






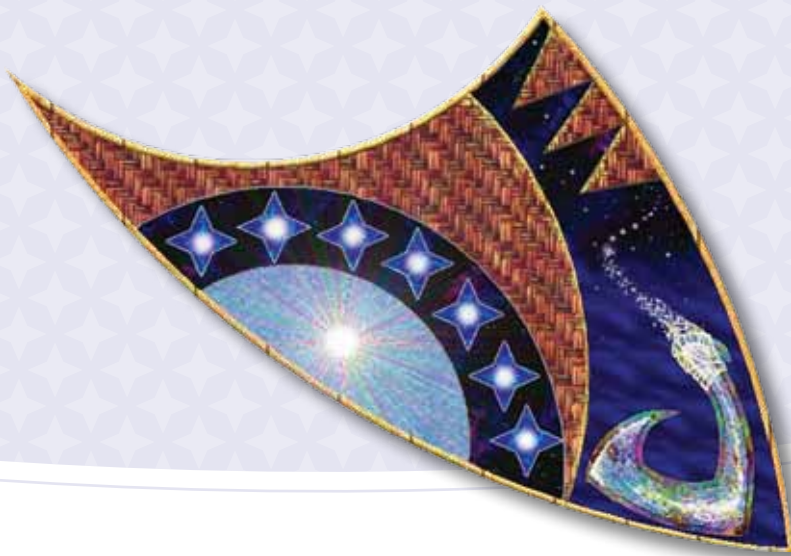


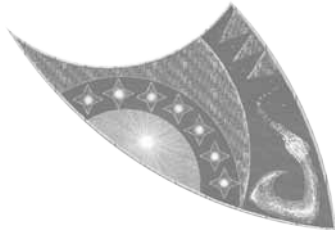


-  COOK ISLANDS
-  FIJI
-  NIUE
-  SĀMOA
-  TOKELAU
-  TONGA
-  TUVALU

Falevitu

A literature review on culture and family violence in seven Pacific communities in New Zealand





La Tapu (Sacred Sail)

The basic shape is that of a Pacific canoe sail. This represents the vaka/canoe which is important in traditional Pacific navigation and exploring new horizons.

The fishhook represents sustainability as well as traditional knowledge. The fishhook colour shows the colours of the paua shell, which represents our migration to New Zealand and adapting to a new way of life while maintaining our traditions. The fishhook is linked to a spiritual cord which disappears up to the heavens. This represents our link as Pacific Islanders with our creator and the importance of our traditional and contemporary belief system. The background of the fish hook represents the sea which merges into a star filled night sky. These natural elements were the navigator's pathways to new horizons.

The triangular patterns above the fishhook is a common design motif found in all Pacific cultures. I used this pattern to represent a common thread found between the Pacific Islands.

The woven pattern represents the Kaiga (family), as a close knit unit. Each member in the Kaiga has a role and purpose in the same way each strand supports one another.

The seven stars represent the seven Pacific Island nations/groups of; Cook Islands, Niue, Sāmoa, Fiji, Tuvalu, Tonga and Tokelau. Together, they represent a collective star formation which provides support and guidance to the vulnerable. To the left of the arched 7 stars is a lagoon with a radiating light emanating outwards. The lagoon represents a safe and protected environment. The radiating light represents a new life nurtured within this safe environment while surrounded and supported by family, cultural knowledge, belief, and alofa (love).

Tiaki Fati Kirifi – Tokelau.

Contents

SECTION ONE

| | |
|--------------------------|----------|
| Introduction..... | 3 |
| Scope | 3 |
| Methodology | 3 |
| Method..... | 4 |

SECTION TWO

| | |
|---|----------|
| Population features..... | 7 |
| The literature | 9 |
| Migration..... | 9 |
| Inequalities | 11 |
| Identity | 11 |
| Contemporary influences on families..... | 11 |
| Impacts of family violence on family members and communities..... | 11 |

SECTION THREE

| | |
|--|-----------|
| Research..... | 12 |
| Research gaps | 12 |
| Research agenda | 12 |
| International indigenous models..... | 13 |
| Research approach..... | 13 |
| Building on ethnic-specific conceptual frameworks..... | 13 |

SECTION FOUR

| | |
|--|-----------|
| Definitions and their significance..... | 15 |
|--|-----------|

SECTION FIVE

| | |
|--|-----------|
| Cultures as transformative frameworks | 16 |
| Culture as a fixed script..... | 16 |
| Culture as a dynamic entity..... | 16 |
| References | 17 |

| | |
|--------------------|----|
| APPENDIX 1..... | 19 |
| Cook islands | 22 |
| Fiji..... | 24 |
| Niue..... | 29 |
| Sāmoa | 30 |
| Tokelau | 33 |
| Tonga | 33 |
| Tuvalu..... | 34 |

FALEVITU: the Sāmoan word for house is *fale*. *Vitu* is the Fijian word for the number seven. *Falevitu* refers to the seven independent and interrelated ethnic-specific houses represented in this project.

Use of terms

In this document, the term ‘Pacific’ refers to combined populations belonging to the seven participant ethnic groups in this project: Cook Islands, Fiji, Niue, Sāmoa, Tokelau, Tonga, and Tuvalu. It is also used to refer to the collective ethnic-specific Conceptual Framework documents.¹

1 The seven documents are: **Turanga Māori:** A Cook Islands Conceptual Framework: Transforming family violence – restoring wellbeing; **Vuvale Doka Sautu:** A Cultural Framework for addressing violence in Fijian families in New Zealand; **Koe Fakatupuolamoui he tau Magafaoa Niue:** A Niuean Conceptual Framework towards addressing family violence; **O le Tōfā Māmao:** A Sāmoan Conceptual Framework on family violence; **Kāiga Māopopo:** A Tokelau Conceptual Framework on addressing family violence; **Fofola e Fala kae Talanoa e Kāinga:** A Tongan Conceptual Framework for the prevention of and intervention in family violence in New Zealand – Famili Lelei; and **Toku Fou Tiale:** A Tuvalu Conceptual Framework for addressing family violence.

SECTION ONE

Introduction

This literature review is one of eight key documents that informed the development of *Nga Vaka o Kāiāra Tapu: A Pacific Conceptual Framework to address family violence in New Zealand*. This review forms part of a wider project on family violence for the Ministry of Social Development (MSD). It also sets a research agenda for the Pacific Advisory Group (PAG).

Scope

The research tasks required to complete the literature review included identifying, reviewing and analysing:

- perceptions of and cultural beliefs on family violence
- concepts that promote the wellbeing and 'sacredness' of Pacific people
- contemporary influences on families
- relationships between culture, religion, social norms and family violence
- impacts of family violence on family members and communities
- relevant international and national literature on:
 - indigenous people and family violence
 - migration
 - inequalities
 - identity
- information gaps and areas for further research and exploration.

Methodology

As a guiding principle, 'by Pacific, for Pacific' is a necessary starting point for this review. It makes explicit that a strengths-based approach that:

- is underpinned by core cultural concepts and principles that promote and protect the wellbeing of families and individuals, and
- is informed by knowledge that is contextually meaningful, and reflects the experiences of ethnic-specific communities in insightful ways.

is likely to be dynamic and compelling in addressing the complexities that give rise to the occurrences of violence and violations in ethnic-specific families. The methodology therefore acknowledges, as one of its concerns, Pacific epistemology – the 'production and validation of knowledge' by ethnic-specific communities 'who produced it in the first place'.² Throughout this review, 'oral

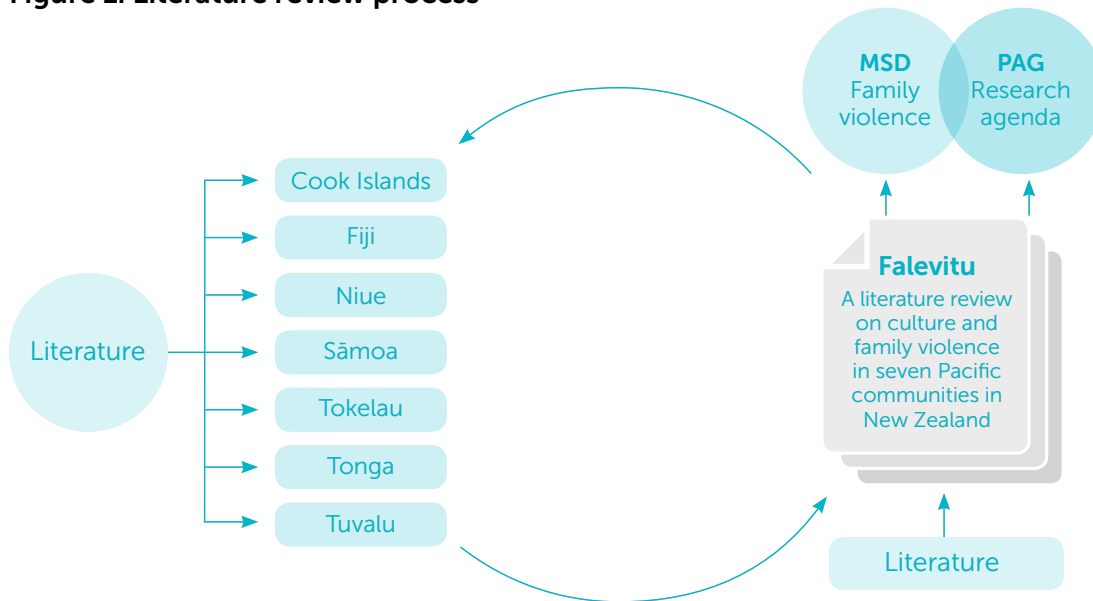
² *Emerging Epistemologies: Address by Professor Subramani*. Noumea, New Caledonia, 20–24 October 2003, University of the South Pacific, Suva, Fiji Islands.

literature' is drawn on from the ethnic-specific documents to supplement or clarify documented knowledge. Stanley *et al* (2002) point out that there is a difference in "ways of knowing" between mainstream and indigenous knowledge and that, "it is important that the knowledge generated by indigenous peoples is incorporated into any future attempt to develop solutions to violence".

Method

Figure 1 illustrates two aligned processes in the search and review of literature.

