

## **ENDING VIOLENCE AGAINST WOMEN AND GIRLS: PACIFIC REGIONAL SCAN**

### **1.0 INTRODUCTION**

This Regional Scan is part of a global assessment by UNIFEM on actions to end violence against women. The Pacific Regional Scan has a regional overview and a more detailed consideration of three countries: Fiji, Vanuatu and Samoa (specified by UNIFEM). Three categories of violence experienced by women and girls - domestic violence, rape, and sexual assault of the girl child<sup>1</sup> -were identified as the focus for the Scan. Terms of Reference for the Study are at Annex 1.

While this report cannot purport to be a comprehensive study of a diverse region that comprises 26 nations and territories, it is clear that violence against women and girls is a very large and extensive problem. It has a severe impact on the health and wellbeing of women and girls, the attainment of their economic, social, civil and political rights and their contributions to national development.

The consultants wish to acknowledge the dedication, commitment, courage and perseverance of the people in many organisations working to end violence against women and girls (VAWG). We also wish to acknowledge the courage of women, men and children who are making changes for themselves and their communities by speaking out against, and acting to end, violence and abuse. We wish to thank all those who have assisted in this study through sharing of experiences and information through meetings and documentation.

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<sup>1</sup> In line with the Convention on the Rights of the Child, the girl child is regarded as a female child under 18 years of age. In many Pacific Island countries the notion of girlhood is over early. Girls are often married quite young. From an early age girls may take on domestic, work and family responsibilities; they are discriminated against in education and other privileges not afforded to them because of their gender. The issues facing women in unequal relationships are therefore often the same ones facing girls.

## **2.0 METHODOLOGY**

This Scan was carried out over a five week period in April/May 2002. Information was gathered through:

- consultations with government and non-government agencies during a three week field visit to Samoa, Vanuatu and Fiji by Avega Bishop. UNIFEM in Fiji, Peggy Fairbairn-Dunlop in Samoa and the Department of Women's Affairs in Vanuatu arranged the programs. People and organisations visited and others consulted via e-mail are listed at Annex 2.
- a questionnaire was sent to all members of the Pacific Women's Network Against Violence Against Women and information specifically sought via e-mail from Papua New Guinea.
- a literature and information search and assisted by Moira Finucane.

### 3.0 THE PACIFIC REGION

The Pacific Region<sup>2</sup> has a population of approximately 12.1 million people inhabiting 500 islands, spread over 30 million square kilometres of the Pacific Ocean. It includes three subregions: Melanesia, Polynesia and Micronesia, based on ethnic, linguistic and cultural differences. The region is home to .1% of the world's population and one third of the world's languages, with 867 spoken in PNG alone.<sup>3</sup>

Key indicators - literacy, education, representation in decision making, poverty - point to an inequality between women and men throughout the region.<sup>4</sup>

The dominance of men and the low status of women and children is characteristic of the gender and age power relations throughout the Pacific.<sup>5</sup> Hierarchical chiefly structures and cultural and religious views of men as head of the household and family are important determinants of women's status in society. Cultural practices including the Melanesian marriage custom of brideprice reinforce the belief that women are the property of men. These together with the influence of the Church as a key social institution often leads to the view that women subject to violence should stay with their husbands. Many Pacific Islands have two systems of law - customary laws and formal law. Conflict exists between customary law and changes, both in attitude and national legislation, regarding women's human rights and equality between women and men.<sup>6</sup>

Gender relations in contemporary Pacific cultures are characterised by inequality of power, opportunity and access to resources. These relations are closely linked to cycles of violence that maintain low status and high levels of victimisation for girls and women.

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<sup>2</sup> Although violence against women is a significant problem in both Australia and New Zealand, these countries are not considered in this report.

<sup>3</sup> Secretariat of the Pacific Community, The Pacific Region, <http://www.spc.int/region.htm>.

<sup>4</sup> Across Samoa, Fiji, Solomon Islands and Vanuatu and Tonga 90 girls to 100 boys attend primary school, and 68% of females are literate compared to 74% of men. Most Pacific countries are not included in the UNHCR reports, and no current HDI, GDI or GEM statistics are available for the majority of Pacific countries.

<sup>5</sup> E. Cox, 2000, Gender, the links between violence against women and children: the problems and the potential for change, unpublished paper.

<sup>6</sup> P.I. Jalal, 1998, Law for Pacific Women, p.46.

## 4.0 OVERVIEW OF VIOLENCE AGAINST WOMEN AND GIRLS

This study utilises the definition of Violence Against Women contained in the United Nations Declaration on the Elimination of Violence Against Women (DEVAW) as:

“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 or such acts, as coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.

Violence is experienced by women and girls of all ages, ethnic/cultural and socioeconomic groups in the Pacific region. The three categories of violence focused on in this Scan - domestic violence, rape and sexual assault (including incest) of the girl child - both interrelate and overlap. In the majority of cases, violence experienced by women and girls is perpetrated by men they know within the expected safe haven of home and family.

Pacific women's organisations have been working for over 20 years to provide services and support to women and girls experiencing violence and to bring the issue into the public domain. It is largely due to the work of these committed women and organisations that violence against women and girls has been increasingly recognised as a concern by governments in the Pacific in the last 7 years.<sup>7</sup> Lobbying by women's organisations and non-government organisations (NGOs) prior to the United Nations Fourth World Conference on Women (FWCW) in 1995, commitments made by governments in Beijing and the increased international focus on women's human rights in international agendas have led to some significant advances. However there is much more that needs to be done to end VAWG.

### 4.1. Sources of Information and Data on Violence Against Women and Girls

Many women's organisations took up the issue of violence against women and girls as a priority based on the experiences of women. For example, the Solomon Islands National Council of Women took up the issue as a priority in the early 1980's: *“Although there were little or no statistics at all on the scale of the problem, other evidence suggested that it was a widespread one. This consisted of the black eyes, bruises and scratches visible on parts of women's bodies at the workplace, shown among female friends and in the street; and the screaming from different neighbourhoods that one hears and gets told of by the victims and other women.”*<sup>8</sup>

National studies have been undertaken in Fiji, Papua New Guinea and Samoa on the incidence, prevalence, beliefs and attitudes that are related to violence against women and girls, particularly domestic violence and sexual assault.<sup>9</sup> There appears to be a lack of studies specifically on sexual abuse of children. Women's organisations and NGOs providing services to women and girls have quantitative data on clients and valuable qualitative information. These case statistics often show dramatic increases over time.<sup>10</sup>

It is commonly acknowledged that cases of violence and sexual assaults reported to the police and prosecuted in the courts represent only a tiny proportion of the total cases. In Fiji, Vanuatu and Samoa the stakeholders consulted felt that statistics from crisis centres, police and the court system represent just “the tip of the iceberg”. Increases in the number of cases reported reflect increased awareness and changes in community attitudes about seeking assistance and/or pursuing protection and justice through

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<sup>7</sup> This is indicated by national commitments relating to VAWG made at the FWCW, and national reports for Beijing +5 by various Pacific nations, which acknowledge the primacy and work of women's organizations and NGOs in addressing the issue at national levels.

<sup>8</sup> A. Billy, Breaking the silence, speaking out truths: domestic violence in the Solomon Islands, in S. Dinnen and A. Ley, 2000, Reflection on Violence in Melanesia, p.173

<sup>9</sup> Fiji Women's Crises Centre, 2001, The Incidence, Prevalence and Nature of Domestic Violence and Sexual Assault in Fiji; Research conducted by the Papua New Guinea Law Reform Commission (PNGLRC) between 1982-1986; Mapusaga o Aiga, 1996, A Study of Domestic and Sexual Violence Against Women in Samoa, plus unpublished data from the SPC/Ministry for Women's Affairs, Samoa, Family Health and Safety research Project in Samoa.

<sup>10</sup> See FWCC Statistics on new clients seen for each year from August 1994 to 1996, in Ministry of Women's Affairs, The Women's Plan of Action 1999-2008, Volume 2, p.80.

the legal system. This is widely acknowledged to be due to the impact of community education and awareness raising carried out by women's organisations and NGOs over a number of years.

#### **4.2. Forms of violence against women and girls**

VAWG is understood in a broad way to encompass physical, sexual and psychological harm or suffering, including the threat of violence. In many cases women and girls are subjected to all three forms of violence, often repeatedly. While the infliction of physical hurt is often a focus for research and a priority in community education and advocacy, non-contact forms of violence including psychological and verbal abuse have major negative impacts on the health and wellbeing of women and girls. (See Annex 4 for definitions and impact of VAWG.)

