

**PACIFIC PREVENTION OF DOMESTIC VIOLENCE
PROGRAMME**

Update of Baseline In-Country Review

Samoa Report

Prepared for New Zealand Police

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PREFACE

The structure of the Pacific Prevention of Domestic Violence Programme (PPDVP) Baseline Review Reports (see Fairbairn-Dunlop and Lievore 2007a, 2007b and Lievore and Fairbairn-Dunlop 2007a, 2007b) have been used, at the client's request, as a template for this Baseline Review Update.

To a large extent, Part 1 of this report duplicates the introductory chapter of the baseline review. Some minor changes have been made to reflect the current study but it should be noted that the background of the PPDVP, the four country studies and the methodology sections generally replicate sections contained in the previous Baseline Reports. Part 2 of this report outlines the context of each specific country in which the review was undertaken. It also follows the structure used in the earlier baseline review reports. Where applicable, the original content has been amended to ensure the current report is as up-to-date as possible. We would therefore like to acknowledge the authors of those reports – Professor Peggy Fairbairn-Dunlop and Dr Denise Lievore – as providing this material.

We would also like to acknowledge the role Professor Peggy Fairbairn-Dunlop played in the Baseline Review Update. Peggy was involved in the tendering process and in reviewing the methodology. She also acted as a consultant to the project and peer reviewed the final reports.

EXECUTIVE SUMMARY

PART 1: THE FOUR COUNTRY STUDY

This research was part of the wider Pacific Prevention of Domestic Violence Programme (PPDVP). The PPDVP is an initiative of the New Zealand Aid Programme (NZAID) under the International Development Group of the Ministry of Foreign Affairs and Trade New Zealand Police (NZPOL) and the Pacific Islands Chiefs of Police (PICP). The programme builds on earlier NZAID and NZPOL support for domestic violence prevention in the Pacific. Feedback from earlier programmes indicates that, while the assistance was well received, there was a need for more consistent and ongoing support. The initial programme duration is five years, which is due to expire on 30 June 2011.

The long-term goal of the PPDVP is 'a safer Pacific free from domestic violence'. Its primary focus is building the capacity of Pacific Police services to prevent and respond effectively to domestic violence. The programme involves both regional and national level components.

- At the regional level, all Pacific countries are invited to participate in a range of training, networking and information-sharing activities.
- At the national level, the programme is working more intensively with four Pacific countries – Samoa, Tonga, the Cook Islands and Kiribati – providing on-the-ground sustained support for the development of Police domestic violence policy, strategy, action plans, systems and training programmes. An NZPOL mentor has been assigned to each of the four countries to support these efforts. Vanuatu joined the programme as a participating country from 1 July 2008.

PPDVP Baseline Reviews of the Cook Islands, Samoa, Tonga and Kiribati were completed in 2007, and the Baseline Review of Vanuatu was completed in 2009. The aim of these reviews was to gather baseline data and to engage agencies and communities in reflection on domestic violence.

Findings from the baseline reviews have provided a key awareness-raising tool for politicians, community leaders and communities, as well as a benchmark to measure the performance and effectiveness of the PPDVP. The aim of the current project is to provide an update on each of the four countries involved which the PPDVP Management Team will use to help them develop an appreciation of the impact of the PPDVP activities. A Programme Evaluation will be completed in early 2011, which will in turn inform any decisions on future activity or completion of the Programme.

This Samoa Report on domestic violence is one of four Baseline Review updates carried out under the PPDVP, the others being for Kiribati, Tonga and the Cook Islands. As with the baseline research, this study adopted the definition of domestic violence used by the PPDVP: that is, '*violence against women by a partner or spouse*'.

The broad aims of the research were to ascertain/assess the current state of:

- data available in each country
- the extent of domestic violence and people's responses to it
- agencies' and communities' views of domestic violence, particularly how things had changed since the baseline reviews were carried out in 2006.

The research team worked closely with the NZPOL mentor in each project country to develop the research approach and timeframes. We also saw it as important to employ a Pacific research framework. To achieve maximum involvement and sharing of ideas, we partnered with one non-government organisation (NGO) throughout the planning and implementation of research activities. This had the dual aim of empowering Pacific communities by fostering enquiry and debate on domestic violence, and consolidating ongoing partnerships for future PPDVP activities. The research was conducted predominantly in urban areas and the team acknowledges that the report findings may not be applicable to rural regions or outer islands.

PART 2: SAMOA

Despite the rapid urbanisation taking place today, most Samoan families still live in extended family units under the leadership of their family matai (chief) who is responsible for ensuring the family good. The belief is still widely held that family differences, such as domestic violence, should be settled within the family. These are not a matter for public discussion, given the 'shame' this could bring. Disputes which cannot be solved within the family are usually placed before the village council. All village families are represented on the councils by their family matai – who is usually a male. The role village councils play in maintaining peace in the villages cannot be disputed. At the same time, there were reports that domestic violence victims were reluctant to report cases to the councils and instances were also reported where cases had not received a fair hearing due to the fact that 'some of these matai sitting there do this (domestic violence)' and 'they aren't going to judge another matai'. Taking complaints to the Police was not encouraged and some villages banned this. The fact that there are two status groups for women in Samoa – the sisters and the wives – also influenced domestic violence. Wives had no rights in their husband's village and were expected to serve their husband's family, just as he did. They were and are a highly vulnerable group.

Reports were that there had been a weakening of the family support systems in these rapidly changing times and, in turn, an increasing reliance on the Police and legal systems. Urbanisation was associated with unemployment, extreme overcrowding and poverty, new forms of recreation (such as alcohol and drugs) and increasing crime and disorder. The opening up of government lands for sale had seen the growth of quarter acre freehold settlements, where families lived 'outside' the extended family support systems for much of the time. Beliefs were that this group were tending to rely more and more on the Police to resolve disputes.

In terms of domestic violence-related agreements, Samoa has ratified and made its first report to United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the Millennium Development Goals, the Convention on the Rights of the Child the Pacific Plan and Pacific Women's Platform of Action (PPA). The PPA sets out specific policy and programme level domestic violence aims, activities and indicators. A National Policy on Women is in draft form.

SECTION 1: POLICE ATTITUDES, POLICY AND PRACTICE

Since the baseline review, the following key successes were identified in relation to Police attitudes, policy and practice:

- **Establishing the Domestic Violence Unit** – in 2006, a Domestic Violence Team was recruited and trained under the PPDVP. Initially, there were three staff. By 2010, this number had grown to 10. One of the primary successes is that Samoa's is now able to provide at least two officers on 24-hour coverage for domestic violence matters. In addition, there are Domestic Violence Officers at three outposts. The existence of a separate Domestic Violence Unit has made it

easier for victims to access the Police. Further, the Unit has provided domestic violence training to general policing colleagues and collaborates with the Police Community Engagement team to deliver community awareness programmes. A substantial achievement has been the development of the Samoa Police Domestic Violence Strategy and the corresponding Domestic Violence Unit Workplan for 2010 to June 2011.

- **Improved data collection** – a major achievement, since the introduction of the PPDVP, has been the implementation of systems geared towards improved data collection. Much of this can be attributed to the PPDVP Case Management and Intelligence System (CMIS) domestic violence database, which was implemented in 2007. Continued use of CMIS has resulted in a growing sense of confidence in Police data, as the system was purported to reduce the possibility of human error.
- **Improved processes** – the Court Registrar stated that the files prepared by the Domestic Violence Unit are the most thorough and efficiently compiled. The Domestic Violence Unit staff were also noted as being exemplary in Court attendance.
- **Improved Police partnerships** – the relationship between the Police and NGOs has improved somewhat, with dialogue leading up to the signing of a referral-based memorandum of understanding between the Police and family violence-related agencies. In addition, the establishment of the Law and Justice Sector Committee in November 2006 has provided an opportunity to link law and justice service at an agency level directly to macro-level national strategies and priorities.

The success of the Domestic Violence Unit was greatly attributed to the role of the PPDVP mentor and the educational importance of Study Tours. These enabled representatives from the Samoa Police to travel to New Zealand and undergo training and observation of best practice in New Zealand.

Issues Needing to be Addressed

Possible barriers to the eradication of domestic violence in Samoa were identified. These issues and barriers are presented below against suggested actions.

Issues	Suggested Actions
<p>Under-reporting of domestic violence was attributed to one or more of the following:</p> <ul style="list-style-type: none"> ▪ a lack of public trust in the Police ▪ a general belief that Police Officers engaging in domestic violence are treated leniently and that the Police would try to shelter fellow staff members in such an event ▪ historical Police emphasis on reconciliation rather than prosecution. 	<p>The following multidimensional approach was suggested:</p> <ul style="list-style-type: none"> ▪ Develop and implement specific policy and practice arrangements for dealing with Police Officers as domestic violence offenders. ▪ Increase senior Police leadership to ensure appropriate prosecution of domestic violence cases. Implement a no drop policy, which will result in an increase of public trust and an increase in reporting.
<p>Confusion amongst officers about how to adhere to the domestic violence best practice principles was attributed to senior police staff's adherence to reconciliation practices, enabling police-authorized withdrawals and failing to develop and implement a no drop policy.</p>	<p>Formalising a no drop policy will provide clear direction about arrest and prosecution expectations and procedures. Further, NGOs strongly urged that any charges laid against a person resulting from a domestic violence incident should only be withdrawn by the magistrate.</p>

<p>Because officers must gain authorisation to arrest from their senior officer, a risk exists that a senior officer's poor understanding of domestic violence may prevent best practice being enacted.</p>	
<p>Uncoordinated inter-sectoral responses to domestic violence were identified. A number of disparate were reported as often working independently.</p>	<p>Opportunities exist for clear domestic violence leadership to be developed.</p>
<p>Current police interview practice involves interviewing victims in a room where other victims and officers may be present. This process is counter to best practice and risks re-victimisation.</p>	<p>Professional development would benefit from clear policy guidelines which outline the:</p> <ul style="list-style-type: none"> ▪ inappropriateness of re-victimisation ▪ need to be sensitive to victims' emotional vulnerability.
<p>No tracking of domestic violence cases through to prosecution is currently undertaken. In addition, any trend or outcome analysis requires a case-by-case review. Such an approach uses a lot of resources and is open to human error.</p>	<p>Opportunities exist for improved tracking of domestic violence cases through to prosecution.</p>
<p>There is a need for ongoing Police training to ensure best practice domestic violence guidelines and practices are seamlessly incorporated into Police operations.</p>	<p>Suggested trainings include:</p> <ul style="list-style-type: none"> ▪ refresher courses for general policing ▪ how to navigate tensions arising out of cultural pressure to reconcile rather than prosecute ▪ Police roles in relation to counselling and advising, the need for the Police to issue messages about how to keep safe, victim empowerment, active listening, maintaining boundaries within the role of Police ▪ senior Police Officers urgently need applied training on domestic violence best practice ▪ court staff training – how to appropriately process an application for protection.
<p>Evaluation of training provided – a need was identified to measure the extent to which attitudes towards, and knowledge of, domestic violence shift as an outcome of training provided.</p>	<p>Pre- and post-training measures – training programmes should measure the extent to which attitudes towards, and knowledge of, domestic violence shift as an outcome of the training provided. Ideally, mechanisms should be implemented to measure behavioural change.</p>

SECTION 2: GOVERNMENT, NON-GOVERNMENT ORGANISATIONS AND COMMUNITY ATTITUDES AND RESPONSES

Non-government and government agency representatives were interviewed alongside victims of domestic violence and a number of church leaders. To this end, key successes were identified alongside potential barriers to the continued efforts to eradicate domestic violence in Samoa. These issues and barriers are presented below against suggested actions.

Key successes

Two primary key successes were identified:

- **Increased awareness** – awareness of domestic violence has increased markedly in Samoa. Positive shifts in domestic violence were also evidenced through public outcry against publically trialled cases. For instance, participants discussed the outcome of Samoan rugby player Paul Perez’s conviction in 2009 for domestic violence. The increased awareness of domestic violence was generally attributed to extensive education and grassroots awareness campaigns that have more recently been complemented by Police community engagement and awareness programmes.
- **Increased number of people accessing services** – the number of victims of domestic violence accessing specialist agencies has increased steadily over preceding years. This increase is believed to be associated with Samoa’s increased awareness of domestic violence.

Issues needing to be addressed

Key areas of concern are presented below against suggested actions.

