



FIJI WOMEN'S CRISIS CENTRE

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Legal system victimises women

"The justice system in Fiji and around the region contributes greatly towards social injustice and is blind towards woman victims of violence". This was the opening remarks made by Justice Nazhat Shameem at the 4th Pacific Regional Meeting Against Violence Against Women, at Lagoon Resort on 13th February 2005.

"A provision in the Criminal Procedure Code allowed magistrates to promote reconciliation between the parties if the charge was of a personal nature," said Justice Shameem.

In her speech, she stated that a woman who had been continuously beaten by her husband believes that the judiciary will do justice and will hear about the assault but is told by the magistrate that she ought to reconcile with her husband.

Coming from the bench, for many women, the judicial advice to reconcile is similar to a divine edict. Often she feels she has no choice but to reconcile and the whole cycle of beating continues.

Justice Shameem added that even if the victim refused to reconcile and the matter went to trial, the giving of evidence, the cross-examination, and the sentence, which is rarely a custodial sentence, do not enhance the victim, a faith in the judicial system that it truly recognizes a simple truth, that



Opening address at the 4th regional meeting against Violence against Women by High Court Judge, Justice Nazhat Shameem

domestic violence is a criminal offence.

In relation to crimes against women, many women might be forgiven for thinking that it is entirely fitting that the figure of justice is blindfolded, that justice is blind to the pressures brought to bear upon women and children to tolerate assault, rape, corporal punishment and abuse—that justice is blind to the serious inequalities that exist in all our societies in relation to men and women.

Justice Shameem said that the Fiji

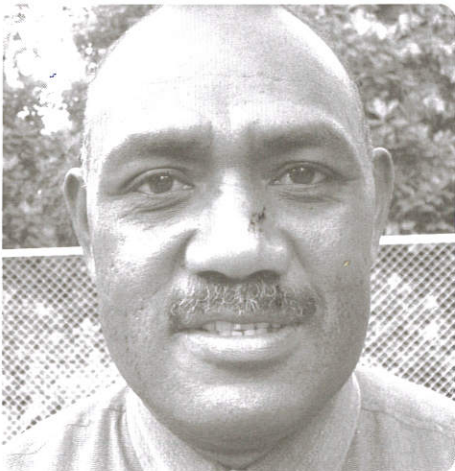
judiciary recognised the special disadvantage suffered by women. Although the measures adopted have not been revolutionary, they have been significant. The closing of the courts to hear the evidence of the rape victim, the use of the screen for child victims, and very recently the judicial abolition on the rule of corroboration in the Court of Appeal are examples of such advances.

The judiciary, the police, the prosecutors in Fiji and the region, have increasingly become part of an international body of law and justice bodies. The judiciary are now taught to recognize social inequalities in giving effect to the right to equality in the law. In developing the Bill of Rights, the legal system recognizes the important role of justice in the context of society.

In recognizing and living the important role of a judge or magistrate in enforcing laws equally and justly, the judiciary sets standards for other law enforcement agencies to follow.

In conclusion, Justice Shameem stated that the challenge for the next ten years for the police, prosecution, and prisons, is their ability to develop their roles in a way, which is consistent with the equal and just application of the law for the victims of gender based crimes.

RTP makes Sgt Aliko more aware



Sgt Aliko Posiyala

At the completion of the Regional Training Programme, Sgt Aliko Posiyala realized what he had learnt in the 28 years of being in the police force, was very limited compared to what he had just learnt in 4 weeks.

Sgt Aliko confessed that he himself had different views about the function of FWCC. However, it only took the first day of training for him to realise what the FWCC was about and the issues that we fought for.

"My perception of FWCC has changed and I believe I have changed as well through this training," he says.

He added that, the training was very well organized and the facilitators were very well engaged with what they do, which made the

sessions much more interesting. According to Sgt Aliko, working at the Juvenile Offences Bureau, one has to have the patience and a certain type of personality in order to carry out their work effectively.

He adds, "people forget they are children, and while they need direction in their lives, they need to be listened to, to be counseled and have their rights properly observed." Sgt Aliko says that this training provided him with just the information and skills he needs to do his job efficiently and with sensitivity.

