim's brother who lives in the same house which is partitioned and constable also failed to at least apply for a DVRO to protect the victim.

9. **Name of Station:** KG Police Station**Date:** 15/02/17

**Details:** The police officer (in uniform) intimidated and threatened the victim who is his wife. He did this while she was filling for a DVRO. He told the court clerk not to file her application and said that the victim was going to regret it if she did. Those who were present witnessed his aggressive and hostile behavior. Another police officer was also present but did not intervene. The police officer also tried intimidating the counsellor who accompanied the victim to court by standing in front of her and questioning about who would provide for their children if he went to court.

10. **Name of Station:** NQ Police Station**Date:** 13/3/17

**Details:** A child sexual assault complaint was reported in December 2016 but no action had been taken. The alleged perpetrator had not been interviewed and there was no record at the station.

11. **Name of Station:** FP Police Post**Date:** 16/02/2017

**Details:** victim's steps on badly assaulted his wife and was wearing at the victim and her children while a police officer was present. Even though the perpetrator was taken to the police station, no charges were made and the complainants were not assisted with a DVRO.

12. **Name of Post:** LB Market Police Post**Date:** 26/1/17

**Details:** victim was very unhappy and frustrated with the mentioned post because no one was assisting her with charging her husband for breaching his 2 year bound-over sentence.

13. **Service Provider:** SS Social Welfare Office**Date:** 7/8/17

**Details:** victim was taken to Social Welfare SS because she had informed the counsellor that her child's safety was at risk with her. victim met with a senior social welfare officer and was provided with material assistance (milk and diapers) instead of an adaptive solution for the child's safety. Child's safety was still at great risk regardless of material assistance provided by Social Welfare.

14. **Service Provider:** NQ Social Welfare**Date:** 7/6/17

**Details:** A Social Welfare officer informed the victim that her husband would not be paying child maintenance because she did not move to MMM with him when he asked her to. Victim did not follow her husband due to continuous verbal/emotional abuse and because she had family



support in Suva. The victim felt intimidated and judged by the social welfare officer and was very worried that it would affect her custody and child maintenance case.

15. **Service Provider:** LB Social Welfare

**Date:** 12/5/17 at 2:30pm

**Details:** Social Welfare officer, with the police, reconciled the alleged perpetrator and the victim (16½ years). It was a child sexual abuse case.

16. **Service Provider:** Legal Aid SS

**Date:** 16/2/17

**Details:** victim was misled by a victim Information Officer who said that the victim could not apply for maintenance for herself and unborn baby until she was seven months pregnant.

17. **Service Provider:** Legal Aid LB

**Date:** 17/1/17

**Details:** The victim did not get assisted with Property Court forms to recover her belongings. She was told that she could not get anything because it was in her husband's property and anything that was in it belonged to her husband.

18. **Service Provider:** Judiciary Department: Small Claims Tribunal-SS

**Date:** 4/7/17

**Details:** The victim expressed how she was disgusted and frustrated with how the referee conducted the session. According to the victim, she was told that the money she wanted back from her former partner should not be claimed by her as it could simply be regarded as payment for her removing her pants for him. He also said that what she had been through with her partner was not really an issue and termed it to be a "man's game". He also said that if he was her, he would have withdrawn the applications. The referee also spoke about how he had an affair with another woman and did not go after the money he had spent on her. The victim felt belittled.

19. **Service Provider:** Judiciary Department: Magistrates Court Criminal Registry- SS

**Date:** 15/2/17

**Details:** When the victim filed her DVRO at the registry, the court clerk laughed while going through her application form. The victim's husband (Respondent) was stationed as an Orderly at high court which was how the court clerk knew him. She breached confidentiality of the victim by informing her husband (Respondent) that there was a DVRO filled against him. The court clerk put the victim's life in danger because after she told the victim's husband about this, he (Respondent) went down to the registry and continued to threaten her while she waited for her case to be called. The counsellor had to take the victim away because her safety was at risk; this resulted in the victim missing her court case.

20. **Service Provider:** Judiciary Department: Family Magistrates Court- NQ

**Date:** 22/8/17

**Details:** victim was unhappy with the court's decision on her maintenance case. The Respondent was not willing to pay anything and requested for the payment to be deducted from his FNPf which would take a very long time. The Magistrate did not ask the Respondent to give any cash which the victim desperately needed to care for their children, one of which is a disabled child.



**21. Station:** CC Police Station**Date:** June 2017

**Details:** Three officers from the CC police station went to serve a DVRO on one of our victims and they told the victim to immediately vacate the house as it says in the court order. These officers also warned the victim that if she doesn't remove herself from the home then she would be penalised for breaching the DVRO. The victim approached the centre seeking assistance. The applicant of the DVRO is the victim's adult son and the house is a family home that the victim and her late husband built. When our counsellor advocate perused the DVRO form that was served on the victim, it came to our attention that only standard non-molestation conditions were made and that the victim was to remain in the home but not to interfere in the son's married life.

