



BRIEFING ON SEXUAL AND GENDER BASED VIOLENCE IN THE PACIFIC

REGIONAL OVERVIEW AND CALL FOR ACTION

Sexual and gender-based violence (SGBV) is an entrenched, systematic and widespread human rights problem in the Pacific, impacting on average two in three women in the region.

It has a devastating impact not only on individual women, but on communities and on the Pacific region as a whole. Sexual and gender based violence is the ultimate physical manifestation of discrimination and this discrimination against women is pervasive in almost all spheres of Pacific societies, especially in the way women are treated in law. This issue is compounded by the fact that few countries possess specific legislation outlawing gender-based violence.

In 2009 in a milestone for Pacific women, Pacific Island leaders committed to eradicate SGBV and in 2010 at Port Vila, Vanuatu leaders supported the initiative for the establishment of a Reference Group to combat SGBV.

Since then, the Reference Group has met in Fiji and conducted country visits to Tonga and the Solomon Islands; meeting with a range of stake holders and interest groups.

The Reference Group and key non-governmental organisations in the region have been instrumental in their efforts to work with Pacific Island governments to prepare policies and draft legislation to address the issue.

While only Vanuatu has specific legislation and Fiji has enacted decrees to address violence against women (issues of ineffective enforcement of these laws remain) and at least eight countries in the region have created policies or drafted legislation; progress on enacting concrete protections of women remain stop/start.

Amnesty International acknowledges that these policies and draft bills provide an important platform for a comprehensive protection framework for Pacific women and their families; but until these promises, policies and draft bills are implemented into law, they provide no tangible protection to Pacific women.

Amnesty International is concerned at this lack of *real* protection of Pacific women, despite the commitment by leaders to address this issue. This is why, at the 2011 Pacific Island Forum (PIF) Amnesty International is calling on Pacific leaders to “change the lights on women’s rights” and take concrete measures to enact draft legislation into law to ensure effective implementation of policies and action plans that have been created to address SGBV.

Pacific Leaders must change the lights on women’s rights by:

- Completing comprehensive draft legislation to specifically address SGBV,
- Enacting that legislation to ensure policy initiatives are followed and protection is available,
- Repealing laws that discriminate against women.

It is imperative that leaders step up to create an effective legal framework that ensures real protection of women, because as the clock ticks, Pacific women remain at risk. To raise awareness of this pervasive issue, and as part of Amnesty International’s Demand Dignity campaign, the organisation is launching a new report entitled “Where is the dignity in that? – Women in Solomon Islands slums denied sanitation and safety” (enclosed) which focuses on the exacerbating effect informal settlements or slums have on the issues of gender-based violence in the Solomon Islands.

The country overviews that follow briefly portray the issue of SGBV in each member nation of the PIF. The overviews contain statistics detailing the problem of SGBV and provide brief summaries of each nation to contextualise where the Pacific is at in its commitment to eradicate SGBV and ensure effective protection of women. For more information please visit our website at www.amnesty.org.nz.

This overview complements the enclosed table on SGBV in the region which sets out policies, proposed legislation, current legislation, as well as other important factors necessary for a national framework to ensure effective protection of Pacific women.



AUSTRALIA

Statistics

- 20% of Australian women over the age of 18 have been forced or frightened into unwanted sexual activity across their lifetime.¹
- Only 15% or less of offences are reported to the police.²
- A high proportion of sexual assaults against women are perpetrated by male intimate partners.³
- Domestic violence is among the top five risk factors towards ill health and premature death among Australian women.⁴

Overview

The systems Australia has implemented to respond to criminal conduct are still judged inappropriate or unusable by many who are sexually assaulted but never report their experiences to the police.⁵ Those who do use the criminal justice system continue to find it traumatising, humiliating and distressing.⁶ The process does not adequately recognise and respect the community service that complainant witnesses provide in reporting offences and participating in trials.⁷ Evidence laws designed to provide safeguards for complainant witnesses have achieved limited compliance. Conviction rates remain low.⁸