Issues	Suggested Actions
The need for continued awareness raising	<p>Suggested components of future campaigns included:</p> <ul style="list-style-type: none"> ▪ non-physical forms of abuse within prevention campaigns ▪ developing a shared understanding of ‘domestic violence’ ▪ healthy drinking messages ▪ nofo tane (she who lives in her husband’s home) were identified as an especially at-risk group as the young woman’s in-laws may engage in physical or emotional abuse or, at the least, there is a risk that the in-laws may not intervene when the young woman’s husband abuses her. As such there is a need for programmes that raise awareness and educate families that domestic violence includes poor treatment of nofo tane.

Issues	Suggested Actions
Resource provision targeted at NGOs	<ul style="list-style-type: none"> ▪ Evaluations of campaigns and educational programmes to determine which strategies have been most successful at raising awareness and have resulted in some form of domestic violence intervention. ▪ There is no dedicated shelter/refuge for victims of domestic violence. ▪ Men against violence – a service and referral process is needed for the court to refer domestic violence perpetrators.
Lack of confidence in the Police may deter victims from seeking Police help	<p>Develop strategies to counter perceptions that the Police:</p> <ul style="list-style-type: none"> ▪ will breach victim confidentiality ▪ are corrupt and therefore open to bribery ▪ will provide insufficient interventions.
Because domestic violence is not a crime, deaths resulting from domestic violence have not been classified in a way that allows the incidence of domestic violence to be tracked. As such, a gap in reporting exists.	There is a need to include domestic violence as a specific coronial code. Including domestic violence as a separate coronial category will go some way towards ending the tautological argument that domestic violence is not an issue of concern.
Domestic violence is not a priority of mainstream churches and religious organisations. As such, religious organisations remain a greatly underutilised mechanism of domestic violence awareness raising, education and intervention.	It is suggested that training curricula be developed across the three theological colleges in Samoa. A precedent exists for the inclusion of domestic violence in theological training, as Malua Theological College has provided domestic violence training to its students since 2007.

PART 1: PACIFIC PREVENTION OF DOMESTIC VIOLENCE PROGRAMME – THE FOUR COUNTRY STUDY

This research was part of the wider Pacific Prevention of Domestic Violence Programme (PPDVP). The PPDVP is an initiative of the New Zealand Aid Programme (NZ Aid) under the International Development Group of the Ministry of Foreign Affairs and Trade, New Zealand Police (NZPOL) and the Pacific Islands Chiefs of Police (PICP). The programme builds on earlier NZ Aid and NZPOL support for domestic violence prevention in the Pacific. Feedback from earlier programmes indicates that, while the assistance was well received, there was a need for more consistent and ongoing support. The initial programme duration is five years, which is due to expire on 30 June 2011.

The long-term goal of the PPDVP is 'a safer Pacific free from domestic violence'. Its primary focus is building the capacity of Pacific Police services to prevent and respond effectively to domestic violence. The programme involves both regional and national level components.

- At the regional level, all Pacific countries are invited to participate in a range of training, networking and information-sharing activities.
- At the national level, the programme is working more intensively with four Pacific countries – Samoa, Tonga, the Cook Islands and Kiribati – providing on-the-ground sustained support for the development of Police domestic violence policy, strategy, action plans, systems and training programmes. An NZPOL mentor has been assigned to each of the four countries to support these efforts. Vanuatu joined the programme as a participating country from 1 July 2008.

PPDVP Baseline Reviews of the Cook Islands, Samoa, Tonga and Kiribati were completed in 2007,¹ and the Baseline Review of Vanuatu was completed in 2009.² The aim of these reviews was to gather baseline data and to engage agencies and communities in reflection on domestic violence. Data collection included reviews/focus groups with Police Officers, victims, Government agencies, non-government organisations (NGOs), Women's Groups and a number of representative communities to assess the extent of domestic violence and people's responses to it.

Findings from the baseline reviews have provided a key awareness-raising tool for politicians, community leaders and communities as well as a benchmark to measure the performance and effectiveness of the PPDVP. The aim of the current project is to update the baseline data for each of the four countries involved. The PPDVP Management Team³ will use the updated baseline reviews to help them develop an appreciation of the impact of the PPDVP activities. A Programme Evaluation will be completed in early 2011, which will in turn inform any decisions on future activity or completion of the PPDVP.

¹ See Lievore and Fairbairn-Dunlop (2007a), Fairbairn-Dunlop and Lievore (2007a), Fairbairn-Dunlop and Lievore (2007b), and Lievore and Fairbairn-Dunlop (2007b).

² See Fairbairn-Dunlop (2009).

³ The three partner agencies that make up the PPDVP Management Team are: New Zealand Ministry of Foreign Affairs (MFAT) International Development Group (IDG), New Zealand Police (NZPOL) and the Pacific Islands Chiefs of Police (PICP).

Research aims and terms of reference

As mentioned, the aim of this project is to update the baseline data in each of the four countries involved. It had two main components. The first centred broadly on Police understandings of and responses to domestic violence. The second component had multiple strands, covering government, NGO and community understandings and responses. The terms of reference (TORs) for each component are set out in Table 1.

Table 1 Terms of Reference for the Research

Police Attitudes, Policy and Practice	Government, NGO and Community Attitudes and Responses
Current specific levels of domestic violence reported to Police	Current and historical levels of domestic violence reported to the key NGOs (women's crisis/refuge organisations)
Current policy and practice arrangements for dealing with Police Officers as domestic violence offenders	Assessment of the prevalence of domestic violence using the available Police and NGO data, and data available from other agencies, including the United Nations
The state and recent history of Police partner relations	Policy and other contribution of key NGOs to dealing with and reducing domestic violence
Current policy protocols and general processes and procedure (including record keeping) for dealing with domestic violence	General assessment of levels of social acceptance and cultural tolerance towards domestic violence
Current Police leadership practice around domestic violence	Current Government policy and practice arrangements directed at or associated with domestic violence
The current state of Police domestic violence training	Current state of legislative arrangements in relation to domestic violence, including compliance with international covenants and conventions (CEDAW)
History of change around Police domestic violence practice	Current state of any alternative approaches (village justice) to domestic violence
Police attitudes and perceptions of domestic violence, including attitudes to dealing with complaints, prosecutions, offenders and holding offenders to account. Police views on traditional cultural attitudes towards domestic violence and views of Officers regarding traditional local or village approaches towards dealing with domestic violence	A review of medical / death records indicating levels of domestic violence and reporting of domestic violence
Police attitudes and perceptions towards Police Officers as domestic violence offenders Current state of Police prosecution of domestic violence	The attitudes of key religious organisations towards domestic violence

As with the baseline research, this study adopted the definition of domestic violence used by the PPDVP: that is, '*violence against women by a partner or spouse*'.

The broad aims of the research were to ascertain/assess the current state of:

- data available in each country
- the extent of domestic violence and people's responses to it
- agencies' and communities' views of domestic violence, particularly how things had changed since the baseline reviews were carried out in 2006.

Our approach and methodological framework

We saw it as important to continue to employ a Pacific research framework (see Anae, et al 2003; The Health Research Council, 2005) in line with the baseline review. This gives priority to relationships and informed community participation to ensure 'meaningful engagement', relevance, validity and ownership of the research process and outcomes.

This study continued the emphasis on partnerships utilised in the baseline review and partnered one national NGO in three of the four countries throughout the planning and implementation of research activities.¹ This had the dual aim of empowering Pacific communities by fostering enquiry and debate on domestic violence, and consolidating ongoing partnerships for future PPDVP activities. Partner NGOs were given an honorarium in acknowledgement of their expertise and support.

In the Cook Islands, the NGO partner was Punanga Tauturu Inc; in Samoa, it was Mapusaga o Aiga; and in Tonga, the NGO partner was the Centre for Women and Children. These partnerships proved an invaluable strategy, ensuring knowledge sharing, 'open doors', relevance and ownership of the information, as well as downstream sustainability gains.

The team continued to build on the work done by the PPDVP mentors. This included, where possible, coinciding the fieldwork with the mentors' in-country deployment. Again there were wonderful mutual benefits in this strategy. Online support was received from the Kiribati mentor. In the Cook Islands, the researcher worked with the mentor for five of the eight days of fieldwork. For Samoa, the mentor provided key documents and information for the review. In Tonga, the researcher worked with the mentor for the entire period of the fieldwork.

Our approach was premised on the understanding that no single research strategy would fit the four countries: that, although the countries might have some common experiences, local domestic violence-related perceptions and practices would be influenced by factors such as physical, economic, social and cultural norms, and the nature of colonial and post-colonial influences, including access to education, information technology (IT), increasing aspirations and new recreations, poverty-related factors and integration into global networks. There were likely to be differences in:

- customary views of domestic violence and ways this should be addressed
- the strength and capacity of domestic violence local movements, such as NGOs
- Police capacity and policing, law and justice systems

¹ We were unable to organise working with KANGO in Kiribati as the person we had worked with previously on the baseline review was unavailable.

- physical constraints, including the way in which the spread of the islands which make up Kiribati, the Cook Islands and Tonga influences people's knowledge of laws and access to policing systems and/or justice
- national commitments and understandings of regional and international agreements, such as CEDAW¹ and the Pacific Platform of Action.²

It was important for us to remember that findings were set in the context of rapidly changing times and against a backdrop of initiatives promoting women's rights and gender equity and calls for the elimination of violence against women and children.

Finally, we saw that the update would continue to act as both a data collection and an education and advocacy exercise for domestic violence and related issues, as each interview was almost an awareness raising exercise on domestic violence, CEDAW and related issues.

We continued to draw on the significant resource base of knowledge and expertise in each country by utilising the relationships made in the previous study. As noted in the previous study, each country is either signatory to CEDAW or in the process of becoming so, and/or has participated in training provided by agencies such as the Fiji Women's Crisis Centre, the SPC/RRRT of the Regional Rights Resource Team of the Secretariat of the Pacific Community project, and, in the case of Samoa, the Secretariat of the Pacific Community (SPC)/United Nations Development Programme (UNDP) study. In fact, it is highly likely that domestic violence issues are perceived under a 'human rights framework' in addition to the 'Safer Pacific Free from Domestic Violence' framework of this PPDVP initiative.

The fieldwork was carried out in two-week blocks during September 2010.³ The methodology replicated that developed for the baseline study and each researcher visited two countries.⁴ Because of the geographical spread and remoteness of many islands in each country, the research was conducted predominantly in urban locations or on a central island. Therefore, the findings may not be applicable to rural regions or outer islands.

The research required a multi-method strategy. Briefly, the main methods were:

- literature review of published and unpublished research
- collection and analysis of data recorded by Police, NGOs and other agencies
- overview of government legislation, policies and practices
- analysis of media reports of domestic violence (e.g. newspaper reports)
- qualitative methods, such as focus groups and in-depth interviews with key informants
- national stakeholder meetings, including review of materials collected.

Although we aimed to collect statistical data wherever possible, we anticipated that, as found for the baseline study, the information would vary greatly in accessibility, coverage and quality. Qualitative methods were again deemed to be appropriate, given that a major research focus was identifying attitudes to domestic violence. We recognised that the topic had only recently been acknowledged as a Pacific

¹ This is the United Nations Convention on the Elimination of all forms of Discrimination Against Women.

² This is the Pacific Platform for Action on Advancement of Women and Gender Equality 2005–2015.

³ Ethics approval was given by the Victoria University Human Ethics Committee: No 17907/2010.

⁴ Venezia Kingi went to the Cook Islands and Kiribati, and Michael Roguski went to Samoa and Tonga.

development issue and that understanding the cultural and social underpinnings of domestic violence in the four countries required further extensive discussions with a broad group of people. Pacific research highlights that face-to-face communication is more appropriate and yields richer data than paper and pencil instruments or survey methodology.

As previously, we established general guidelines for the research process and assumed that data collection methods would again vary somewhat across the four countries. The methods were finalised after the researchers arrived in the country and based on the advice of local Police and NGO partners. Tables A1 and A2 in Appendix A set out the general framework.

The four country reports

This four nation PPDVP review must be set within the wider happenings in the Pacific region in the past four years. Some of these influence the four nations directly, while others are influenced by the impacts of these.

The global recession is affecting all Pacific Island countries and territories through slower economic growth, increased economic uncertainty and worsening household vulnerability. The Asia Development Bank estimates that an additional 50,000 people were living below the poverty line in the Pacific in 2010 because of the global economic crisis. Continuing high rates of population growth in addition to escalating rates of urbanisation have seen the growth of overcrowded urban settlements in all Pacific Island countries and territories, with all the hallmarks of incipient poverty and social issues this entails. At the same time, rural areas are becoming the areas of women and children. The United Nations Children's Fund says children, youth and women are bearing the 'lion's' share of the burden of the global economic crisis, while surveys conducted by UNICEF in Tonga and Tuvalu in December 2009 reveal that a staggering 80 percent of families living in vulnerable communities do not have enough money for food.