**22. Station:** CC Police Station**Date:** September, 2017

**Details:** A victim had been reporting at the CC Police Station about the physical, emotional and verbal abuse she was going through, which was inflicted by her husband. A police officer attended to her and did not take her report seriously. This officer told the victim that reporting against her husband and having him charged is a very long process and that it was best for the victim to go to the court to raise her complaint and apply for a DVRO. This police officer did not tell the victim that the police can help her in applying for a DVRO.

**23. Station:** VS Police Station & other service Providers:**Date:** 19/9/17

**Details:** victim had taken her daughter for medical check-up because she was having discharge. This child was four years old. When the Police officers interviewed the mother, the Police officers blamed her for her daughter being sick. When examined by doctors, it was confirmed that the child was sexually abused. The child was taken away from the parents by Social Welfare Dept and taken to a Home in VS despite the parents not being the perpetrators. The child was denied of her rights to be with parents for six months. Health, Social Welfare and Police were involved in this case.

**24. Station:** SB Police Station**Date:** 15/11/17

**Details:** Police officer from SB Police station was involved in sexually assaulting and impregnating a victim. The girl had been taken to Dilkusha Girls Home where she stayed until she gave birth and gave the baby for adoption. The girl's mother reported in 2017 and the case has not reached the court as yet and the Police officer is still on duty.

**25. Station:** VS Police Station**Date:** 6/7/17

**Details:** A victim was heavily pregnant and she was assaulted by her husband in public. She reported to VS Police station and she wanted her husband to be charged. Her medical was done but no injuries were noted so the Police did not charge saying that because there were no injuries they cannot charge. They knew they can charge the perpetrator on common assault but did not until the counsellor intervened.

**26. Station:** DD Police**Date:** 13/12/17

**Details:** victim had a "Non-Contact" DVRO and the partner breached this order. When she reported, the police were reluctant to take the report and didn't pay attention to the Non-Contact Orders in place. They placed the victim in a risky situation by putting the victim and the

perpetrator in the same room at the station. During this time, the perpetrator swore at the victim, which the Police ignored. The police pressured victim to reconcile with the perpetrator and no were charges laid against the perpetrator.

27. **Station:** KV Police Post

**Date:** 31/1/17

**Details:** victim's husband constantly breached the DVRO in favour of the victim. When the victim reported, the police officers would favour the husband by only verbally warning the perpetrator and sending the parties back home. In addition, the police would lecture the victim and there was a non-implementation of the No-Drop Policy by police.

28. **Station:** DD Police Station

**Date:** 1/2/17

**Details:** police officers threatened to lock up victim and they refused to take her report. Police also refused to help victim apply for DVRO and told victim not to go to the Women's Crisis Centre.

29. **Service Provider:** DD Magistrates' Court

**Date:** 15/2/17

**Details:** victim was not given correct information about her DVRO and the DVRO was not served on time to the perpetrator, putting the victim at risk.

30. **Station:** DD Police Station

**Date:** 20/3/17

**Details:** victim reported child abuse and there was a lack of action from the Polices' part. The police instead assisted the perpetrator to take the child even though the child had reported the abuse and cried refusing to go with the perpetrator. The child had showed police cigarette burn marks.

31. **Station:** BT Police Station

**Date:** 19/3/17

**Details:** victim reported child abuse and there was a lack of action by police. The victim was instead asked why she went to the Women's Crisis Centre and Social Welfare Office. The police also disregarded the medical report as evidence.

32. **Service Provider:** Judiciary

**Date:** 25/3/17

**Details:** victim was threatened that her child can be removed from her if she refused to reconcile with her husband while the victim was in a domestic violent relationship.

33. **Service Provider:** YY Magistrates' Court

**Date:** 11/5/17

**Details:** victim's husband applied for DVRO and the court had granted orders in favour of the husband to remove constructed and unconstructed material. This left the victim with no home to live in even though it was a matrimonial property. The order was given in the victim's absence.

34. **Station:** KK Police Station

**Date:** 15/5/17

**Details:** victim sought assistance from police to locate her children but police lectured her, didn't take any action to help her and were hostile towards her.