The main challenge now is to pass what he has learnt to his colleagues in the workplace, to his family members, the youth groups, men's fellowship and the community which he is a part of.

Regional meeting on violence

The Pacific Women's Network Against Violence Against Women, of which the Fiji Women's Crisis Centre is the secretariat, held its 4th Pacific Regional Meeting Against Violence Against Women from 14th – 18th February at the Lagoon Resort.

This four-yearly meeting brought together thirty-six participants both men and women network members from Tonga, Vanuatu, Papua New Guinea, Solomon Islands, New Caledonia, Cook Islands and Fiji to discuss and share strategies and obstacles encountered in their respective countries.

The meeting focused on law and law enforcement issues and emerging Pacific issues that impact on violence against women.

Guests that attended the opening ceremony were from the law fraternity, representatives from AusAID, NZAID, UNIFEM, UNFPA, Government and members of the NGO coalition who pledged solidarity in efforts to minimize if not eliminate, gender violence.



Participants at the 4th Regional Meeting against Violence against Women, February 2005 at the Lagoon Resort

Presentations during the week-long meeting were made by Director of Public Prosecutions Office, Pacific Islands Forum Secretariat, Regional Rights Resource Team (RRRT), Fiji Law Reform Commission, Fiji Human Rights Commission and Pacific Regional Policing Initiative.

The participants voiced their concern that the abuse of traditional practices

encouraged violence against women and the legal system did not have adequate responses towards the victim.

An outcome of meeting was the acknowledgement of participants that their respective governments had not given priority to resources and policy and legislative developments in relation to violence against women and children.

Calendar of Crimes

JANUARY 2005

- **6th** - Tafizul Rahiman of Nadi, arrested for the murder of his wife.
- **7th** - Umesh Kumar, 36 of Ba appeared in court charged with attempted rape.
- **7th** - A woman is recovering in hospital after her estranged husband stabbed her.
- **8th** - Three youths aged between 17 and 20 years investigated for raping a 16-year old mentally challenged girl.
- **11th** - A man is being investigated for allegedly raping and impregnating his 20-year old niece.
- **12th** - Lutu Cevakibau, 40, allegedly beat his six-year old daughter to death with pieces of wood went on trial in the High Court.
- **12th** - A man who allegedly raped his 15-year old daughter is in police custody.
- **15th** - Keshwa Nand, of Nasinu was given a warning by the court for assaulting his wife.
- **15th** - Tang Lu Guang, charged with the murder of his girlfriend, jailed for life by the High Court in Suva.
- **19th** - Four 14-year old high school students appeared in court for attempting to rape their female classmate pleaded not guilty.
- **20th** - A 28-year old man appeared in court for assaulting his wife.
- **22nd** - Man who raped his daughter sentenced for 15 and 3 years for indecent assault.
- **24th** - A 39-year old man of Taveuni, in court for allegedly raping a 21-year old woman.
- **26th** - A 24 year old man in jail for assaulting

his wife and 4-year old stepdaughter with a hosepipe.

• **28th** - A grandfather was jailed for indecently assaulting a four-year old girl.

FEBRUARY 2005

- **4th** - A 38 year old farmer from Tailevu who allegedly raped his 9 year old daughter is yet to be arrested.
- **5th** - A 52 year old man, jailed for 10 years for sexually assaulting his 2 daughters in Lautoka.
- **6th** - 22-year old man to appear in the Lautoka court for the assault and rape of an 18-year old girl.

MARCH 2005

- **16th** - A senior police officer is being investigated for allegedly sexually assaulting a female officer.
- **17th** - Rajendra Kumar, 38, jailed for six weeks for assaulting his wife.
- **22nd** - A 39-year old man in custody for allegedly sexually assaulting a 2-year old girl.
- **22nd** - A 21-year old man been charged with sexually assaulting a 10-year old girl.
- **27th** - A 37- year old man in police custody for allegedly raping a 12-year old girl.
- **28th** - A 39-year old man who assaulted his wife, jailed for 12 months.
- **29th** - Two police officers charged and two other officers being investigated for raping a woman in Nadi.

APRIL 2005

- **8th** - Police questioned a 54 year old man for

attacking his after accusing her of extramarital affair.

• **12th** - A 24-year old farmer is in police custody after he was arrested for attempting to rape a 64-year old woman.