The effects of climate change and natural disasters also impact on Pacific communities and are triggers for violence against women. The region's high vulnerability to earthquakes and accompanying tsunami is seen in the Western Solomon's (2007), the Viti Levu floods (January 2009) and the earthquakes and accompanying tsunami in American Samoa, Samoa and Tonga (2009). The extreme weather and climate variability and accelerated sea level rising associated with climate change are also impacting negatively on family livelihoods, economic wellbeing and health. In addition, Pacific Island countries and territories have witnessed increased political crises, social unrest and violent conflict in recent years. The political situation in Fiji is complex, while in Tonga, which is governed under a monarchy, advocacy is ongoing for a move towards democracy.

Views are that traditional family systems are weakening as people increasingly identify with modern regional and global ideas accessed through IT, education, migration and travel. Not only that, high levels of out migration have left many professional posts unfilled, with severe consequences for the delivery of violence against women, educational and health services, especially to rural areas.

We recognise that it is only relatively recently that domestic violence has been acknowledged as a Pacific development issue, yet we believed that the term 'domestic violence' would be recognised in the four project countries. However, we anticipated that we might find different understandings of what it comprises, and how it should be dealt with, according to differences in the four countries' socio-cultural values, beliefs and attitudes to do with the roles and place of women, and post-

colonial and recent history. We felt that women's vulnerability to violence in a given country might also vary depending on age, urban/rural living and other factors.

Similarly, we felt that while there were likely to be some commonalities in legislation, policy and practice responses to domestic violence, there would probably also be differences. Given these and other socio-cultural and structural differences among the project countries, we concluded that it would be challenging to draw the data together in a reliable and rounded assessment of the extent and nature of domestic violence across the four countries, and the policies and programmes to address it.

As a result, the analysis and report comprise four national case studies. The case studies provide a snapshot of social and organisational understandings of and responses to domestic violence at the time of the research. The reports attempt to portray as accurately as possible the views and perceptions of those who participated in the research. Due to the exploratory and largely qualitative nature of the research, we cannot be certain that the views of participants are representative of the wider population. However, there were consistent themes emerging from interviews with individuals from different sectors, particularly in relation to issues such as structural gender inequalities and attitudes to dealing with domestic violence. The findings also tend to concur with previous research or reports from international development agencies, where these have been done.

Each country report comprises two main parts, with the second part containing two sections.

- Part 1 sets out the background to the study.
- Part 2 discusses relevant contextual factors in the specific country. This covers information such as local understandings of gender, family and community, to the political context at the time of the research.
 - Section 1 of Part 2 covers Police attitudes, policy and practice in relation to domestic violence. The section is organised around the 10 Terms of Reference (TORs) in Table 1. The sub-sections raise points for discussion or further consideration. The information in this section is mainly derived from interviews with Police Officers.
 - Section 2 follows the same format. It covers the second set of nine TORs, relating to government, NGO, and community attitudes and responses to domestic violence. The information is mainly drawn from interviews with community stakeholders.

PART 2: THE SAMOA STUDY

The Samoa follow-up study was carried out between 6 and 15 September 2010. The reviewer was based with the Samoa Ministry of Police and the NGO in-country partner was the Mapusaga o Aiga (MOA).

This report begins with a brief outline of factors influencing the review. Section 1 presents Police attitudes, policy and practice regarding domestic violence-related issues and Section 2 presents Government, NGO and community attitudes and responses to domestic violence. Both sections follow the terms of reference outline.

Data collection included group and individual interviews with representatives of:

- the Police
- Government agencies (such as the Attorney General's Office, Ministry of Justice and Ministry of Women, Community and Social Development)
- NGOs associated with gender-based violence
- victims of domestic violence.

Samoa comprises the two large islands of Savaii and Upolu (separated by a one-hour boat trip) and a group of smaller islands (see Figure 1). Over three-quarters of the population live on Upolu, the majority in Apia, which is the government, commercial and administrative centre. The main Police Station is located in Apia, but reports were that most families are within two hours of a Police sub-station.

Figure 1 Map of Samoa¹



Despite the establishment of national government systems and legal laws, Samoa is known for the endurance of the traditional ways, central to which is the extended family system. The extended family units – which make up the villages – have never been totally replaced by legal systems and processes. Village jurisdiction was reinforced in the Village Fono Act 1990.

Briefly, the two main village institutions in the Samoan village are the council of chiefs (fono o matai) on which every family is represented by their family matai (chief) and

¹ Worldatlas.com (n.d.)

the women's committees, which most women join once they leave school. The village councils play a major role in ensuring village development and family security, including domestic violence matters. Women's committees have traditionally been responsible for activities such as health, education and hospitality. There are two status groups for women in the faaSamoa – the sisters (the highest status group and protected by their brothers) and the in-marrying wives (nofo tane – considered to be the lowest status group). A wife has few rights in her husband's village and is expected to serve her husband's family, just as he does. Wives were and are a highly vulnerable group.

While Samoan women appear to have equal rights and opportunities as male heirs to be chiefs under Samoan legislation¹ it is more usual for males to be offered this post by extended families and villages. Recent estimates in the 2010 UN Samoa Millennium Development Goals Report indicate that over 80 percent of chiefly titles are held by males, and as a result the village councils are largely male. There are tensions between customary and legal laws in these transition times, most important of which are questions of whether domestic violence is a family matter or a criminal offence to be dealt with according to legal laws and processes. In many cases both avenues are used. Note also that a presiding judge will generally consider whether customary reconciliation processes (ifoga)^[1] have been observed. The customary processes for dealing with complaints, such as domestic violence, are set out in the Samoa Human Development Report (2006: 156).

...Disputes that cannot be settled at the family level are brought before the fono whose responsibility is to try and solve them by first examining the cause of the dispute, identifying the people in the wrong, then either reprimanding or punishing the culprits. Village punishments can range from cash (given to the fono to fund various village projects) of any amount between \$50T and \$T500; demanding the family of the culprit provide food for the village, suspending the culprit from participation in village affairs or expelling the culprit from the village for a specific time or indefinitely. The kind of punishment and severity depend on the seriousness of the offences and is determined by the fono collectively.

If satisfaction is not gained at the village level, cases may be taken to the police. However, this is often not seen to be a good step, because it implies that the village council is weak and because airing these matters 'outside' may result in shame to the village. In some villages, taking cases to the police is banned and families/persons taking this action have been ostracised by the village.

National Domestic Violence Markers 1980–2010

Major domestic violence-related markers are set out in Table 2. First is Samoa's signing of CEDAW in 1991 and report back in 2005. Samoa is also party to the Regional Women's Mandate – the Pacific Platform of Action (1995 and 2004 revised). Second are Samoa's two major domestic violence studies: the first by the Mapusaga o Aiga NGO (1996) and the second was coordinated by the Ministry of Women (Pacific Multi-site project, WHO/UNFPA/SPC/GOS). Third, Table 2 highlights the significant contribution NGOs have made to domestic violence-related training, research and advocacy work. Police achievements include the establishment of the Domestic Violence Unit and developing computerised records and tracking systems.

¹ Any person¹ may be eligible to be a matai through family heritage and/or services rendered

[1] The ifoga is the accepted path to reconciliation and forgiveness in the faaSamoa. In the ifoga the perpetrators family offers gifts of fine mats (or other goods) to the victims family.

Table 2 Key National Domestic Violence Markers (1980-2010)

Agent	Domestic Violence Outputs
Government of Samoa	<p>2010 – Cairns Communiqué¹ The final communiqué of the 40th Pacific Islands Forum, held in Cairns, Australia in 2009:</p> <p><i>Sexual and gender-based violence (SGBV) is now widely recognised as a risk to human security and a potential destabilising factor for communities and societies alike. It remains pervasive across the Pacific, and as it is still considered a sensitive issue in most Pacific cultures, its prevalence often goes underreported. There is an urgent need to acknowledge the prevalence of SGBV in the Pacific at all levels of the community, whether occurring in the domestic context or during conflict and post-conflict situations. (PIFS, 2009: para 64)</i></p> <p>In effect, the communiqué placed the onus on all Pacific Island governments to lead the campaign against domestic violence.</p>
Ministry of Women (MWA Act '90 Amendment Act 1998) 2005 – Becomes Ministry of Women, Community and Social Development	<p>1991 – National Mandate for Action 1991 – Ratify CEDAW (1991). Global mandate 1995 – Pacific Platform of Action for women (PPA) and 2004 Revised PPA 2005 – UNDAW report indicates action needed here 2009 – Domestic violence goals, policy and programs</p>
NGOs	<p>1993 – Mapusaga o Aiga (MOA) established. Research Advocacy, Training</p> <ul style="list-style-type: none"> ▪ RRRT staff post at MOA ▪ Networks with Fiji Women's Crisis Centre ▪ Research report (1996) Domestic and Sexual Violence Against Women in Samoa <p>National Council of Women 1999, Tete'e Atua le sasa ma upu malosia, Child abuse. Research and training on violence issues. Data, Training, awareness raising, media advocacy</p> <p>2003 – UNFPA/SPC/Govt of Samoa – Pacific Multi-site Study of the Effects of Violence Against Women on Family Health and Safety</p> <p>Samoa Victims Support Group established 2005 Safe house established 2006</p>
Police	<p>1980s – Commissioner of Police attended a Commonwealth Secretariat seminar on Domestic Violence. Other Pacific attendees are Papua New Guinea and Solomon Islands</p> <p>1990s – Female Police Officer collates domestic violence data</p> <p>2004 – AusAid/Institutional Strengthening Project (ISP) – Safer Samoa Project. Introduction of IT systems for record keeping and community policing project</p> <p>2006 – PPDVP – Recruitment of DV team</p>
Attorney General's Office	<p>2006 – Attorney General's Office. First draft of Domestic Violence Legislation circulated. Due to a lack of stakeholder buy-in, was not tabled at Cabinet</p> <p>2009 – Family Safety Bill drafted and consultation process completed</p>

¹ See Appendix B.

Changing times

Despite the endurance of the faaSamoa, these times of rapid social and economic change are seeing:

- changes in the ways families organise, including increases in marriage break-ups and an increase in solo-headed households, a group which is globally recognised to be vulnerable to poverty and domestic violence
- rapid urbanisation and the growth of peri-urban quarter-acre settlements where families are living 'outside' the influence of the traditional village systems and reportedly 'more reliant on the police for protection'
- new ideas and aspirations through education, travel, the rapid expansion of technology (e.g. television, DVDs, texting and email) and new recreations such as alcohol and drugs. Many stressed that alcohol was the key factor in domestic violence in both urban and rural areas
- more awareness of rights issues through CEDAW and gender equity training, the Convention on the Rights of the Child Committee (CRC), NGO advocacy and research and media reports.

SECTION 1: POLICE ATTITUDES, POLICY AND PRACTICE

Any history of change around police domestic violence practice

The baseline review noted a number of positive changes associated with police domestic violence practice. First, police evaluations of organisational systems and behaviours had been undertaken with the aim of modernising and improving police responses. Next, gender sensitivity training had been implemented, and finally an increasing number of female police was noted. Since the baseline review, the following shifts towards eradicating family violence have been identified:

- establishing the Domestic Violence Unit
- Case Management and Intelligence System (CMIS)
- increased awareness of domestic violence
- improved police partnerships.

Each of these structures is discussed below.

Establishing the Domestic Violence Unit

In 2006, a Domestic Violence Team was recruited and trained under the PPDVP. Initially, there were three staff. By 2010, this number had grown to 10. One of the primary successes is that Samoa is now able to provide at least two officers on 24-hour coverage for domestic violence matters. In addition, there are two Domestic Violence Officers at each of three outposts:

- Faleolo
- Lalomanu
- Poutasi.

The existence of a separate Domestic Violence Unit has made it easier for victims to access the Police. In addition, development and implementation of a computerised system has, for the first time, provided confidence around the collection and reporting of data. Further, the Unit has provided domestic violence training to general policing colleagues and collaborates with the Police Community Engagement Team to deliver community awareness programmes.

A substantial achievement has been the development of the Samoa Police Domestic Violence Strategy¹ and the corresponding Domestic Violence Unit Workplan for 2010 to June 2011.²

The success of the Domestic Violence Unit was greatly attributed to the role of the PPDVP mentor and the educational importance of Study Tours. These enabled representatives from the Samoa Police to travel to New Zealand and undergo training and observe best practice in New Zealand.

¹ Samoa Police (2010a).

² Samoa Police (2010b).

