



**FWRM**  
FIJI WOMEN'S RIGHTS MOVEMENT

# Fijian Women's Access to Justice during COVID-19 Response Period

## KEY FINDINGS - WHAT WOMEN ARE SAYING

The overall purpose of this study is to gather information from women's experiences with the formal justice sector during the COVID-19 pandemic. As a comparison to the 2017 research, FWRM hopes to dissect whether the experiences (positive or negative) have been impacted (worsened or made better) in any way during the pandemic. Using this comparison FWRM will document the gendered impact of COVID-19 on Fijian women, to be used to lobby policy makers and the legislature in implementing programs, recovery plans and budgets to address the inequalities perpetuated by COVID-19 for women's access to justice.

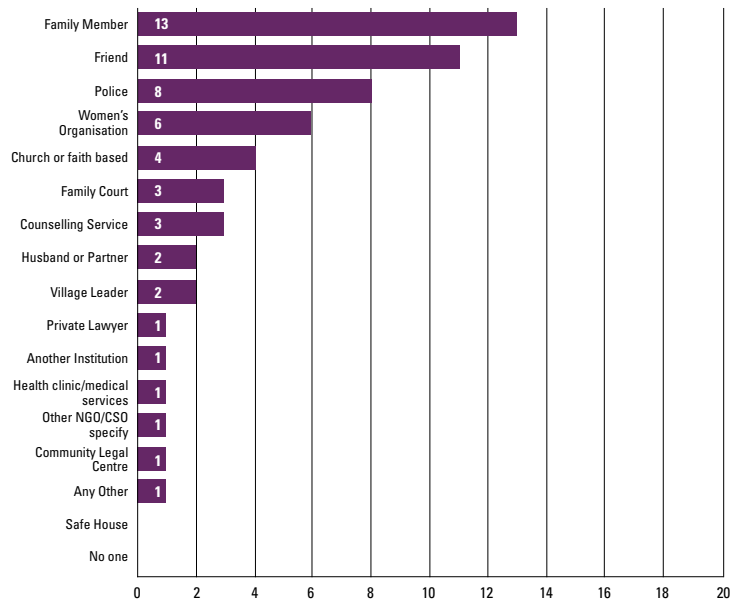
### 1. Reporting of Violence

Respondents were asked about their experience with the formal justice system, during the COVID-19 pandemic whilst they experienced gender-based violence.

- 21% of all the 33 women surveyed, have been experiencing gender-based violence for more than 5 years
- 30% of all the 33 women surveyed have experienced violence lasting 1 – 3 years
- 55 years is the longest duration a survey respondent has endured gender-based violence, the highest period of on-going violence captured by the survey. This has attributed to the following stark statistic:
  - 1,890 is the average number of days it took all 33 women respondents from their first incidence of violence to the time they sought police/court assistance during COVID-19 response period starting mid-March 2020. For some of the women, this was not the first time they had gone to the police/Courts.
  - In comparison 868 is the average number of days it took all women respondents in 2017, to apply the same action, according to the 2017 Women's Access to Justice: Balancing the Scales<sup>1</sup> research.
  - Compared to the 2017 research, this research has more diversity in the age range of participants, which has contributed to the stark increase in average number of days taken by women to report violence.

### 2. Seeking Help

Respondents were asked about the steps they took in acquiring assistance for their violence and/or family law issues. The list of persons/organisations that were involved across different phases of the respondents' experience as are as follows:



- 67% of the respondents approached other persons/ organisations before going to Police/Courts this is slightly higher than 64% recorded in the 2017 FWRM research report Out of the people listed as preferred choices for participants to seek assistance from, the top 2 are:

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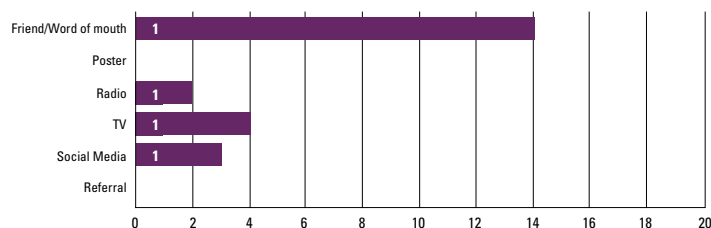


**KEY FINDINGS**

- Family members and/or;
- Friends

Compared to the 2017 research the people listed as preferred choices for participants to seek assistance from are:

- Family Member (47%) and/or
- Women's Organisations (20%)
- Majority of women prefer to seek assistance from other people and/or organizations as their first choice of response, compared to going to the police or courts.
- Only 3% approached the Legal Aid Commission before going to Police/Courts. In the 2017 research<sup>2</sup> 10% of women respondents had gone to Legal Aid Commission. There is a sharp decrease in women respondents seeking assistance from the Legal Aid Commission during the pandemic.
- Out of the 67% that did seek help from other persons/ organisations, the various mediums used to know about these persons/organisations are as follows:



The respondents who did reach out to organisations such as medical, counselling and legal service providers (Fiji Women's Crisis Centre, Medical Services Pacific, Legal Aid Commission etc), apart from the formal justice sector (Police/Courts), knew about these organisations mostly via Friend/Word of Mouth. Other mediums included TV, Radio and Social Media.