COOK ISLANDS

Statistics

- There is no reliable data on the prevalence of domestic violence in the Cook Islands. Anecdotal evidence indicates domestic violence is widespread but highly underreported.⁹

Overview

Draft policy on gender equality and development over the next four years is under review. Until now, however, domestic violence has not specifically been addressed in legislation; and as a result, under-reporting of domestic violence is an inherent problem. In addition, there is a high level of case withdrawals and a low number of prosecutions. These findings suggest that Cook Island society is unlikely to view the criminal justice system as effective in addressing domestic violence. The Crimes Act is seen as inadequate because it does not cover the full range of acts involved in domestic violence such as verbal abuse, threats and intimidation, rape, damage to property.

There is a “no-drop” policy in place, meaning that where an offence is committed and an arrest is made, police must proceed with the case. Victims who wish to have their case withdrawn must make their request to the court. However, anecdotal evidence points to high levels of case withdrawal and low levels of prosecution. One potential explanation points to the persistent view that cultural systems should be utilised to address domestic violence with the Police being used only as a last resort. Other factors include: privileging of the family over individuals; the view that crisis management is required rather than criminal justice intervention; preference for dealing more harshly with repeat offenders than first-time offenders. Assaults on females are substantially more likely to be cleared or result in a warning than in prosecution.¹⁰

FEDERATED STATES OF MICRONESIA

Statistics

- There is limited information on the extent of gender-based violence in the Federated States of Micronesia. Domestic violence is reportedly increasing, however, which can be attributed to: an increase in alcohol consumption; breakdown in the traditional protection system that the extended family once offered; and the



reluctance to seek outside help. Incest and child abuse exists but is believed to be underreported because of cultural sensitivity.¹¹

Overview

Gender-based violence is very much on the agenda in Micronesia. In 2004, the Federated States of Micronesia had adopted its Strategic Development Plan to guide the nation for the next 20 years. Gender, as defined in the Plan, included women, young people, the elderly and the disabled. Issues such as the allocation of reserved seats for women were identified as strategic activities for a gender matrix. The call for the Government to put in place a “no-drop” policy on violence against women and children was also identified as a strategic activity.¹²

The Government has also adopted a specific plan to address SGBV that has been developed in conjunction with Ministry of Social Welfare and the Ministry of Women. It is currently conducting a review of laws and has drafted a Domestic Violence Bill that is currently under review and will be submitted to Cabinet in 2012.¹³

Further development is needed on non-discrimination laws regarding women and children, as well as on laws against domestic violence and trafficking in persons. Concerns have been raised in the Federated States of Micronesia's Universal Periodic Review that women and girls continued to face unequal access to, inter alia, health care, educational and vocational training, and employment. Concerns were also expressed regarding forced marriage and inadequate protection from gender-based violence.¹⁴

FIJI

Statistics

- Figures from the Fiji Women's Crisis Centre show that:
 - 80% of women have witnessed some form of violence in the home.¹⁵
 - 66% of women have been physically abused by partners and nearly half repeatedly abused.
 - 48% of married women have been forced into sex by their husbands.
 - 26% of women have been beaten while pregnant.¹⁶
 - 13% of women have been raped.

Overview

While a Women's Plan of Action (WPA) 2009 – 2018, aiming to reduce inequality and discrimination against women has been introduced, cultural, ethnic and religious fundamentalism is on the rise in Fiji. It is promoting conservative ideas and negative myths about women and their rights. For example, sexual harassment and abuse are often not thought of as criminal offences, particularly if the woman is considered to have “questionable” character or modesty e.g. wearing revealing clothing, being flirtatious.¹⁷

Fiji's Family Law Act of 2003 is seen as a model for the region. Features of the law include:

- no-fault principle of divorce;
- women can obtain a divorce after a one year separation (previously women had to show three years of domestic violence);
- women have enforceable rights to custody and financial support;
- procedures for obtaining domestic violence protection orders (though limited to legally married parties);
- creation of the Family Division of the High Court.