• **13th** - A 47 year old man, sentenced to 10 years for raping his 15 year old daughter last year.

• **15th** - A son and his father are in police custody after they allegedly assaulted the son's wife with an axe.

• **19th** - Police have arrested a man, alleged to have raped a 15 year old girl in Suva.

• **23rd** - A 24 year old man was jailed 18 months for attempted rape.

• **23rd** - A 35 year old father, sentenced to two and half years for indecently assaulting his 12 year old daughter.

• **29th** - Penijamini Soso, 35 of Macuata, sentenced to 12 months imprisonment for sexually assaulting an eight-year old girl.

MAY 2005

• **2nd** - Dinesh Lal Sharma, 32 of Rakiraki, in police custody for attempting to rape a 21-year old French tourist.

• **23rd** - A 19-year old boy and another youth, in police custody for allegedly gang-raping a Form Five student.

• **23rd** - Lemeki Naiqito, 30, charged with attempted rape in Sigatoka.

• **23rd** - Maikeli Baleibaravi appeared in court for assaulting hiswife.

• **23rd** - A man appeared in court facing ten charges of raping his 16-year old daughter.

D-Day for teen rape suspects

Chief Magistrate Davi Salram will make its ruling day on four 14-year-old students charged

Man appears on rape charge



Male participants at the Taveuni Gender Awareness Workshop

Gender awareness programme in Taveuni

In April, FWCC Coordinator, Shamima Ali and Senior Counselor, Yishu Lal traveled to the island of Taveuni to conduct community awareness on gender-based violence against women and children. Sera Bogitini from the Labasa Women's Crisis Centre was also part of the team.

During the week-long program, Ms. Ali conducted sessions at ten different locations throughout the island, including the Taveuni Police Station. Discussions were held separately for the male and female participants on issues of domestic violence, particularly on how to prevent violence in their own homes.

For the students, she gave an outline of the Center's role and Children's rights and responsibilities. Ms. Ali stated that South Taveuni Primary School was an excellent example of the role of teachers in educating the young on their rights, and further congratulated the head teacher and staff of the school for their tremendous effort.

While there is evidence of some awareness of rights and legal systems on the island is of great concern. Poverty is another major concern in Taveuni.

Manila training for FWCC staff

Four FWCC staff were given the opportunity to attend a 3 week workshop for service-providers of sexual assault and domestic violence.

Siteri from the Nadi Women's Crisis Centre was given a full scholarship by the Women's Crisis Centre in Manila whilst Shobna from FWCC, Filo from BWCC and Teresia from LWCC were given partial scholarships.

The training took a very hands on approach and the four were given the chance to meet survivors of child abuse, sexual assault and domestic violence.

The four women also visited the squatter settlements where they were able to see the extent of the poverty. The largest squatter settlement house some 200,000 families and was also where majority of the violence took place.

However they found the good working relationship between the NGO's and the government very encouraging. According to Shobna, there were many homes or shelters women could retreat to, which were provided by NGO's and the government.

There were also programs in place by the NGO's and the government which empowered women through the teaching of new skills such as sewing, cooking, learning to type and farming. Women were then able to use these skills to earn a living, which was a boost to their self-esteem.



Shobna, Siteri, Teresia and Filo with participants at the Manila Workshop

THEY SAY



Cpl Sera Tabua

"I always knew that women endured so much violence in our society, but this training really taught me a whole lot more of the hardship and injustice that women face in our country. My main goal now is to take what I have learnt in this training and share with my colleagues, my family and my community. There is no room for violence against women."



Cpl Sakiusa Tunakelo

"I have many cases that I have to deal with everyday. After this training, I know that when it comes to cases such as domestic violence, I need to be sensitive with the way I deal with it and also keep in mind what the woman is going through."

We'd love to hear from you!

We welcome letters to the Editor. If your letter is published in our newsletter, you will win an FWCC t-shirt. Please include telephone contacts, email address and mailing address with your letters.

FWCC t-shirts are available at our Suva office at \$10 each and come in S, M, L and XL sizes.

Our lives begin to end the day we become indifferent about things that matter.