Figure 1. Literature review process



Although the literature review was largely defined by the scope, there was flexibility for emerging issues that were of relevance to be included in the review. Through this process, the search and review of literature was undertaken incrementally. Four distinct groups of information were sought from literature. The first was information on the following areas:

- Ethnic-specific perceptions of and cultural beliefs on family violence.
- Concepts that promote the wellbeing and 'sacredness' of ethnic-specific/ Pacific people.

Electronic searches were carried out under the term 'family violence', by ethnic group and the word 'Pacific'. With the exception of the seven ethnic-specific reports in *Pacific Pathways to Prevention of Sexual Violence* (Ministry of Pacific Island Affairs, 2010), no other literature with a focus on ethnic-specific conceptual worldviews in relation to family violence was found. The information for this section is substantially informed by the seven ethnic-specific Working Groups and their writers.

A second group comprised literature gathered by the writers of each of the seven ethnic-specific groups to develop their Conceptual Frameworks. Following the completion of early drafts of the ethnic-specific documents, a decision was made to uplift information related to background, such as history and demography, and to develop these further as part of the Research Agenda, which is discussed further

in this report. This was to ensure the production of seven succinct Conceptual Frameworks. Historical information that had a direct bearing on shifts in culture resulting in the erosion of protective factors was retained. A recommendation was also placed in the ethnic-specific documents that they be read in conjunction with this literature review and the document, *Nga Vaka o nga Kāinga Tapu* for the reason that all three documents contextually inform each other.

A third body of information was a review of relevant literature on:

- contemporary influences on families
- impacts of family violence on family members and communities
- relationships between culture, religion, social norms and family violence
- migration
- inequalities
- identity.

The fourth group was the international indigenous literature on family violence. This component of the review was reconsidered. Key limitations to undertaking this part of the review were:

- The extensive gaps in literature on core concepts and principles that underpin the philosophical worldviews of the seven ethnic-specific cultures.
- That unique circumstances exist for the seven ethnic-specific communities in New Zealand that are not part of the cultural, political and socio-historical experiences of international indigenous communities. These include: geographical location; worldviews and knowledge; pre-contact relationships; migrant histories and identities; strong affinities to family identity, and affiliations to villages of belonging in island homelands; and the significant influence of Christian churches, and colonial and post-colonial relationships to New Zealand.
- That traditional and contemporary ethnic-specific worldviews and lived experiences are highly under-theorised.

The absence of locally generated ethnic-specific databases by which useful comparisons with international indigenous literature can be carried out, led to the consideration of an alternative approach to this component of the review.

Two considerations that can be attributed to the paucity of ethnic-specific information are:

- i. The assumption that ethnic-specific cultures are a homogeneous group.
- ii. Explanations of family violence articulated through predominantly Eurocentric theories.

These approaches obfuscate attempts to capture meaningful ethnic-specific statistical and qualitative data, and therefore hinder the development of effective prevention and intervention strategies (Crichton-Hill, 2001, 2003; Hughes, 2004; Koloto and Sharma, 2005; Fanslow *et al*, 2010).

In the past 60 or more years, there has been continuous migration between island homelands and New Zealand. As people have migrated, they have brought with them “culture bound beliefs and traditional attitudes to violence particularly from Pacific home islands; which have been interpreted/translated in the New Zealand setting” (Duituturaga 1988; Cribb 1997; Asiasiga *et al*, 2002; Hand *et al*, 2002; Koloto and Sharma, *ibid*).

The importance of context for culture and family

The reference to “culture bound beliefs and traditional attitudes to violence” brings to bear two widely held assumptions: that violence is an acceptable part of ethnic-specific cultures, and that Pacific Islanders are inherently violent. The explications of the conceptual worldviews of the ethnic-specific groups refute the accuracy of these beliefs. Family violence, for example, is an “aberration” (*Koe Fakatupuolamoui he tau Magafaoa Niue*, 2012) , and “Culture is used as an excuse, and blamed for causing violence” (*Fofola e Fala kae Talanoa e Kāiga*, 2012). While it is true that there are family members who are violent towards their kin, this is not supported by, or done on the authority of the cultural beliefs of most of the seven ethnic-specific communities. When addressing the argument that culture is a barrier to achieving health and wellbeing, Tongan educationalist ‘Ana Taufe’ulungaki (2004) asks, “whose culture? ” The same question can be asked of those who blame culture for violence within families. Further research is needed to understand how worldviews that are underpinned by core concepts and principles of respectful and *tapu* relationships became misinterpreted and distorted in the beliefs of families and communities.

Family violence literature recognises that the term ‘family’ in Pacific contexts includes “an extended network of family members” and that “non-Western concepts of family are inadequately addressed in literature” (Lievore and Mayhew, 2007). An important feature of extended family that is not specified in family violence literature is that the active networks of extended families transcend geographical boundaries. For many, the island homeland continues to be viewed as the place to which families look for leadership, connections to land, titles, identity and belonging. While families may live as nuclear or collective groups in New Zealand, their aspirations include a concern for the wellbeing of kin in homelands and other countries.

Context is therefore critical in forming explanations of violence in ethnic-specific families. It is a “frame of reference that determines how meanings are made possible” (Wood, 2002). In the absence of relevant context, the meanings of concepts and principles upon which protective factors are premised become lost to other interpretations.

Violence within the families of the seven ethnic-specific communities is a phenomenon that is unique to the New Zealand milieu and, to an extent, the island homelands of the seven ethnic-specific communities.

In lieu of an international search, this review focused on family violence literature within the homelands of the seven ethnic groups. A report, *Ending Violence Against Women and Girls* (United Nations, 2011)³ provides a comprehensive description of the prevalence of violence in the Pacific Islands, including work undertaken to

³ Full reference: *Ending Violence Against Women and Girls. Evidence, Data and Knowledge in Pacific Island Countries*. Literature Review and Annotated Bibliography, 2nd Edition – July 2011. UN Women. United Nations Entity for Gender Equality and the Empowerment of Women.

address access to support services, access to justice, and barriers and promising approaches to violence prevention (Appendix 1). An exploration therefore of the contributing factors and types of responses to family violence in the island homelands is useful for understanding the challenges and promising approaches for working with families in the New Zealand setting. Time has not allowed for an expanded search in this area; however, the information provides important insights from which further searches can be carried out.

SECTION TWO

Population features

In the 2006 population census, the Sāmoan population comprised 49 percent of the total of Pacific ethnic populations in New Zealand. The next six largest ethnic groups were Cook Islands Māori (22 percent), Tonga (19 percent), Niue (8 percent), Fiji (4 percent), Tokelau (3 percent), and Tuvalu (1 percent). Approximately two thirds (67 percent) of the Pacific populations live in Auckland with about 30 percent residing in South Auckland, followed by Waitakere City, and Porirua City.

Pacific people are largely urban based. Tokelau people are more likely to be living in Wellington (just over 51 percent), with 29 percent living in Porirua City. Fijian people were more likely to be living in Auckland (20 percent), and Tuvaluan people in Waitakere City (58 percent). Tongan people (36 percent), Sāmoan (34 percent), Niuean (34 percent) and Cook Islands Māori (33 percent) were living in South Auckland.

Thirty eight percent of Pacific peoples (100,344) were aged under 15 years in 2006, compared to 22 percent of the New Zealand population overall.

Table 1. Median ages by ethnic group, 2006

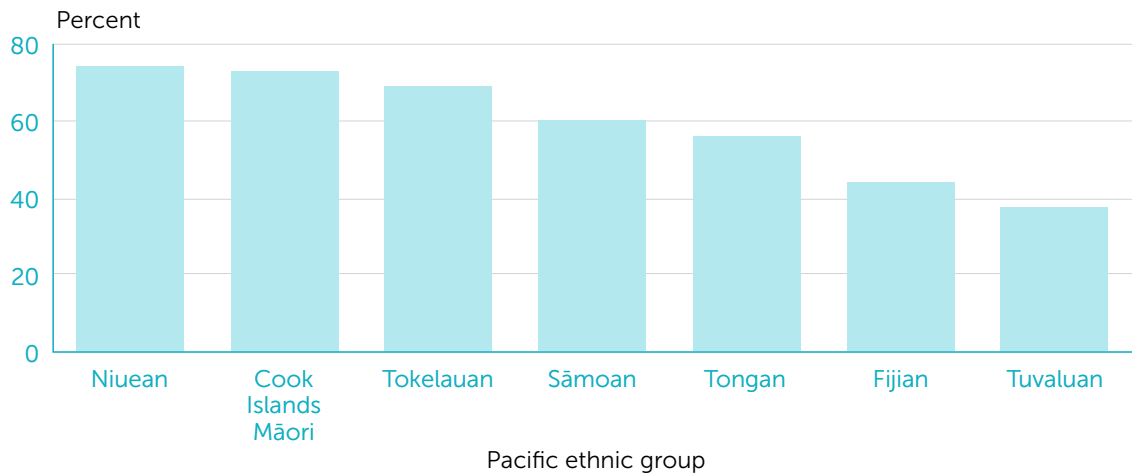
| | |
|--------------------|------------|
| Tonga | 18.6 years |
| Tokelau | 18.7 years |
| Cook Islands Māori | 18.9 years |
| Niue | 19.6 years |
| Tuvalu | 19.7 years |
| Sāmoa | 20.9 years |
| Fiji | 24.2 years |

In 2006, 4 percent of Pacific peoples were aged 65 years and over compared to 12 percent of the overall New Zealand population.