**Domestic violence** is regarded as the most common form of violence against women in the Pacific. The term domestic violence is usually used in the region to refer to violence by a husband against a wife, or boyfriend against girlfriend, although the term can also encompass violence between other members of a household or extended family. Domestic violence is often accepted as normal, with both women and men believing that violence by men against their female partners is justified under certain circumstances such as disobedience on the part of the woman, disrespect to the husband's family, flirting or adultery.<sup>11</sup>

Research in Papua New Guinea (PNG) in villages in 16 provinces and in Port Moresby found that on average two thirds of wives have been hit by their husbands. In the villages of Oro and New Ireland 50% of wives experienced physical violence, while in some Highland villages it was close to 100%. While responses from women and men showed that wives also hit husbands, the relative seriousness of wife beating and husband beating was indicated by the very high number of women seeking medical treatment for domestic violence (females 97% vs males 3%).<sup>12</sup>

Other research findings include:

- in Fiji 80% of women surveyed had at sometime in their life witnessed violence within the home. In 95% of the cases victims were females and perpetrators were male. 41.6% of women who experienced violence reported being hit while pregnant.<sup>13</sup>
- in Samoa 46% of women interviewed had experienced some form of partner abuse – of which 38% was physical abuse, 19% emotional abuse, 20% sexual abuse.<sup>14</sup>

Domestic violence against women also **impacts on children**, as witnesses to the violence inflicted on their mothers and as victims of violence themselves. Children learn about adult relationships from their parents, and domestic violence can create a cycle of violence and abuse that continues on from one generation to the next.

**Physical abuse of girls** (and boys) is common in many Pacific countries, although hitting or slapping (and verbal abuse) is not regarded as abuse but rather as a method of instruction or discipline designed to teach children appropriate behaviour. The Fiji Women's Crisis Centre's (FWCC) study found that 57.1% of the victims of violence in the home were children. 32.8% were daughters and 24.3% were sons.<sup>15</sup>

**Rape and sexual assault** appear to be prevalent, often involving extreme violence. This is exacerbated by war, ethnic tensions and tribal fighting. Rape is typically used in war and conflict situations to punish,

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<sup>11</sup> See research by FWCC, PNGLR, MoA, SPC/Ministry for Women's Affairs Samoa cited in footnote 9 above.

<sup>12</sup> Cited in C. Bradley, 2001, Family and Sexual Violence in PNG; An Integrated Long-term Strategy, Report to the Family Violence Action Committee of the Consultative Implementation and Monitoring Council, Discussion Paper, pp. 8-9.

<sup>13</sup> FWCC Research, 2001, p.26; FWCC notes that the high occurrence of violence caused by a women's refusal to have sex with her partner during pregnancy indicates a belief among men that they have or should have control over their wives bodies.

<sup>14</sup> Samoa Family Health and Safety Study, Samoa workshop notes (undated)

<sup>15</sup> FWCC Research, 2001, p.15.

intimidate and humiliate the opponent, and this has been the experience of women and girls in PNG (Bougainville and Kup), Solomon Islands and Fiji.<sup>16</sup>

Domestic violence against wives often involves forced sex (marital rape), although it should be noted that rape in marriage is not recognised under current law in most Pacific Island countries. A 1993 study in PNG found that half of the married women interviewed said they had been forced into sex by their husbands, either by beatings or threats.<sup>17</sup> FWCC research found that 47.9% of married women admitted that they have been forced to have sex with their husbands.<sup>18</sup> The Samoa Family Health and Safety Study is believed to have found that 17% of women interviewed had experienced forced intercourse, 11% coerced intercourse, and 3% degrading sex with their partners.<sup>19</sup>

In the 1993 PNG study men interviewed described gang rape as a common practice, with around 60% of those interviewed having participated in gang rape (known as “line or deep line”). A 1997 study concluded that “the pervasiveness of gang rape as a form of criminal activity has become a major threat to social stability and the security of women and families throughout Papua New Guinea”.<sup>20</sup>

**Sexual abuse of girls** is increasingly acknowledged to be of concern in many countries in the Pacific. It is believed that the majority of child sexual abuse cases involve girls. Most cases do not reach the police, the offender is often the father or other close relative. Incest is not reported due to fear, shame and lack of alternatives. Silence harms the child and protects the abuser.

PNG’s report to the United Nations (UN) on the Convention on the Rights of the Child (CRC) states that “*child sexual abuse is a serious problem, now widely acknowledged as commonplace*”.<sup>21</sup> PNG Police records for 1991-96 show that half of all victims filing cases of sexual assault were under 15 years of age; similarly, data from hospital records for 1994-96 showed that 58% of patients needing treatment as a result of sexual assault were under 20 years old (17% 2-10 years, 20% 11-15 years; 21% 16-20 years).<sup>22</sup> In Vanuatu sexual abuse of female children from a previous relationship or female children with intellectual disabilities is common.<sup>23</sup> Based on cases seen, FWCC has estimated that 85% of abuse is by people known to the child; sexual assault cases sampled from 1993-1997 by Fiji police indicate that 45% of victims were 15 years or less and that 14% were less than 10 years old.<sup>24</sup>

**Other forms of violence** experienced by women and girls in the Region include:

- forced prostitution/commercial sexual exploitation. In PNG some men sell the sexual services of their wives or sisters. In Fiji, Kiribati and the Solomon Islands it is believed that a proportion of sex workers are under 18 years.<sup>25</sup>
- sex tourism, paedophilia and pornography. The Pacific is increasingly vulnerable as a destination in the sex tourism network, especially given crackdowns in sex tourism destinations in Asia. Foreigners have been charged with child sex offences committed in Fiji. Locally made child pornography is available in PNG: some resorts catering to tourists allegedly provide young girls or boys for sex.<sup>26</sup>

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<sup>16</sup> See FWCC, 2001 The Impact of the May 19 Coup on Women in Fiji: A Researcher Report of the Fiji Women’s Crisis Centre; Mary Kini, Kup Women for Peace, PNG and Maureen Vavozo, Family Support Centre in the Solomon Islands, in Pacific Women Against Violence Newsletter, February 2001.

<sup>17</sup> National Sex and Reproductive Research Team and Carol Jenkins, 1994, National Study of Sexual and Reproductive Health in PNG, PNG Institute of Medical Research, cited in Bradley 2001 p.8.

<sup>18</sup> FWCC, IWD Press Release 2002.

<sup>19</sup> Samoa Family Health and Safety Study, Samoa workshop notes (undated).

<sup>20</sup> GOPNG and UNICEF, 1997, Situation of Women and Children, cited in Bradley, 2001, p.12.

<sup>21</sup> Bradley, 2001, p.14.

<sup>22</sup> UNICEF 1999 cited in Bradley, 2001, p.16.

<sup>23</sup> D. Hughes, 2002, Pacific Children’s Programme Qualitative Study on Child Protection Practices, Vanuatu Country Report, p.34.

<sup>24</sup> FWCC Brochure, 2001.

<sup>25</sup> NSSRRT 1994, cited in Bradley, 2001; ECPAT Australia Newsletter Number 51, based on article in Fiji Times 22 April 1999.

<sup>26</sup> GOPNG and UNICEF 1999, PNG’s Convention on the Rights of the Child Report, cited in Bradley pp.15-16; re Fiji cases see FWCC website.

- End Child Prostitution, Pornography & Trafficking (ECPAT) Samoa believes that there are foreigners living in Samoa who are paedophiles and Samoan children are on child pornography sites on the internet.<sup>27</sup>
- trafficking in women and girls. Adoption of children and overseas employment are areas of concern in relation to trafficking in the Pacific.<sup>28</sup>

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#### **4.3. Impact of Violence on Women and Girls**

Violence against women and girls has wide ranging, negative impacts on their lives. It has a direct impact on their wellbeing and health, often with serious and long term health consequences. These include often severe physical injuries, which in numerous cases result in death. Other consequences may include permanent disabilities, sexually transmitted diseases, HIV/AIDS, unwanted pregnancy, depression, post-traumatic stress disorder, and physical and emotional strain that can lead to suicide. The more severe or longer term the abuse and violence, the greater the impact on women's autonomy, sense of worth, and ability to care for themselves and their children.

Violence – and the threat of violence – reduces women's and girls' opportunities for work, their mobility and participation in education and training, participation in community activities and wider social networks. In PNG many women and girls live in a state of fear due to rape and gang rape, especially in towns and areas of tribal fighting. Violence limits women's participation in development activities and in public life.

The impact of violence against women and girls reverberates throughout communities and nations, in terms of negative effects on family and community life, strain on health services, police, courts, prisons and welfare services, and restrictions on women's economic and political participation.

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<sup>27</sup> F. Soon Schuster, 2002, Pacific Children's Programme Samoa Qualitative Study on Child Protection Practices, p.25.