Case Management and Intelligence System (CMIS)

In 2007, the PPDVP Case Management and Intelligence System (CMIS) domestic violence database was developed. This has resulted in a more coordinated effort by domestic violence units to record the levels of domestic violence reported to the Police. Further, continued use CMIS has resulted in a growing sense of confidence in police data, as the system was purported to reduce the possibility of human error.

Increased awareness of domestic violence

All participants, including victims, central government and NGOs, agreed that awareness of domestic violence has increased markedly in Samoa.

Last week I drove around Savaii. Every two kilometres there was a sign saying “Say no to rape and incest”. (NGO representative)

In part, some of the increased awareness can be attributed to community presentations undertaken by representatives of the Domestic Violence Unit and Community Engagement Teams.

Police partnerships

The relationship between the Police and NGOs has improved somewhat, with dialogue leading up to the signing of a referral-based memorandum of understanding between the Police and family violence-related agencies. In addition, the establishment of the Law and Justice Sector Committee in November 2006 has provided an opportunity to link law and justice service at an agency level directly to macro-level national strategies and priorities. It has also provided opportunities to clarify sector objectives and improve...

the direction, delivery, effectiveness and coordination of law and justice services; create a government-owned priority-setting mechanism for development; and facilitate international development assistance.¹

The Committee includes representatives from the:

- Attorney General’s Office
- Ministry of Justice & Courts Administration
- Ministry of Police and Prisons
- Office of the Ombudsman
- Ministry of Women, Community and Social Development
- Ministry of Finance
- Public Service Commission
- Samoa Umbrella for NGOs (SUNGO).²

¹ Samoa Law & Justice Sector Plan 2008–2012 (2009). Samoa: Office of the Attorney General.

² AusAID and AFP are observer donor members of the Committee.

Opportunities for development

Opportunities for development include:

- **Formalising a no drop policy** – current policy enables the Police to authorise a domestic violence case's withdrawal. Increased senior Police leadership is required in this matter. As it stands, there is a significant pressure for Police to seek partner reconciliation and there is not sufficient guidelines and practice for when an officer should arrest a perpetrator. Because officers must gain authorisation to arrest from their senior officer, a risk exists that a senior officer's poor understanding of domestic violence may prevent best practice being enacted.
- **Improved case tracking** – opportunities exist for improved tracking of domestic violence cases through to prosecution.
- **Avoiding re-victimisation** – current police interview practice involves interviewing victims in a room where other victims and officers may be present. This process is counter to best practice and risks re-victimisation.
- **Poor public perceptions of the Police** – the public continue to distrust the police, which can be readily evidenced in a number of corruption and abuse cases aired in the media. It is assumed that public distrust of the police will contribute to under-reporting of domestic violence cases.

Current Police policy, protocols and general processes and procedures (including record keeping) for dealing with domestic violence

A domestic violence policy was drafted in August 2009 but never finalised. Under the Domestic Violence Unit Workplan 2010 to June 2011, the policy is now scheduled to be completed in March 2011. The draft policy currently includes:

- a general statement about the core responsibilities of the Domestic Violence Unit
- procedure to undertake when receiving complaints of domestic violence directly at the office
- victim procedure
- witnesses and scene procedure
- offender procedure
- file requirements.

All Domestic Violence Unit staff demonstrated an in-depth knowledge of protocols and processes for dealing with domestic violence offenders.

Of interest, the baseline review had noted an inefficient case management system that resulted in lost and/or misplaced files. This laid Police open to public charges of sloppiness and Police 'not knowing their job' and to criticisms that Police might be deliberately interfering with the course of justice. While there have been recent cases of Police being charged with misplacing evidence, no accusations of file mismanagement were made against the Domestic Violence Unit. In fact, the Court Registrar stated that the files prepared by the Domestic Violence Unit are the most thorough and efficiently compiled. The Domestic Violence Unit staff were also noted as being exemplary in court attendance.

Box 1 Victim Procedure

Dealing with all victims in a professional and caring manner is incredibly important to ensure that we can assist their recovery from this incident and obtain the best possible evidence to have the case proceed to court.

Remember that a victim is likely to minimise an incident of domestic violence very quickly after it has occurred, and even recant due to pressure from family, friends or partners.

When dealing with victims all members must follow the following procedure:

- Take the victim to an interview room to ensure they are given the privacy to provide the officer with detailed account of what occurred
- Interview the victim and obtain a full and detailed statement about the matter
- Assist the victim to get necessary medical attention if required
- Ensure that if the victim gets medical attention that you, as the officer in charge of the matter, also gains a copy of the medical report and attach it to the file as soon as possible but always prior to the matter being transferred to Prosecution
- Take photographs of any injuries and attach copies of the photographs to the file
- Complete a 'body map' form listing injuries, bruises etc
- Arrange for any other assistance for the victim eg moving to a safe location
- Refer the victim to an NGO for further assistance if necessary and complete referral form
- Confirm with the officer in charge of the Domestic Violence Team or CO in charge of the shift if it is during the night for permission to proceed with the matter
- Before the victim leaves the office ensure that you provide them with a copy of your business card so that they know who is dealing with their case and how they can get hold of you
- It is the responsibility of the officer in charge of the case to update the victim and relevant NGO within 7 days of the outcome or progress of the case.

The following opportunities to clarify policy and protocol were identified:

- **Definitional issues** – provide a definition of domestic violence to guide practice.
- **Response time** – page one of the draft policy states that “Members are to undertake the necessary inquiries as soon as reasonably possible”. Some confusion existed over what ‘reasonably possible’ entailed. Also, response times ranged from four hours to two days. Formalising response times will go some way in combating NGO and victim participants’ experiences that an inappropriate amount of time can lapse before the Police attend a domestic violence incident.
- **Re-victimisation** – Domestic Violence Unit and general policing staff did not understand re-victimisation. Any professional development around this area would benefit from clear policy guidelines which outline the:
 - inappropriateness of re-victimisation
 - need for sensitivity to victims’ emotional vulnerability.

- **Follow-up** – the Domestic Violence Unit staff would benefit from a clear policy direction about follow-up expectations with victim and family. Best practice indicates the need to ensure all victims are regularly informed of the progress of the investigation, any court proceeding and sentencing.
- **Referral to a support agency** – the draft policy leaves referral to a support agency up to the discretion of the Domestic Violence officer. Best practice would indicate that a referral to an external agency is mandatory, whether an arrest is made or not, and that a referral form be forwarded to the external agency within 24 hours of the complaint being made. This is especially important given NGOs' reports that they receive few referrals from the Police. Implementing a mandatory referral policy will remove Police discretion and any possible bias.
- **No drop policy** – the draft policy does not include a no drop or charge withdrawal policy. This is an urgent matter as Police participants were confused about the supposedly informal no drop policy. Best practice indicates the need to contextualise the common occurrence of victim requests for charges to be withdrawn and, despite efforts to recant, there is an imperative to investigate all complaints thoroughly and not withdraw charges in the event that the victim requests a withdrawal. The no drop policy ensures that all suspected domestic violence-related physical assaults and all other suspected domestic violence-related crimes are investigated and prosecuted in a consistent and uniform manner. NGOs, in their role as advocates, strongly urged that any charges laid against a person resulting from a domestic violence incident should only be withdrawn by the magistrate.

Current specific levels of domestic violence reported to Police

The baseline review noted that it was not possible to determine specific levels of domestic violence in Samoa given:

- the lack of specific domestic violence legislation
- specific Police policies and procedures that code complaints against Police determined categories.

Currently, there remains no specific domestic violence legislation in Samoa. Rather, perpetrators continue to be charged under General Criminal Offences, under the Crimes Ordinance (1961) to prosecute:

- common assault
- grievous bodily harm
- actual bodily harm
- insulting words.

A combination of a Domestic Violence Reporting Template, police training and the implementation and use of CMIS has enabled the recording and reporting of domestic violence incidences since December 2007 (see Table 3). The implementation of domestic violence reporting and tracking systems was believed to have created a growing sense of confidence in Police data, as the system was purported to reduce the possibility of human error when dealing with cases.

Table 3 Number of Domestic Violence Incidents 2007 to 31 August 2010

Number of Domestic Violence Incidents	Year
144	2007
344	2008
332	2009
336	2010*

Source: Samoa Police, Domestic Violence Unit records¹

* For the period January to 31 August 2010

NGOs and victim participants believed that domestic violence remains significantly under-reported. While there was no doubt that public awareness of domestic violence has increased, there is a need for the public to gain more trust in the Police and for anti-domestic violence messages to take effect at a village and household level.

Don't want to be seen coming to the station to lodge a complaint against their family as they don't want to be seen as disloyal. (Police representative)

There is still a lack of trust in the police. When trust increases so will the number of complaints. (NGO representative)

More broadly, under-reporting was attributed to:

- a lack of faith in Police being willing to take a domestic violence complaint seriously
- complaints being withdrawn when victims and offenders reconcile
- Police, community and family members encouraging women to reconcile
- Police encouraging women to reconcile to protect the male perpetrators
- a lack of awareness about a woman's right to safety
- a belief that domestic violence is a family and not a Police matter.

NGO participants believed that implementing a no drop policy that precludes Police from authorising a victim's withdrawal of complaint will result in an increase of public trust and eventually an increase in reporting.

The current state of Police prosecution of domestic violence, including levels of case withdrawal, levels of prosecution against reporting, and the overall number of offenders being held accountable for their actions

In the baseline study, management systems and routines for systematically tracking levels of case withdrawal, prosecution and the number of offenders being held accountable for their actions were found to be inefficient and inadequate. A major achievement, since the introduction of the PPDVP, has been the implementation of systems geared towards improved data collection.

¹ No age differentiation was available.

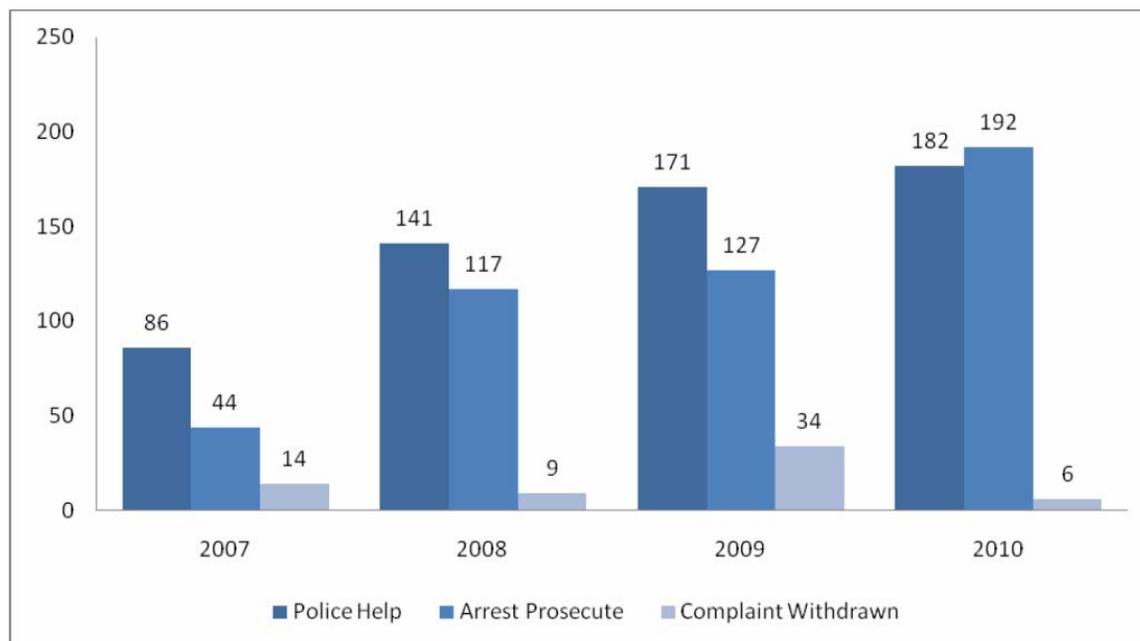
Figure 2 outlines the outcome of incidents of domestic violence reported to the Police. Of interest, since 2007 there has been a steady increase in trend. For both Police help and prosecution, there has been a steady increase over the four years. As expected, the number of complaint withdrawals is far fewer than other outcomes. It is hard to provide a trend interpretation from this data as a complete 12-month data set was not available for 2010. At this stage it does appear that the number of complaint withdrawals has declined.

The high incidence of Police help raises questions about whether or not the Domestic Violence Unit is providing counselling and/or advice because of a cultural imperative to engage in reconciliation practices and a possible confusion over the role of the Police with regards to arrest and prosecution. If this suspicion is correct, the amount of Police help outcomes should fall with increased senior Police leadership which adheres to prosecution and the formal introduction of a no drop policy.