Source: Statistics New Zealand, 2006

Proportion of New Zealand-born Pacific Peoples

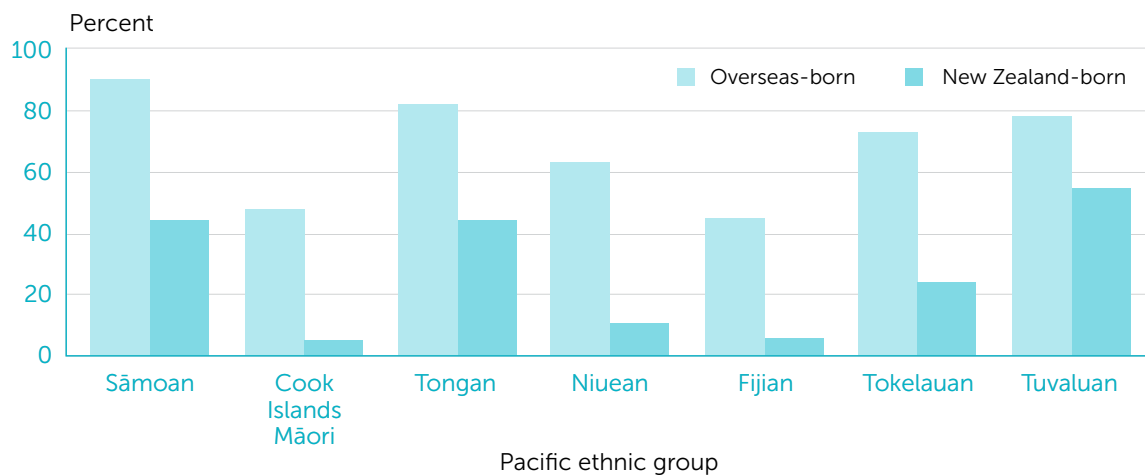
For selected ethnic groups (2006 Census)



Six in ten people of Pacific ethnic descent were born in New Zealand. Niuean people (74 percent) and Cook Islands Māori (73 percent) were likely to be born in New Zealand. Tuvaluan people (37 percent) were least likely to be born in New Zealand.

Pacific Peoples Who Speak Their Own Language

For selected ethnic groups and birthplace (2006 Census)



At the time of the 2006 census, 49 percent of Pacific people could speak more than one language, compared to 18 percent for the overall New Zealand population. Tuvaluan people were the most likely to speak their own language (71 percent), followed by Sāmoans (63 percent) and Tongans (61 percent). For all of the seven largest groups, those born overseas were more likely to speak their own language than those born in New Zealand. For example: 90 percent of overseas-born Sāmoans spoke Sāmoan, but only 44 percent of New Zealand-born Sāmoans spoke Sāmoan. Around three out of four overseas-born Tokelauans spoke Tokelauan, but only about one in four New Zealand-born spoke their own language.

Religion

In 2006:

- 83 percent of Pacific peoples stated that they had at least one religion. Ninety-seven percent of those with at least one religious affiliation identified with the Christian religion.
- Catholic was the most common Christian denomination for people of Sāmoan ethnicity (29,607); Tokelauan ethnicity (2,289); and Fijian ethnicity (2,016).
- The second most common Christian denomination were Presbyterian, Congregational and Reformed for people of Cook Islands Maori ethnicity (15,066); Niuean ethnicity (6,771); and Tuvaluan ethnicity (1,353).
- The third most common Christian denomination was Methodist for people of Tongan ethnicity (18,858).

In the 2006 Census, 34,833 people (14 percent) of Pacific ethnicity said they had no religion: This has increased from 12 percent in 2001. Pacific peoples with no religion were:

- mostly New Zealand-born (about nine out of 10).
- concentrated in the younger age groups.

Half of Pacific peoples with no religion were aged under 15 years.

Source: Statistics New Zealand, 2006

The literature

The remainder of this section addresses literature identified under the scope of this review. There is a significant paucity of literature in each of the following areas. Ethnic-specific data is needed to better understand the issues. These are included in the Research Agenda. In addition to relevant information from literature, attempts have been made to draw out themes from the subject headings that will be useful for deeper understandings of a range of discussions around culture and family violence.

Migration

Pacific people have travelled the Pacific Ocean for centuries. The seven ethnic-specific communities each have their own oral traditions about how their ancestors travelled throughout the Pacific to trade, visit relatives, establish or consolidate political alliances, for purposes of war, or to discover new lands. 'Isolation was never a problem because *Te Moana Nui a Kiva* (Pacific Ocean) was perceived to be a highway to everywhere' (Davis, 1992). While the migratory movements 'along ancient routes' (Hau'ofa, 1993) and mode of travel have changed, today's individuals and families from the island homelands make the same journeys to seek better opportunities, and to provide for families in island homelands.

The 1960s to mid 1970s were years of increased migration from the Pacific to take up semi and unskilled labour within New Zealand's growing post war industrial production (Spoonley 2001; Fairburn-Dunlop & Makisi, 2003). Migration regulations were relaxed enabling Pacific employees to fill labour shortage quotas for low wages. Increased economic security created conditions which enabled Pacific communities to establish their own social and community structures and processes (Fairbairn-Dunlop & Makisi, *ibid*).

The years 1974–1976 and 1986–1988 were periods of 'worsening economic climate' in New Zealand (Toft, 1990). Global trends resulting in the deregulation of New Zealand's economy in the 1970s and 80s led to the closure of industrial and manufacturing factories where the majority of employees were Pacific people. With skills which were no longer required or transferable, many found themselves without jobs. These and the 'benefit reforms in the 1990s, contributed to the legacy of low socioeconomic status amongst Pacific people' (CMDHB). Pacific migrants who had entered New Zealand under work schemes found themselves caught up in the overstayers issues in the years 1974–1976 and again in 1986–1988 (Toft, *ibid*).

The 1996 census indicates the probable impact of the 1970s and 1980s global trends on family dynamics and structures. These included significant trends away from marriage or choosing to marry at older ages as well as increases in de facto relationships and shifts towards sole parenting. Data collected on extended families for the first time in 1996 found that 34% of Pacific people lived in extended families and that households comprised of more than one family or several unrelated people (Cook, Didham, and Khawaja 2001). Further, Pacific families had high unemployment, overcrowded housing conditions, and high prevalence of chronic conditions including diabetes. As a result, roles within families were significantly affected. Where quality of life was affected by illness, indications were that traditional patterns of care for the Pacific elderly would be under pressure as a result of demographic and employment demands. Increases in cross-cultural marriage created new family links, but would also generate tensions by bringing new expectations and patterns of behaviour into Pacific family structures. (Statistics New Zealand, 2004).

For many people, migration from the island homelands involves a shifting of realities – there is a cultural shift from extended families and an ethnic specific society to situations of living as nuclear families in multicultural communities. When people migrate, there are implications:

- Family structures breakdown.
- Tensions between holding onto familiar ways of doing things and a new environment.
- Break in kinship and collective support.
- Reshaping new identities.
- Conflicts between:
 - New Zealand born children and island born parents
 - partners
 - cultural misconceptions and clashes (ARPHS, 2006).

Combined with migration factors, are stress factors that have resulted in the acceptance of family violence as a response to stress, anger, and frustration:

- Lack of communication between parents and children.
- Change in the status of women and children.
- Urbanisation of Pacific peoples and the impact of drugs and alcohol.
- Low educational achievement, poor housing and over crowding, and poor health status.
- Low income (Ministry of Health, 2002).

Inequalities

Violence often tends to be explained in terms of social and economic inequalities. In addition, areas that require exploration are culturally inherited status (for girls, women, and boys) and gender-based status for females.

Identity

There is a need for research to understand the perceptions and beliefs that young people who are of ethnic-specific ancestry, and who have multiple-ethnic affiliations, have of culture and family violence.

A Ministry of Justice consultation with young Sāmoan people found that there was concern with *fa'aSāmoa* because of the associations with the diversion of money needed for essential family requirements. There were also concerns about cultural misperceptions of the role of the father as head of the family and that a poor understanding of *fa'aSāmoa* led people to wrongly believe that the 'Sāmoan way' justified violence. This group called for Sāmoan people to 'revisit old ways of thinking and to assess these in the new/local context' (Asiasiga *et al*, 2002).

Contemporary influences on families

... Nothing will test whether custom and human rights can operate together more than the role of women. There is some dispute as to the traditional role of women but it is clear that colonisation, Christianity and custom put together promoted the structures that favoured men, including new succession laws with absolute rights that removed customary obligations, new chiefly structures, and in some societies wage labour and new commercial enterprises. Consequently, the roles filled by women lost status. (New Zealand Law Commission, 2006)

This subject heading brings together the subject heading: Relationships between culture, religion, social norms and family violence. In the above quote, colonisation, Christianity, and custom are identified as the combination of influences to which 'women lost status' and covenant. An understanding of these influences requires a critical exploration of the colonial histories of each ethnic-specific group.

Impacts of family violence on family members and communities

The Pacific Region statement at the 51st UN Commission on the Status of Women highlighted that violence and discrimination against women and children is endemic in the Pacific, and is not helped by issues such as the 'culture of silence', hardship and poverty and low quality of education amongst other factors.⁴

⁴ Forum Secretariat, Press Statement: Forum Reaffirm need to involve men and end violence against women (8 March, 2007).

There is presently no available literature on the impact of family violence on ethnic-specific families. An issue of particular relevance that is raised in the above statement is the 'culture of silence.' These are further areas requiring research.

SECTION THREE

Research

Research gaps

There is a severe paucity of the statistical and narrative research needed to inform the work of ethnic-specific practitioners. One key concern is a question of identifying information that is relevant and that will make significant inroads into gaining a deeper understanding of the issues that contribute to violence and finding solutions to these.

The lack of statistical evidence and dearth of research on violence in Pacific populations has an impact on the ability of workers in the family violence area to advocate for the development of effective and appropriate policies and interventions for Pacific populations. (Crichton-Hill, 2003)

Research needs to define and place violence in the context of the reality of ethnic-specific families.

Failure to define the phenomenon in question leads to ignorance about the facts ... but it also prevents precise theory building and testing and leads to inaccurate generalisations. (Herzberger, 1993)

The reporting of data on Pacific prevalence rates overlooks the diversity of existing ethnic-specific communities, including the differences within each ethnic community:

It is unclear ... which particular Pacific populations are more highly represented among the offenders and victims of family violence, because there is a paucity of statistical data that accurately identifies the ethnicity of Pacific peoples. Valuable data is lost when people of the Pacific are identified under one category ... It is imperative that organisations in the field of family violence develop more effective ways of capturing ethnicity in statistical data. (Crichton-Hill, 2003)

... This heterogeneity also suggests that pan-pacific prevention and treatment/support strategies may be less effective than strategies that recognise that family violence is experienced differently across Pacific groups. (ARPHS, 2006)⁵

Research agenda

As data on the prevalence and types of violence occurring in Pacific families continues to be gathered, there is a question about the usefulness of this information as a primary source for informing the work of ethnic-specific practitioners and service providers. It is a question of relevance and of application for seven Pacific groups that are as ethnically diverse as they are (inter and intra) generationally motivated by different impulses, perceptions and experiences of their lived environments.

