



FWRM SUBMISSION ON THE PROPOSED CHILD JUSTICE BILL 2023

Introduction

The Fiji Women's Rights Movement (FWRM), established in 1986, is a multi-ethnic and multicultural nongovernmental organization committed to removing all forms of discrimination against women through institutional reform and attitudinal change, through targeted research and advocacy. One of the greatest accomplishments of FWRM's targeted advocacy work was the codification of the Fiji Family Law Act 2003, a result of persistent, human rights based and feminist advocacy work.

FWRM's core institutional values are **feminism, democracy, multiculturalism, good governance, rule of law** and **human rights**. As such FWRM holds dear principles upholding these core values and is committed to its continued efforts in advocating for them.

Fiji's Context

Fiji has ratified international law such as the Convention on the Elimination on All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Convention Against Torture (CAT).

On the domestic front, section 41 of the Constitution of Fiji stipulates the rights of every child in Fiji which demands that every child be

"...be protected from abuse, neglect, harmful cultural practices, any form of violence, inhumane treatment and punishment, and hazardous or exploitative labor;..."

FWRM's Work

FWRM's Annual Rape Case Analysis: Sexual Violence Against the Girl Child

Following on from the research titled Balancing the Scales: Improving Fijian Women's Access to Justice 2017, FWRM now carries out annual rape case analysis for every rape case which is published on www.paclii.org. The cases analyzed are those that have been finalized in court in that particular year.

In terms of offender profile the youngest age of perpetrator who has been found guilty of rape every year since 2018 also continues to be under 18 years old.

Year	Age of Youngest Rape Perpetrator	Link to Analysis
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2018	11 years old	https://www.fwrn.org.fj/images/A2J/FWRM-2018-Rape-and-Trend-Analysis.pdf
2019	12 years old	https://www.fwrn.org.fj/images/Sexual Violence Against Women and Girls Rape Case Analysis 2019 updated.pdf
2020	14 years old	https://www.fwrn.org.fj/images/Sexual Violence Against Women and Girls Rape Case Analysis 2020 final.pdf
2021	11 years old	https://www.fwrn.org.fj/images/A2J/2021 Rape Case Analysis.pdf
2022	17 years old	https://www.fwrn.org.fj/images/Sexual Violence Against Women and Girls Rape Case Analysis 2022.pdf

Rape is a form of gender based violence which means that majority of the victim/survivors are women and girls and overwhelmingly majority of the perpetrators are men and boys.

Issues of Concern

1. High Levels of Sexual Violence experienced by women and girls

Women and girls in Fiji are not safe in our homes, schools, public transport and in recent times, even at the workplace. 1 in 5 women in the workforce in Fiji having had experienced sexual harassment in the workplace¹ (much higher rates for female journalists²). Rape cases decided in the High Courts show the staggering amount of victim/survivors of rape, majority of whom are women and girls. As the table above shows, the offender profile also includes the boy child. Violence against women and girls is caused by patriarchy which is how Fijian society has structured itself in holding unequal gender relations between the two major sexes.

In writing laws which are gender blind, we miss the mark on addressing key areas of concern when it comes to crimes eg sexual violence. Sexual violence in Fiji is gendered in nature and must be acknowledged in laws as such. Similarly certain crimes are committed by certain groups, therefore specialised training must be mandated to ensure that gendered crimes do not occur, by anyone.

2. Lack of gender sensitivity training in schools, workplaces and communal settings

As mentioned in the first issue of concern, sexual violence is a product of patriarchy or unequal gender relations. Therefore a gendered approach to making sure that it does not happen is urgently needed. FWRM submits that gender sensitivity training must be given out to school students, workplaces and correctional facilities housing children. Gender based violence is preventable and can be immediately stopped if the right approach is taken by the State. FWRM welcomes the launch of the National Action Plan to Prevent Violence Against All Women and Girls (2023 – 2028) (NAPVAWG) and the State should ensure that in implementing this new Child Justice law, it complements the efforts of NAP.

¹ <https://www.fwrn.org.fj/publications/research-analysis/not-ok-stop-sexual-harassment-campaign> accessed 18/07/2023

² <http://www.fwrn.org.fj/images/fwrn2017/PDFs/research/FWRM-USP Prevalence and Impact of Sexual Harassment on Female Journalists A Fiji Case Study.pdf> accessed 18/07/2023

RECOMMENDATION

Therefore, FWRM recommends that

1. The State write laws in a gender-responsive manner, avoiding gender neutral language, and recognizing the gendered nature of crimes perpetrated by children (who is offending and what type of crime);
2. The State take appropriate steps to balance the scales with regards to gender-based violence, including gender sensitivity and awareness training for children in schools, to prevent crime from occurring;
3. The State continue to work with feminist CSOs like the Fiji Women's Rights Movement to build capacities on gender issues, and how to effectively incorporate gender lensing into child justice laws.
4. The State work in partnership with feminist CSOs to deliver gender sensitivity training to those children who have come into contact with the law, as part of their rehabilitation process.