Problems with the Act relate not to the legislative provisions but reluctance among police and enforcement officials to understand and enforce the legislation. Many women are also unaware of the Act and the procedures for obtaining protection orders. While it is too soon to assess the impact of the Act, there is some anecdotal evidence that it is having positive effects. For example, family law litigation has been reduced by about 90% with most disputes being settled by court counsellors and conciliators.



The Crimes Decree of 2009 and the Domestic Violence Decree of 2009 also contain sections created to address SGBV, but anecdotal evidence suggests that these laws are often ineffective in protecting women from Domestic Violence. In December 2010 a woman from Fiji was granted refugee status in New Zealand in a decision that declared the state ineffective in protecting her from her violent partner.¹⁸

There is a lack of reporting on domestic violence offences – figures from Fiji Women's Crisis Centre show that 74% of female victims did not report violence to the police. This may be due to pressure to keep the family together and the view that family issues should be kept private. Some women report domestic abuse to non-legal bodies, such as religious leaders or family members, but in many cases, they are encouraged to "reconcile" with their partner or accept the acts of violence as "part of marriage". Moreover, the process for progressing sexual violence cases through the justice system is very slow (up to four years) and sexual offences are not treated with the same urgency as other violent crimes.

Fiji Women's Crisis Centre and the Regional Rights Resource Team have worked hard to train police officers, judges, magistrates and prosecutors on responding to violence against women. This has however, become more difficult since the 2006 coup.¹⁹

KIRIBATI

Statistics

- Around two-thirds (68%) of ever-partnered women reported experiencing at least one act of physical or sexual violence, or both, by an intimate partner.²⁰
- There is considerable overlap between sexual and physical violence: 35% of women who experience intimate partner abuse suffer from both forms of violence.²¹
- The most common types of physical violence reported by women are:
 - 52% being slapped or having something thrown,
 - 43% being pushed or shoved,
 - 40% being hit with a fist or object,
 - 46% of women experienced severe physical violence while 14% indicated moderate physical violence.
- The types of intimate partner sexual violence reported were:
 - 41% having sexual intercourse because they were afraid of what their partner might do,
 - 31% forced to have sex when they did not want to,
 - 22% forced to do something sexually degrading or humiliating.²²

Overview

Currently, UN Women is implementing the Pacific Fund to End Violence against women project (funded by AusAID) in Kiribati. The project is currently working to strengthen the financial and human capacity of three Civil Society Organizations. UN Women is in the process of expanding the reach of the project to cover more Civil Society Organizations working in the capital and in remote communities.

The Government of Kiribati has developed and endorsed a policy on Eliminating Sexual and Gender Based Violence, and an accompanying "National Action Plan for Eliminating Sexual and Gender Based Violence in Kiribati". This policy and national action plan comes after the release of the Family Health and Safety study of 2009 which documented extremely high levels of domestic violence, and other forms of violence, in the country. The recently endorsed policy and national action plan demonstrates the Government's strong commitment to take action to address this issue.

Nevertheless, while policies are being created and proposed legislation is currently being discussed; at present Kiribati has no specific legislation to address SGBV. Cases can be dealt with under the Penal Code, e.g. grievous harm, unlawful wounding or common assault, although such prosecutions rarely occur. While the definition of rape does not exclude rape in marriage, the concept of spousal rape does not appear to be widely recognised. There are high levels of case withdrawal: up to 80-90% of women withdraw complaints, often due to family pressure.



While the Constitution of Kiribati guarantees men and women equality before the law, it does not guarantee equal benefits or outcomes required by the Convention to End Discrimination against Women (CEDAW). The Constitution contains an anti-discrimination clause but it does not include sex or gender as a protected ground. This means discrimination against women is lawful in Kiribati and consequently, domestic laws which discriminate against women, although non-compliant with CEDAW, are not in breach of the Constitution.