35. **Service Provider:** DD Magistrates' Court  
**Date:** 17/5/17  
**Details:** victim applied for DVRO but there was lack of action and her DVRO was not granted.
36. **Station:** DD Police Station  
**Date:** 20/6/17  
**Details:** victim complained that perpetrator had breached DVRO but there was lack of action from police.
37. **Station:** DD Police Station  
**Date:** 20/6/17  
**Details:** police had forged victim's signature
38. **Station:** DD Police Station  
**Date:** 24/8/17.  
**Details:** police had acted in a hostile manner towards victim when she came to police.
39. **Station:** MK Police  
**Date:** 7/8/17  
**Details:** police pressured victim to reconcile and they didn't take any action on breach of DVRO by perpetrator.
40. **Service Providers:** Bailiff  
**Date:** 28/8/17  
**Details:** bailiff had intimidated victim and gave notice to vacate
41. **Service Provider:** Legal Aid Commission DD  
**Date:** 31/8/17  
**Details:** Legal Aid failed to fill the victim's form properly. Even though victim needed police to assist her in recovering her belongings, the forms didn't reflect this and as a result, the orders didn't specify for police to assist victim.
42. **Station:** NW Police Post  
**Date:** 27/9/17  
**Details:** victim was met with hostile behaviour by police and there was lack of action on her report. In addition, the police didn't assist her in applying for DVRO.
43. **Station:** DD Police Station  
**Date:** 12/10/17  
**Details:** victim reported breach of DVRO by perpetrator but there was a delay of action from police and non-implementation of DVRO
44. **Service Provider:** MK Medical  
**Date:** 17/10/17  
**Details:** forcefully aborted victim's baby.
45. **Station:** DD Police Station  
**Date:** 20/10/17  
**Details:** victim reported breach of DVRO. Police were hostile to her, didn't take any action on her report and there was a non-implementation of No-Drop Policy by police.

46. **Station:** DD Police Station**Date:** 20/10/17**Details:** victim's report on domestic violence was not acted upon by the police. Instead police were hostile to victim and there was also a non-implementation of the No-Drop Police by police.47. **Station:** DD Police Station**Date:** 24/10/17**Details:** victim who was undergoing domestic violence had reported breach of DVRO to police. However, police were hostile to her, there was lack of immediate action on their part and tried to get her to drop the complaint.48. **Service Provider:** Judiciary & Legal Aid Commission, MMM**Date:** 2/11/17**Details:** victim who had sought assistance for domestic violence case faced delays in getting her justice because of the non-immediate action by police and she was also met with hostile behaviour.49. **Station:** KV Police Post**Date:** 8/11/17**Details:** victim reported to police about breach of DVRO however police didn't take any action on her complaint and didn't charge perpetrator for breach of DVRO.50. **Station:** DD Police Station**Date:** 13/12/17**Details:** victim complained of perpetrator breaching DVRO but was met with hostile behaviour from Police who didn't charge the perpetrator for the breach.**2018 Cases:**1. **Station:** SB**Date:** 29/1/18**Details:** A case of domestic violence where the victim relied on her yaqona farming. She was experiencing violence from her husband, the victim had applied for DVRO for her protection and her kids and for her husband not to uproot the yaqona plants. The husband went ahead and uprooted all the yaqona plants and upon enquiry, she found out that the DVRO was not served by the Police Officers.2. **Station:** SB Police Station**Date:** 11/4/18**Details:** victim facing violence in her home with her kids witnessing the violence. They were all threatened by the perpetrator with a cane knife, and she wanted the Police to help her to come out of the house. She rang the SB Women's Crisis Centre's counselling phone and the counsellor rang the Police Officers in SB Police Station. The officers went and said they cannot cross the river because it was flooded. When the counsellor told the Police officer that we will arrange with the military, they went and got the woman and her kids. Also Police officer told the woman, next time to be nice to your husband and do not waste our time since she wanted to reconcile in court.3. **Station:** TT Police Station**Date:** 1/3/18**Details:** victim was assaulted by her husband and she went to report to TT Police station. She

wanted the husband to be charged and for a DVRO to be in place. The Police officer rang and informed her husband who came to the Police station and the Police officer said for them to sit and discuss and he cannot do anything.