The number of police-approved withdrawals remains a concern. In particular, participants external to the Police suggested that the existence of a police-authorized withdrawal process indicated poor understanding of:

- **Battered Women's Syndrome** – it is inappropriate for the Police to authorise a withdrawal in light of the pressures and guilt often experienced by the victim which leads to recanting or a request to withdraw the complaint.
- **Public perceptions** – in light of court cases involving Police loss of evidence concern was raised that any Police-endorsed withdrawal of a case could be interpreted as having occurred because of bribery.
- **Reconciliation** – a reliance on partner reconciliation inappropriately positions the Police to make decisions about an issue that is often blurred by cultural practices.

Figure 2 Outcome of Domestic Violence Incidents Reported to the Police, 2007 to August 2010



Source: Samoa Police, Domestic Violence Unit records. 12-month records for 2010 were not available as fieldwork took place in September 2010. As a consequence, data was only available up to the end of August 2010.

The majority of the 77 cases known¹ to have appeared before the Court in 2009 received a conviction (44 percent). 34 percent were withdrawn at court and warrants for arrest were issued for 16 who failed to appear before the court. Of interest the most common outcome of those found guilty was a conviction with a suspended sentence (19 percent). Only 5 percent were sentenced to imprisonment.

Table 4 Outcome of Domestic Violence Cases Appearing Before the Court, 2009

Outcomes	2009	
	number	%
WOA issued	16	21%
Convict and suspended sentence	15	19%
Convict and monetary fine	8	10%
Convict and discharge	5	6%
Jail sentence	4	5%
Under probation	2	3%
Probation Community Services	1	1%
Withdrawn at Court	26	34%
Total	77	100%

Source: Samoa Police

¹ This figure differs from the 127 cases arrested and sent to prosecutions by the Domestic Violence Unit. Police participants were not able to clarify how this discrepancy developed. It does, however, indicate the need for continual improvement of case tracking and the need for an efficient system to track outcomes.

Current Police leadership practice around domestic violence

Police leadership was discussed in reference to processes external to police daily operations and processes internal to the police.

External considerations

Rather than providing dynamic leadership across the domestic violence sector pockets of Police leadership were identified. Examples of leadership practices external to police daily internal operations include:

- **Police representation** – the Police are represented on the Ministry of Women’s CEDAW partnership (government and NGO partnership), Convention on the Rights of the Child Committee (CRC), the Gender-Based Violence Steering Group (GBVS Group) and the Samoa Law and Justice Sector Committee. Membership has provided opportunities for interagency collaboration and information sharing.
- **Provision of community education and awareness raising** – Police community liaison activities, often in collaboration with NGOs, have significantly raised awareness of domestic violence.
- **Domestic Violence Unit** – establishing the Domestic Violence Unit has carried significant symbolic importance for the Samoan public as the Unit has signalled that the Police view domestic violence seriously.
- **Memorandum of Understanding** – an MOU between the Ministry of Police and five leading NGOs was scheduled to be formalised by February 2011. The MOU seeks to ensure a clear understanding of the roles, functions, procedures and expectations of each of the organisations in ensuring appropriate responses and support are provided to victims of domestic violence.

Internal processes

Less clear evidence of Police leadership was found pertaining to internal functions and processes. While Domestic Violence staff generally demonstrated a thorough knowledge of best practice their efforts may be constrained by senior Police staffs’ adherence to:

- privileging reconciliation practices
- enabling Police-authorized withdrawals
- failing to develop and implement a no drop policy.

As such, there was a great deal of confusion amongst officers about how to adhere to the best practice principles garnered from their training and mentorship.

In our awareness programme incest, carnal knowledge and assaults come to the police. We have matai inside each family. It is the responsibility of that matai to control that family. It is better for them to solve small problems. (Senior Police representative)

Consequently, there is an urgent need for leadership, at the most senior level, to enable more junior officers to work effectively and efficiently in regards to domestic violence. Some evidence of this would include:

- strict adherence to a no drop policy

- decrease in counselling and advice provided by the Police and a concomitant increase in arrest and prosecution figures
- finalisation and adoption of a domestic violence policy and procedures manual
- leadership practice surrounding reconciliation, prosecution and arrest.

It is understood that achievement of these tasks will require a review of the existing Samoa Police DVU Strategy¹ and the corresponding workplan.²

Police attitudes and perceptions of domestic violence

Interviews with Domestic Violence Unit and general policing staff indicated that responses to questions about Police attitudes to and perceptions of domestic violence were heavily influenced by participants wanting to respond in a socially desirable manner. As such, it was difficult to ascertain true attitudes and perceptions.

What can be said with confidence is that domestic violence is regarded as a normalised practice amongst older officers and that there is considerable confusion, and mounting frustration, about how to work within best practice guidelines while there exists an imperative to first seek partner reconciliation.

When we attend [domestic violence] cases, the first thing we have to do is to see if we can reconcile or whether we have to take it up to the court. This is the Samoan way. (Senior Police Officer)

It is, however, important to note that, in severe cases of assault, there was no ambiguity and all cases were prosecuted.

While Samoan culture was cited as an explanation for Police emphasis on reconciliation, there also appeared to be a lack of understanding about Battered Women's Syndrome, a poor understanding of possible punitive outcomes of prosecutions and a tendency to minimise the seriousness of domestic violence through the provision of Police-generated counselling.

¹ Samoa Police (2010a).

² Samoa Police (2010b).

Table 5 Poor Understanding of Domestic Violence – Foundational Skills and Practices

Issue	Example
<p>Poor understanding of Battered Women's Syndrome – Police participants commonly cited a woman's request for a withdrawal of charges as a sign that they were not serious about the initial complaint, that they had used the complaint as a way to hurt their partner or that all the woman required was a cooling down period. The Police also placed the burden of the decision to issue a complaint solely on the female victim. In this sense, Police responses did not take into account the complex and often guilt-ridden relationships that exist between perpetrators and victims .</p>	<p><i>The heart of the women. It is her choice (Senior Police Officer)</i></p>
<p>Poor understanding of outcomes of Police prosecutions – some Police indicated a concern that prosecution would result in more harm to and abuse of the woman. There is a risk that those aligned with this view may be reluctant to arrest.</p>	<p><i>If send to prison, then after three months he will go back and kill his wife (Senior Police Officer)</i></p>
<p>Police counselling – many of the police interviewed demonstrated a strong belief in reconciliation. To this end, multiple examples were provided whereby the officer counselled the husband and wife.</p> <p>Of concern is lack of training in counselling, the use of counselling as an umbrella for reconciliation and poor differentiation of roles.</p>	<p><i>Rather than charging [the perpetrator] they [the police] are still bringing the couples together for counselling. Then, two months later the victim comes to us [NGO]. If the man had been charged originally the victim would have been spared a whole new onslaught of abuse (NGO)</i></p>

While these examples indicate that best practice could be extended, all NGOs noted some improvements in Police attitudes and behaviour towards domestic violence. For instance, NGOs were asked to rate, on a scale of 1 to 10, the extent to which core indicators of Police best practice have shifted since 2006 (where 1 indicated extremely poor performance and 10 indicated extremely good performance):

- Police awareness of domestic violence best practice
- Police response times to domestic violence incidents
- the degree to which domestic violence is regarded as a family issue and not a Police issue
- Police willingness to prosecute domestic violence cases.

Table 6 provides each NGO's response. For each question area participants felt that Police performance had improved since 2006. The most notable shifts were willingness

to prosecute and increased awareness of domestic violence. Police response times remained the area of greatest concern.

Table 6 NGO Ratings of Key Indicators of Police Domestic Violence Best Practice

	Police Awareness of Domestic Violence		Police Response Times to a Domestic Violence Incident		Domestic Violence is a family issue and not a Police issue		Police willingness to prosecute domestic violence cases	
	2006	2010	2006	2010	2006	2010	2006	2010
Agency 1	1	5	1	4	3	5	1	7
Agency 2	1	4.5	1	2	1	4	2	7
Agency 3	1	4	1	4	2	5	1	6
Agency 4	1	5	1	3	2	4	1	6

Police attitudes and perceptions towards Police Officers as domestic violence offenders

Police and community-based participants reported a general belief that Police Officers engaging in domestic violence are treated leniently and that the Police would try to shelter fellow staff members in such an event.

Current policy and practice arrangements for dealing with Police Officers as domestic violence offenders

No specific policy or practice arrangements for dealing with Police Officers as domestic violence offenders were provided. In addition, Professional Standards informed the review that there is no database or system to accurately track domestic violence complaints against the Police. That said, Police Standards related that there had been no domestic violence complaints against Police Officers. Police Standards accounts differed from those of NGOs specialising in gender-based violence and victims' rights. One such case occurred when the researcher was present in the agency. Table 7 provides the number of cases of victims, reported to NGOs, of Police Officers who had engaged in domestic violence in 2009 and 2010.

Table 7 Number of Domestic Violence Incidents Reported to NGOs Where the Perpetrator is Reported to be a Police Officer, 2009–2010

Number of Domestic Violence Incidents Where the Perpetrator is Believed to be a Police Officer	Year
5	2009
3	2010*

* For the period January to 31 August 2010

The current state of Police domestic violence training

The baseline review found that domestic violence training was not a feature of the recruit training or the in-service training programme. This was remedied in 2008 when the Recruit Domestic Violence Module was developed and implemented. This move was regarded as a major success. Other trainings are outlined in Table 8.

Table 8 History of Police Domestic Violence Training in Samoa

Year	Domestic Violence Unit Training
2006	Human Rights training by RRRT worker through Samoa Umbrella for Non-Governmental Organisations (SUNGO)
2007	PPDVP mentor provided introductory training to the Domestic Violence Unit staff Training workshop in Auckland for each of the participating Pacific nations. Two Domestic Violence officers from Samoa attended. The aim of the workshop was to train domestic violence unit staff to become trainers
2008	Recruit Domestic Violence Module developed and established as a permanent component of recruit training Representatives from each of the 12 Pacific nations' Domestic Violence Units attended a PPDVP training in Tonga. Two Samoan Domestic Violence Officers attended. The training took place over two weeks MOA provided trainings on domestic violence to the Police throughout the year
2009	Domestic violence curriculum for Sergeants course created
2010	In May, the Domestic Violence Team had a two-day refresher training course on domestic violence. The training included three NGOs and eight outpost staff. From this training it was intended that each of the outpost staff would then provide training to Police based in outlying areas

Despite the success of trainings to date, the need to include pre- and post-training measures in training courses was recommended. Specifically, a need was identified to measure the extent to which attitudes towards, and knowledge of, domestic violence shift as an outcome of training provided. In addition, participants offered the following suggestions for future trainings:

- **Pre- and post-training measures** – training programmes should measure the extent to which attitudes towards, and knowledge of, domestic violence shift as an outcome of the training provided. Ideally, mechanisms should be implemented to measure behavioural change.
- **Refresher courses for general policing staff** – one-off courses were regarded as inadequate for attitude and behavioural change and follow-up courses and mechanisms to ensure behavioural change were requested.
- **Re-victimisation** – there is an urgent need for Police training on how to interact with victims to avoid re-victimisation.
- **Reconciliation** – there is a need for training around how to navigate tensions arising out of cultural pressure to reconcile rather than prosecute.
- **Counselling/advice giving** – Police roles in relation to counselling and advice giving, the need for the Police to issue messages about how to keep safe, victim empowerment, active listening, maintaining boundaries within the role of Police.
- **Training packages with theological colleges** – the strategic benefit of forging complementary training packages with theological colleges was raised.
- **Training for senior police** – senior Police Officers, as leaders, urgently need applied training on domestic violence best practice. Specifically, myths surrounding domestic violence need to be explored in safe and conducive environments. Follow-up mentorship is recommended to ensure that reconciliation practices are no longer included as part of the Police repertoire.
- **Court staff training** – how to appropriately process an application for protection.

The state and recent history of Police partner relations

Participants discussed partner relations in reference to isolated and often independent responses across the domestic violence sector and in terms of recent progress. Each of these areas is discussed below.

Independent responses to domestic violence

No one agency has created a strong inter-sectoral collaboration to combat domestic violence. Rather a number of disparate groups were reported. For instance, responses to domestic violence were found to have occurred, often independently, among:

- NGOs
- Ministry of Women
- Ministry of Police – including the Domestic Violence Unit and the Police in general
- villages
- religious organisations.

Because there is no sector leader and because of the isolated manner in which these centres operate, there has been an uncoordinated response to domestic violence.