This is similar to the 2017 FWRM research report findings<sup>3</sup> which had 67% of women hearing about organisations via friend/word of mouth. Social interactions remain the primary way to pass information regarding access to justice.

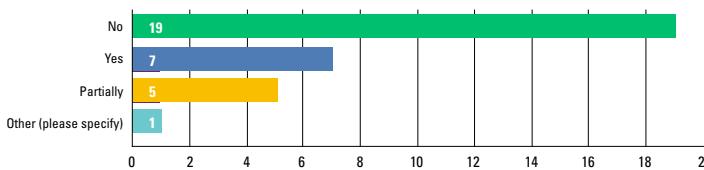
- Out of the 33 women interviewed, the respondent with the highest number of visits to Police visited them over 20 times. These visits were made prior and during the pandemic response period.
- The respondent with the highest number of visits to Family Court since her family case had started went to Family Court 60 times over a period of 5 years. Her case is still ongoing.
- Of the 33 women who participated in the survey:

- 13 women sought a domestic violence restraining order, 5 of these women were successful in obtaining one
- 9 women sought spousal or child maintenance, 1 of these women was successful at the time survey was conducted
- 7 women sought a court order for child custody, none of these women were successful at the time the survey was conducted
- 9 women sought a divorce, 1 of these women were successful at the time survey was conducted
- 15 women still had cases underway at the time survey was conducted
- 1 woman reconciled with her partner

Note: some women sought more than one remedy.



**3. Women's perceptions on whether going to Police/Court produced the result that they wanted**



Out of the 33 women interviewed, 19 women (59%) did not think going to Police/Court produced the result that they wanted. Only 7 thought it did (22%) whilst 5 women (16%) thought going to Police/Court partially produced results that they wanted. 2 women (3%) did not answer the question. This analysis was not part of the 2017 research.

22 out of 33 women interviewed (67%) said that they faced difficulties in going to Police/Courts. This is the same percentage as that which was reflected in the 2017 research.<sup>4</sup>

#### 4. Challenges in seeking assistance with the Police/Courts

Women survey participants were asked to rate their experiences in terms of the difficulties listed below when going to the Police or Courts:

- Fear of physical attack
- Physical attack by partner/husband
- Fear of stigma, or what people would say
- Did not know where to go
- Did not know court processes
- Delay in serving DVRO
- Told to resolve dispute within family/village rather than lodge complaint by Police and family/friends
- Experienced assault
- Experienced insult
- No one took them seriously

The top 2 difficulties identified were:

- (i) Fear of being physically attacked (retaliated against) and;
- (ii) Fear of what others would say about it

#### 5. Police

The women that managed to present themselves to police stations or police officers expanded on their experiences.

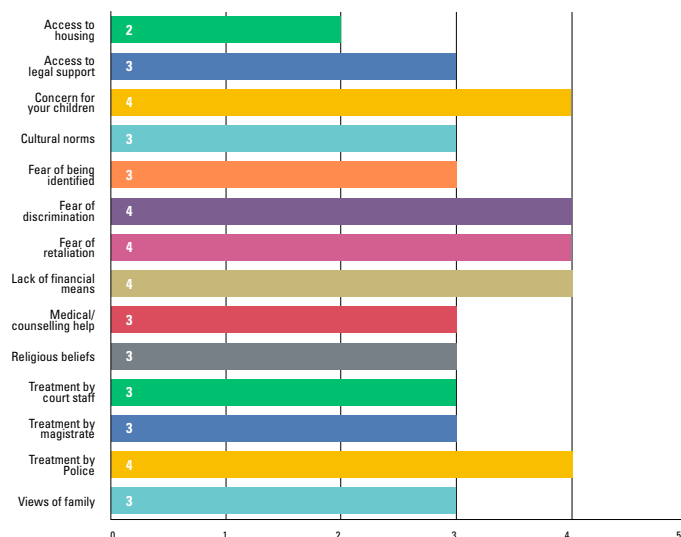
- 43% of the respondents were impressed with the services of the Police. The 2017 research did not capture this statistic.
- 31% of the respondents who went to the Police during the Covid-19 response period (mid-March 2020 and onwards), stated that: -
  - they did not feel safe at the police station
  - that the Police delayed serving their DVRO
  - that they did not treat the respondents with courtesy and respect while they gave their statements at the station
  - the police tried to act as counsellors and get respondents to reconcile with their partners
- 59% of the respondents stated that police did not take any action regarding their complaint
- 38% of the respondents did not agree that the police listened to what they had to say, and included this in their statement
- 6 in 10 women who had been to the police stated that the police treated them with courtesy and respect while they made their statement at the police station, listened

to their account of what had happened and included all their points in the statement.