5 Auckland Regional Public Health Service.

While current research continues to generate a wealth of information on Pacific families, culture and violence, it does not explain the relationship between culture and family violence. The repetition of material in literature spanning nearly two decades, for example, suggests that there is a need for new insights into and approaches to understanding family violence, and the socio-cultural contexts of victims, perpetrators and families who are affected by family violence.

This review affirms that there is no literature or critical research that focuses on understanding the conditions under which family violence enters the family, and the cultural pathways taken to restore harmony and wellbeing in the family.

International indigenous models

The unique composition of seven ethnic groups that migrated to New Zealand led to the decision to set aside a review of the work of international indigenous groups and to focus on:

- i. understanding the New Zealand context for each ethnic group (short to medium term)
- ii. undertaking a comparative study with the home country of each ethnic group (long term).

Research approach

Family violence is a symptom of complex socio-cultural and environmental factors. The research approach requires a multi-disciplinary lens.

Building on ethnic-specific conceptual frameworks

Research across the seven ethnic groups needs to build on information provided in the ethnic-specific Conceptual Framework documents and to explore this within a New Zealand context. The following are in no particular order of priority, and will need further refining:

- Make explicit the nature and significance of labels such as Pacific and pan-Pacific, and how these stereotypes impact on individual, family, community sense of (collective) self, (collective) self-awareness and (collective) self-respect.
- Explain how each culture perceives and gives meanings to wellbeing; violence; violation; restoration (to wellbeing); belonging and identity; and obligations and duties to family in the New Zealand context.
- Explore the 'culture of silence' around family violence and other forms of violence.
- Spirituality is inextricably linked to identity. Explore this relationship with family violence.
- Explain the significance of 'covenantal' relationships between family members, such as: brother-sister covenants; matriarchal roles such as *fatupaepae*, and the complementary role of *toeaina* in Tokelau; and the *fahu* in Tonga, and their potential for maintaining harmony and peace within families in New Zealand.

- Explicate the term 'family' by explaining the different arrangements, roles and responsibilities of, and relationships and significant boundaries between family members. What types of family relationship work best in a New Zealand setting?
- Explore the transition from status to gender roles for women and children; the age focus for the elderly; and the implications of these in terms of attitudes and behaviour towards women, children and the elderly.
- Critique the philosophical worldviews that inform values, beliefs and behaviour, such as Western ideologies, Christianity and indigenous worldviews. Where are the liberative values and beliefs in each of these worldviews?
- Explore the impacts of contemporary influences such as colonisation, Christianity, migration and globalisation on cultural values and beliefs, and individual and familial aspirations.
- Explore the influences that families in home countries and families living in New Zealand have on each other in terms of preserving and/or changing values and beliefs.
- Articulate social, religious and political tensions and conflicts/harmony and agreement with cultural values and beliefs.
- Explore the importance of language in contributing to wellbeing in families. How is this addressed for English-speaking family members?
- Explore the concept of *tapu* in family relationships in island homelands and in families in New Zealand.
- Building on existing literature, explore the relationship between migration, inequalities, identity and family violence.

Changing behaviour, changing environment

- Explore the relationship between violent behaviour and: lived environments; family environments; employment environments; educational environments; community and church environments; and social environments.

Perceptions of and beliefs on family violence

Explore the relationships between family violence and:

- racism (and gender, age and sex discrimination)
- inequalities
- youth/children who abuse their parents and older relatives.
- Based on existing literature, explore further the perceptions of family violence among Island-born women and New Zealand-born women.
- Based on ethnic-specific literature, explore wellbeing; and family violence, in relation to:
 - issues of gender and culture
 - cultures as transformative frameworks.

SECTION FOUR

Definitions and their significance

The predominance of local literature on 'Pacific' and 'Pacific Island' families is largely mediated by Western perceptions and interpretations. There is very little, if any, attention given to understanding how families define themselves in relation to: their communities of identity and belonging; their lived environments; the wider society; their relationships with each other; what it means to be family; meanings of wellbeing; and the impacts that social, political and cultural disruptions can have on their ability to provide basic necessities on a day-to-day basis.

The seven ethnic-specific Conceptual Frameworks highlight the complex nature of meanings and definitions within and across cultures. Meanings are multidimensional, in that no one concept or principle stands alone. To fulfil the meaning of one concept requires the active presence of others. The term wellbeing in the Tongan context, for example, focuses on achieving *napangapanga mālie* (balance) of *atamai* (mind), *laumālie* (spiritual) and *sino* (physical).⁶ Each of the constituents of *napangapanga mālie* needs to be understood within the Tongan frames of meaning to glimpse the Tongan ideal of 'wellbeing'. Ethnic-specific concepts address the whole person, whole families, villages, communities and countries.

The challenges around understanding meanings across cultures also extend to how issues of family violence for these communities are languaged in government documents; "perceptions and meanings of violence will differ in ethnic communities from the constructions of meanings in Western societies".⁷ When attempting to name realities that are meaningful to an ethnic-specific community's lived experiences, including family violence, commonly used terms such as 'Pacific', for example, sit in a conceptual vacuum. There is no frame of reference for the term Pacific in ethnic-specific cultures.

(Pacific) ... was a creation which has never existed in practice ... Pacific Islands community ... is a collection of distinctive groupings which have occasionally formed coalitions to pursue interests in common ... a unified community was, and is, unlikely to emerge". (Macpherson, 1997.)

6 Fofola e Fala kae Talanoa e kāiga, 2012.

7 Moon and Benton, 2000; Daichman et al, 1997; Kozack & Lukawiecki, 2001 – in Fallon, 2006.

SECTION FIVE

Cultures as transformative frameworks

This section seeks to broaden the focus of the seven Conceptual Frameworks by exploring a viewpoint of culture as a transformative framework based on a paper written by Cook Islands feminist geographer, Yvonne Underhill-Sem entitled *Gender, Culture and the Pacific* (2010). Time and resources do not allow for an in-depth exploration, but suffice to say the issues raised here are contributions to ongoing discussions and thinking in this work.

A dynamic way of reading this section is to replace the word culture (systems) with one of the following ethnic-specific constructions of culture: *Akono'anga Māori*; *Tovo vaka Viti*; *aga fakaNiue*; *aganu'u Sāmoa/fa'aSāmoa*; *Tū ma aganuku o Tokelau*; *anga faka-Tonga*; and *Tu mo faifaiga faka Tuvalu*.

Culture as a fixed script

The purpose of Underhill-Sem's paper is to provide a critical understanding of how culture in the Pacific impacts on gender equality and human development. In her analysis, Underhill-Sem addresses two views that are widely held in the Pacific. The first view is that "culture is a sacred template that should not be meddled with":

When culture is understood as a script to be followed, the social action of an individual is the execution of the existing system and therefore not the responsibility of individuals. (Underhill-Sem, ibid)

Cultural systems are understood as a collective script that individuals follow as part of their social responsibilities, and through which no one person takes responsibility for the accomplishments of their actions. Underhill-Sem describes this as a "way of life that is taken for granted" and that "is not closely interrogated by those who live it". The 'taking for granted' assumes that culture and what is understood to be its values and beliefs – the script – is unchangeable, and cannot be lost. As a result, there is no 'interrogation' or critical reflection on and questioning of how the lives of individuals are affected by cultural scripts.

Culture as a dynamic entity

A second understanding of culture is that it is a conceptual system that makes clear, and is explicit about, what is significant and important to the wellbeing of people. From this perspective a different interpretation of culture is possible, allowing for 'something unforeseen' to reorient the script. Underhill-Sem refers to the "enabling property" of culture that can "incorporate and adapt to new and original situations and events". Examples are "instances of women taking on new economic roles, controlling their fertility, or holding public roles". It is also possible to find men "playing major roles in the intimate care of children" and "delivering babies" in societies where "taboo is associated with the birthing fluids of women".

An understanding of culture as a set of values and principles that gives prominence to what is significant in people's lives allows other possibilities not previously conceived of to be revealed in the cultural script. As a framework of meaning, culture in its 'enabling' aspect plays a transformative role.

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APPENDIX 1

Acronyms

| | |
|---------------|--|
| AusAid | Australian Government Overseas Aid Programme |
| CEDAW | Convention on the Elimination of All Forms of Violence Against Women |
| ILO | International Labour Organization |
| MoH | Ministry of Health |
| PPDVP | Pacific Prevention Domestic Violence Programme |
| RRRT | Regional Rights Resource Team |
| SPC | Secretariat of the Pacific Community |
| UNDP | United Nations Development Programme |
| UNFPA | United Nations Population Fund |
| UNICEF | United Nations Children’s Fund |
| VAW | Violence Against Women |

The full report can be accessed in: *Ending Violence Against Women and Girls. Evidence, Data and Knowledge in Pacific Island Countries. Literature Review and Annotated Bibliography, 2nd Edition – July 2011.* UN Women. United Nations Entity for Gender Equality and the Empowerment of Women.

Low status of women and girls

- Low status of women and children in Pacific Island Countries increases their vulnerability to violence, exploitation and abuse.
- Girl children are particularly vulnerable to abuse as they are generally at the very bottom of the social hierarchy in Pacific Island Countries. They are socialised to have a sense of inferiority, not to have a choice or opinion and not to question male authority.
- In this context, girls may have difficulty in rejecting sexual advances and are less likely to recognise that they are being abused or exploited.

(Laqeretabua, Naidu, & Bhagwan Rolls, 2009, pp. 20, 61; RRRT, 2008, p. 22; Schoeffel Meleisea & Meleisea, 2007, p. 18).

Silence and shame around violence against women

- The subordination of women and their lack of voice in the community lead to a culture of silence around many gender issues, including violence and sexual abuse.
- Speaking up about sexual violence and abuse is viewed negatively as it can bring great shame on the survivor, the family and the perpetrator.
- The family of a survivor may encourage silence to avoid “economic devaluation” of the girl.

(Laqeretabua, Naidu, & Bhagwan Rolls, 2009, pp. 14, 61; RRRT, pp. 3, 22; Schoeffel Meleisea & Meleisea, 2007, pp. 10–11).