On one level, the lack of sector leadership can be understood given the lack of acknowledgement that domestic violence is a serious issue. For instance, one Chief Executive informed the reviewer that the baseline review's findings exaggerated the

extent of domestic violence in Samoa. Given this perspective it would be difficult for Police to work collaboratively on strategies to combat domestic violence. Police participants also said that there may be a lack of dynamic leadership around gender-based violence because the Ministry of Women has adopted a gate-keeping role that stifled development in the area. The lack of a dynamic relationship was echoed by all participating NGOs, who reported feeling undervalued and usurped by the Ministry of Women.

The Ministry of Women have come in and taken over what we NGOs have been doing. When the Ministry sees how successful our programmes are running it is easy for them to come and take. But they haven't really initiated these things. A lot of people don't like the NGOs. (NGO representative)

Progress

Some positive progress towards partner relationships was identified. First, partner relationships between the Police and NGOs were reported to have greatly improved of late. The improved relationship was attributed to a draft MOU which has attempted to clarify roles and ensure appropriate feedback to referral agencies. Improvements have also been attributed to Domestic Violence Unit staff's exposure to integrated and holistic relationships between NGOs and the Police.

Historically there has been some friction between NGOs and the police. Traditionally, the police have not viewed NGOs as important. I went on a study tour to Wellington and I saw how NGOs work with the Police and I saw a way that we could work together. This inspired the MOU that we are working on now. (Police representative)

The second positive shift in partner relationships arose from the establishment of the Law and Justice Sector Committee in November 2006. Committee representatives include the:

- Attorney General's Office
- Ministry of Justice & Courts Administration
- Ministry of Police and Prisons
- Office of the Ombudsman
- Ministry of Women, Community and Social Development
- Ministry of Finance
- Public Service Commission.

At a structural level the Committee's aim is to provide leadership and direction to the establishment of the sector and provide an opportunity for Police representation, dialogue and planning. It has also gone some way in breaking down territorial silos, discussed above.

Of note, Police participants believed that the appointment of a new Police Commissioner signalled opportunities for increased Police leadership.

SECTION 2: GOVERNMENT, NON-GOVERNMENT AND COMMUNITY ATTITUDES AND RESPONSES

Two Samoan agencies – Mapusaga o Aiga (MOA) and Samoa Victim Support Group (SVSG) – were identified as primarily working closely in the area of violence against women. In addition, Faataua le Ola (FLO), Samoa's Lifeline Service, has extensive experience providing telephone counselling to women in abusive relationships.

Box 2 Agencies Specialising in Domestic Violence

Mapusaga o Aiga Incorporated (MOA) or Family Haven is an NGO established in 1993 amid growing concerns about the incidence of sexual abuse and domestic violence in Samoa. MOA aims to:

- provide public education and raise awareness on topics of sexual abuse and domestic violence
- create opportunities for training of personnel in family counselling
- liaise between government departments, NGOs and individuals concerned with sexual abuse and domestic violence
- promote changes in legislation and ratify relevant international treaties.

Samoa Victim Support Group (SVSG) was established in 2005. SVSG's mission is to provide integrated, personalised and professional service to all survivors of crime.

Current and historical levels of domestic violence reported to the key NGOs (women's crisis/refuge organisations)

The number of victims of domestic violence accessing specialist agencies has increased steadily over preceding years. For instance, Table 9 presents the number of people, per year, who have accessed SVSG. SVSG representatives attributed the increases to a growing awareness of the unacceptability of domestic violence.

Table 9 Samoan Victim Support Group Client Statistics by Year

Year	Total
2006	37
2007	59
2008	81
2009	96

Source: Samoa Victim Support Group

Broad trends in victim attitudes towards domestic violence and reporting to the Police

Unfortunately, the most recent research to explore victims' attitudes towards domestic violence and reporting to the police – The Samoa Family Health and Safety Study – is based on data collected in 2000 and reported in 2006 and, as such, should be treated with caution (Secretariat of the Pacific Community and the United Nations Population Fund, 2006). The study found that the majority of women (72.5 percent)

did not seek help because they saw physical abuse as normal or not serious. Table 10 provides a breakdown of all reasons underpinning decisions not to seek help.

Table 10 Why Women Did Not Seek Help

Reasons for Not Seeking Help	Percentage
Abuse is normal, not serious	72.5
Bad for family reputation	4.1
Might end the relationship	2.7
Fear of more abuse	2.5
Don't know	1.8
Might lose children	1.6
Other	2.3
Not likely to be helped	0.2
Embarrassed/ ashamed	0.0

N = 421

Source: The Samoa Family Health and Safety Study (2006)

A high degree of similarity was found between participants' understanding of why women do not seek help and The Samoa Family Health and Safety Study's findings: specifically that domestic violence remains a normalised issue. NGO representatives and victims of domestic violence interviewed in the current study also stated that, while some improvements in Police awareness about domestic violence have been noted, a series of factors continue to deter victims from seeking Police help. These factors are outlined in Table 11.

Table 11 Reasons for Not Reporting to the Police

Reasons for Not Reporting to the Police	Example
<p>Lack of confidentiality – participants raised concern that any dealings with the Police would not be treated confidentially. This was reported as a strong deterrent to seeking police assistance</p>	<p><i>There is not much trust of the police. There is no confidentiality. Samoa is too small so people don't want to tell the police because of possible shame and embarrassment if other people find out (victim of domestic violence)</i></p>
<p>Lack of professional responsiveness – concern was raised that Police may not be overly sympathetic to domestic violence because of a historically permissive police culture that has not regarded abuse as a serious matter. Examples were given of Police Officers having been charged with indecent assault, sexual harassment¹</p>	<p><i>Many of the police don't care. It is just lip service. If they cared we wouldn't have senior police being sent to jail for carnal knowledge (NGO representative)</i></p>
<p>Police corruption – multiple examples of Police corruption were provided. This included:</p> <ul style="list-style-type: none"> ▪ bribery (loss of prosecution files resulting in the case being dismissed) ▪ loss of evidence² ▪ abuse of discretionary power 	<p><i>Cases are dismissed because of bribery. All of a sudden files are lost (NGO representative)</i></p> <p><i>People don't want to go to the police because they are corrupt. Just look in today's newspaper. Someone has taken out a full page ad drawing attention to police corruption (victim of domestic violence)³</i></p>
<p>Poor response time – participants (NGOs and victims) provided multiple examples of extended Police response times. Prior experience with Police failure to turn up or extended response times were commonly cited as reasons for victims not to directly seek Police intervention in the future. Rather participants related that they would only make a complaint with the assistance of an NGO</p>	<p><i>The police have a negative attitude. If you ring them you can feel from the other end of the phone that they don't want to be bothered. You can wait two days before they come to your place to investigate (NGO representative)</i></p> <p><i>One of my friends said she had a fight with her husband. She rang and gave the police all her information but they never came. That was two weeks ago (victim of domestic violence)</i></p> <p><i>Our neighbour was being abused by her husband. We had to take her to the hospital ourselves (NGO representative)</i></p> <p><i>Our neighbours, there were gunshots two weeks ago, and the police never came. He was a policeman himself (NGO representative)</i></p>
<p>Prior negative experiences – participants related that those who had sought Police help in the past may not seek help again because of negative experiences. Most notably among these were inappropriate advice (commonly referred to as counselling) or a perceived disinterest</p>	<p><i>I wouldn't go back again. They gave me advice which meant that they were quoting from the Bible the fact that my husband is the head of the household (victim of domestic violence)</i></p>

NGO representatives related that they have been dissatisfied with the lack of Police communication following the NGO having referred a victim to the Police. This was particularly raised as a concern as there has been no way for NGOs to track victim

¹ www.historycentral.com/nationbynation/Samoa/Human.html

² www.samoanews.com/viewstory.php?storyid=15420

³ See Appendix E for a scanned image of the advertisement.

outcomes and satisfaction with the Police and/or prosecution process. An MOU between the Police and key NGOs has been drafted to overcome this barrier, with a secondary outcome of increasing NGO faith in the Police.

The policy and other contribution of key non-government agencies to dealing with and reducing domestic violence

Each of the participating NGOs has participated in a variety of inter-agency domestic violence-related committees. In addition, members generally had extensive relationships with members of parliament and other officials. Table 12 outlines committees and affiliations of the two primary agencies involved with domestic violence in Samoa.

Table 12 Contributions to Reducing Domestic Violence – Key NGOs

Organisation	Strategic Actions
MOA <i>Training, advocacy, counselling</i>	Represented on: <ul style="list-style-type: none"> ▪ Government-NGO CEDAW partnership ▪ National Coordination Committee for the Implementation of the Convention on the Rights of the Child (NCCRC) ▪ AusAid ISP project board (although no meetings since 2009) ▪ Media reports and advocacy on domestic violence issues ▪ Referrals and awareness raising
Samoa Victims Support Group <i>Advocacy, support, care and protection of all victims</i>	<ul style="list-style-type: none"> ▪ Memorandum of Arrangement with Police ▪ Affiliations with Attorney General's office and Ministry of Justice ▪ Victim advocacy ▪ Safe house established

Despite extensive involvement in the domestic violence sector, NGOs reported feeling frustrated with a lack of clarity of roles between the Ministry of Women and NGOs. As an outcome, each NGO reported feeling undervalued and usurped by the Ministry. Specifically, agencies reported a duplication of service and a loss of grassroots representation.

Table 13 Barriers to NGO and Central Government Partnership

Core Issues	Example
Duplication of service	<p><i>I see a lot of duplication. They have the funds and they want to do it themselves. They have the funds, look at FLO and MOA. They want to go and do it themselves. They want to be service providers as well as policy makers. They are doing the same work as we are doing (NGO representative)</i></p> <p><i>It's duplicated and not coordinated (NGO representative)</i></p> <p><i>The NGOs and the Ministry of Women are not using the same message. The lack of clarity of roles is actually diluting the domestic violence message (NGO representative)</i></p>
Loss of community involvement	<p><i>Can you be a policy maker and service provider at the same time? When you get government doing everything you risk losing the voice of the people (NGO representative)</i></p> <p><i>Government ministries can't speak differently than the perspective of the government. NGOs are the watchdogs. So we are talking the truth. We want legislation in place, we want them to act, to make our own NGOs more effective. But government ministries can't move forward unless powers that be allow it (NGO representative)</i></p>

A number of suggested future projects were identified. These include:

- **Outcome evaluation** – evaluations were requested to determine which strategies have been most successful at raising awareness and have resulted in some form of domestic violence intervention
- **Shelter/refuge for victims of domestic violence** – there is no dedicated shelter/refuge for victims of domestic violence
- **Men against violence** – a service and referral process is needed for the court to refer domestic violence perpetrators.

A general assessment of levels of social acceptance and cultural tolerance towards domestic violence

All participants, including victims, Police, central government and NGO participants, agreed that awareness of domestic violence has increased markedly in Samoa. For example:

Back in school, most of the elective topics that the students would study would be things like global warming. Now it is about domestic violence. Therefore I think kids are aware of domestic violence. They have to research the issue (NGO representative)

Positive shifts in domestic violence were also evidenced through public outcry against publicly trialled cases. For instance, participants discussed the outcome of Samoan rugby player Paul Perez's conviction in 2009 for domestic violence.¹

There was a case of a rugby player who hit his wife. It was in the newspaper and he lost his reputation. He was quite popular, he was a role model, but when that happened he just came tumbling down (NGO representative)

The increased awareness of domestic violence was generally attributed to extensive education and grassroots awareness campaigns that have more recently been complemented by Police community engagement and awareness programmes. Table 14 details the extent of these awareness campaigns.

Table 14 Primary Domestic Violence-Related Awareness Campaigns

Domestic Violence Awareness Campaigns	Agency	Year
Samoa Safer campaign	Ministry of Police	2005
16 days of Activism Against Gender Violence	Mapusaga o Aiga	Annually (date unknown)
International Women's Day	Mapusaga o Aiga	Annually (date unknown)
Seventh Day Adventist Domestic Violence March	Seventh Day Adventist Church	2008/2009
White Ribbon campaign	Mapusaga o Aiga	2010
March Against Rape and Indecent Acts	Samoa Victim Support Group	2010
Seminars held with Pulenu'u of Upolu & Savaii to mobilise them as a group against domestic violence. Meetings with village fono on Upolu & Savaii have also been held in order for traditional leadership to become more actively engaged in combating domestic violence in their communities. Television, radio and print media have similarly been used to mark International Women's Day and to promote the group's agenda on combating domestic violence	The Men against Violence Advocacy Group (Ministry of Women, Community and Social Development)	2010
Say No To Rape campaign	Samoa Victim Support Group	2010
Samoa Manuia campaign	MOA	2010

Participants stressed, however, that while there have been significant shifts in public awareness there is a need for continued awareness raising.