<sup>28</sup> In many countries adoption of children may be undertaken relatively easily, which raises concerns about potential trafficking and trade in children. In Fiji there have been cases of women workers in free trade zones by day who were forced to have sex by employers. The Pacific Women Against Violence Newsletter of January 2002 includes an extract from a Fiji Sun Herald article of December 2001 concerning the case of a woman who signed a contract to work in the US. She was sent to Samoa where her passport was confiscated, forced to work 19 hours a day without pay in appalling conditions, subject to forced sexual relations, beaten and held in confinement. The owner of the factory was reported to be facing charges arising from the COTOC and in jail in Honolulu.

## **5.0 UNIFEM'S WORK AND THE LARGER CONTEXT OF EFFORTS TO END VAWG**

### **5.1. UNIFEM funding to end violence against women and girls in the Pacific**

UNIFEM support to end violence against women and girls in the Pacific Region has not been substantial to date.

**The Trust Fund.** Three projects in the Region have been funded to date:

- **Kiribati: Women's Unit, Ministry of Environment and Social Development, Education and Training Project on Violence Against Women**

This project was funded in 1997. It is not known whether the project was completed.

- **Fiji: Fiji Women's Crisis Centre, National Domestic Violence Research Project.**

This project was funded in 1998. Research was undertaken using a combination of qualitative and quantitative methods in rural and urban Fiji. It comprised the first national research undertaken in Fiji, and outlined a comprehensive set of recommendations for action by the Centre itself in its on-going programs and for other key organisations. It represents a best practice example of action research, where FWCC was able to develop its own capacity to undertake research, with support from the Ministry for Women and cooperation of the Fiji Police in undertaking analysis of police records from 1993-97. The Ministry for Women and the Asia Foundation also provided funding.

- **Fiji: Young Women's Christian Association (YWCA) of Fiji, Empowering Community Leaders and YWCA Members to Eliminate VAW and Promote Gender Equity Project**

This project was funded (US\$20,854) in 2001 and is currently being implemented. It is an example of an organisation with a broad membership that could make a contribution to work to end violence against women and girls, but requires capacity building itself over a period of time.

The YWCA does not have expertise or previous experience in working to end VAWG, and sought initial advice from FWCC on how to implement the project once funding was obtained. It appears that after short training programs (3-5 days) community volunteers have been asked to interview individuals and conduct focus groups on violence against women in their communities. The potential danger to those involved and lack of adequate support and expertise to deal with issues that may arise was not considered by the YWCA, which was acting in good faith to meet what it considered were UNIFEM's requirements for baseline and impact data.

Issues concerning the Trust Fund:

- until the 2002 funding round, the UNIFEM Regional Project Office did not publicise the Fund in the Pacific region. Organisations aware of the fund applied direct to UNIFEM New York.
- funds available through this facility are limited. The Pacific is located in a regional pool that includes Asia and the Middle East. Given more numerous organisations working on VAWG in the Asian region, there is a difficulty in even well written and conceived proposals being successful given (limited) funds available annually.
- Trust Fund guidelines specify that funding cannot be provided for counselling, hotlines or other service provision, yet there is substantial need for support in these areas in the Pacific region.
- Some organisations that are able to undertake worthwhile and important work on VAWG and girls may not be skilled at preparing high quality proposals that meet all requirements set by UNIFEM. Conversely, some organisations may be able to prepare a good quality proposal, but not have existing skills or understanding of a feminist approach to work on VAWG, nor seek out on going monitoring and support.
- The role and resourcing of the UNIFEM Pacific Office in the administration of the Fund should be clarified.

**Other UNIFEM Regional Support:** Participants from Kiribati, Tuvalu and PNG have been supported to attend the regional training programs of the Pacific Women's Network Against Violence Against Women (Pacific Women's Network or PWNAAVW) conducted by FWCC. This has been important in assisting staff and volunteers from new or isolated organisations to gain skills in counselling, community education and other areas and to link with other organisations working in similar contexts.

UNIFEM has provided funding to assist national machineries for women with Beijing + 5 reports and work towards CEDAW reports. Examples are UNIFEM funding of the Fiji national consultation with women's NGOs in August 1999 on the draft initial report by Fiji to the CEDAW Committee and the preparation of Samoa's draft CEDAW report (with the Ministry for Women's Affairs in May 2002).

There exists scope to expand UNIFEM's Regional Program to include greatly increased resources for work addressing VAWG within its Human Rights Program area. Given the small staffing of the UNIFEM Regional Office, and the need to provide capacity building and professional resourcing to organisations that are working to end VAWG, a key UNIFEM Pacific partnership with FWCC and the Pacific Women's Network Against Violence Against Women is recommended (see below).

Meetings with organisations in Fiji, Samoa and Vanuatu for this study indicated that governments, NGOs and regional and multilateral agencies would welcome UNIFEM's greater focus on violence against women and girls in its Regional Program.<sup>29</sup> Details of activities and publications of regional, UN and bilateral agencies addressing violence against women and girls are summarised in Annex 5.

## **5.2. Non Government Initiatives**

Much of the progress made in the Pacific Region since Beijing can be attributed to work undertaken by non-government organisations, particularly women's crisis centres, using multiple strategies encompassing counselling, referrals, legal and other support for women and girl survivors of violence, together with community education and advocacy.<sup>30</sup>

The Fiji Women's Crisis Centre (FWCC) is the longest established and best known organisation in the region working to end VAWG. From its four offices it provides centre based and outreach counselling and support for victims/survivors of violence; more than 18,893 clients were counselled between 1995 to 1999. Community education and training activities reached more than 7,200 women, men and children in the same period. FWCC works with churches, tertiary institutions, service clubs, women's organisations, police, schools, and private sector organisations. Many more have been exposed to FWCC national campaigns during the 16 Days of Activism against Violence and International Women's Day.

In most countries in the region there are women's organisations and NGOs that are key in ongoing work to address VAWG, including:

- **Cook Islands:** Punanga Tauturu
- **Fiji:** Fiji Women's Crisis Centre in Suva, and branches in Ba, Latoka and Labassa; Women's Action for Change; Fiji Women's Rights Movement
- **PNG:** Baua Baua, East New Britain Social Action Network (ENBSEK), East Sepik Committee Against Violence Against Women (ESCAVAW), Eastern Highlands Family Voice, HELP Resources, Individual and Community Rights Advocacy Forum (ICRAF), Kup Women For Peace, Leitana Nehan Women's Development Agency (LNWDA), Pihi Manus, Simbu Women's Centre, Salvation Army
- **Samoa:** Mapugasa o Aiga, Samoa National Council of Women
- **Solomon Islands:** the Family Support Centre, Solomon Islands National Council of Women
- **Tonga:** Centre for Women and Children
- **Vanuatu:** Vanuatu Women's Centre and Samna Counselling Centre, Wan Smolbag Theatre
- **Kiribati:** Aia Maea Aimen Kiribati
- **Tuvalu:** National Council of Women

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<sup>29</sup> The relative roles and responsibilities of the UNIFEM Regional Office and SPC/PWRB in coordination/facilitation of CEDAW ratification and implementation could be clarified, notwithstanding the agreement reached previously.

<sup>30</sup> This mirrors experience in other part of the world, with most of the response to VAWG until very recently originating from the non-governmental sector; see C. Garcia-Morena, 1999, Violence Against Women, Gender and Health Equity, Global Health Equity Project, downloaded from <http://www.harvard.edu/gthf/gender/garcia.html>, p.10.

The Organisational Map (Annex 5) provides information on women's organisations and NGOs with a focus on working to end VAWG in the region. (Due to the parameters of this study, the organisations included reflect the countries visited and information more readily available from other sources.)

Many of these key NGOs working to end VAWG are members of the Pacific Women's Network Against Violence Against Women. Established in 1992, the Network plays a key role in developing skills and organisational capacity of women's organisations and NGOs working to end VAWG across the region. It currently has 23 members in 10 countries. FWCC provides the secretariat and coordinated resourcing for regular activities which include four-yearly regional meetings (1992, 1996, 2001), annual training workshops, training attachments to FWCC for hands on learning, in-country meetings for PNG network members, and in-country and subregional workshops and support. A regional newsletter is produced several times per year. The Network provides an important mechanism for sharing and developing successful approaches, and strategising to overcome resistance and constraints faced in the work to end VAWG. It provides a catalyst for the establishment and development of groups and organisations working to end VAWG in the Pacific and access to training and technical assistance, skills, training resources and IEC materials from within the region.