In Kiribati, the Constitution gives constitutional status to customary law. Legislation has also been introduced permitting the observance of customary law in a range of situations including criminal law, family law and land law, all of which have gender impacts on women. The status given to customary law coupled with the absence of anti-discrimination provisions and other protective provisions in the Constitution leaves women in Kiribati with no legal recourse against custom that discriminates against them on the basis of sex or gender.

Kiribati has not introduced special measures such as quotas to ensure higher numbers of women enter parliament and participate in the governance of their countries. The definition of rape only includes penile penetration.²³

Many women in Kiribati view violence as normal and acceptable. The most common reason why women do not seek medical care for abuse-related injuries is that the violence “was normal or not serious”.

Three-quarters of women agree with at least one justification for a husband hitting his wife, including:

- 60% if a wife is unfaithful
- 60% if a wife disobeys her husband
- 57% if a wife does not complete the housework to her husband's satisfaction.

Only 50% of women consider that a wife can refuse sex under all circumstances. By contrast, two-thirds of men disagree with the statement “a woman is obliged to have sex with her husband even if she doesn't feel like it”, which indicates that women have normalised this social norm more than men.²⁴ Some police think domestic violence is okay: 30% of Police Officers said it was never acceptable for a man to beat a woman; the rest supported the traditional view that a husband has a right to beat his wife, depending on her behaviour.²⁵

MARSHALL ISLANDS

Statistics

- Around 30% of Marshallese women have experienced physical violence in their lifetime.²⁶
- About 20% of women reported experiencing sexual violence in their lifetime.²⁷
- In 72% of cases the most common perpetrator of physical violence was a current husband/partner followed by 21% of former husbands/partners
- In 50% of cases the most common perpetrator of sexual violence was a current husband/partner.
- 54% of women reported that their husband/partner displayed one or more forms of controlling behaviour. The main forms were:
 - 40% insisting on knowing where she is at all times,
 - 38% getting jealous or angry if she speaks to other men,
 - 36% frequently accusing her of being unfaithful,
 - 30% of ever-married women have experienced violence by intimate partner,
- The most common type of violence experienced was 22% physical 15% emotional violence and sexual violence.
- Forms of physical violence include:
 - 17% being slapped,
 - 13% being pushed, shaken or having something thrown,
 - 11% being punched or hit.
- Half of the women who experienced physical intimate partner violence reported suffering injuries, with the most common injury being cuts, bruises or aches.²⁸



Overview

In the Marshall Islands, women's groups under the NGO Women United Together (WUTMI) continue to publicise women's issues and promote greater awareness of women's rights. This work is of great importance as the situation of women and girls deteriorates as customary practices erode. Traditionally, the matrilineal succession of land rights gave women a position of great importance and influence in society. However, women are losing their power base due to the erosion of customary land tenure practices. Many women no longer live on their own land and couples are now less likely to live with the wife's family after marriage. This increases women's vulnerability as they lack protection previously provided by brothers and uncles.

Gender roles and responsibilities were traditionally rigidly defined by cultural norms and beliefs and violence was dealt with by the family or clan. This system has gradually broken down and traditional forms of conflict resolution no longer serve to protect women. Although women now have modern systems to resolve conflicts and apply justice, lack of access and awareness prevent women from disclosing domestic abuse to public authorities.

Domestic violence, sexual assault and child abuse are not easily discussed in public – there is a strong “culture of fear” around disclosure. Many women who experience abuse prefer to keep it private rather than bring shame and retribution on themselves and their family.²⁹

NAURU

Statistics

- There is little documentation of domestic violence against women and children and published crime statistics are not disaggregated by victim's gender. However, there is a general community perception that domestic violence against women and children is increasing as the economic situation deteriorates.³⁰

Overview

On the rare occasions when complaints of sexual violations are made, they have either been withdrawn by the family (not the victim) or political intervention has been made on the offender's behalf and caused the case to be dropped. The one case where the victim's family did decide to pursue a charge of sexual violation (between 1994-2004) the victim's family were so badly ostracised they left the country. There are examples of domestic violence victims being advised to leave the country because police could not provide adequate protection.³¹

NEW ZEALAND

Statistics

- 15% of women in New Zealand have experienced sexual violence by their intimate partner.
- On average, 14 women, six men and 10 children are killed as a result of family violence each year in New Zealand.
- There was an 8.5% increase in family violence offences since the 2009/10 year – equating an extra 2,038 offences.