## Appendix 3 Guide to Scrutinising Legislation From Gender Perspective

STEP	Guide	Questions to Ask
1	Identify the Issue	<ul style="list-style-type: none"> <li>What is the legislation?</li> <li>Is it new law or amending an existing one?</li> <li>What subject area does it fall under, e.g. health, education, environment, finance?</li> <li>What are the goals of the Bill?</li> </ul>
2	Identify the evidence available on the Issue.	<ul style="list-style-type: none"> <li>Who will be affected by the change in the law?</li> <li>Is there sex-disaggregated data available on the issue you are considering?</li> <li>Look at workforce statistics, and the groups of people the change may affect.</li> <li>What are the gaps in the data?</li> <li>Are the statistics up to date and reliable?</li> </ul>
3	Establish whether gender has been mainstreamed in the decision making process.	<ul style="list-style-type: none"> <li>Can you identify if one gender is likely to be affected more than the other by the change in the law, and to what extent?</li> <li>Are gender differences specifically addressed in the Bill, either through a particular provision or in the Explanatory Notes?</li> <li>Are specific groups of people within each gender (such as disabled women, men of a specific ethnicity or women living in rural areas) more likely to be affected, and to what extent?</li> <li>What evidence is there to prove that gender considerations have been a factor in the decision-making process (for example, through impact assessments, gender analysis, or consultation of women's groups)?</li> <li>What gender analysis has been undertaken by the government?</li> <li>Has an impact assessment been undertaken? Does it consider gender?</li> <li>Who has been consulted on the issue? Whose voices are missing?</li> <li>How will gender issues be monitored in the regulation of the policy/programme/budget/law?</li> <li>What are the desired 'gender outcomes' (e.g. better women's representation, improved cultural attitudes, improved income equality etc)?</li> <li>Section 26 of the Fiji Constitution states that "equality includes the full and equal enjoyment of all rights and freedoms recognized in this Chapter or any other written law". Is section 26 clearly embedded in the Bill?</li> <li>Do certain groups of people face obstacles accessing the service concerned?</li> <li>Does the workforce reflect the population in terms of gender? If not, is this seen as a problem and if so what steps are being taken to address it?</li> <li>Is unpaid care (of children or relatives/friends) an issue? Has it been factored into the decision making?</li> <li>What gender-specific data will be gathered as a result of this decision?</li> <li>How has the Fiji National Gender Policy had an impact on this issue (e.g. is it a target in the Plan?)</li> <li>Has the legislation been drafted in clear, plain language, to be understandable to as many people as possible?</li> <li>Will women be involved in administering the law?</li> <li>How will the public be educated about the law?</li> <li>What methods will be used to ensure that men and women have equal access to this information?</li> <li>Will gender-specific concerns be reviewed in monitoring and evaluating the legislation?</li> </ul>
4	Summarize – What are my conclusions and what questions do I need to ask during scrutiny.	<ul style="list-style-type: none"> <li>What are my conclusions?</li> <li>List of questions to ask during scrutiny of the Bill. (Remember that just because some information may not be available in the public domain, does not mean it does not exist. Gender-based analyses of laws and policies may be undertaken internally; the scrutiny process should find this out.</li> <li>List of changes/amendments/suggestions to put forward.</li> </ul>

## Appendix 4 Core Functions of Key Positions within the Department of Women

Position	Purpose of the position	Duties
Director Women	The position is responsible to the Permanent Secretary for the development, implementation and monitoring of policies that affects women. It also provides policy advice through Cabinet Papers, Information and Discussion papers. It also oversees the operations of the Department to ensure that it is aligned to the Government Priorities.	The position will achieve its purpose through the following key duties: <ul style="list-style-type: none"> <li>•Ensure relevant policies, strategies, programs and activities are developed in line with international laws (UN CEDAW) and implemented through strict control, monitoring and evaluation.</li> <li>•Work collaboratively with other Ministries and other key stakeholders to establish well-integrated approaches in Women development.</li> <li>•Ensure sustainable democracy and good governance is maintained through gender equality programs and women development.</li> <li>•Maintain working knowledge of significant developments in relation to international laws on Women</li> <li>•Develop and maintain relationships and networks with multi-lateral and bilateral international funding agencies, civil society groups to increase visibility of the roles of the Department</li> <li>•Actively contribute to all corporate requirements of the Ministry, including planning, budgeting and selection activities where required.</li> <li>•Provide support and leadership in any structural changes that may take place in the Civil Service.</li> </ul>
Principal Research Officer (PRO)	The position is based at the Women's Department at Civic Towers, Suva and reports to the Director Women. It contributes to providing a range of services such as research, development and policy adviser to the Director Women, also contributes towards coordination and facilitation of all social and economic development programs, administered at the Women's Department.	The position will achieve its' purpose through the following Key Duties: <ol style="list-style-type: none"> <li>1. Leadership and Policy Support to Director Women</li> <li>2. Research to drive new policy initiatives and formulation/ review of policies for existing programs</li> <li>3. Ensure alignment of Departments ACP key deliverables to Roadmap</li> <li>4. Monitoring and Evaluation(Performance Appraisal) Organizational and Individual levels</li> <li>5. Develop monitoring and evaluation mechanism and undertake M&amp;E exercise, audit and analyse implementation of ACPs &amp; BP, Women's Development Projects, Cabinet papers and provide periodic reports</li> <li>6. Work with Media Liaison officer for Public outreach and Consultations and Marketing of Programs/activities for public awareness</li> <li>7. Provide regular briefs to Director Women</li> </ol>
Principal Administrative Officer (PAO)	Not provided to Audit despite several requests.	Not provided to Audit despite several requests.
Senior Women's Interest Officer (SWIO)	Not provided to Audit despite several requests.	Not provided to Audit despite several requests.
Women's Interest Officer (WIO)	The incumbent will be responsible to the Principal Field Officer (Women) through the Senior Women's Interest Officer (SWIO), to facilitate targeted women development programs delivered within budgetary allocations and agreed timelines. The position internally works with the Department staffs within the Division and thematic desk officers at Head Office. Externally the incumbent also works closely	The position will achieve its' purpose through the following: <ol style="list-style-type: none"> <li>1. Developing and implementing the divisional Work plan in line with the Department's Business Plan, according to set targets;</li> <li>2. Addressing issues and concerns and development needs of women aligning to the objectives of the Department through gender equality and empowerment programs.</li> <li>3. Ensures targeted women development programs are delivered within budgetary allocation and on a timely basis.</li> <li>4. Ensuring that service delivery for Women is facilitated through supervision, monitoring and evaluation of staff performance</li> <li>5. Ensure effective monitoring of livelihood programs for women and divisional implementation of the five thematic programs of the Department of Women namely Women and Law, Equal</li> </ol>