Important NGO initiatives addressing violence against women and girls in the region include:

- mobile counselling and support services for women and girls who are victims/survivors of violence undertaken by trained and experienced counsellors, and the establishment of new branches
- community education, awareness raising and information on rights and services using theatre, community workshops, media campaigns and dissemination of Information, Education and Communication (IEC) materials in local languages
- legal literacy education campaigns and paralegal and legal assistance for women to obtain their rights or seek justice through the legal system
- changing men's attitudes and behaviour through targeting of men and community leaders in awareness raising and advocacy campaigns
- promoting, negotiating and demanding peace, and active strategies for disarmament and reconciliation in militarised communities
- development of community-based responses and capacity
- drafting legislation/amendments and lobbying for law reform; monitoring implementation of laws and sentencing; working to change the interpretation of customary laws that discriminate against women and girls
- training and education for key organisations including Churches, community leaders (chiefs), communities and civil society groups, police
- providing input into government working groups and structures regarding policy, programs and legislative reform
- action research, which informs services, community education, campaigns and law reform
- building national and regional information exchange, training, mentoring and capacity building networks of NGOs focused on ending VAWG.

### **5.3. Government Initiatives**

Government recognition of VAWG as an important issue has advanced considerably since 1995, as indicated by ratification of CEDAW by 5 countries and national reports to the B+5 Review. However there have been relatively few other government initiatives on VAWG. National policy, institutional and legal frameworks are often inadequate; government budgetary allocations limited; coordination among different parts of government lacking. Governments have largely depended on women's organisations and NGOs - often severely under resourced - for the provision of services and programs addressing VAWG.

In Fiji, the process of reporting progress in the implementation of CEDAW, and comments by the Committee, have provided an impetus to government action to deal with discrimination against women and girls. The Government adopted a ten year action plan 1998-2008 which includes a section on violence against women. Taskforces on violence against women and women and the law have been set up and budgetary implications of actions proposed are currently being considered.

A study conducted in 2001 in PNG found that “lack of an integrated government policy and institutional framework, properly resourced, has meant that the country continues to suffer the consequences of family and sexual violence as much, if not more, than twenty years ago.”<sup>31</sup>

Services provided by government agencies for women and children who are victims of violence - police, courts, legal assistance, medical treatment, counselling, social welfare, child protection, awareness raising - are generally inadequate or completely absent. Police are widely reported as being part of the problem, with negligence, trivialisation of VAWG and cases of active harassment of complainants reported. While Vanuatu and Fiji have established sexual offences units to deal with sexual assault cases, not all staff have been trained and the units lack personnel and other resources. In some cases these police undertake community education, either on their own or in conjunction with NGOs and women’s organisations. However, for services to be genuinely responsive to women and girls, there is much work to do to increase the level and accessibility of service provision, challenge assumptions and promote attitudinal changes regarding discrimination against women and acceptance of VAWG among state officials and institutions.

Some initiatives have been undertaken by government organisations but these have tended to be one-off rather than ongoing. For example, the Samoan Ministry of Justice crime prevention awareness program provided information on the justice system and laws through 2-3 hour sessions at all secondary schools around the country during 2000-2001. This was resourced and funded by Ministry and was an important initiative that informed young people and teachers that violence against women and girls is against the law.

Law reform has been slow or stalled in many countries with the recent exception of PNG (see sections 6.1-6.2). In December 2001, the Chief Magistrate in Vanuatu introduced new rules which provide for Domestic Violence Protection Orders to be granted, providing some security for survivors of domestic violence, penalties for breaches, and faster tracking of cases in the magistrates courts.

#### **5.4. Lessons Learned and Best Practice Examples for Changing Attitudes, Knowledge and Behaviour**

**Women’s crisis centres and NGOs with an empowerment, rights based and integrated approach to addressing VAWG are key agents of change in the Pacific region.** A consistency of focus and work over the years by these organisations has led to changes in community attitudes, government recognition and some actions. For example, concerted advocacy and follow up by FWCC and the Fiji Women’s Rights Movement (FWRM) over many years led to the Fiji Police Commissioner introducing the “no drop” policy in 1995.

The integrated rights based approach taken by women’s crisis centres and organisations – counselling, service provision and support for women and girls, paralegal advice and representation, plus community education, training, advocacy and media campaigns – ensures that a rights based approach and women’s experiences inform all areas of work.

**Women’s NGOs working from a basis of women's empowerment and rights have taken up what were taboo issues and over the years created space for promoting discussion and facilitating changes in attitudes, services, law, policy and practices.** While there is concern expressed in some (more conservative) quarters in the region of using “rights based language”, it should be noted that there is a danger of diluting messages to make them more acceptable, and thereby reducing the impact and progress in changing attitudes, knowledge and behaviour. Despite often initial opposition to the rights based approach, over time this approach has become more widely accepted (and adopted) by government and other influential groups, including chiefs and church organisations.

**Changing attitudes, knowledge and behaviour requires sustained and on-going work - not one-off approaches.** “Information provision” in itself does not lead to changes in attitudes. It is important to find entry points and ways of introducing topics that are not threatening, for example through drama, plays and songs as illustrated by Baua Baua and Wan Smolbag. Processes are also important: for example,

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<sup>31</sup> Bradley, 2001, p.v.

programs that build in time for reflection and discussion, such as the *Tetee atu sasa ma le upu malos* ("Hold back your hands and your harsh words") program of the Samoan National Council of Women which is conducted over two to three weeks. Community based approaches to changing attitudes and behaviour and the development of community based groups need to be built over a number of years. The building of relationships and trust is important to the success of work to change often deep rooted community attitudes, as illustrated by Leitana Nehan Women's Development Agency's (LNWDA) work in Bougainville, PNG. Monitoring, follow up and gradual long term program development is essential.

**Effective and professional service provision, community education and advocacy work can be supported through capacity building and support for NGOs in the region.** FWCC and the PWNAAV are playing important roles in training, capacity building, sharing of experiences and strategies throughout the region, which can be further extended.

**There is general acknowledgment of the need to gain support from men and boys as advocates for change.** Women's organisations and NGOs have developed skill and strategies to involve men, and an increased focus on working with men to promote attitude change and changes in behaviour. FWCC has adopted a strategy of targeting younger men through community education to change attitudes. The Vanuatu Women's Centre (VWC) is working with male volunteers from Vanuatu Family Health Association in community education work. LNWDA works with young men and ex-combatants, for their recovery and rehabilitation, as role models for other men, and to achieve family, community and social change in Bougainville.

**Targeted campaigns for specific groups and tailored messages work well, rather than generalised campaigns ("one size fits all").** For example, targeting of men with message that "real men don't hit", information on child sexual abuse and 10 rules of safety campaign for children. Locally developed/adapted IEC materials in local languages are essential for community education; large print runs are needed.

**Action research can play an important role in identification of next steps and gaps to be addressed by organisations working to end VAWG.** The FWCC research is a best case example where research is informed by the organisational knowledge base; where its capacity to undertake research is developed; and where the findings inform and are applied to service development, community education, advocacy and law reform lobbying.<sup>32</sup>

"Best Practice" examples at Annexes 8 to 14 highlight the work of seven organisations which demonstrate a diversity of successful, responsive and evolving strategies to end violence against women:

- the Pacific Women's Network Against Violence Against Women (Region-wide)
- The Fiji Women's Crisis Centre (Fiji)
- Leitana Nehan Women's Development Agency (Bougainville, PNG)
- Baua Baua (Wewak, PNG)
- Wan Smolbag (Vanuatu)
- Vanuatu Women's Centre (Vanuatu)
- The National Council of Women (Samoa)

## **5.5. Needs and Gaps**

The continuing high level of acceptance that violence is justified under certain circumstances and widespread shame and secrecy regarding sexual violence demonstrates the continuing need for community based work and advocacy to influence attitudes and customs in Pacific Island nations. This work for changes in attitudes and behaviour is needed at community level and with key social institutions and decision-makers – churches, politicians, chiefs, senior civil servants, judges and magistrates, police and national women's organisations. Promoting attitude change is long term work where continuing and

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<sup>32</sup> In contrast to the FWCC Research (where the Ministry for Women and the Police collaborated in the research undertaken by FWCC), the SPC/UNFPA Samoa study was undertaken with the Ministry of Women as the main partner. Its findings are still not publicly available and do not appear to be as yet utilized in work addressing VAWG.

expanded efforts of women's organisations and NGOs are needed. Religious and traditional leaders have generally not played an active role in intervening or preventing violence in the home from a rights perspective. There is a need for NGOs to continue to target, train and involve influential groups and institutions and develop further community-based work.

There is a great need to strengthen the capacity of women's crisis centres and NGOs to extend services to areas that are not presently covered, and to ensure that community based education is undertaken in a sustained and effective manner. The reality (reflected in client data statistics) is that the more women know of their rights, the greater willingness among women and girls to come forward for help or to report to police. Without a corresponding increase in service coverage and improvements in the quality of the services available, women and girl survivors of violence will not be able to realise their rights to live free of violence and to seek adequate care to facilitate recovery.