Violence is a health risk

Violence against women (VAW) and girls is a human rights and public health emergency worldwide. It causes mental and physical injury, exposes women to diseases and forced pregnancy and increases women's vulnerability in all spheres of their lives and in extreme cases, ends in women's deaths.

There are many reasons and theories for violence against women, but worldwide the belief is the unequal gender relations. Traditional female roles in society, especially that of the Pacific, leave women with very little decision making power, money, land and other benefits as compared to men.

Violence against women includes many different forms of physical, sexual and psychological violence that can take place in different circumstances and involve different abusers.

According to a research done by the Fiji Women's Crisis Centre, the husband or de-facto accounted for 60.8% of the number of times people were identified as the attacker in the home. Where is a woman safe, if she isn't even safe in her own home? And what is the reason for such an attack?

According to the Fiji Women's Crisis Centre, 66.7% of men said they considered it all right for family members to hit a woman with their hands or an object for disobedience. This disobedience is not being



a good and caring mother, refusal to have sex and perform house duties such as cooking the food on time, warming the food for the husband and adultery.

Considering that one in every three women in the world experiences violence in her life, one would think that women's access to health services would be a priority for every government, but it is not. The right to health is indeed a fundamental human right and applies to both women and girls.

In Fiji for example, there are health centres around the country and in the islands. However, these health services need to be more accessible.

How would a woman in the rural area who has been severely bashed by her

husband get to a health centre that is 5km away? There are no taxis and no telephones. And if she did make it to the health centre, how would she feel upon arriving, that nurses are not so supportive of her circumstances. Rather than care and support, many abused women receive rejection and neglect at health services because public health systems absorb the social norms that dictate men's superiority over women and actually condone violence against women. In essence, health workers lack the training on gender-sensitivity issues, awareness and practical training to provide the support to these women.

When each country ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), they signed up to a policy of eliminating violence against women. This means ensuring that all health workers are gender-sensitized in order that abused women are more encouraged to seek medical help rather than treat their wounds and injuries at home.

This means referring women to the appropriate service providers of abused women, should they need further counseling and support. This means working in collaboration with the women's groups to identify where counseling or support may be needed in the region. This means fulfilling the obligations of CEDAW.

COMMUNITY EDUCATION

JANUARY

- USP Language students: Role of FWCC
- American Students: Violence against Women and Portrayal of Women in the Pacific media.
- SPC Pacific Journalists Training: Violence against Women in the Pacific media.

FEBRUARY

- Corporals Qualifying Course, Police Academy, Suva: Gender and Domestic Violence.

MARCH

- Sigatoka Research Station: Domestic Violence, Child Abuse and Legal Literacy.
- PRPI - Regional Police Training Headquarters: Training issues.

- Nausori Health Centre: International Women's Day and Women's Rights.

- Bulileka Housing, Labasa: Effects of Domestic Violence, Legal matters and Police procedures.

- Oceania Disabled Peoples Association: Violence and Disability.

APRIL

- Wairiki Secondary School, Taveuni: Child Sexual Abuse, Children's Rights, Roles and Responsibilities.

- Qila Village: Domestic Violence and Legal Rights.

- Bucalevu Secondary School, Taveuni: Children's Rights.

- Taveuni Police Station: Gender issues.

- Naqara Hall, Taveuni: Domestic Violence.

- Niusawa Methodist Central Indian School: Child Sexual Abuse and Domestic Violence.

- Nauluvatu village, Tailevu: Role of FWCC and issues on Domestic Violence, Child Sexual Abuse and Rape.

- South Taveuni Primary School: Child Sexual Abuse and Children's Rights

- Qarawalu and Lovonivono



Police officers discussing gender issues in Taveuni



Sera Bogitini with the elders of Lovonivono Village, Taveuni during a community education programme

- villages: Domestic Violence

- Nasinu Prison: Gender issues

- USP - PDLP students: Restraining Orders

MAY

- UNFPA Medical Personnel: Pacific perspective on Gender based Violence

- Waibogi village, Serua: Domestic Violence and Child Abuse

- Sigatoka Parish Hall: Child Sexual Abuse.

- Leadership Fiji: Women's Rights

JUNE

- Investigators Qualifying Course: Domestic Violence

- PSC In-house training (Ministry of Labour): Sexual Harassment.