	with Stakeholders from governments, development agencies, Non-Government Organization (NGOs) and Civil Society Organization (CSOs) ensuring the implementation of development programs for women.	Participation in Decision Making, Access to Services, Formal Sector Employment and Livelihood and the Elimination of Violence against women and children. 6. Attend and participate at the divisional development forums through advocating for the advancement of women and provide timely submission of activity report of work undertaken at divisional level.
Senior Women's Interest Assistant (SWIA)	The position facilitates targeted women development programs delivered within budgetary allocations and agreed timelines. In addition this position is to be responsible for gender mainstreaming concerns and manage a database of women's groups, training programs, projects and crime statistics in the division. The position is also the assistant to the Divisional Women's Interest Officer.	The position will achieve its' purpose through the following Key Duties: 1. Develop and Implement Annual Work Plan aligned to the Divisional and Department's Business Plan. 2. Distribute and collect nomination forms for representation in Decision Making Bodies. 3. Co-ordinate Legal literacy training and programs advocating Elimination of VAW/Children. 4. Attend/Participate, compile and submit programs and activity reports for Development Forum to WIO. 5. Compile and submit training reports and acquittal of funds. 6. Collecting District information on Women's Organization, Training Programs, and statistics relating to women and projects and maintaining divisional Database. 7. Facilitate Gender Sensitization, CEDAW, Leadership, Business and Capacity building Training for the Division.
Women's Interest Assistant (WIA)	The position reports to the Women Interest Officer. It contributes to providing a range of support and administrative services to the women interest officer, towards coordination and facilitation of all social and economic development programs, administered at the Women's Department.	The position will achieve its' purpose through the following Key Duties: 1. Participate in consultations with regards to the Divisional work programs. 2. Develop Annual Work Plan aligned to the Divisional and Department's Business Plan. 3. Implementation of the Work Plan according to the set targets. 4. Facilitate Income Generating Opportunities for the women through partnership and training. 5. Distribute and collect nomination forms for representation in Decision making bodies. 6. Coordinate Legal Literacy Trainings and submit monthly reports. 7. Coordinate programs advocating Elimination of Violence Against Women and Children

## Appendix 5 Summarising Staff Listing at the Department of Women

Substantive Posts	Total No. of Posts	Total No. of posts filled	Total No. of posts vacant	Remarks
2014				
DW	1	1	0	
PAO (Field Services)	0	0	0	
PRO	1	1	0	
SWIO	4	4	0	
WIO	4	4	0	
SWIA	6	5	1	officer on maternity leave
WIA	13	9	4	3 posts are on acting appointments and 1 is being advertised.
<b>TOTAL</b>	<b>29</b>	<b>24</b>	<b>5</b>	
2015				
DW	1	1	0	
PAO (Field Services)	0	0	0	
PRO	1	1	0	
SWIO	4	4	0	
WIO	4	4	0	
SWIA	5	5	0	No. of officers reduced to 5 compared to the previous year. This is due to exclusion of SWIA Eastern Division
WIA	13	10	3	One of the 4 vacant posts that were evident in the previous year has been filled due to a sideways transfer. The post was being advertised in the previous year. However, the posts that had officers acting on it in the previous year are still acting positions.
<b>TOTAL</b>	<b>28</b>	<b>25</b>	<b>3</b>	
2016				
DW	1	1	0	
PAO (Field Services)	0	0	0	
PRO	1	1	0	
SWIO	4	4	0	
WIO	4	4	0	<ul style="list-style-type: none"> <li>✓ WIO (Central) was posted to Labasa Office wef 14/01/2014.</li> <li>✓ WIO (Western) was re-graded to WIO (West) as per PSC Letter 27/02/2013 VN02/2013.</li> </ul>
SWIA	6	4	2	<ul style="list-style-type: none"> <li>✓ No. of officers increased to 6. Hence there was 1 newly created post. The post (SWIA-Central) that was excluded in 2014, was re-established. The post was to be advertised at the end of the month.</li> <li>✓ 1 vacant - The officer to which the other substantive post belonged to had retired on medical basis on 03/05/2015. EDP# 93696 is acting on the post.</li> </ul>
WIA	15	13	2	<ul style="list-style-type: none"> <li>✓ No. of officers increased to 15. Hence two newly created posts.</li> <li>✓ 1 newly created post was for WIA According to P2P, it was still vacant.</li> <li>✓ 1 newly created post was for an additional WIA and it was an acting position.</li> </ul>