NGOs find it easier to access funds for short term and one off awareness raising and community education activities rather than core organisational costs. Increased support for "women-focused service responses" requires support for the strengthening of existing women's organisations and NGOs focused on ending VAWG. A 2001 study on family and sexual violence in PNG found that "there are serious gaps in service provision, particularly for the victims of rape and other sexual violence... those services that do exist are handicapped by chronic shortage of human and financial resources. The capacity of non-government organisations and community based organisations to sustain their programs is limited."<sup>33</sup>

The Pacific Women's Network needs support for organisational development and resourcing of its members' - including capacity building, training and accessing long term resourcing from donor agencies. In a recent meeting of the PNG members of Pacific Women's Network organisations identified a collective need for support - to allow them to better coordinate, communicate and offer mutual support.<sup>34</sup> In some countries there may be scope to support the development of new centres/branches of existing organisations (for example the Taefa Centre of the VWC) and the establishment of new NGOs and crisis centres (as foreshadowed by some people interviewed in Samoa). The needs for establishment of short term crisis accommodation (Samoa, Fiji) and a crisis centre in Port Moresby where medical, police, legal aid and counselling services can be provided in one location have been raised.<sup>35</sup>

Responses from family and the community (including neighbours, traditional leaders and local authorities) to violence against women and girls are often inadequate. Silence, blaming the victim and a focus on reconciliation at all costs, regardless of the danger of on-going and escalating domestic violence to women and girls are major barriers. Women's fear and shame as victims of violence is related to family and wider community attitudes. Facilitating attitudinal changes and enlisting family and community members in providing support and protection for women and girls plus sanctions for perpetrators of violence is important in all communities, especially isolated communities. As indicated by the experience of LNWDA and VWC in the development of community based volunteers and groups against VAWG, ongoing training and support over a number of years by appropriately skilled and resourced organisations for effective community development, ownership and longer term sustainability is essential. There are continuing needs for support for development of community based prevention and support/intervention responses in more remote communities, recognising the geography, distances and transport difficulties and lack of government services in more remote areas.

While it is important to extend the number and range of organisations willing and able to work to end VAWG, it is important they have the requisite skills and organisational capacity to do so effectively. Organisations that do not have appropriate experience and expertise require ongoing training and mentoring to ensure that activities do not have negative consequences eg endangering victims, staff and volunteers; diluting a human rights perspective on VAWG or a woman-centred approach to counselling,

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<sup>33</sup> Bradley, 2001, p.v.

<sup>34</sup> PWNAVAW, Resolutions of the 3<sup>rd</sup> regional meeting, in Pacific Women Against Violence Newsletter, Vol 6 Issue 3, April 2001; PWNAVAW, Record of the PNG In-Country Meeting, Port Moresby 15 February 2001; consultations with VWC in Vanuatu, FWCC in Fiji and various individuals in Samoa as part of the Scan in May 2002; Bradley, 2001, p.61 re PNG.

<sup>35</sup> See best practice case studies of VWC and LNWDA in annexes.

and the quality of counselling and community awareness activities, providing a series of one time only "initiatives" rather than planning for program and service development.

While many NGOs will continue to have other areas of focus in their programs, it is important that these organisations have a women's empowerment and rights based understanding of violence against women, provide focused messages on women's rights that follow those of crisis centres and NGOs working on the issue, and provide referrals and accurate information. *"As Martin Luther King Jr said, the shallow understanding of people of good will is more frustrating than the total misunderstanding of people of ill will. So we need to educate even those who are of good will"*.<sup>36</sup>

While there has been a greater focus on child protection issues and awareness raising on child abuse (UNICEF; Pacific Children's Project), much of this has been and is expected to continue to be in terms of prevention. To date there has been a lack of assistance for developing support services for girls (and boys) who are victims of incest, other forms of sexual abuse and commercial sexual exploitation. No child psychologists are working in Pacific island countries. FWCC and VWC have received some training and provide counselling for child victims of sexual abuse. The Family Support Centre in Solomons provides counselling only for those over 15 years.<sup>37</sup> Specialist training for counsellors and others (police and the justice system) in dealing with girls who have experienced sexual abuse could be provided through the Regional Network as a regional approach to addressing this significant current gap.

National women's machinery is often under-resourced and has little clout within the governmental machinery. In the absence of high level political commitment (and resourcing), even committed women's machinery finds it difficult to make headway in developing policy frameworks and action plans, let alone coordinating other key ministries (eg Justice/Attorney-Generals, Education, Health, Social Welfare) to incorporate responses to VAWG in their areas of responsibility. While Government working groups, task forces and partnership committees may have NGO representation, NGO representatives often feel that they have a token role without real input into decision-making.

Customary law, traditional institutions and authority systems are more important on a daily basis to many people than national law and justice systems. While NGOs and women's organisations in some countries are working with chiefs and customary structures to influence decision-making on women's rights, there is a need to extend this work.

Criminal law is not enforced effectively, thus limiting its role as a deterrent. The attitudes of police, magistrates, judges and chiefs/village courts are a key factor (see section 6).

The issue of appropriate treatment as well as adequate punishment for perpetrators has not been focused on to date. Women's Action for Change in Fiji has undertaken work with male prisoners and ex prisoners on issues relating to self-esteem and rights (including VAW). The Samoan Ministry for Justice has expressed concern with rehabilitation of young offenders. Five teenage boys charged with sexual offences have been referred to the VWC for counselling by a judge concerned to prevent reoffending, despite VWC counsellors not being equipped or necessarily wanting to carry out this kind of work. Programs to work with offenders and perpetrators requires more research for governments and NGOs in addition to (not at the expense of) support for women and girls as victims and community education programs. Significant research carried out in a range of countries indicates qualified success with behaviour change programs given a range of interventions and disincentives for men to offend again.<sup>38</sup>

## **5.6. Recommendations for key UNIFEM Partners**

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<sup>36</sup> P. Sane, 2001, Holding on to the Promise: Women's Human Rights and the Beijing+5 Review, Centre for Women's Global Leadership, p 124.

<sup>37</sup> C. Romosaea, 2000, The Family Support Centre, Solomon Islands, in S. Dinnen and A. Ley (Eds), 2000, Reflections on Violence in Melanesia, p 178.

<sup>38</sup> See F. Pickup with S. Williams and C. Sweetman, 2001, Ending Violence Against Women: A Challenge for Development and Humanitarian Work, pp. 221-3, including the Council of Europe Principles for Programmes Educating Violent Men; Vanuatu Women's Centre Project Design Document, 2002.

**5.6.1 It is recommended that UNIFEM develop a key partnership with the Pacific Women's Network Against Violence Against Women and FWCC as the Secretariat of the Network.** As a key partner the PWNVAW can make important contributions both as adviser to the UNIFEM Pacific Regional Office and as program manager, implementor of initiatives and as source of expertise to work with, train and facilitate capacity development and regional exchanges among organisations focused on ending VAWG in the region. The women's movement and non-government sector has been and is expected to continue to be the driving force in addressing VAWG in the region.

**5.6.2 It is recommended that where a demonstrated commitment has been made to address VAWG, UNIFEM should consider supporting the policy development and implementation process in particular countries with Ministries for Women and other relevant government departments.**<sup>39</sup>

As has been its practice, UNIFEM works with governments and women's organisations as key partners in other program areas.

UN agencies and regional organisations expressed interest in working with UNIFEM as a partner. All are facing fundraising challenges, thus making coordination of efforts important.

## **5.7. Recommendations on UNIFEM focus and priorities**

### **The Trust Fund**

**5.7.1. It is recommended that a separate allocation for the Pacific should be instituted for the Trust Fund,** to ensure that a larger number of projects in the region can be supported in the future. Further, it is recommended that the UNIFEM Regional Office actively publicise both the Fund and its guidelines in the Pacific and ensures that capacity building support through FWCC is provided for organisations that lack expertise and experience in addressing VAW.

### **Regional Program**

**5.7.2. It is recommended that the UNIFEM Pacific Regional Program should include a specific focus on Ending Violence Against Women and Girls under the Human Rights Program, with adequate multi-year budget.**

**5.7.3. It is recommended that the primary priority should be capacity building and scaling up of the Pacific Women's Network Against VAW and women's organisations and NGOs primarily concerned with ending VAWG and working from a women's empowerment, rights based and integrated approach.**

**5.7.4. It is recommended that integrated service provision (including counselling, community education and advocacy) comprising staffing and other core organisational costs of NGOs focused on ending VAWG should be a priority for financial support.**

Without core support women's crisis centres and NGOs primarily concerned with ending VAWG cannot plan their work, develop strategies and programs and respond to needs and priorities they identify from their work with women and communities, and opportunities for leveraging change with government (rather than responding to one-off funding opportunities). This support is needed for upscaling of programs and services already in existence, establishment of new branches of existing organisations (eg the Taefa Centre of VWC) and new organisations. The case studies highlight the excellent work on addressing violence against women and girls that is being undertaken, and the expertise and experience that exists in the region. Many of these organisations have developed their work over a number of years, requiring core budget and multi-year support and with access to regional and other networks. Long term support for capacity building of women's NGOs focused on VAWG is needed.