Overview

While New Zealand has legislation such as the Domestic Violence Act 1995, the country still has a high rate of domestic violence. Awareness campaigns such as “It's not OK” have played a role in encouraging people to report instances of violence to the police. The Government has also established five new Family Violence Courts.

New Zealand also has a Victims of Domestic Violence immigration policy that recognises the vulnerable circumstances faced by migrants who experience domestic violence from their New Zealand partners. The purpose



of this policy is to assist migrants who are in abusive circumstances and offers an avenue to permanent residence for those victims who would face undue discrimination or hardship if they returned to their home country due to the breakdown of their relationship.³²

NIUE

Statistics

- No reliable documentation on sexual and gender-based violence.

Overview

The Niue Government is currently reviewing the Penal Code and the updates are positive. Attempts are being made to make domestic violence an offence under the Code. The Government has also conducted a census poll on domestic violence.³³

Some women's representatives claim that domestic violence does not happen in Niue – but Police records show otherwise.³⁴

According to Police reports incidents of domestic violence tend to be alcohol related. In some cases, women who have been subjected to regular beatings have been advised to leave the country as Police have been unable to provide adequate protection.

A contributing factor in the case of sexual assault and incest is a lack of reproductive health education and empowerment training for girls and young women, coupled with a lack of effective formal avenues of redress for victims. Teenage pregnancies are often related to incest.

PALAU

Statistics

- More than 70% of women have suffered gender-based violence.
- Palau is one of the three Pacific countries, and seven in the world, that has not ratified CEDAW.

Overview

While laws against rape and assault are enforced, reporting of such abuse is known to be very low.

PAPUA NEW GUINEA (PNG)

Statistics

- While statistics are severely lacking, the country has been found to have one of the highest rates of violence against women in the Pacific, with around two thirds of women being abused by their partners.³⁵
- 70% of women experience domestic violence as a national average.³⁶
- 67% of wives have been beaten by their husbands³⁷
- 60% of men interviewed in a survey reported having participated in “lainap” (gang rape) at least once.³⁸
- 55% of women had been forced into sex against their will.³⁹
- Women are six times more likely to be accused of sorcery than men.⁴⁰



Overview

Women in Papua New Guinea hold a very low status in society, placing them at a very high risk of abuse both in the domestic and in the public sphere. Violence against women is widespread, but the issue is underreported for shame or fear of further violence, or rejection by the communities. SGBV abuse manifests in gang rapes, knife attacks on wives, beating and sexual abuse of girls and torture and murder of female 'sorcerers'.

Cultural practices including polygamy and bride prices further discriminate against women and fuel the physical manifestation of that discrimination through violence.

There is no law in PNG that addresses all aspects of gender-based violence, and domestic violence in particular. A domestic violence bill is currently being drafted but it has been described as not comprehensive enough to address the issue of SGBV successfully.⁴¹

SAMOA

Statistics

- 48% is the rate of domestic violence against women estimated by the World Health Organisation
- 46% of Samoan women who have ever been in a relationship have experienced one or more kinds of partner abuse. The most common form of spousal abuse is:
 - 38% physical abuse,
 - 20% sexual abuse,
 - 19% emotional abuse.