				✓ All three vacant posts that were on acting positions have been filled accordingly.
TOTAL	31	27	4	
2016/2017				
DW	1	0	1	EDP# 53169 acted on the post while it was being processed.
PAO (Field Services)	1	1	0	Newly created post. EDP# 47549 appointed.
PRO	1	0	1	EDP# 91173 acting of the post.
SWIO	4	4	0	<ul style="list-style-type: none"> <li>✓ While EDP# 536169 is acting on DW, EDP#53669 is acting on SWIO (WPA) post.</li> <li>✓ While EDP# is acting on PRO, EDP# 53153 is acting on SWIO (CEDAW) post.</li> <li>✓ Substantive post for SWIO (Livelihood) belonged to EDP# 92124. However, she was transferred to ESU as SAO.</li> <li>✓ EDP# 93537 – contract expired on 20/06/2016. Ever since, she has been contract extensions.</li> </ul>
WIO	6	3	3	<ul style="list-style-type: none"> <li>✓ No. of officers increased to 6. Hence there were two newly created posts.</li> <li>✓ 1 newly created post – Additional WIO. According to P2P, post was being processed.</li> <li>✓ 1 newly created post – Gender Based Violence Officer was newly created. Post was filled.</li> <li>✓ While EDP# 53153 is acting on SWIO (Livelihood), EDP# 92696 is acting on WIO (Central Division).</li> <li>✓ While EDP# 53669 is acting on SWIO (WPA), EDP# 9211 is acting on WIO (Eastern).</li> <li>✓ 2 vacant posts from previous year is still being processed.</li> </ul>
SWIA	6	3	3	<ul style="list-style-type: none"> <li>✓ Two vacant posts.</li> <li>✓ The re-established (SWIA-Central) post is in acting position.</li> <li>✓ The other post is acting position as well.</li> <li>✓ EDP# 93282 (SWIA-North) post to be advertised soon.</li> </ul>
WIA	16	13	3	<ul style="list-style-type: none"> <li>✓ No. of posts increased from 15 to 16 officers.</li> <li>✓ DoW did away with 2 WIA posts, namely for</li> <li>✓ DoW created three new posts: <ul style="list-style-type: none"> <li>I. WIA-Gender and climate change</li> <li>II. WIA-Information Officer</li> <li>III. WIA-Gender Based Violence Officer.</li> </ul> </li> </ul>
TOTAL	35	24	11	
2017/2018				
DW	1	0	1	EDP# 47549 acting on the post.
PAO (Field Services)	1	1	0	
PRO	1	0	1	EDP# 91173 acting of the post.
SWIO	4	4	0	<ul style="list-style-type: none"> <li>✓ While EDP# 91173 is acting on PRO, EDP# 53153 is acting on SWIO (CEDAW) post.</li> <li>✓ Substantive post for SWIO (Livelihood) belonged to EDP# 92124. However, she was transferred to ESU as SAO. Therefore, EDP# 53669 is acting on the post.</li> </ul>

WIO	6	3	3	<ul style="list-style-type: none"> <li>✓ 1 newly created post – Additional WIO. According to P2P, post was being processed.</li> <li>✓ WIO (Central) was posted to Labasa Office wef 14/01/2014. Therefore, her post was to be advertised.</li> <li>✓ While EDP# 53153 is acting on SWIO (CEDAW), EDP# 92696 is acting on WIO (Central Division).</li> <li>✓ While EDP# 53669 is acting on SWIO Livelihood), EDP# 9211 is acting on WIO (Eastern).</li> <li>✓ 2 vacant posts from previous year is still being processed.</li> </ul>
SWIA	6	3	3	<ul style="list-style-type: none"> <li>✓ Two vacant posts: <ul style="list-style-type: none"> <li>I. The re-established (SWIA-Central) post is in acting position.</li> <li>II. The other post is acting position as well.</li> </ul> </li> <li>✓ EDP# 93282 (SWIA-North) post to be advertised soon.</li> </ul>
WIA	16	13	3	<ul style="list-style-type: none"> <li>✓ DoW did away with 2 WIA posts,</li> <li>✓ DoW created three new posts: <ul style="list-style-type: none"> <li>IV. WIA-Gender and climate change</li> <li>V. WIA-Information Officer</li> <li>VI. WIA-Gender Based Violence Officer.</li> </ul> </li> </ul>
TOTAL	35	24	11	