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<sup>39</sup> Ministry for Women and other government organizations can play important roles in providing a policy framework and support for the work of NGOs. While the development of the policy and legal frameworks for addressing VAWG is important, governments recognize that women's organizations and NGOs have the ongoing role in providing services and acting as important elements of civil society in lobbying for and monitoring government changes in policy, law and services.

**5.7.5. It is recommended that further development of regional expertise and support, standards and cross fertilisation of strategies and materials through the Pacific Women's Network Against Violence Against Women should be a priority for support.** This would encompass:

- regional training programs and workshops
- in-country training and workshops
- mentoring, management and program advice of women's organisations and NGOs by FWCC or other members of the network
- practical training attachments to FWCC and other members of the network
- development within the network of key resources and materials that can be then adapted or translated for use in particular countries for community education, counselling, training of key groups, advocacy and lobbying for law reform.

Note: regional training programs and activities have to date included participation of police officers and other government personnel; the expansion of training through the PWNAVAW would also expand quality focused training opportunities for key personnel outside the NGO sector.

**5.7.6. It is recommended that UNIFEM prioritise development of capacity to provide specialised counselling for girls (and boys) who are victims of incest and child sexual offences. This should be undertaken through the PWNAVAW with the placement of an experienced specialised child psychologist/trainer for several years with FWCC.** This would enable specialised regional and in-country training for counsellors from PWNAVAW member agencies, sexual offences units in the police and child focused agencies together with production of manuals and other materials required for ongoing work.

**5.7.7. It is recommended that country-based campaign strategy development and campaigns for law reform, changes in policy and practice undertaken by women's crisis centres/NGOs and coalitions should be a priority.**

**5.7.8. It is recommended that action research and documentation by women's crisis centres/NGOs should also be a priority, together with support to develop organisational research capacity, access to external expertise and develop follow up campaigns to utilise the findings to inform and influence key groups and decision-makers.** The PWNAVAW brings together organisations that are keen to undertake research and documentation, but have lacked resources to do so.

## **6..0 LEGAL, POLITICAL AND HUMAN RIGHTS ACHIEVEMENTS**

### **6.1. Standards map of laws, policies, regional agreements and international conventions to end VAWG and girls**

Pacific Island states have ratified a number of the major human rights conventions concerned with women's equality and ending VAWG, including CEDAW and CRC. Details are set out in Annex 7.

As most Pacific Island countries are common law countries, ratifying conventions means only that they have an international responsibility to do what is required; local legislation must be passed in national parliaments before a convention becomes part of national law.<sup>40</sup> There are multiple challenges: incorporating provisions into domestic legislation, development and implementation of action plans, monitoring progress and reporting as scheduled. UNICEF and the Pacific Women's Resource Bureau have organised regional activities to promote understanding of the requirements. Across the region governmental action in relation to CRC is more advanced than for CEDAW. Of those countries that have ratified CEDAW, only Fiji has reported to the CEDAW Committee (with a shadow report presented by Fijian NGOs).

Identification of areas of national law requiring reform have been undertaken and Bills prepared in several countries (see Annexes 15-17 concerning Samoa, Vanuatu and Fiji). However very little law reform concerning VAWG has taken place to date: the Victims Offences Act was passed in the Cook Islands in 1998 (following lobbying by Punaga Tauturu); in PNG the Criminal Code (Sexual Offences and Crimes Against Children) and Evidence (Amendment) Act 2001 were passed in February 2002.<sup>41</sup>

The current focus in the Region is on CRC and CEDAW, although other human rights instruments can also be utilised as international standards for states to act to end violence against women and girls. Since the FWCW in 1995 there has been significant international developments in addressing violence against women and children through various treaties and agreements, which appear to be little known in the region.<sup>42</sup> The Forum Secretariat is looking at the UN Convention on Transnational Organised Crime 2000, in relating to identification of a package of proposed modifications to national laws to facilitate regional cooperation amongst police, customs and immigration. (Fiji and Australia have entered into a bilateral agreement which has been used in relation to child sex offenders.) However the Convention itself takes a crime prevention and prosecution approach, whereas the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (which must be signed separately) addresses the issue from a rights based perspective concerning protection and assistance for the victims.<sup>43</sup>

Some changes have taken place in policy and processes: the official "no drop" policy for domestic violence cases adopted by the Fiji police in 1995 and the Tonga police in 1997, and the introduction of Domestic Violence Court Orders as new rules in the Magistrates Court in Vanuatu in December 2001.

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<sup>40</sup> Jalal, 1997, p575.

<sup>41</sup> Email communication with UNICEF PNG.

<sup>42</sup> Since the FWCW in 1995 there has been significant international developments in addressing violence against women and children through various new treaties and agreements, including:

- Hague Convention on the Protection of Children and Cooperation with Respect to Inter-country Adoption, 1996
- Rome Statute of the International Criminal Court, 1998
- ILO Convention 182 concerning the prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999.
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000.
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, 2000
- United Nations Convention on Transnational Organised Crime, 2000 and the United National Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000.

There appears to have been little consideration or awareness raising in relation to these treaties and agreements in the Region to date.

<sup>43</sup> See G. Van Bueren, 2001, Child Sexual Exploitation and the Law, pp11-12.

## 6.2 Analysis of strengths and weaknesses of the legal framework created since Beijing

The legal framework in existence in the Pacific is much the same today as it was in 1995, with the exception that several countries have accepted the principles of equality and non-discrimination against women and girls as evidenced by ratification of CEDAW.

Vanuatu and Samoa have passed legislation to establish law reform commissions, but they have not yet been set up. The work of Fiji's Law Reform Commission has slowed since the coup. In both Vanuatu and Fiji constitutional guarantees of equality and non-discrimination have been opened up for debate again. While some momentum occurred post-Beijing in identification of areas for law reform, even bills that have been prepared have languished in both Fiji and Vanuatu. Political instability, lack of political will and vocal opposition to changes from various quarters have led to the apparent shelving of the bills. It appears that PNG is an exception in that significant amendments to the Criminal Code and the Evidence Act concerning sexual offences have been made through legislation passed in 2002.

Slow progress in legal reform also needs to be put alongside failure to implement the current laws in place in various countries in the region. Generally legal responses are inadequate and often further victimise women and girls who are survivors of violence. The Police, Public Prosecutors and Public Solicitors offices often give a low priority to the handling of cases of domestic violence. Police may not register charges of domestic violence, many cases reported may not have police investigations completed, the public prosecutor has long waiting lists, pressure and intimidation is often exerted on women and girls to withdraw cases. The conduct of sexual offences cases can revictimise women and girls through insensitive procedures. The prosecution may reduce charges to have a greater chance of a conviction, and offenders may plead guilty to charges that attract shorter sentences. Judicial attitudes influence proceedings. Women's organisations and the general public speak out against inadequate sentences for offenders who have been convicted of crimes of domestic violence and sexual assault. Magistrates often impose relatively short sentences, which take into account rape myths and other factors. Time served by offenders is further shortened due to overcrowding in prisons. In short, crimes against property are often treated more seriously by the justice system than crimes of violence against women and girls.

Data is generally not available to undertake analysis on the response of the police and judicial system to VAWG through tracking cases through police, public prosecutor offices, court and prison records. It appears that only a small proportion of cases of the few women and girls who report to the police progress through the justice system.

Most PICs including the Cook Islands, Fiji, Kiribati, Nauru, Niue, Solomon Islands, Tuvalu, Vanuatu and Samoa legally recognise customary law. In some countries special custom law courts administer customary law. In others the formal legal system may recognise and apply customary law. Courts appear to accept and apply customary law when it favours the interests of men; there are few examples of customary law applied in favour of women.<sup>44</sup> In some contexts, customary law may now be used in ways that could not be applied traditionally in relation to sexual offences. For example, in Fiji it has been suggested that *bulubulu* traditionally could not be applied for rape cases. If a family accepts *bulubulu* for rape, the rapist often successfully uses the acceptance to reduce his sentence. Formal courts may misinterpret custom to the advantage of the male offender.<sup>45</sup>

Relatively little attention has been given by governments to aligning women's rights in national law with customary law practices. In Samoa and Vanuatu customary/village level structures are the most immediate and accessible, with long distances to police and higher courts. Customary law and village court structures often fail to punish perpetrators of violence against women and girls and ignore the rights and safety of women and girls; a focus on preventing family or community conflict takes precedence over recognition of the physical and psychological harm caused by violence and needs and rights of the victims of violence, and imposition of powerful community sanctions against perpetrators of

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<sup>44</sup> Jalal, 1998, p.40; she notes that Tonga's 19<sup>th</sup> century law makers combined English law, Protestant religious beliefs and aspects of customary law into the written law.