Sexual double standard

- In almost all Pacific Island cultures, there is a social acceptance that men and boys will be sexually active and roam freely while girls are expected to be virgins, dress modestly and avoid attracting unwanted attention.
- Thus when a girl is sexually abused, the blame is often placed on her for attracting the attention rather than on the abuser (Laqeretabua, Naidu, & Bhagwan Rolls, 2009, pp. 23–24).

Marriage practices and age of consent

In many Pacific countries (e.g. Fiji, Tonga) there is no minimum age for consent and thus the crime of statutory rape does not exist. However, even in countries with a minimum age of consent (e.g. Niue), statutory rape is rarely recorded (Schoeffel Meleisea & Meleisea, 2007, p. 11).

Economic dependence and poverty

- Economic dependence and poverty put women and girls at risk of sexual violence. Women's reliance on a male breadwinner is seen as a major deterrent to complaining about violence or leaving her husband (AusAID 2008, p. 17).
- Poverty is a major contributing factor to sexual exploitation of children in Pacific Island Countries, including child neglect due to economic pressure on parents; pressure on children to earn money; and limited opportunities for education and work (RRRT, 2008, pp. 23–24).

Role of religion

- The major religions in the region: Christianity and Hinduism support the belief that the husband is the head of the family.
- Most of the mainline churches in Pacific Island Countries have not taken a proactive role to question or analyse cultural stereotypes, denounce gender inequalities or violence against women (AusAID 2008, p. 18; Laqeretabua, Naidu, & Bhagwan Rolls, 2009, p. 97).

Focus on compensation and reconciliation

- Making and maintaining peace between groups and their (male) leaders is highly prioritised. The interests of women and girls are secondary to those of the group, so injuries against a female are dealt with by compensating the males who had believed to own her person, sexuality etc.
- In some countries (e.g. Papua New Guinea, Solomon Islands, Vanuatu), a woman who has been raped can be ordered, pressured to marry the offender to normalise relations between the two groups (AusAID 2008, p. 19).

Impact of HIV and AIDS

- HIV and AIDS can be seen as both a cause and consequence of violence against women. Sexual and physical violence against women contributes to the spread of HIV. Fear of partners' violent reactions can make women less willing to discuss using condoms or question their partners about their sexual activities. There are also reports that fear of HIV is driving men to seek sexual relations with very young "clean" girls (AusAID 2008, p. 16; Schoeffel Meleisea & Meleisea, 2007, p. 17).
- When women and girls are beaten for refusing sex or are forced to have sex, their risk of becoming infected with HIV increases significantly. Women who have been beaten by their partner are less likely to report rape even if the rapist is not their husband or partner and more likely to fear HIV testing even if they have not engaged in pre-marital, extramarital or transactional sex (UNDP Pacific Centre, UN Women Pacific and SPC, 2009, p. 31).
- Violence and HIV risk intersect in several ways:
 - Forced sex poses a direct biological risk of contracting HIV and other STIs by tearing and lacerating the genitals or the anus and thus increases the likelihood of HIV to get into the bloodstream if exposed to the virus. The risk is considerably accrued for girls and young women because their vaginal tracts are immature and tear easily during sexual intercourse.
 - Intimate partner violence poses indirect risks for HIV and other STIs in several ways:
 - Violence, and threats of violence limits one's ability to refuse sex or negotiate safer sexual behaviour.
 - Sexual abuse as a child, coerced sexual initiation and current partner violence may increase sexual risk taking later in life.
- Women (and men) who experience violence may be in partnership with someone who has risky sexual behaviours and thus a higher likelihood of being infected.
- Violence or fear of violence may deter women from disclosing their HIV status or seeking HIV testing altogether and delay their access to treatment and other services (UNDP Pacific Centre, UN Women Pacific and SPC, 2009, p. 31; Luker 2010).
- Research from other parts of the world has shown that women with violent or controlling male partners are at risk of HIV infection because abusive men are more likely to have HIV and impose risky sexual practices or partners (UNDP Pacific Centre, UN Women Pacific and SPC, 2009, p. 34).

Lack of sexual/reproductive health education

Sexual and reproductive health education is rarely provided in Pacific Island schools, due to cultural and religious norms. This may prevent girls from being able to manage risks associated with unwanted sexual advances and knowing about services to help them deal with sexual abuse (RRRT, 2008, p. 23; Schoeffel Meleisea & Meleisea, 2007, p. 15).

Armed conflict and emergencies

Events such as armed conflicts, political crises or natural disasters often lead to increased violence against women. Examples include the ethnic tensions in Solomon Islands, tribal fighting in Papua New Guinea and political turmoil in Fiji as well as natural disasters such as earthquakes, cyclones, floods and tsunamis (AusAID, 2008, p. 20).

Cook islands

Social context

There has traditionally been a high level of acceptance of male violence against women.

A culture of shame and silence exists, meaning that few women will speak openly about domestic violence. Domestic violence is associated with huge tolerance for excessive alcohol use. There is also a degree of survivor-blaming by both men and women (Lievore & Fairbairn-Dunlop, PPDVP Cook Islands Report, 2007, pp. 25, 32–33, 36–37; Chung, 2004, p. 55).

Women's responses to domestic violence are shaped by a range of factors, including:

- i. privileging of family and heavy family obligations;
- ii. lack of refuge facilities and other support systems;
- iii. women's inability to generate an adequate income to support themselves and their children;
- iv. psychological disempowerment;
- v. feelings of love for the perpetrator; and
- vi. lack of understanding of their human and legal rights (Lievore & Fairbairn-Dunlop, PPDVP Cook Islands Report, 2007, p. 37).

Women often seek to withdraw domestic violence cases from court due to social/cultural factors such as: concern about the family's economic survival if the primary breadwinner is incarcerated; social values around gender roles and the view that men have the right to treat their wives as they wish; and women feeling threatened by or sorry for their husbands (Lievore & Fairbairn-Dunlop, PPDVP Cook Islands Report, 2007, p. 14).

1. Violence against women

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 (Lievore & Fairbairn-Dunlop, PPDVP. Cook Islands Report, 2007, p. 31).

Cook Islands police record around five assaults on a female per month, which comprises around half of all incidents recorded as violent crimes and 10% of all recorded offences (Lievore & Fairbairn-Dunlop, PPDVP. Cook Islands Report, 2007, pp. 9–10).

There are a high number of teenage pregnancies in Cook Islands, many of which are the result of abuse, rape and incest (Chung, 2004, pp. 35–36).

2. Access to support services

Putanga Tauturu, the Cook Islands Women's Counselling Centre, provides counselling services; information about accessing the legal system, police procedures and medical examinations; and support and assistance (Chung, 2004, p. 55).

There is no women's refuge in the Cook Islands. Women and children may be sent to a hostel, a pastor's house or the homes of counselling centre staff or police officers (Lievore & Fairbairn-Dunlop, PPDVP Cook Islands report, 2007, p. 30).

3. Access to justice

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 (Lievore & Fairbairn-Dunlop, PPDVP. Cook Islands report, 2007, p. 39).

There is a "no-drop" policy in place. 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. 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 (Lievore & Fairbairn-Dunlop, PPDVP. Cook Islands report, 2007, pp. 14–17; Chung, 2004, p. 55).

Assaults on females are substantially more likely to be cleared or result in a warning than in prosecution. Also, police tend to focus on offender rehabilitation rather than the other criminal justice goals of punishment, deterrence and incapacitation (Lievore & Fairbairn-Dunlop, PPDVP. Cook Islands report, 2007, pp. 14, 23).

Police are under-resourced and their ability to respond to domestic violence callouts is hampered by too few personnel and inadequate transport (Lievore & Fairbairn-Dunlop, PPDVP. Cook Islands report, 2007, p. 25).

Promising police initiatives include: development of a Domestic Violence Report Form and reporting procedure (although these procedures are not always followed); and establishment of a police Domestic Violence Unit (Lievore & Fairbairn-Dunlop, PPDVP. Cook Islands report, 2007, p. 18).

4. Violence prevention

Police consider that their role includes educating the community about violence against women and the law (Lievore & Fairbairn-Dunlop, PPDVP Cook Islands report, 2007, p. 21).

The main NGO is Women's Counselling Centre, Te Punanga Tauturu Inc. Staff are involved in a range of violence prevention activities, including: human rights and legal literacy workshops; delivering educational awareness programmes; developing materials for use in schools and the community; radio and television appearances; training on violence against women for men, prison officers and perpetrators (Lievore & Fairbairn-Dunlop, PPDVP Cook Islands report, 2007, p. 35).

There is a Cook Islands Men against Violence Agreement There is a Cook Islands Men against Violence Agreement, which grew out of male advocacy training. Members who sign the agreement acknowledge that rape, domestic violence and child abuse are crimes and violations of human rights which stem from the unequal status of men and women and agree to work with other groups to eliminate violence against women (Lievore & Fairbairn-Dunlop, PPDVP Cook Islands report, 2007, p. 36).

Fiji

1. Social context

Cultural, ethnic and religious fundamentalism is on the rise in Fiji, which promotes 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 (UNFPA, 2008, pp. 8, 19).

There is a link between domestic violence and poverty in Fiji. Many women lack economic independence, which can prevent them from leaving a violent relationship (e.g. 60% of Fiji Women’s Crisis Centre clients are not engaged in formal employment). However, women who do leave a violent situation may end up in poverty (UNFPA, 2008, p. 6).

There is a lot of stigma attached to being a divorcee or a woman separated from her partner (UNFPA, 2008, p. 14).

The four coups in Fiji’s recent history have had a chilling effect on women’s rights advocacy and programmes and eroded any progress made in addressing violence against women (AusAID 2008, pp. 153, 157).

2. Violence against women and children

The main forms of violence reported by Fijian women are: physical, sexual and emotional abuse by an intimate partner; sexual assault; and sexual harassment (AusAID 2008, p. 151; United Nations Population Fund [UNFPA], 2008, p. 41).

Violence against women imposes a large cost: the Reserve Bank has calculated the direct and indirect costs of violence in Fiji to be FJ\$210.69-million per year, or 7% of GDP (Lageretabua, Naidu, & Bhagwan Rolls, 2009, p. 116).