The kinds of abuse by women include: being slapped or having objects thrown, being punched, being forced to have sex. Insults, being coerced into having sex, being kicked, dragged or beaten.⁴²

20% of women in Samoa have experienced sexual violence from their intimate partner.⁴³

85% of abuse victims never asked any formal agency for help. Of these, 86% had not sought help because they thought such abuse "normal," or not serious enough.⁴⁴

Overview

The Samoan Government currently has drafted a Family Safety Bill but its enactment into legislation has been delayed. Non-governmental organisations working in the region are unsure of the reasons for this.⁴⁵

The Constitution prohibits abuse of women, but common societal attitudes tolerate their physical abuse within the home.⁴⁶ Consequently, domestic violence against women and children is common.

Spousal rape is not illegal and social pressure and fear of reprisals inhibits reporting of domestic abuse. Sexual abuse of young girls and illegal drug use are both increasing.⁴⁷

SOLOMON ISLANDS (SI)

Statistics

Violence against women in the Solomon Islands is amongst the highest in the Pacific region with:

- 64% of women between the ages of 15 and 49 experiencing violence in the home.⁴⁸
- 55% of women have experienced sexual violence from their intimate partner.⁴⁹

Overview

Gender discrimination is entrenched in all sections of Solomon Islands society. For example, there are no female representatives in the 50-Member Parliament and women cannot hold leadership roles in churches.



Gender-based violence was an entrenched feature in the five year armed conflict in the Solomon Islands between 1998 and 2003 and those responsible included Police personnel, members of armed groups and private individuals whom were rarely brought to justice.

In 1998 the first SI national policy for women was adopted. In May 2002 SI ratified CEDAW and established the Ministry of Women, Youth and Children Affairs 2005 (MWYCA).

In 2009 the MWYCA reviewed the national policy for women and recommended that a multi sectoral approach should be encouraged. This resulted in a change to the National Policy on Gender Equality and Women's Development 2010 – 2012 to better embrace a broad based approach to women's contribution to development and communities.

The MWYCA has designed a policy to come up with the National Policy on Eliminating Violence against Women 2010 as a subsidiary policy to the National Policy on Gender Equality and Women's Development 2010 – 2015. It will be implemented through a national Eliminating Violence against Women (EVAW) task force that reports to the national committee on Gender Equality and Women's Development and comprising representatives of violence against women support agencies.

The Law Commission is also currently reviewing the Penal Code and a policy Cabinet Paper has been prepared to help with the drafting of a Domestic Violence Bill that is currently in the pipeline.

SI MWYCA, in partnership with UNIFEM, launched in November 2010 its completed Protecting Women's Human Rights in SI Law toolkit. The toolkit identifies CEDAW's respective articles, provides indicator questions of its compliance in SI laws, identifies the issues in relation to each CEDAW article, refers to SI legislation which identifies the issue, explains the importance of the legislation (or its lack), proposes legislative changes and identifies policies – a first in the Pacific Islands region.

The Regional Assistance Mission to the Solomon Islands (RAMSI) has also been a successful initiative in up skilling and educating the Solomon Islands Police Force on how to address and combat SGBV.

Nevertheless, the issue of discrimination and the physical manifestation of that discrimination in the form of SGBV are fuelled by the fact that no specific legislation to combat sexual and gender based violence has been passed into law.

In addition to this, spousal rape is not a crime, although this is currently undergoing a review. The law allows for reconciliation between spouses in domestic violence cases, resulting in a reluctance to prosecute and a high number of cases being thrown out by the courts.

TONGA

Statistics

- Since 2000, 2,753 women were victims of physical abuse = an average of 23 women every month.⁵⁰
- It has been estimated that between 5,000 and 10,000 women in Tonga are victims of intimate partner violence each year. (It is difficult to determine how many cases of domestic violence are reported to police because domestic violence is included in 'common assault' rather than being classified as a separate offence).⁵¹
- Four women were killed in domestic violence related incidents in Tonga in 2009.⁵²
- According to the NGO 'Legal Literacy Project', while there is little empirical evidence regarding gender-based violence, estimates suggest that between 31% and 62% of women are victims of violence by an intimate partner.⁵³

Overview

While the Tongan Government has a favourable looking Cabinet Paper which they wish to turn into legislation, violence against women remains an ongoing issue for which only small amounts of empirical data are available.