<sup>45</sup> Jalal, 1998, p.43; Jalal also notes that courts have not accepted *bulubulu* as evidence in paternity cases before the courts in Fiji.

violence. VWC is working to increase cooperation and support from chiefs and accompanies women to *kastom* courts. In some communities counsellors and clients are now invited to speak and some court decisions have reinforced women's rights.<sup>46</sup> There is a need for further action to motivate traditional community institutions to protect women and girls from violence.

### **6.3. Successful uses of international and regional instruments and opportunities for the future**

The most active and innovative uses of international treaties and standards have been women's crisis centres/NGO uses of CEDAW, CRC, the Beijing Platform for Action (PFA) and on occasion the Universal Declaration of Human Rights (UDHR) in community education and legal literacy work. These organisations are also providing information on national constitutions and practical advice and assistance in obtaining rights in national law. NGOs have been active in relating the rights of women and girls to live free of violence to international campaigns such as the 16 Days of Activism, International Women's Day and national days relating to women and children, highlighting violence against women and children as a human rights issue. This is empowering and an essential precondition for change: *"rights remain theoretical and become real and concrete only when the people become conscious of their entitlement, and are able to act to secure or exercise that right"*.<sup>47</sup>

On-going and expanded community education and legal literacy conducted by women's crisis centres and NGOs is needed, to ensure that all have an understanding of what law and human rights means in a practical way in day to day lives. NGO activism and community based support and understanding of human rights are important in campaigning and advocacy for legal reform.

Some judges have referred to the CRC and CEDAW in judgements in Fiji, Samoa and Vanuatu; lawyers in Samoa have cited the Hague Convention on Protection on Children and Cooperation with Respect to Inter Country Adoption in court (although Samoa is not a signatory).

Further specialised training of judges, magistrates, lawyers and police on international human rights standards informed by the actual experiences of violence of women and girls and treatment by the customary and formal justice system in both national and regional contexts provide opportunities to take action for the future. The Pacific Regional Human Rights Resources Team (RRRT) could sharpen its focus on training for judges, magistrates and chiefs involved in interpretation of customary law in the PRAJA Project.

There may also be opportunities to promote a regional approach and declaration against violence against women and girls through the annual meeting of Pacific leaders. It would be important to ensure that this is approached from a women's empowerment and human rights framework, rather than a law and order approach. Regional agreements have been influential in other regions such as South America as standards and reference point in lobbying to change national policies.

### **6.4 Recommendations to UNIFEM on securing and implementing legal and policy changes**

**6.4.1 It is recommended that UNIFEM fund women's organisations and NGOs to conduct community education and legal literacy programs that focus on women's rights and equality and address attitudes that condone violence** (as recommended in paragraph 5.7.4). Women's organisations and NGOs are already doing this work, but (as outlined in section 5.6) lack adequate resources for sustained programs.

**6.4.2 It is recommended that UNIFEM support women's organisations and NGOs in developing and coordinating advocacy campaigns for national law reform and enforcement.** The constraints on government machinery to conduct advocacy campaigns for legal and policy changes when obstacles to change may be from both the bureaucracy and parliament should not be overlooked. As key actors in civil society, women's organisations and other NGOs make important contributions in influencing public opinion and government agendas, recommending reform, lobbying for policy and legal changes and

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<sup>46</sup> See VWC case study in annex to this report

<sup>47</sup> Lin Chew 2001 cited in J. Kane and J. Saghera, 2001, Trafficking in Children for Sexual Purposes: An Analytical Review, UNICEF.

monitoring and critiquing implementation. In each country there are likely to be particular issues to focus on, varying opportunities for strategic influencing of key people at decision-making levels, among influential groups (churches, chiefs, parliamentarians) and in the development of coalitions and alliances. These needs to be decided at local level.

**6.4.3 It is recommended that UNIFEM support work addressing the impact of customary law on women and girls.** In some countries women's organisations focused on VAWG are already working hard to influence chiefs and traditional leaders. The development of this work, documentation and sharing of experiences within the region (through PWNVAW and other mechanisms) needs to be extended. Sharing of experiences with similar work in other regions (eg Mozambique) could build momentum. For many women these customary structures are more accessible (or less able to be avoided) and therefore potentially more powerful agents of change than the national legal structures. It is important to ensure that both customary and national law takes action to end VAWG.

**6.4.4 It is recommended that UNIFEM support, as outlined in paragraph 5.7.8 above, action research led by women's organisations and NGOs as an important strategy in working for legal and policy change.** While areas and priorities are best identified by NGOs themselves, two areas may be particularly useful in securing legal and policy changes. The first is the economic and social costs of violence against women and girls (the economic efficiency approach); the second case studies of the treatment of women and girls through the police and court system or traditional structures/village courts. These can be very powerful in identifying both the needs for advocacy and reform and highlight any good practices and trends that can be reinforced (eg the work of understaffed Sexual Offences Units, changes in *kastom* court practices). Gaining the cooperation and involvement of the Police, Prosecutors Office or Ministry of Justice in providing access to records and files (as FWCC achieved with the police) where possible is strategic.

**6.4.5. It is recommended that where a government is prepared to run legal awareness campaigns promoting laws that criminalize violence against women and children, UNIFEM and other donors should be forthcoming with support.** Criminal law can play an important role in shaping public perceptions and social responses. Government awareness campaigns to promote awareness of laws that criminalize violence against women and children can be an important first step in redefining the limits of acceptable behaviour, complementing community based work facilitating attitude and behaviour change on VAWG.

**6.4.6 It is recommended that experiential training programs conducted by members of the Pacific Women's Network Against VAW with selected other resource people (police advisers, lawyers, RRRT) should be supported by UNIFEM.** For deterrence to be effective, laws on domestic and sexual violence must be clear, effective and enforceable. Those responsible for enforcing and interpreting the law – police, village structures and *kastom* courts, court officials, lawyers, magistrates and judges - need to have training to assist them to set aside stereotypes and utilise human rights frameworks in their work. Experience suggests that one-off training sessions in themselves are unlikely to lead to substantial change, hence this needs to be an ongoing program that includes monitoring of progress and additional inputs as the programs develops. Women's crisis centres and NGOs focused on VAW are aware from their day to day dealings with police and the judicial system how policies, procedures and laws are implemented (or not), and are best placed to provide case studies and monitor changes.

**6.4.7 It is recommended that UNIFEM influence donor organisations and programs that have a focus on “institution building” in PICs with Ministries for Justice, Education, Health and Police Forces, to increase or develop a focus on VAWG.**

The allocation of sufficient resources is essential if the law is to be effective. This is a larger issue, where UNIFEM may be able to influence donor organisations and programs that have a focus on “institution building” with key government institutions that lack a concerted focus on VAWG. Addressing attitudinal changes on the part of state officials is a key step to ensure that policy, procedure and law reform initiatives are implemented.

**6.4.8. It is recommended that UNIFEM provides support for preparation of national NGO shadow reports and coordination, and for sharing of strategies, constraints and experience in addressing VAW among Ministries for Women and women's NGOs across the region.**

It is expected that UNIFEM will continue to support national machineries in the preparation of policy frameworks, action plans and reporting on CEDAW to bring to bear the positive influences of the international monitoring of human rights commitments and practices.

## 7.0 EMERGING ISSUES RELATING TO ENDING VAW AND GIRLS

### 7.1. Key issues

**VAWG in Conflict Situations and Peace Building:** Over the past 15 years there has been an increase in situations of conflict in the region. In the highlands of PNG tribal fighting started in 1973 and has continued sporadically. Women and children have been slaughtered, maimed and raped.<sup>48</sup> In Bougainville armed conflict brought killing, fear and massive disruption for a decade. Women and girls were abused and raped by both sides in the conflict, and violence became accepted as normal.<sup>49</sup> In the Solomon Islands the conflict started towards the end of 1998 and continued over a two year period. The incidence of domestic violence, rape and sexual abuse is estimated to have increased ten fold.<sup>50</sup> In Fiji during the attempted coup in May 2001 there was an outbreak of violence against the Indo-Fijian population. Women and girls as young as 10 years old were raped and women were forced into humiliating acts.<sup>51</sup> The newly independent East Timor which is identifying itself as a Pacific neighbour nation has experienced significant conflict including violence against women. The Melanesian population of Irian Jaya face violence. Other parts of the region are considered at risk of open conflict. Emergency and disaster situations also increase women's vulnerability to violence, with cases of rape of women and girls documented following the tsunami devastation in Aitape, PNG.<sup>52</sup>

Women and girls are particularly vulnerable to violence in situations of conflict. Women's organisations are playing key roles in responding to the needs of women and girls who are survivors of violence, and undertaking community based work addressing attitudes and behaviour. They have played important (if often unrecognised) roles in brokering the end of fighting and working towards peace. However the repercussions of conflict continue long after the open violence has ended, with a devastating impact particularly in relation to an increased tolerance for and expectation of violence within communities, and experience of abuse and violence by women and girls.