The CEDAW Committee has expressed concern at the lack of data and information regarding the incidence of various forms of violence against women and girls, as well as studies and/or surveys on the extent of violence and its root causes. The Committee was also concerned that social support services suffer from inadequacy, insufficiency and a lack of coordination (CEDAW , 2010, pp. 5–6).

Domestic violence appears widespread in Fiji. Figures from the Fiji Women’s Crisis Centre show that 80% of women have witnessed some form of violence in the home; 66% of women have been physically abused by partners and nearly half repeatedly abused; 26% of women have been beaten while pregnant; 48% of married women have been forced into sex by their husbands; and 13% of women have been raped. Police statistics show that domestic violence made up around 13% of all

crimes against the person between 2003 and 2007. Workplace sexual harassment is also prevalent: a 2002 study found that one in three women had been sexually harassed in the workplace (AusAID, 2008, pp. 9, 151; UNFPA, 2008, pp. 12–13, 19).

In many cases, the offender is known to the survivor. According to Fiji Women's Crisis Centre statistics, the survivor knew the perpetrator in 70% of reported rape cases and 94% of child sexual abuse cases (UNFPA, 2008, p. 18).

Many incidents of sexual violence involve young girls: one study found that 30% of female rape survivors were 11–15 years. Children who are billeted with their extended family are particularly vulnerable to sexual abuse e.g. children from outer islands sent to live in urban centres to complete secondary education. Sexual exploitation of children exists in Fiji, including prostitution, sex tourism and pornography (Schoeffel Meleisea & Meleisea, 2007, p. 19; Laqeretabua, Naidu, & Bhagwan Rolls, 2009, p. 76; RRRT, 2008, p. 28).

There is evidence that violence against women is increasing in Fiji: reports of sexual violence increased by 155% from 2003–2007 and there have been an increasing number of violent deaths of women (UNFPA, 2008, p. 18; Laqeretabua, Naidu, & Bhagwan Rolls, 2009, p. 116).

Fiji's four political coups have been cited as a cause of increased violence. Research shows that violence against women, both from intimate partners and strangers, increases during and after coups. At the same time, police have diminished capacity and willingness to respond to violence against women (AusAID, 2008, p. 153).

The ILO CSEC Survey found that although the majority of respondents started sex work between the ages of 15–16 years, some children started sex work as early as 10 years old. Children who live with extended families, children who suffer parental neglect, children who live in violent households and children who have been victims of physical and sexual abuse are very vulnerable to this form of exploitation (ILO, 2010, p. 12).

Research on health professionals in Fiji has revealed that 95% of the health professionals have treated patients on VAW. Of these patients: 83% had more than one violent attack in the past. 70% of health professionals are comfortable in managing VAW patients, 80% have good confidence in consulting and managing women survivors of violence, 88% need VAW clinical management and other specified training needs (Tuiketeti and Rokoduru, 2010, pp. 19, 24–6).

Research on dynamics of VAW in Fiji revealed that the most common cause of VAW is refusal of woman to have sexual relations with husband or partner. 96% of the VAW patients know the assailant, and most patients (70%) arrive at health facilities because they are brought by relatives (Tuiketeti and Rokoduru, 2010, pp. 16, 26).

Main injuries seen in these VAW patients of violence: 85% facial & scalp, 59% jaw injuries, 50% head injuries, 51% upper limb injuries, 30% attempted rape, and others. 93% of the health professionals stated there is no MoH Written Policy or guideline on the management of women who received injuries from any form of violence. As a result, referrals are ad hoc: 39% of health professional always report it to police; 49% refer VAW patients for counselling; only 6% report it and refer patient to FWCC; 34% have filled a police medical report; and 5% of them have been summoned to Court for testimony on a VAW case (Tuiketeti and Rokoduru, 2010, p. 27).

3. Access to support services

Fiji Women's Crisis Centre is the main institution providing psychological, human rights-based crisis counselling and practical support. It has headquarters in Suva and branches in Ba, Labasa and Nadi. Counselling services are also provided by Pacific Counselling and Social Services, emergency accommodation providers and faith based organisations (AusAID, 2008, p. 159; AusAID, 2009, p. 76).

In spite of inter-agency Memoranda of Understanding (MOU) directives, survivors are not routinely referred to other services, such as the Department of Social Welfare (DSW), the Ministry of Health, or the Child Abuse and Sexual Offences Unit (CASO), as standard practice, apart from rape cases. Child survivors are not familiarized with court processes and report feeling 'inadequately protected' against the defence. Some reported being discouraged from pressing charges (UNICEF, 2009, p. 11).

There is a lack of emergency accommodation for women escaping violent situations. There are Salvation Army-run Family Care Centres in Suva, Lautoka and Labasa, however, these homes are often full. There is a growing need for more crisis accommodation and it needs to be inclusive of women and girls with disabilities (UNFPA, 2008, p. 33; AusAID 2009, p. 76).

Support services are much more accessible for women living in Suva and other urban areas, which is about half of women. In rural, village or settlement areas, often the only option for women escaping violent situations is to stay at the home of a religious or community leader (AusAID 2009, p. 76).

The report on VAW and public health in Fiji made the following recommendations, amongst others: Establish a specialized counselling unit within the health facility premises where a counsellor, social worker, religious personnel and others can be available 24 hours to attend to VAW patients: strengthen/formalize referral networks with NGOs on counselling/follow up of VAW patients and with the Police to improve case reporting by health staff and VAW patients; develop VAW policy and clinical management guidelines in MOH; develop/strengthen curriculum on Injury for VAW patients for health professionals; conduct training on VAW clinical management, medico-legal issues, counselling and other areas; develop more VAW BCC materials and accessibility in providing information to women; conduct more community awareness programmes on VAW issues; develop and maintain a proper information system integrating it within the existing Health Information Systems in MoH on timely and accurate records at health facilities to effect wholesome treatment and to assist in behaviour change interventions for patients and perpetrators, health care workers, violence and gender-based NGOs, government and the general public (Tuiketeki and Rokoduru, 2010, pp. 40–1).

Fiji must make efforts to increase the number of shelters and to ensure adequate geographical distribution, with particular focus on remote and outer islands. Data on trends concerning the prevalence of various forms of VAW, disaggregated by age and area (urban and rural) is necessary (CEDAW, 2010, pp. 5–6).

The Child Abuse and Sexual Offences Unit does not deal with cases of non-sexual abuse of children – there is no specialized police unit for child survivors. This is an urgent need. The 2008 national police survey found that over 50% of police believe the Unit does deal with other matters and would refer child survivors of

nonsexual abuse. Some reports state that most police are aware of the CASO Unit and the internal referrals are estimated to be at roughly 90%. This estimate was from anecdotal experience rather than data and no data is available to confirm this. Other reports indicate that awareness by the general police force of the existence and role of the Unit is poor and that survivor statements are often handled by general police officers without any survivor or child sensitization. The 2008 national police survey found that 75% of police would refer a child who had been raped to the Unit, but the figures dropped for other sexual offences (UNICEF, 2009, p. 61).

4. Access to justice

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); and 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. Also, many women are unaware of the Act and the procedures for obtaining protection orders (AusAID, 2008, pp. 154, 159; UNFPA, 2008, p. 24; Jalal, 2008, pp. 9–11).

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 (Jalal, 2008, pp. 1, 11).

A draft Domestic Violence Bill was prepared as part of the Final Phase Three Consultation Workshop: the Legal Response to Domestic Violence, Fiji Law Reform Commission, Domestic Violence Reference 2005 (UNICEF, 2009, p. 77). It is recommended that Fiji submit Final Phase Three Consultation Workshop: the Legal Response to Domestic Violence, Fiji Law Reform Commission, Domestic Violence Reference to the Office of the Attorney General together with a submission supporting the tabling of the draft Domestic Violence Bill for promulgation/parliamentary assent (UNICEF, 2009, p. 87).

Child protection legislation remains weak and there is no specific legislation to adequately address commercial sexual exploitation of children, trafficking and abduction. However, Fiji is one of only two Pacific Island countries to have specific provisions making the production and trade of child pornography illegal (RRRT, 2008, p. 35; Chung & Howick-Smith, 2007, p. 51).

There is a lack of reporting of domestic violence – figures from Fiji Women's Crisis Centre show that 74% of female survivors 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". (UNFPA, 2008, p. 13).

Police instituted a "non-drop" policy in 1995. This states that violence against heterosexual adults who are living together as husband and wife (or previously lived together) will be fully investigated and offenders taken to court and that police may

not promote reconciliation in domestic violence cases. The “no-drop” policy has improved police response to violence against women overall but may deter women from reporting domestic violence if they do not want their partner to go to prison (UNFPA, 2008, pp. 22–23; AusAID, 2008, p. 156).

The process for progressing sexual violence cases through the justice system is very slow (up to 4 years) and sexual offences are not treated with the same urgency as other violent crimes. Cases often end in a reconciliation process at the Magistrates Court, or offenders receive suspended sentences (UNFPA, 2008, pp. 23, 31).

Women in rural areas have difficulty accessing the formal justice system, which is largely urban based. As a result, rural women frequently rely on traditional justice systems that are overwhelmingly patriarchal and are based on notions of reconciliation that provide few options and limited protection for survivors of violence (AusAID, 2009, p. 74).

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. However this has become a lot more difficult since the 2006 coup (AusAID, 2008, pp. 155, 157).

While welcoming the Domestic Violence Decree (2009), the CEDAW Committee remained concerned at the absence of a holistic approach to the prevention and elimination of VAW, including the introduction and enforcement of comprehensive integrated legislation as well as other effective measures to prevent, investigate and prosecute VAW, including against women sex workers (CEDAW, 2010, p. 5).

The CEDAW Committee urged Fiji to adopt a comprehensive law criminalizing all forms of VAW, including domestic violence with regard to de facto relationships, marital rape, sexual violence, sexual harassment and institutional violence, as well as the development of a coherent and multi-sectoral action plan to combat VAW. It was recommended that Fiji investigate and prosecute all cases of violence against women, including those involving women sex workers. Fiji must publish and widely disseminate the Domestic Violence Decree and all relevant laws and policies established and/or envisaged to address VAW (CEDAW, 2010, pp. 5–6).