In the community they still look at domestic violence as normal. That's why we think there is a lot more work to do. Even when we deal with children – people correct on the

¹ www.samoaoobserver.ws/index.php?view=article&id=15285%3Aperez-choked&option=com_content&Itemid=53

basis of how they were treated. They reckon that if you love someone you have to beat the naughtiness out of them (Non-government organisation representative).

Table 15 outlines suggested specific components of future campaigns.

Table 15 Suggested Features of Future Campaigns

Features	Example
Include non-physical forms of abuse in prevention campaigns	<i>When we talk about abuse there is a low level of awareness of psychological and verbal abuse. Some of them say "I never lay a hand on my wife or kids" but they scare everyone in the household. Everyone tends to talk about the busted lip and black eyes but they don't talk about the more subtle forms of abuse (NGO representative)</i>
Clarify definition of domestic violence and ensure a common understanding	<i>It comes down to the definition of domestic violence in Samoa. Some people tried to use culture to justify their actions and when you try and make them understand that domestic violence is not part of our culture what we need to do is find the line between culture and eradicating domestic violence (NGO representative)</i>
Healthy drinking messages	<i>Men think they don't engage in domestic violence but give them alcohol and they forget all about that. come home and hit their wives (NGO representative)</i>
Find a balance between culture and combating domestic violence	<i>Samoa has a culture. And one of the hardest things to deal with domestic violence are people who use culture as a way to justify their actions (NGO representative)</i> <i>Looking back into Samoan culture and find things to support non-violence (NGO representative)</i>
Nofo tane – participants raised concern over domestic violence directed towards nofo tane – 'she who lives in her husband's home' meaning 'in the village of her husband'. ¹ Specifically, nofo tane were identified as an especially at-risk group as the young woman's in-laws may engage in physical or emotional abuse or, at the least, there is a risk that the in-laws may not intervene when the young woman's husband abuses her. Participants suggested that programmes be developed to raise awareness and educate families that domestic violence includes poor treatment of nofo tane	<i>We have a long history where nofo tane have been abused. They are a very vulnerable group (NGO representative)</i>

¹ Del Valle, T. (1993). *Gendered anthropology*. London: Routledge.

<p>The current state of legislative arrangements in relation to domestic violence, including compliance with international covenants and conventions (CEDAW)</p>
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There is no specific legislation relating to domestic violence in Samoa. Rather, perpetrators can be charged under General Criminal Offences, under the Crimes Ordinance (1961) to prosecute:

- common assault
- grievous bodily harm
- actual bodily harm
- insulting words.

Further, sexual offences are covered by the Crimes Act part 6 ss. 46–58. The Crimes Amendment Act 1969 replaced ss. 42–58 of the 1961 Crimes Ordinance. Forms of sexual assault include rape, indecent assault, incest and sexual intercourse with a related girl under age 20 by a man responsible for her care and protection.

Provision also exists for protection orders through the court to prevent a woman's husband from beating her, going near her, telephoning her or otherwise bothering her. However, courts will only accept applications for non-molestation orders if they are accompanied by applications for maintenance, custody or divorces. Further, the victim is required to lodge the application. Finally, Samoa does not recognise the category of marital rape, relying on the common law principle that a man may always assume his wife's consent to sexual intercourse and therefore cannot be guilty of raping her.

The current legislation has been criticised because it excludes:

- psychological verbal abuse (outside of insulting words)
- stalking
- sexual harassment or harassment (harassment is only covered in the public service)
- marital rape.

Efforts to enact domestic violence legislation have been fraught. In the baseline study it was reported that a first draft of a Domestic Violence Bill had been circulated in 2006. However, due to lack of consultation the process was shelved and a new version, the Family Safety Bill, was drafted for consultation in 2009 and 2010.

While many participants had not had an opportunity to read the Bill those community-based participants who had were able to identify a number of ways in which the Family Safety Bill might provide protection for women and children. These protective mechanisms are outlined in Table 16.

Table 16 Positive Aspects Arising From the Family Safety Bill

Positive Aspects of Bill	Qualification
Define domestic violence	<p>The Bill provides a clear definition of domestic violence that includes:</p> <ul style="list-style-type: none"> ▪ physical abuse ▪ sexual abuse ▪ emotional, verbal and psychological abuse ▪ intimidation ▪ harassment ▪ stalking ▪ any other controlling or abusive behaviour towards a complainant where such conduct harms or may cause imminent harm to the safety, health or wellbeing of the complainant
Mechanisms to prevent case withdrawal (no drop)	<p>The Bill seeks to remove police discretion to close or withdraw a case ('no drop policy'). Any police-authorized case withdrawals will be interpreted as a breach of duty and a breach of conduct</p>
Protection orders	<p>The Bill allows a third party to apply for a protection order on behalf of the victim. It is believed that this will make it easier for protection orders to be accessed</p>

Despite these successes the Family Safety Bill has been generally viewed as a modest step only. Specific weaknesses with the Bill are outlined in Table 17.

Table 17 Weaknesses of the Family Safety Bill

Issues	Example
No inclusion of domestic violence as a crime	<i>It should specify that domestic violence is a crime. Specify that marital rape is a crime. It removed domestic violence from the title which makes it weaker. They exchanged domestic violence for family. Using 'family' reinforces people's belief that they have every right to punish their family in whatever way they see fit (NGO representative)</i>
Marital rape remains as an unrecognised offence	<i>It was placed to a vote but the majority voted that it not be included. It was actually the women who said that there is no such thing. "You are one body" and then they said "We are one body and therefore there is no such thing" (NGO representative) Women have a right to say no (NGO representative)</i>
Removed mandatory reporting of any suspected act of domestic violence	<i>This was not supported by senior government officials. It is a shame because it would go some way in stopping people protecting abusers as it would make it an offence to not report. It also sent a message that domestic violence is a serious matter as it was proposed that failing to report would carry a fine or imprisonment for up to 12 months (NGO representative)</i>
Police cannot apply for a Protection Order. AG felt that it was a conflict of their roles. Although I thought that was the main reason – to make it easier for victims	<i>The police should be given the right to issue a restraining order (NGO representative)</i>

The Family Safety Bill is scheduled to be put before Cabinet by February 2011.

Current government policy and practice arrangements directed or associated with domestic violence

Few changes have occurred since the base review's description of government policy associated with domestic violence. The Ministry of Women, Community and Social Development has developed the National Plan of Action for the Advancement of Women in Samoa (2008–2012). The plan lists five priority areas which work to empower women. Priority Area 2 is specifically dedicated to the elimination of gender-based violence.

- Priority Area 1: National frameworks and mechanisms for the empowerment of women and girls
- Priority Area 2: Elimination of gender-based violence
- Priority Area 3: Increase participation of women in decision-making
- Priority Area 4: Increase participation of women in economic and social development

- Priority Area 5: Improve status of women’s health.

Next, as discussed in section 4.5 above, the Family Safety Bill has been drafted and is expected to be put before Cabinet before by February 2011.

Conventions and agreements are outlined in Table 18.

Table 18 Government Policy and Practice Arrangements Associated with Domestic Violence

Type	Agreement
Signatory	The Beijing Platform for Action (1996) ¹ which has identified the lack of adequate information on the prevalence, nature, causes and consequences of violence to be a serious obstacle to the development of effective strategies to address such violence
	CEDAW (ratified 1992)
	UN Convention on the Rights of the Child (CRC) (ratified 1994)
	The Millennium Development Goals (see goal 8)
	The Commonwealth Gender and Equity Strategy
Regional Commitments	The Noumea Declaration and the Pacific Platform of Action for women (SPC, Women’s Bureau)
	The Pacific Plan. Strategic objective 12.5 of the Pacific Plan calls for all Pacific Island countries and territories to ratify CEDAW (PIFS)
	Cairns Communique (2009) ² .

The current state of any alternative approaches (village justice) to domestic violence

Two disparate groups were identified.

- First were those who believed that village structures should deal with domestic violence cases and only cases of severe assault need to be prosecuted. Participants who fell into this category generally believed that the village was the centre for justice and any police or court involvement was counter to Samoan traditional values. Two primary arguments were offered to bolster support for village-based justice systems. First, the insufficient number of police was cited as grounds to rely on village fono to provide protection and security in villages. Next, ifoga was cited as a cultural means of providing retribution to the victim and family. However, critique of this perspective stressed that ifoga in domestic violence situations is rare as domestic violence is not regarded as sufficiently severe to warrant an ifoga.
- The opposing position was generally held by NGOs mandated with a domestic violence advocacy role. Those aligned with this perspective held great respect for traditional village approaches to justice but they did not agree that justice should rely on a single-pronged approach. Rather, proponents supported the dual use of village-based justice systems and the simultaneous inclusion of the police and the court: that the perpetrator should be arrested and prosecuted.

¹ Formed out of the Fourth World Conference on Women, 1995.

² See Appendix B.

Proponents further stressed that while any involvement with village structures is vital to eradicating domestic violence there needs to be significant amounts of training and demonstrated attitude change before there is any assurance that domestic violence cases will be referred to the police by a village mayor or elder.

Table 19 Contrasting Perspectives on Village Justice

Traditional Samoan Approach	NGO Perspective
<i>We have our own ways. When there has been a wrong we have an ifoga (Matai)</i>	<i>An ifoga might be performed but this does not take away the right of the law (NGO representative)</i>
<i>Police involvement is contrary to traditional Samoan values (Samoan resident)</i>	<i>When we talk about village structure and faa'samoa, where were the village structure and faa'samoa before this woman came to us for help? Where were they when the woman was crying out for help (NGO representative)</i>
<i>Yes, we will call on the police when there is a domestic violence incident – but only in severe cases (Samoan resident)</i>	<i>There is nothing in terms of legislation when to escalate outside the village structure. This is why we had input into the domestic violence bill. It needs to be defined as a crime so the police need to take it serious and charge and prosecute (NGO representative)</i>

Overview of nature and extent of systems in place for reporting and sharing information on medical and death records relating to domestic violence

Interviews were held with the CEO and staff of the Ministry of Justice. Because domestic violence is not a crime, deaths resulting from domestic violence are not coded as such. Opportunities exist to include domestic violence as a specific code as there is currently a disjuncture between the Ministry of Justice and hospital staff assertions that there is a significant correlation between domestic violence and suicide in Samoa. Including domestic violence as a separate coronial category will go some way towards ending the tautological argument that domestic violence is not an issue of concern.

The attitudes of key religious organisations towards domestic violence

Five sectors were identified as being best placed to raise awareness about domestic violence and to act as points of intervention. These include

- NGOs
- Ministry of Women
- Ministry of Police – including the Domestic Violence Unit and the Police in general
- villages
- church and religious organisations.

While often fractured and in silos, all but church and religious organisations have been instrumental in raising awareness about domestic violence. Little movement appears have occurred since the baseline review, which found that domestic violence

is not a priority of mainstream churches and religious organisations.¹ As such religious organisations remain a greatly underutilised mechanism of domestic violence awareness raising, education and intervention.

Table 20 Barriers to Church Involvement in Domestic Violence

Issues	Example
Conservative interpretation of Biblical doctrine that supports domestic violence	<i>Need curriculum to be developed to ensure that all ministers have the same level of understanding about domestic violence (NGO representative)</i>
Lack of confidentiality	<i>Some victims don't go to church because of a fear that the minister will betray their confidentiality (NGO representative)</i>
Appropriate boundaries	<i>Some people who go to the Minister for help they end up getting abused by the Minister (NGO representative)</i>

NGO representatives suggested a need for the development and implementation of a training curriculum across the three theological colleges in Samoa. A precedent exists for the inclusion of domestic violence in theological training, as Malua Theological College has provided domestic violence training to its students since 2007. Potential exists to build on and extend this practice. Participants strongly suggested that any efforts to include religious organisations in combating domestic violence should include training on the theological basis from which domestic violence is not condoned, the need for confidentiality and the need for appropriate boundaries. Participants also requested that the training curricula be reviewed by an objective and external domestic violence best practice leader to ensure that relevant issues are included and appropriately contextualised.

¹ Although, encouragingly, a representative from the National Council of Churches sits on the Convention on the Rights of the Child (CRC) committee.