## Appendix 6 Challenges in responding to Domestic Violence cases

Institution	Challenges
Police	<ul style="list-style-type: none"> <li>• Hostile behavior of police officers, for example shouting, slamming down the phone</li> <li>• Problems with transportation when cases are referred to them</li> <li>• Passing the call around when a follow up is done from the DV Helpline</li> <li>• Police in remote areas, such as Vunidawa and Navua are constantly pushing responsibility for jurisdiction on each other.</li> </ul>
Villages	<ul style="list-style-type: none"> <li>• Gatekeepers and Turaga ni koro of Naitasiri are not reporting Domestic Violence in their areas. Counsellors were informed by both Gatekeepers and Turaga ni Koro that their villages had been declared a Zero Tolerance Violence Free Zone, thus they will solve it within and not involve police because government knows they are crime free.</li> <li>• Hard for counsellors to do follow up on cases when calls come in from villagers on DV and Gatekeepers and Turaga Ni Koro are not forthcoming and cooperative</li> </ul>
Social Welfare	<ul style="list-style-type: none"> <li>• Not taking the Child Welfare Decree seriously</li> <li>• Aggressive to counsellors when child abuse cases are referred to them.</li> </ul>

## Appendix 7 List of Complaints in responding to Domestic Violence































Date	Police Station	Comments
10 – March - 2017	Police Station	<ul style="list-style-type: none"> <li>Received a call that a drunk man and woman had gotten into a brawl while their children were locked in the house and were screaming and crying out for help.</li> <li>Called the Police Station at 10.30pm; phone not working</li> <li>Called the sergeant on duty; phone was ringing and diverted</li> <li>According to the caller, Constable was present when the fight broke out and saw the children locked in the house and nothing was done.</li> </ul>
14 – March – 2017	Community Post	<ul style="list-style-type: none"> <li>Community Post was unattended for several hours. A woman called to inform us that she had waited for two hours at the Community Post, where she wanted to report that she has been physically assaulted by her husband and she wanted to report the incident with the police at the</li> <li>When the constable returned, he told the woman he cannot take her statement and that she needed to go to Police Station</li> </ul>
15 – Mar – 2017	VLV Police Station	<ul style="list-style-type: none"> <li>Received a call regarding an attempted rape</li> <li>WPC of Police spoke rudely and demanded “why is the woman talking to the DVHelpline?”</li> <li>Counsellor heard her talking in the background; the woman with the phone was scared.</li> <li>When the counsellor asked for her badge number, she screamed and asked her why she wanted the badge number.</li> </ul>
15 – Mar – 2017	VDW Police Station	<ul style="list-style-type: none"> <li>Received a call about a rape from the girl’s brother who was not happy with the outcome solved by villagers through <i>bulubulu</i> (traditional forgiveness). Crimes Officer of VDW spoke aggressively and rudely to counsellor.</li> <li>Crimes Officer told counsellor if she could “stop this calling around”</li> <li>VDW then informed counsellor the village is in the Navua Police jurisdiction.</li> <li>Call NVA Police they informed the village in question is under VDW Police.</li> </ul>
19- Mar – 2017	NMS Police Station	<ul style="list-style-type: none"> <li>Complaint against police officers during Operation Sasamaki, who broke down the door at 12am Sunday morning in the caller’s home. They appeared drunk and were holding sticks as they demanded the woman of the house show them the prisoners. The caller relayed that his wife and children are scared that it can happen again.</li> <li>The caller relayed that an officer, and there was also an officer by the nickname of “Saddam” who, according to the caller, is part of the dog unit at STK Police Station.</li> </ul>















Date	Police Station	Comments
19 – Mar – 2017	VLV Police Station	<ul style="list-style-type: none"> <li>• Informed caller to report to NMS Police and he suggested that they don't take reports other than drugs reports.</li> <li>• Received a call concerning a woman who have been assaulted by her husband. The woman's mother gave the daughter's address. The flat is situated at the back of Amar's Memorial Kindergarten. According to her mother she has been trying to call her daughters number and the call had not been going through. Her daughter initially called and asked her mother to call the DVHelpline, her mother could hear screaming in the background.</li> <li>• Called NDW Community Post, who replied that they could not attend because they did not have a vehicle. They were going to refer to VLV Police Station</li> <li>• Called VLV Police Station spoke to WPC, she informed that Constable had gone to see the woman.</li> <li>• After an hour, when a follow up was carried out, WPC slammed the phone down on the counsellor. The counsellor called again and was informed the officers could not locate the house and had left for a "drug run" to CPS.</li> </ul>
21- May – 2017	YM Police Post/ NWQ Police Post/ MMM Police Station	<ul style="list-style-type: none"> <li>• An actual DV Incidents that happened in YM, the woman that was being punched and beaten up by her husband, she called the helpline and relayed that she needed police assistance. Counsellor responded and immediately called the YM Police Post – there was no response, called NWQ Police Post – there still no response.</li> <li>• Counsellor resorted to call MMM Police Station, then spoke to WPC and gave the location of the caller, WPC requested for the caller's phone number. After 10 minutes the woman who was being physically abused by her husband called the helpline and relayed the message that the Police had called her to warn her husband.</li> </ul>