The CEDAW Committee noted Fiji’s adoption of the Crimes Decree (2009), which punishes persons who sexually exploit women. The Committee also noted that prostitution as a criminal offence continues to be the focus, but that recent initiatives have broadened this criminal offence, which now addresses demand and supply to include clients as well as the owners of premises on which prostitution is carried out. The Committee expressed concern that sex work continues to be criminalized and that, as a result, sex workers are often victims of violence and are particularly vulnerable to torture and ill-treatment by the police. The Committee was also concerned about the exploitation of underage girls in commercial sex work. While the Committee notes that Fiji has set up the Transnational Crimes Unit of the Fiji Police Force to investigate the trafficking in persons, which complements the Crimes Decree, it expressed concern with the lack of disaggregated data and information about the prevalence and root causes of trafficking, as well as about training for law enforcement personnel in this regard (CEDAW, 2010, p. 6).

The CEDAW Committee urged Fiji to take concrete steps aimed at effectively implementing the Crimes Decree as well as decriminalizing sex work and

strengthening programmes, in cooperation with relevant partners, to provide support, exit programmes and alternative livelihoods for women who wish to leave prostitution. Fiji should take effective steps to ensure that sex workers who are victims of violence, torture or ill-treatment are provided an opportunity for a fair trial and, as appropriate, receive medical and psychosocial services as well as compensation, including reparations and guarantees of non-repetition. The Committee urged Fiji to fully implement article 6 of the Convention, including by speedily enacting specific and comprehensive national legislation and programmes on the emerging phenomenon of trafficking, ensuring that offenders are punished and victims adequately protected and assisted. The Committee recommended that Fiji increase its efforts to engage in international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange and to facilitate the recovery and social integration of trafficked persons. It also recommended anti-trafficking training for the judiciary, law enforcement officials, border guards and social workers in all parts of the country. In addition, the Committee recommended that the State party conduct comparative studies on trafficking and prostitution and address their root causes in order to eliminate the vulnerability of girls and women to those phenomena (CEDAW, 2010, p. 6).

5. Violence prevention

The Male Advocates Programme was started by the Fiji Women's Crisis Centre in 2002. It aims to engage men as allies in challenging violence against women and to encourage men to take responsibility for the issue of violence against women (AusAID, 2009, p. 79).

The Fiji Women's Rights Movement provides a free legal information and referral service for women in Suva. It delivers feminist training to groups, including schools and institutions, and has advocated for key legislative reforms. Other organisations working in the area of violence prevention include: FemLINKpacific (regional feminist media organisation that focuses on women's role in preventing, reconciling and avoiding conflict); Women's Action for Change (uses community-based dramas and workshops); Regional Rights Resource Team (provides training, advocacy and resourcing on human rights issues relating to violence against women); Foundation of the Peoples of the South Pacific (runs programmes that engage men and boys as partners in eliminating violence against women) (AusAID 2009, p. 80).

Niue

1. Social context

Some women's representatives claim that domestic violence does not happen in Niue – but police records show otherwise (Calvert, 2004, p. 28).

2. Violence against children

Sexual assault of children under 15 is a regular occurrence, but there is a lack of reporting to police and lack of formal condemnation (Calvert, 2004, p. 28).

3. Access to justice

On the rare occasions when complaints of sexual violations are made, they have either been withdrawn by the family (not the survivor) or political intervention has been made on the offender's behalf and caused the case to be dropped. The one case where the survivor's family did decide to pursue a charge of sexual violation (from 1994–2004), the survivor's family were so badly ostracised they left the country (Calvert, 2004, p. 32).

There are examples of domestic violence survivors being advised to leave the country because police could not provide adequate protection (Calvert, 2004, p. 29).

Sāmoa

1. Social context

Men are regarded as the heads of households, irrespective of their education or economic status compared to their wives. Sāmoan men generally consider themselves superior to their wives (SPC, 2007, p. 52).

There are sexual double standards in Sāmoa: when a woman is promiscuous, she is considered immoral; the same behaviour in men is accepted and even admired. Many Sāmoan women consider extra-marital affairs are a man's "right" and should not be objected to (SPC, 2007, p. 51).

Reasons given for violence against women include: survivor's behaviour (e.g. woman disobeys husband or is cheeky); man's use of alcohol and drugs; economic problems; problems with partner's family; sexual jealousy; lack of communication; gender role expectations; and modernisation. Women consider the main reasons for partner violence to be: family problems (46%); disobedience (44%); and partner was drunk (15%) (SPC, 2007, pp. 33, 76–79).

More than 70% of women think that not wanting sex is an insufficient justification for refusing sex with her husband; more than 40% of women think a woman should not refuse sex when her partner is drunk; and about one-quarter of women think she should not refuse sex when she is sick. Men are much more likely to believe a woman is justified in refusing to have sex with her partner, including when she is sick or has her period (90%); he has physically abused her or had sex with another woman (80%); and when she does not want to (around 70%). However, around 90% of men think that not wanting to get pregnant is not an acceptable reason for refusing sex (SPC, 2007, pp. 47, 65).

The vast majority of women agree with the statements: "a good wife obeys her husband", "family problems should be kept private", "a man should show his partner who is boss" and "a wife is obliged to have sex with her husband". Less than half of women agree that "a woman should be free to choose her own friends". Men also value obedience, with 98% agreeing that a good woman obeys her husband. The majority of men say that obeying her husband is the way for a woman to avoid being beaten (SPC, 2007, pp. 49, 63, 67).

About 70% of women think that men sometimes have a good reason to beat their wives, including if she is unfaithful, does not do the housework well or disobeys him.

About half of men consider that beating a partner is sometimes justified, with the most accepted reasons being: she offended his family by being disrespectful (46%) and if their spouse has an affair (31%) (SPC, 2007, pp. 48–49, 64).

2. Violence against women

Overall, 46% of Sāmoan 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 physical abuse (38%), followed by sexual abuse (20%) and emotional abuse (19%). The kinds of abuse experienced by women include: being slapped or having objects thrown (35%); being punched (18%); being forced to have sex (17%); insults (14%); being coerced into having sex (11%); and being kicked, dragged or beaten (11%) (SPC, 2007, p. 14).

Of the women who reported physical partner violence, 24% had been punched, kicked or beaten while they were pregnant. In almost all of these cases, the perpetrator was the child's father (SPC, 2007, p. 15).

Women who reported experiencing intimate partner violence were much less likely to describe their health as "excellent" and more likely to describe it as "fair." They were also significantly more likely to report headaches, loss of appetite, disturbed sleep, nervous tension, unhappiness, impaired work performance, thoughts of suicide, fatigue and stomach discomfort than women who did not report partner violence (SPC, 2007, pp. 20–23).

About 30% of women who had been physically abused reported being injured, with the most common injury being abrasions and bruises (22%), followed by damage to eye or ear (9%); cuts, punctures and bites (9%); and losing consciousness (8%) (SPC, 2007, p. 26).

Women who reported abuse were significantly more likely to have children who died (16% compared with 10%) and to experience a miscarriage (15% compared with 8%). They were also more likely to report that their partner was opposed to contraception (15% compared with 5%) (SPC, 2007, pp. 27–30).

Women who experience intimate partner abuse are more likely to report financially controlling behaviour by their partner, such as their partner taking their earnings or refusing them money (SPC, 2007, p. 38). Overall, 65% of women reported being abused by someone other than a partner, with the most common form being physical violence (62%). The main perpetrators of non-partner physical violence were: female family member (39%), father (36%) and teacher (19%). Sexual violence by a non-partner was less common: 11% reported being forced to have sex against their will and 2% said they had been touched sexually or made to do something sexual against their will by a non-partner (SPC, 2007, pp. 44–45).

3. Accessing support services

The majority of women who have experienced abuse have never told anyone about it (54%). The people women are most likely to speak to are: parents (25%); friends (12%); and partner's family (10%). Very few women sought help from neighbours, police, health workers, priests or counsellors and none had told a women's organisation. The main reason for not seeking help was viewing the abuse as normal or not serious; the main reason for seeking help was no longer being able to stand the violence (SPC, 2007, pp. 41–43).

Most women experiencing intimate partner violence have not left home because of it (72%). Reasons for not leaving home include: wanting to be with children (46%); love for partner (32%); sanctity of marriage (19%); and forgiving partner (13%) (SPC, 2007, p. 44).

Support services organisations include: Mapusaga O Aiga, which provides services such as counselling and support to pursue cases through the court system; and the Sāmoa Victims Support Group. Most civil society organisations are based in Apia, which can make them inaccessible for women in rural villages (Fairbairn-Dunlop & Lievore, PPDVP Sāmoa report, 2007, pp. 24–25; SPC, 2007, p. 67).

Counselling services for survivors of abuse are rudimentary, although NGO capacity to deal with abuse cases is increasing. There is a critical need for a safe refuge for survivors, especially as many women end up withdrawing their case when they return to their families (Sio, 2006, p. 80).

4. Access to justice

There is no specific domestic violence legislation in Sāmoa, although perpetrators of domestic violence can be charged with common assault. Sāmoa does not recognise the category of marital rape. Courts can issue non-molestation orders, however they must be accompanied by applications for maintenance, custody or divorce (Fairbairn-Dunlop & Lievore, PPDVP Sāmoa report, 2007, p. 34; SPC, 2007, p. 5).

Domestic violence cases are usually settled within the family and village system. In some villages, members are expressly told not to report domestic violence to police. There is a cultural norm that reporting incidents could bring shame to the family name and families should resolve cases themselves (Fairbairn-Dunlop & Lievore, PPDVP Sāmoa report, 2007, pp. 19–35).

Victims say they have little confidence in police assistance and feel that police do not understand domestic violence issues. Many police view domestic violence as a family matter and often try to facilitate reconciliation rather than taking a complaint further (PPDVD Sāmoa report, pp. 11, 19, 28).

There is no formal established Family Court to deal with domestic violence issues and family issues, although a senior District Court judge has established one day per week for family and maintenance matters (Sio, 2006, p. 81).

5. Violence prevention

Police have been adopting a more preventative, education focused and community based approach to domestic violence (Fairbairn-Dunlop & Lievore, PPDVP Sāmoa report, 2007, p. 15).