- 4 in 10 women who had been to the police stated that the police:
  - tried to act as counsellors and reconcile them with their partner
  - refused to take any action following their complaint
  - delayed serving the domestic violence restraining order

#### 6. Accessibility

- 18% of the respondents needed assistance to get to a courtroom or police station if there were stairs. This statistic was not captured in the 2017 research.
- 69% stated that they needed assistance in completing written documents. In the 2017 Research the figure was similar at 70%<sup>5</sup>.



#### 7. Factors taken into consideration by women when deciding whether to resolve family/violence issues by going to Police or Court

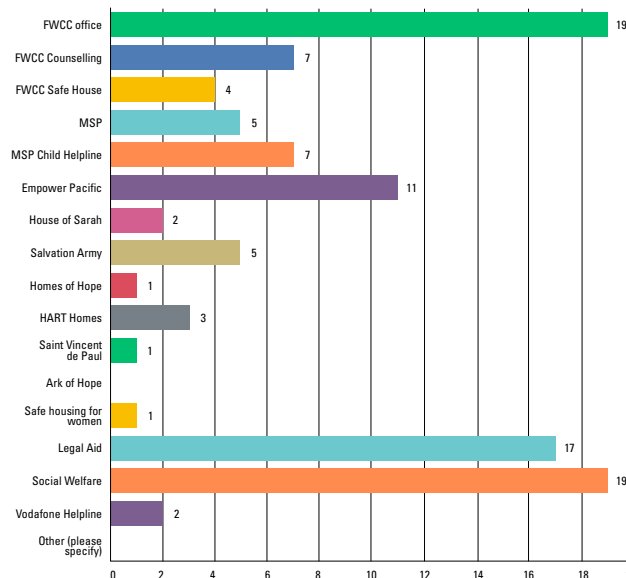
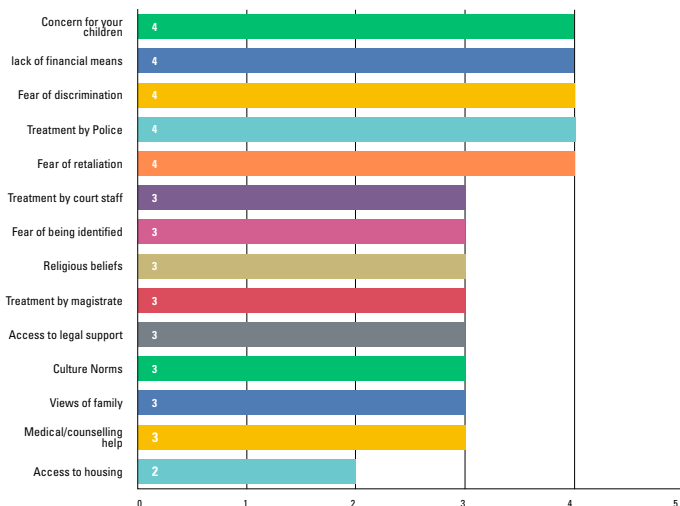
- Respondents were critically concerned about their children when deciding whether to go to police or courts. 73% had children. 53% of the women who had children thought this consideration was critical, 22% thought it was very important and 6% thought it was important.
- The top 5 critical considerations are:
  - (i) Concern for children 53%

**KEY FINDINGS**

- (ii) Lack of financial means 42%
- (iii) Fear of discrimination or victimisation 34%
- (iv) Concern for treatment by Police 32%
- (v) Fear of retaliation 32%
- Respondents were asked on a scale of least important to critically important on the following concerns and fears:

**8. Medical, legal, counselling service providers**

- 6 women were completely unaware of services available however with the remainder of the respondents that knew of services, they all identified three common service-providers namely, the Fiji Women's Crisis Centre, Social Welfare Department and the Legal Aid Commission.



- 55% of women who had family court cases felt that the way their case was handled was fair.
- Only 36% of women surveyed said that cultural norms were not important or less important for their decision to access the police or court

*“Police told me, we don’t take statements for minor things like threats made by husband’ ”*

*“Women should be financially independent so it is easier to leave abusive relationships”*

**Endnotes**

- 1 [http://www.fwrm.org.fj/images/fwrm2017/publications/analysis/Balancing-the-Scales-Report\\_FINAL-Digital.pdf](http://www.fwrm.org.fj/images/fwrm2017/publications/analysis/Balancing-the-Scales-Report_FINAL-Digital.pdf)
- 2 Ibid.
- 3 Ibid.
- 4 Ibid.
- 5 Ibid.

**Research Contributors**

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*Views expressed in this publication are the author's alone and are not necessarily the views of the Australian Government.*