The reported rate of violence against women had almost quadrupled in the past decade, and there is no specific legislation to address it.

The Tongan Constitution is outdated and does not, for example, provide a right against discrimination nor acknowledge the right to life.

Tongan property law discriminates against women and does not allow them to own land.⁵⁴ Tonga is one of the three countries in the Pacific, and seven in the world, which has yet to ratify CEDAW.

Women's Affairs Division of the Ministry of Education, Women's Affairs and Culture is currently hosting the second national consultation on draft proposals to introduce stronger legislation to deal with domestic violence and violence against women. Consultation is part of the UN Trust Fund on the Elimination of Violence against Women. The project is called "changing laws, protecting women". This consultation ended on 18 August, 2011.

TUVALU

Statistics

- More than a third of Tuvalu women reported having ever experienced physical violence.
- 25% of women experienced physical violence in the previous 12 months. (Women aged 25 – 39 were most likely to report experiencing physical violence in the last year).
- About 8% of Tuvaluan women have experienced physical violence during pregnancy.⁵⁵
- 47% of women have experienced some type of violence in their lifetime, according to a 2007 demographic and health survey conducted by the Secretariat of the Pacific Community. There is only one female representative in the current 52-member Parliament.

Overview

Specific legislation to address SGBV has been drafted with the help of non-governmental organisations in the region through funds directed towards the work of the Reference Group to address the issue of SGBV in the Pacific. This draft legislation will be put to Cabinet in November.⁵⁶

In Tuvalu, traditional attitudes regarding male dominance and customary familial roles hamper women's participation in economic and political life.

While rape is a crime, spousal rape is not included in the legal definition of this offence.⁵⁷

VANUATU

Statistics

- 3600 cases of family violence from 1993 – 2000 were reported by the Vanuatu Women's Centre, and around half of the Community Legal Centre's business relates to domestic violence.⁵⁸

Overview

Violence against women is widespread. In 2009 the Government enacted a new Family Protect Act (FPA) to try and address this issue; however, perpetrators are seldom brought to justice due to a lack of police training on domestic violence and on the provisions of the new FPA.

The FPA was the first legislation on gender based violence in the Pacific. While women have equal rights before the law, most cases of violence against women including rape, go unreported because women, particularly in rural areas are unaware of their rights or fear further abuse.



During their Universal Periodic Review (UPR) in 2009 the Government made a commitment to fully implement the FPA.

While rape is a crime, spousal rape is not included in the legal definition of this offence. Despite the high incidences of domestic violence, many cases of rape, domestic violence, and sexual assaults against women are not reported due to lack of awareness of women's rights and traditional and cultural pressures on victims.

Note: This information is based upon research that is referenced below. This briefing is intended to provide a short overview into the issue of SGBV in the Pacific and is in no way a comprehensive summary.

¹ <<http://webapps01.un.org/vawdatabase/uploads/Australia%20-%20the%20law%20and%20sexual%20offences%20in%20Australia%202005.pdf>>, p. 3.

² Ibid.

³ Ibid.

⁴ Ibid., p. 4.

⁵ Cook 2001; Lievore 2003.

⁶ VLRC 2004; Taylor 2004.

⁷ VLRC 2004.

⁸ <<http://webapps01.un.org/vawdatabase/uploads/Australia%20-%20the%20law%20and%20sexual%20offences%20in%20Australia%202005.pdf>>, p. 31.

⁹ <<http://www.undp.org.fj/pdf/unp/evaw.pdf>>, p. 2.

¹⁰ Ibid, p. 20.

¹¹ Ibid., p. 3.

¹² <<http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-16.pdf>>.

¹³ Anecdotal evidence provided to AIANZ.

¹⁴ Ibid.