Community organisation Mapusaga O Aiga runs awareness and educational programmes around eliminating violence (Fairbairn-Dunlop & Lievore, PPDVP Sāmoa report, 2007, p. 24).

When men were asked what civil society organisations could do to eliminate domestic violence, they responded: seminars in schools, village communities, church groups and families about ways to stop domestic violence (44%); media programmes on ways to stop domestic violence (12%) and biblical dramas or meetings with couples only (9%) (SPC, 2007, p. 67).

When asked how village councils could prevent domestic violence, men responded: make abusive men pay a fine to the village council (39%); rules to force couples who argue to pay a fine (17%) and rules to protect women from being abused (12%). Men also suggested that church ministers could preach about the importance of living in harmony (24%); congregations could conduct seminars on violence prevention for youth groups and Sunday schools (22%) and pastors could visit families to discuss problems (19%) (SPC, 2007, pp. 68–69).

Tokelau

1. Social context in tokelau

There is little community understanding of various forms of child abuse and emotional/sexual abuse of children may not be recognised or covered by secrecy and denial (McMurray, Tokelau. *A Situation Analysis of Children, Women and Youth*, 2006, p. 36).

2. Violence against children

According to police, physical and sexual abuse of children is infrequent, but some cases have been recorded (McMurray, Tokelau. *A Situation Analysis of Children, Women and Youth*, 2006, p. 36).

3. Accessing support services

People are reluctant to seek assistance with personal problems because of the difficulty of retaining confidentiality in small communities. There is also a lack of counselling and social work capacity: the only sources of assistance at present are clergy, health professionals and teachers (McMurray, Tokelau. *A Situation Analysis of Children, Women and Youth*, 2006, pp. 36–37).

Tonga

1. Social context

In Tongan society, men are the head of the family and there is a traditional family expectation that women should assume a subordinate role and submit to their husbands (Fairbairn-Dunlop & Lievore, PPDVP Tonga report, 2007, pp. 28, 34; Kaitani & McMurray, 2006, p. 70).

Many Tongans regard domestic violence as a private and shameful matter that should be dealt with by family elders and not discussed in public. Police and community members encourage women to reconcile cases of domestic violence, rather than pursue a formal complaint, to avoid social disruption to the family and community (Fairbairn-Dunlop & Lievore, PPDVP Tonga report, 2007, pp. 11, 17, 34; Kaitani & McMurray, 2006, p. 70).

Violence committed by men of traditional rank or social standing is less likely to lead to police intervention and prosecution (Fairbairn-Dunlop & Lievore, PPDVP Tonga report, 2007, p. 16).

2. Violence against women

It has been estimated that between 5,000 and 10,000 women in Tonga are survivors of intimate partner violence each year, a prevalence of between 31% and 62% of women. The World Health Organisation has calculated the total annual cost of violence against women to Tonga's economy as TOP\$18.3 million (Fairbairn-Dunlop & Lievore, PPDVP Tonga report, 2007, pp. 25, 31).

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. Figures show there were around 150–200 cases of violence against women reported to police per year between 1991 and 2001 (Fairbairn-Dunlop & Lievore, PPDVP Tonga report, 2007, p. 10).

There has been no comprehensive research on child sexual abuse and commercial sexual exploitation of children in Tonga (Kaitani & McMurray, 2006, p. 45).

3. Accessing support services

It is not common for Tongans to talk through personal issues. Because of the lack of anonymity within small communities, it is especially hard for women to discuss family and marital problems with a counsellor (Fairbairn-Dunlop & Lievore, PPDVP Tonga report, 2007, p. 24; Kaitani & McMurray, 2006, p. 72).

Lack of trained counsellors is a major problem. As a result, doctors, teachers, police officers and pastors end up providing counselling (Fairbairn-Dunlop & Lievore, PPDVP Tonga report, 2007, p. 24; Kaitani & McMurray, 2006, p. 72).

Government and police rely on NGOs to support and counsel domestic violence survivors. Organisations include the National Centre for Women and Children, Catholic Women's League, Salvation Army Drug and Alcohol Centre and the Free Wesleyan Church's Langikapo 'a Hēvani & Counselling Service (Fairbairn-Dunlop & Lievore, PPDVP Tonga report, 2007, pp. 21, 23, 27).

4. Access to justice

Domestic violence training is included in all levels of police training. Police receive about 10 complaints of violence a week, but 90% of these are withdrawn. Reasons for withdrawal include: one party voluntarily withdrawing complaint; lack of evidence to prove the charges; reluctance by women to prosecute. There is anecdotal evidence that police officers encourage women to resolve domestic disputes with their spouses without laying charges because of the social stigma involved (Fairbairn-Dunlop & Lievore, PPDVP Tonga report, 2007, pp. 13, 18; Kaitani & McMurray, 2006, p. 71).

Tuvalu

1. Social context

Married women have limited participation in decision-making in some areas. For example, only 37% make the decisions about their own healthcare (in other cases, the decision is made jointly with the husband or by the husband alone). Around

a third of women make decisions about daily household purchases on their own and one-quarter of women make decisions about major household purchases by themselves. Women's participation in decision making generally increases with age, education and employment (SPC & Macro, 2009, pp. 239–242).

Most women (70%) believe that a husband is justified in beating his wife in at least one situation. The most widely accepted reasons are: neglecting the children (66%), going out without informing her husband (42%) and arguing with her husband (28%). The results for male respondents were very similar, with 73% of men agreeing that a husband is justified in hitting his wife in at least one situation. Again, the most widely accepted reasons were: neglecting the children (64%), going out without telling husband (39%) and arguing with husband (28%). Younger men and men with no education are more likely to believe that violence against women is justified (SPC & Macro, 2009, pp. 244–249, 263). In one survey, only one-third of respondents expressed a belief that rape is possible within a marriage (McMurray, Tuvalu. A Situation Analysis of Children, Women and Youth, 2006, p. 65).

The vast majority of women agree that a wife is justified in refusing sex if she is tired (94%), she knows her husband has been unfaithful (91%) or her husband has an STI (88%). The vast majority of men also think a wife is justified in refusing sex for these reasons, with 84% agreeing with all three reasons. However, over half of men (53%) agree that when a wife refuses sex, the husband has the right to get angry and reprimand her. Smaller numbers think a husband has the right to refuse the wife financial support (16%), have sex with another woman (15%) or use force to have sex (14%) if a wife refuses sex (SPC & Macro, 2009, pp. 250–257).

Domestic violence is concealed by the Tuvaluan sense of pride and desire to avoid drawing attention to shameful behaviour (McMurray, Tuvalu. A Situation Analysis of Children, Women and Youth, 2006, p. 64).

2. Violence against women

More than a third of Tuvalu women (37%) reported having ever experienced physical violence, with 25% experiencing physical violence in the previous 12 months. Women aged 25–39 were most likely to report experiencing physical violence in the last year (35%). About 8% of Tuvaluan women have experienced physical violence during pregnancy. Most of the women reporting physical violence said that a current husband or partner had been violent towards them (90%), with a small number reporting violence by a sister or brother (8%) (SPC & Macro International [Macro], 2009, pp. 267–271).

About one in five women (21%) have experienced sexual violence and 13% of women say their first sexual intercourse was forced against their will. Almost half of women (47%) have experienced either physical or sexual violence, with 12% of women experiencing both forms of violence (SPC & Macro, 2009, pp. 272–273).

Over half of women report controlling behaviour by their husband, with the most common behaviours being: insisting on knowing where she is at all times (40%), being jealous or angry if she talks to other men (29%) and not permitting her to meet female friends (16%) (SPC & Macro, 2009, pp. 276–277).

Four in ten women have experienced physical, sexual or emotional abuse by a husband or other intimate partner. The most common kind of abuse experienced is

physical (33%), followed by emotional abuse (28%) and sexual abuse (10%). The most common kinds of physical violence experienced are: being slapped (27%); pushed, shaken or having something thrown (17%); and being punched (16%). Around 18% of ever-married women have been insulted or made to feel bad and 5% have been forced to perform sexual acts they did not want to (SPC & Macro, 2009, p. 278).

Of women who have ever experienced intimate partner violence, 42% reported cuts, bruises or aches and 18% reported eye injuries, sprains, dislocations or burns (SPC & Macro, 2009, p. 287).

One survey found that 39% of females and 27% of males thought that rape was either “very prevalent or moderately prevalent” in Tuvalu and that half of women reported that they did not consent to their first intercourse. There is anecdotal evidence that sexual harassment in the community and workplace is quite common (McMurray, Tuvalu. A Situation Analysis of Children, Women and Youth, 2006, pp. 53, 65).

Prostitution is not widely known or practised in Tuvalu. However there are borderline cases of “transactional sex” – females who engage in sex after receiving drinks and cigarettes or may receive gifts after sex (McMurray, Tuvalu. A Situation Analysis of Children, Women and Youth, 2006, p. 65).

3. Accessing support services

Around half of women who have experienced physical or sexual abuse have sought help from any source, while 18% have never told anyone. Of the women who have sought help, the most common source was own family (61%), friend or neighbour (20%) and in-laws (14%) (SPC & Macro, 2009, pp. 290–291).

4. Access to justice

Issues with the current Penal Code include: (i) no crime of marital rape; (ii) where a girl 15 years or over has sex with her grandfather, father, brother or son, she can be found guilty of a felony; (iii) there are maximum but not minimum sentences for all sexual offences, which can lead to light sentences (Committee on the Elimination of Discrimination against Women [CEDAW Committee], 2009, para 31).

There are very few formal reports of domestic violence in Tuvalu: in an 18-month period there were only five prosecutions for spousal abuse and one charge of child sexual abuse. However, women say that domestic violence often goes unreported. There are also reports of traditional apologies being a form of resolution for offences against women (McMurray, Tuvalu. A Situation Analysis of Children, Women and Youth, 2006, p. 64; CEDAW Committee, 2009, para 29).

Positive steps are the development of a police “no drop” policy for domestic violence and the first passage of the Police Powers and Duties Bill, which recognises the existence of domestic violence and gives express powers for police involvement (CEDAW Committee, 2009, para 29).

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MINISTRY OF SOCIAL DEVELOPMENT

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