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APPENDICES

APPENDIX A

PROPOSED METHODOLOGY FOR DATA COLLECTION

TABLE A1: POLICE ATTITUDES, POLICY, PRACTICE	
Term of reference	Method
Current specific levels of domestic violence reported to Police	Document review (Police and Ministry of Justice files) Key informant interviews
Current policy and practice arrangements for dealing with Police Officers as domestic violence offenders	Key informant interviews (Police leaders, Judges, key partner groups – government and NGOs) Document research (Police records, policy and training documents)
The state and recent history of Police partner relations	
Current policy protocols and general processes and procedure (including record keeping) for dealing with domestic violence	
Current Police leadership practice around domestic violence	
The current state of Police domestic violence training	
History of change around Police domestic violence practice	
Police attitudes and perceptions of domestic violence, including attitudes to dealing with complaints, prosecutions, offenders and holding offenders to account. Police views on traditional cultural attitudes towards domestic violence and views of Officers regarding traditional local or village approaches towards dealing with domestic violence.	
Police attitudes and perceptions towards Police Officers as domestic violence offenders	Interviews/focus groups with Police
Current state of Police prosecution of domestic violence	Key informant interviews

TABLE A2: GOVERNMENT & NGO RESPONSES	
Terms of reference	Method
Current and historical levels of domestic violence reported to the key non-government agencies (women's crisis/refuge organisations)	NGO / stakeholder group meeting Key informant interviews (NGO representatives) File analysis (NGO records)
Assessment of the prevalence of domestic violence using the available Police and non-government agency data, and data available from other agencies, including the United Nations	Document research (Police and NGO records, previous research)
Policy and other contribution of key NGOs to dealing with and reducing domestic violence	Key informant interviews Analysis of policy documents
General assessment of levels of social acceptance and cultural tolerance towards domestic violence	Analysis of the number and language of reports on domestic violence in newspapers Synthesis and analysis of all information collected
Current Government policy and practice arrangements directed at or associated with domestic violence	Consultations with relevant Ministries Stakeholder group meeting (Law Society, Attorney General's Department, Ministries of Justice, Women, Social Development, Health)
Current state of legislative arrangements in relation to domestic violence, including compliance with international covenants and conventions (CEDAW)	
Current state of any alternative approaches (village justice) to domestic violence	Village meeting Key informant interviews
A review of medical / death records indicating levels of domestic violence and reporting of domestic violence	Key informant interviews (Ministry of Health, Accident and Emergency Department, Coroners)
The attitudes of key religious organisations towards domestic violence	Consultation with National Council of Churches/other church groups

APPENDIX B

PACIFIC ISLANDS FORUM (CAIRNS) COMMUNIQUÉ, 2009

“Sexual and gender-based violence (SGBV) is now widely recognised as a risk to human security and a potential destabilising factor for communities and societies alike. It remains pervasive across the Pacific, and as it is still considered a sensitive issue in most Pacific cultures, its prevalence often goes underreported. There is an urgent need to acknowledge the prevalence of SGBV in the Pacific at all levels of the community, whether occurring in the domestic context or during conflict and post-conflict situations.” (Pacific Islands Forum Communiqué, para 64).

“Leaders...welcomed and supported...increased Pacific engagement in relevant global initiatives aimed at preventing and eliminating violence against women and girls in all parts of the world; and committed to eradicate SGBV and to ensure all individuals have equal protection of the law and equal access to justice.” (Ibid: paras 65 c–d).

CAIRNS COMPACT on Strengthening Development Coordination in the Pacific (2009) states that members are “supporting the implementation of measures, existing commitments and programmes aimed at increasing awareness of and addressing the causes and consequences of sexual and gender based violence and *developing legislation to criminalize gender based violence in all forms*” (Ibid: Annex C: b:v).

APPENDIX C
BEIJING + 15 REPORT

PPDVP INCLUSION IN REGIONAL REPORT (SPC, 2010): Examples of successful policies, legislative change and programme and projects

Research carried out under the Pacific Prevention of Domestic Violence Programme (PPDVP) in Cook Islands, Kiribati, Tonga, Samoa and Vanuatu has been exploring how Police respond to domestic violence-related calls, the systems in place to ensure women receive a just response to their complaints (from the frontline policing desks through to the justice systems), as well as the capacity of Police Officers to work with other government agencies, NGOs and communities to prevent violence against women. Although an aim of the PPDVP is to reduce and prevent domestic violence and to achieve legislation which will make domestic violence a criminal act, the absence of such laws has not hindered project progress. Instead, the PPDVP has focused on putting in place a range of supporting measures, such as:

- Establishment of violence against women units in Police Stations. Note the different naming of these units: Vanuatu – Family Protection Unit; Kiribati – Domestic Violence and Sexual Offences (DVSO) Unit; and Tonga, Samoa, Solomon Is, Nauru – Domestic Violence Units (DVU).
- Designated domestic violence coordinators as in the Cook Islands, Tuvalu and Niue, and in the Federated States of Micronesia at the Pohnpei State Police Department.
- Violence against women interview rooms at Police Stations, so that victims do not wait at the public complaints desk.
- Computerised record systems to document and track cases and counter many incidents of misplaced notes (see AusAID ISP Samoa).
- Specialised training for officers in the violence against women units.
- The inclusion of violence against women and child abuse and neglect in training curricula for Police Officers and refresher course materials (e.g. AusAID Police Project).
- Partnerships with NGOs to ensure the appropriateness and relevance of these materials to the local context (e.g. AusAID Police Project, Vanuatu).
- The recruitment of women police officers and support to advance women's career pathways in the Police Force.

APPENDIX D

BEIJING + 15 REPORT

1. Progress in implementation of the critical areas of concern of the Beijing Platform for Action and the further initiatives identified in the twenty third special session of the General Assembly

1.1.1. Community outreach violence against women programmes are essential given that rural women especially still rely on chiefs, family, community and church for support and guidance in these cases. Reports are that each of these largely male dominated agencies usually counsel women to resolve any differences within the family systems. The Vanuatu Women's Centre system of over 35 CAVAWs (Community against violence against women committees) spread through most of Vanuatu's inhabited islands are a model which could be adapted for use in other Pacific Island countries and territories. Committee members receive on-going training in gender and violence against women, research, management, data keeping and counselling. Males, including Police officers participate in these committees. The Vanuatu Women's Centres counselling dial-in services are also available on all the main islands. Mobile counselling units are also playing an important role in Vanuatu and also in Tonga. In Vanuatu, males are starting to use these counselling and support systems as well as females.

1.1.2. For over a decade the UN Trust Fund in Support of Actions to End Violence Against Women has supported innovative community based initiatives to eliminate violence, including programmes by the Fiji Women's Crisis Centre, YWCA and WAC in Fiji, the Samoa AIDS Foundation and IWDA working in Fiji. RRRT is also a recipient of the fund with the "Changing Laws, Protecting Women: lobbying for legislative change in violence against women/family law in order to enhance protective legislation for women and girls in 6 Pacific Island countries and territories. *The approach is to implement quality campaigns for violence against women and family law reform in six main participating countries. Moreover the aim is to build a cadre of skilled national level legislative supporters and advocates specialising in violence against women and Family Law legislation. Assistance will be provided through the provision of timely and individual technical assistance in advocacy, lobbying and law reform. There would be use of established networks from community paralegals, members of parliament, lawyers, magistrates and civil society organisations.*

1.1.3. For example, the Vanuatu study on Women's Lives and Family Relationships (2009–2010) involved the training of 52 research assistants, who carried out interviews in 3,750 households covering eight provinces (Pacific Women Against Violence April–June 2009). This research process continues to be an empowering experience for the research team as well as for the participating communities.

B: Examples of obstacles encountered and remaining gaps and challenges

1.1.4. While human rights based, constitutional, justice and legal systems also privilege traditional laws.

1.1.5. Violence against women initiatives are not understood or applied in a human rights framework.

1.1.6. The slow progress of bills through the parliamentary system is a major problem. Vanuatu's Family Protection Act (2009) was first discussed in the 1990s. Delays in the FPA were reportedly due to customary attitudes regarding traditional familial roles in Melanesian society and 'to the misconception and misunderstandings of the Bill by the general public, who think that the Bill is another one of the Women's

Rights Movement charades designed to grant women more power to destabilise the status quo in Melanesian society.¹

1.1.7. Community understandings of what constitutes domestic violence, customary taboos and what has been termed 'an acceptance' of physical violence in some Pacific Island countries and territories are a critical obstacle. Bible verses are often used to defend the use of violence.

1.1.8. A serious gap in policy and practice is the provision of systems for women in rural areas especially to ensure women and girls receive a fair and safe hearing on domestic and sexual violence related issues.

1.1.9. In some Pacific Island countries and territories military barracks and police stations are known locations for gang rape, which means the ability of women to report or seek protection from the legal system is also non-existent.

C: Lessons learned

1.1.10. The importance of research to inform policies and programmes is a vital lesson learned. Research is confirming the large numbers of women and girls who have been/are abused, the brutality of these attacks, the younger age groups involved, intergenerational influences, incest, sexual exploitation, alleged witchcraft related incidents and trafficking (UNFPA 2009). Research has also noted an increase in reported acts of sexual violence, gang rape and rape in marriage and child sexual abuse.

1.1.11. Most of the violence against women research has involved local women and communities and partnerships between NGOs and Government mechanisms including National Statistics Offices, especially the studies which followed the WHO Multi-country Study methodology, such as Kiribati, Samoa and Solomon Islands, as this forms part of the research methodology. Such collaborations have been key both to the success of the research and its use and recognition nationally, and should thus be emulated elsewhere.

1.1.12. Violence against women is a cross cutting issue and requires cross cutting solutions. Partnerships and collaboration in addressing violence against women is developing – by Government and NGOs and private sector agencies, and with chiefs, the church, community members, victims, education and training agencies, the media and the Police.

Violence Against Women

1.1.13. To further the progress already made in addressing violence against women and child abuse and neglect, policies and laws are needed for the protection of women who report sexual assaults and/or domestic violence.

National

1.1.14. Support to prepare violence against women legislation and present this through Executive and Parliamentary level decision-making processes.

1.1.15. Support research on violence against women and child abuse and neglect (CAN) for countries which have no data bases.

1.1.16. Support ongoing training for police officers and judicial and legislative staff in advocacy, awareness raising and training on violence against women.

1.1.17. Ongoing Advocacy with youth and school students on male/female behaviours and security and safety, such as the right not to be hit.

¹ The Ni Vanuatu, 26/8/04.

1.1.18. Creating community discussions about the domestic and family violence and the role of culture and tradition in ensuring safe communities.

1.1.19. Support the critical need for professionally trained family violence counsellors – male and female. Work to mainstream violence against women across government departments. Ensure that this violence against women is addressed in an integrated and multi sectoral approach. For example question the legislative assembly on the cause and consequence of violence against women. Furthermore question the health budget to take into account the costs of violence against women to the health system. Address the issue of the education curriculum that reinforces stereotypes about women which ultimately legitimise violence against women.

Regional

1.1.20. Ensure on-going support to the FWCC in its regional research, education and training programmes and support to the development of national VAW and CAN strategies.

1.1.21. Support national level training focusing on legal processes and the preparation of violence against women policies and legal procedures.

1.1.22. On-going support and sharing of expertise and resources through regional policing programmes. This will require review of the PRPI training materials.

1.1.23. Support to the establishment and on-going maintenance and management of safe houses for women and children affected by family violence.

Donors

1.1.24. Support national violence against women and CAN research in countries where there is none.

1.1.25. Support for legal processes, for example penal code reviews, Family Protection Acts, Family Courts, Women Police Stations as part of the holistic response to violence against women and CAN.

APPENDIX E ADVERTISEMENT DRAWING ATTENTION TO ALLEGED POLICE CORRUPTION

“Why is a Police Officer – Koroseta Uati driving around in a car that belongs to the complainant – Alnima Motors???”



Vehicle Ownership Certificate

Valid until change of ownership is made. Certificate No. ZE 10 2022 2 13 30

There are no security interests registered on the following vehicle.

Plate No 18422	Previous Plate ST1	Joint Owner
Make TOYOTA	Model RAV 4	Year Made 2000
Colour BLUE	Body Type WAGON - HARDTOP	Ownership UNDISPUTED
VIN SXAC00218421	Engine No 35FE	Tire(tonnes) 1
Status CURRENT	Seating Capacity 4	Drive <input type="checkbox"/> Axles: 2
Engine Capacity (CCs) 2000	Country NEW ZEALAND	Year Imported 2008
Date of 1st Registration 1/08/2009		

Owner details

Owner ALNIMA MOTORS LTD

Address LEPEA



This certificate relates only to information held in the Transport Control Board (RTAS) vehicle ownership register.

Certificate issued on: 1:30 on Friday, 10 September 2010

Certificate No. ZE 10 2022 2 13 30

The case where Koroseta Uati is the Police Investigative Officer will be heard again in court soon.

Signed by – Fareer Arshad