¹⁵ <<http://www.undp.org.fj/pdf/unp/evaw.pdf>>, p. 3.

¹⁶ Ibid.

¹⁷ Ibid., p. 13.

¹⁸ *Refugee Appeal No. 76501*, No. 76501, New Zealand: Refugee Status Appeals Authority, 19 November 2010, available at: <http://www.unhcr.org>.

¹⁹ <<http://www.undp.org.fj/pdf/unp/evaw.pdf>>, p. 20.

²⁰ Ibid., p. 3.

²¹ Ibid.

²² Ibid., p. 4.

²³ <http://www.undppc.org.fj/resources/article/files/TCL_Kiribati_s.pdf>.

²⁴ <<http://www.undp.org.fj/pdf/unp/evaw.pdf>>, p. 14.

²⁵ Ibid., p. 21.

²⁶ Ibid., p. 6.

²⁷ Ibid.

²⁸ Ibid.

²⁹ <<http://www.undp.org.fj/pdf/unp/evaw.pdf>>, p. 15.

³⁰ Ibid., p. 4.

³¹ Ibid., p. 21.

³² New Zealand National Universal Periodic Review, 9 April 2000 at [3.2.2].

³³ Anecdotal evidence provided to AIANZ.

³⁴ Ibid., p. 14.

³⁵ For a summary of the Law Reform Commission's findings see: Papua New Guinea Law Reform Commission, "Final Report of Domestic Violence - Report No.14.", Port Moresby, 1992, pg 16. The data is based on information supplied by both husbands and wives, which, in any case, was almost entirely consistent. The data also includes information on the frequency and severity of violence between spouses and the extent to which weapons or other instrument were used.

³⁶ PNG Law Reform Commission (1992).

³⁷ PNG Law Reform Commission (1992).

³⁸ PNG Institute of Medical Research (1994).

³⁹ PNG Institute of Medical Research (1994).

⁴⁰ <<http://www.amnesty.org.au/svaw/comments/20139/>>.

⁴¹ Anecdotal evidence provided to AIANZ.

⁴² United Nations Development Fund for Women (UNIFEM) "Ending Violence Against Women and Girls: Evidence, Data and Knowledge in the Pacific Island Countries" (August 2010) p. 6.

⁴³ The World's Women 2010 Trends and Statistics, United Nations.



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- ⁴⁴ World Health Organisation Multi-Country Study on Women's Health and Domestic Violence Against Women (2005).
⁴⁵ Anecdotal evidence provided to AIANZ.
⁴⁶ <<http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136007.htm>>.
⁴⁷ <<http://www.unhcr.org/refworld/country,...WSM,45b632e02,487ca2558f,0.html>>.
⁴⁸ Family Health & Safety Study (2008)
<http://www.spc.int/hdp/index2.php?option=com_docman&task=doc_view&gid=49&Itemid=44>.
⁴⁹ The World's Women 2010 Trends and Statistics, United Nations.
⁵⁰ Tongan Police.
⁵¹ United Nations Development Fund for Women (UNIFEM) "Ending Violence Against Women and Girls: Evidence, Data and Knowledge in the Pacific Island Countries" (August 2010) p. 9.
⁵² Tongan Police.
⁵³ <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/128/38/PDF/G0812838.pdf?OpenElement>>.
⁵⁴ <<http://report2009.amnesty.org/en/regions/asia-pacific/tonga>>.
⁵⁵ United Nations Development Fund for Women (UNIFEM) "Ending Violence Against Women and Girls: Evidence, Data and Knowledge in the Pacific Island Countries" (August 2010) p. 9.
⁵⁶ Anecdotal evidence provided to AIANZ.
⁵⁷ Tuvalu Penal Code, section 128.
⁵⁸ United Nations Development Fund for Women (UNIFEM) "Ending Violence Against Women and Girls: Evidence, Data and Knowledge in the Pacific Island Countries" (August 2010) p. 10.