

Chapter 67

Fiji: Violence against Women – Identifying and Combating Structural Discrimination that Furthers Sexual and Gender–Based Violence (SGBV)

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ABSTRACT

Fiji is a very interesting case for studying the bridges between private and public spheres and social and cultural background. Despite its idyllic setting and concentration of resources, Fiji has one of the highest rates of violence against women, outside of conflict zones, in the world. The state, legal system, and society have simply failed to protect the women against different forms of violence and discrimination. The lack of parliamentary democratic process certainly has contributed to the deplorable situation. After analyzing the roots of the problem, the authors introduce comprehensive policy recommendations to help rectify the situation. The problems in Fiji are rather extreme, and there is a lot to learn for everyone about the weakness of state and institutions to perform some of their most fundamental functions.

INTRODUCTION

Fiji is a study in contradiction. Fiji's idyllic scenery and beaches make it a hub for tourism. Its central location in the South Pacific makes it a busy trade route. Also, it houses United Nations

(U.N.) agencies working on the rule of law and gender equality. Yet, despite its idyllic setting and concentration of resources, Fiji has one of the highest rates of violence against women, outside of conflict zones, in the world.

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Fiji

Fiji is a party to the Convention on the Elimination of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), which means it has ratified those treaties. In the absence of domestic legislation to protect women from violence and proper enforcement of existing laws and policies, women and girls suffer sexual and gender based violence (SGBV) at high rates.

From 2010-2011 the Fijian Women's Crisis Center (FWCC) conducted a two-year national survey of women and found that 64% of women faced physical or sexual violence by an intimate partner (Press Release, *Violence Against Women in Fiji Touches all Aspect of Women's Lives, Survey Finds*, The Jet; Jan. 31, 2013) The survey was run over two years and included more than three thousand women in the study). These conditions are not unique to Fiji but are pervasive throughout the Pacific Island Countries (PICs) where cultural practices and patriarchal systems supersede universal human rights norms (see Figure 1).

Attorneys at the International Center for Advocates Against Discrimination (ICAAD) have represented Fijian women seeking asylum in the United States. In four asylum cases before the federal appellate courts, ICAAD Attorneys showed the continuing risk of SGBV if the petitioners were not granted asylum or withholding of removal. These cases revealed the discriminatory treatment women confront in Fiji and demonstrated that the structural defects in the criminal and civil justice systems are barriers to equality, safety, and redress for survivors of SGBV [*Rashika v. Holder* (Indo-Fijian Women in Fiji lack a system of support and have a greater than 10% chance of facing SGBV. Therefore, have a reasonable fear of future persecution even if they have not faced past persecution.), *Veliamma v. DHS* (granted withholding of removal), *Rattan Singh v. Holder* (pending), *Nijjar v. Holder* (pending)]. This chapter describes the legal conditions in Fiji that allow SGBV to permeate every level of society while identifying solutions to uproot structural discrimination against women in Fiji (see Figure 2).

Figure 1. ICAAD global presence



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