**Respect for Human Rights:** Despite the principles of equality and non-discrimination being fundamental to human rights, the current situation in the Pacific shows that there is still a long way to go in achieving a fundamental commitment to these principles at all levels and across all sectors of society. Ethnic groups, women and children, sexual minorities, those with physical and intellectual disabilities and other vulnerable groups are particularly subject to violence and discrimination.

**Empowering Girls and Boys for Gender Equality:** Many Pacific countries now have around 40% of the population under the age of 18.<sup>53</sup> As a significant proportion of the population, and as a key group to promote changes in attitudes and behaviour for now and the future, a particular focus on children and teenagers is required in work to promote gender equality and end VAWG. Traditional customs, gender and age roles and power dynamics may still be strong, but the increasing pressures of the cash economy, urbanisation and lack of schooling and employment are having major impacts on the opportunities and life experiences of young people. Girls continue to be discriminated against. Lack of access to information about sexual and reproductive health and contraception, plus forced sex are leading to many teenage mothers. Sexual violence against girls is one of the contributing factors in the rapid spread of HIV/AIDS in girls aged 15-19 years in PNG.<sup>54</sup> National HIV/AIDS programs may lack a empowerment and gender perspective, and the targeting and empowerment of children and teenagers. The development of self esteem, assertion and negotiation skills among girls, plus work with girls and boys about sex, reproduction and communication and respect in relationships, the promotion of gender equality, and

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<sup>48</sup> M. Kini, Jup Women for Peace, Pacific Women Against Violence Newsletter, February 2001.

<sup>49</sup> See LNWD case study in annex to this report.

<sup>50</sup> M. Vavozo, Family Support Centre in Solomon Islands, Pacific Women Against Violence Newsletter, February 2001.

<sup>51</sup> FWCC, 2001, The Impact of the May 19 Coup on Women in Fiji: A Research Report.

<sup>52</sup> GOPNG and UNICEF 1999 cited in Bradley, 2001, p13.

<sup>53</sup> Across Samoa, Fiji, Solomon Islands, Tonga and Vanuatu 39% of the population are under 15 years of age. IN PNG 42% of the population is under 15 years of age.

<sup>54</sup> Bradley, 2001, p2

prevention of VAWG are important areas. These areas need to be addressed with boys and girls before they become sexually active and girls targeted by older boys and men.

**VAWG and women's economic participation.** Violence-and fear of violence - restricts the participation of women in the economy. Research has shown that VAWG cuts across all socioeconomic groups and both urban and rural environments in the Pacific. While there is considerable evidence that poverty and deprivation are contexts in which violence against women and girls may increase, women's access to income may trigger increases in male violence. In PNG urban employed women have reported that husbands feel threatened by their potential independence, and attempt to regain their control through physical domination.<sup>55</sup> Economic need may compel women and girls to accept work that may make them vulnerable to violence. Women's economic dependency on men restricts their options to resist violence and limits the choices women can make about staying in violent relationships or removing themselves and their children from violent situations. Brideprice (which is seen as having to be paid back if a woman leaves the relationship) and the need for cash to pay for transport to report cases of violence to the police, seek counselling and other support, and the costs of medical treatment and court fees restrict women's and girls options.<sup>56</sup> Economic empowerment of women can lead to changes in gender relations within the household, including women's raised status. It is important to address the economic factors and the social, ideological and cultural factors which contribute to VAWG.

**Donor Focus and Commitment:** Many of the areas of need identified above are urgent needs that have been in the public domain for a number of years and still require adequate resourcing for women's organisations and NGOs working to address VAWG. Sustained core budget and multi-year support is needed by NGOs focused on ending VAWG, not short-term "activities based" funding that donor organisations often consider for NGOs, while supporting large scale government institution strengthening programs.

## **7.2. Recommendations for UNIFEM Response to Emerging Issues**

### VAWG in Conflict Situations and Peace Building

**7.2.1 It is recommended that UNIFEM support the development of capacity of women's NGOs working in situations of conflict, including exchanges and sharing of NGOs working in similar circumstances (Bougainville and Solomon Islands) through the Pacific Regional Network Against VAW.** Core organisational funding is an important source of support for development of programs and services by organisations focused on ending VAWG working in conflict situations.

**7.2.2 It is recommended that UNIFEM consider facilitating the involvement of the East Timorese women's organisations and NGOs working on VAWG in the PWNAAVW.**

**7.2.3 It is recommended that UNIFEM support documentation of the experiences of women and girls, and strategies and approaches by NGOs working in conflict and post conflict situations.** This is an area that has been identified by the PWNAAVW, which includes key organisations working on ending VAWG in the region.

**7.2.4 It is recommended that UNIFEM's new three year project Women, Peace and Security in Melanesia include the women's NGOs that have been key in brokering peace and working to end VAWG.**

### Respect for Human Rights

**7.2.5 It is recommended that UNIFEM work in partnership with other regional and UN agencies to develop a regional approach in promoting respect for human rights and continuing the facilitation and encouragement for governments to not only ratify but also to implement and report on CEDAW and CRC.**

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<sup>55</sup> Bradley, p3

<sup>56</sup> Pickup, 2001, p xiv, 24-26

**7.2.6 It is recommended that UNIFEM support women's NGO campaigns and advocacy, participation in government structures and consultative mechanisms, and preparation and presentation of shadow reports monitoring government commitments and actions.**

**7.2.7 It is recommended that UNIFEM support work on human rights through the PWNAAVW through capacity building and core organisational support, which will facilitate the scaling up of community education and campaigns being undertaken by crisis centres and NGOs focused on VAWG.**

Empowering Youth for Gender Equality

**7.2.8 It is recommended that UNIFEM coordinate with UNICEF and UNFPA which have a particular focus on empowering young people and gender equality.** Addressing reproductive health issues involves changes in cultural values and beliefs and promotion of women's equality with men, providing synergy and other entry points for work addressing VAWG. The increase in HIV/AIDS adds to the urgency of promoting change in attitudes and behaviour among young people, and empowerment of girls in decision making, control over their own bodies and reproductive rights.

**7.2.9 It is recommended that UNIFEM support the identified need to develop PWNAAVW members' expertise in specialised counselling and services for child victims of sexual abuse through funding the attachment of an experienced child psychologist/trainer to FWCC to work regionally.** These NGOs are providing counselling for women and girls, working with communities, families and children on rules of safety/child protection and have highlighted the active participation of young people in the programmes of the network to respond to violations of human rights.

VAWG and Women's Economic Participation

**7.2.10 It is recommended that UNIFEM works to ensure that skills based training and livelihood programs and projects (such as UNDP's GOLD Project) incorporate a strategic gender perspective promoting the equality of women and men and working to change attitudes that condone VAWG with women and men.** Livelihood, small business and credit programs require activities to promote discussion among participants, their partners and families on gender roles and responsibilities and promotion of gender equality; access to wider social and political resources can also be promoted through projects addressing practical gender needs. A focus on changing attitudes and beliefs that perpetuate women's inequality and promoting improvements in the status of women and girls need to be "mainstreamed" into all programs and sectors, including those concerned with livelihoods and economic concerns.

Donor Focus and Commitment

**7.2.11 It is recommended that UNIFEM play a key role in putting VAWG squarely on the development agenda in the Region.** Recent developments in international law that widen state responsibility as a positive duty to prevent, investigate and punish crimes associated with VAWG should be highlighted. It is important not only to maintaining existing bilateral donors' commitment and resource flows, but bring to bear additional commitments and resources and to have governments, regional organisations and UN agencies place a higher priority on actions to address VAWG.

**7.2.12 It is recommended that UNIFEM influence other UN agencies and regional organisations to place increased focus and provide additional resourcing for work to end VAWG in their programs.** This would include the training of judges and magistrates on international standards and common law precedents re VAWG by RRRT; a rights based approach and the importance of the Convention Against Transnational Organised Crime – Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (CATOC- OP), in the work being undertaken by the Forum Secretariat on regional security issues; and in institutional strengthening programs with Ministries of Health, Education, Justice and police forces in the region.

**7.2.13 It is recommended that UNIFEM consider revising gender training curricula and programs to address values and beliefs condoning VAWG, the human rights of women, equity and equality issues.**