## 7.0 DOCUMENTS REVIEWED

Accessible as hard copy document  Accessible on the internet 

No.	Publication	Source
<b>Primary Document Review</b>		
1	Fiji Police Act 1966	
2	Crimes Decree 2009	
3	Domestic Violence Decree 2009	
4	Child Welfare Decree 2009	
5	Beijing Declaration Platform for Action	
6	Women's Plan of Action (2010-2019)	
7	Family Law Act 2003	
8	Employment Regulation Promulgation 2007	
9	CEDAW Articles	
10	Revised Pacific Platform Declaration & Platform for Action	
11	Criminal Procedures Decree 2009	
12	Sentencing & Penalties Decree 2009	
13	Family Law(Amendment) Act 2012	
14	Criminal Procedures Code (Cap.21)	
15	Human Rights Commission Decree 2009	
16	HIV AIDS Decree 2011	
17	TOR EAW Taskforce	
18	Sustainable Development Goal Booklet	
19	MOU between FPF and MSP	
20	National Policy on Sexual Harassment 2007	
21	UN Declaration on EAW	
22	Fiji National Development Plan	
23	Finance Manual 2013 - MWCPA	
24	Fijian Government 5 year and 20 year National Development Plan	
25	Roadmap for Democracy and Sustainable Socio-Economic Development 2010-2014.	
26	National Gender Policy 2013	
27	Women's Plan of Action Situational Analysis Volume 1, 2009	
28	Government of Fiji CEDAW Country Reports – Initial State Report	
29	Government of Fiji CEDAW Country Reports – Combined 2 <sup>nd</sup> , 3 <sup>rd</sup> and 4 <sup>th</sup> State reports	
30	Government of Fiji CEDAW Country Reports – 5 <sup>th</sup> State report	
31	Fiji Country Supplement Report to Violence against women in Melanesia and East Timor: Building Global and Regional Promising Approaches 2008.	
32	Personal Files – 21 files, P2P Listings – MWCPA, EAW Taskforce Updated Member Listing	
33	Zero Tolerance Violence Free Communities (ZTVFC) Project files, Standard Operating Procedures, relevant minutes of meetings, cabinet paper, evidence on identification, commitment and declaration phase	
34	National Domestic Violence Helpline Concept Note, Tender evaluation papers, acquittals, Statistics and Challenges reports, relevant minutes of meetings, grant agreement, TOR	
35	Annual Corporate Plan(2014 – 2016), Department of Women Business Plan(2014 – 2016/2017), Individual Work Plan (2014 – 2017) – Ministry of Women, Children & Poverty Alleviation	
36	Strategic Plan (2015 – 2019), Annual Corporate Plan(2014 – 2016/2017),	

No.	Publication	Source
	Annual Report (2014 – July 2016), Annual Crime Statistics(2015 – 2017(Draft version) – Fiji Police Force	
37	Police Academy Training Manual (2016/2017 – 2017/2018) – Fiji Police Force, Joint Working Group Minutes of Meeting, MOU with Ministry of Women, Male Advocacy Report (Man-Up campaign)	
	Final Service Delivery Protocol	
<b>Secondary Document Review</b>		
38	Fiji's National Report on the 20 year review of the implementation of the Beijing Platform for Action	
39	Asian Development Bank Fiji Country Gender Assessment 2006	
40	Asian Development Bank Fiji Country Gender Assessment 2015	
41	Fiji Shadow NGO CEDAW report – Combined 2 <sup>nd</sup> , 3 <sup>rd</sup> and 4 <sup>th</sup> State reports	
42	Fiji Shadow NGO CEDAW report – 5 <sup>th</sup> NGO shadow report.	
43	Pacific Islands Forum Secretariat (2016) Pacific Leaders Gender Equality Declaration Trend Assessment Report 2012-2016.	
44	Violence against women in Melanesia and East Timor: Building Global and Regional Promising Approaches 2008.	
45	Stop Violence: Responding to violence against women in Melanesia and East Timor 2009.	
46	FWRM balancing the scales: Improving Fijian Women's Access to Justice 2017.	
47	FWCC National Research on Women's Health and Life Experiences in Fiji (2010/2011): A survey exploring the prevalence, incidence and attitudes to intimate partner violence in Fiji.	
48	Uttar Pradesh Performance Audit on Empowerment of Women Report 3/2016 - India	
49	New South Wales Auditor General's Report on Responding to domestic and family violence	





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