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Chapter

Domestic Violence, Law Enforcement, and Traditional Practices in Fiji Islands: A Comprehensive Examination

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Abstract

Domestic violence is a pervasive global issue that transcends geographical, cultural, and socioeconomic boundaries. In the Fiji Islands, domestic violence is a multifaceted problem deeply rooted in cultural traditions, socio-economic factors, and historical influences. This comprehensive essay explores the intricate relationship between domestic violence, law enforcement, and traditional practices in Fiji. It delves into the prevalence of domestic violence, the role of law enforcement, the influence of cultural traditions, and the complexities involved in combating this issue. By examining the cultural and historical context of Fiji, as well as the legal framework in place, support services, and collaborative efforts with traditional practices, this essay seeks to gain a comprehensive understanding of the interplay of these factors in addressing domestic violence in the Fiji Islands.

Keywords: domestic violence, law enforcement, traditional practices, Fiji Islands, challenges

1. Introduction

Domestic violence is a global concern that affects individuals and communities across the world, transcending geographical, cultural, and socioeconomic boundaries. In the Fiji Islands, this problem is deeply rooted in cultural traditions, socio-economic conditions, and historical influences [1]. This essay aims to provide a comprehensive understanding of the complex relationship between domestic violence, law enforcement, and traditional practices in Fiji. By examining the cultural and historical context of Fiji, the legal framework in place, police responses, support services, and collaborative efforts with traditional practices, this essay seeks to gain insight into how these factors of traditional practices, which are deeply embedded in Fijian culture, interplay in addressing domestic violence in Fiji Islands. The goal is to shed light on the complexities of the issue and suggest ways to reconcile tradition and human rights.

In the present research, the term “domestic violence” as defined by the United Nations (UN) is adopted. More specifically, domestic violence, also called “domestic
abuse” or “intimate partner violence”, is here viewed as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone [2].

The purpose of this study—the first of its kind—is to explore the intricate relationship between domestic violence, law enforcement, and traditional practices, such as iBulubulu (or iSoro), in Fiji. “iBulubulu” is a Fijian term that refers to a traditional reconciliation ceremony that is practiced in some communities in Fiji [3]. This ceremony is part of Fiji’s cultural and social fabric and is often used to resolve disputes, conflicts, or grievances within the community [4]. By delving into the cultural and historical context of Fiji, we aim to gain a comprehensive understanding of the challenges and tensions that exist in addressing domestic violence.

The research methodology for this study includes a thorough literature review, analysis of secondary, statistical data, and examination of government reports and documents. Qualitative information is gathered through unstructured interviews with individuals, chiefs and elders from Lau and Viti Levu Islands in Fiji, involved in addressing domestic violence and traditional practices in Fiji (as shown on map below, Figure 1). The potential interviewees were recruited following the snowball or chain sampling technique. This participant was purposefully chosen based on his experience in dealing with domestic violence issues at local level. The researcher initially started with a knowledgeable chief/elder who met the criteria of the study. After the first interview, the participant was asked if he knew of others who might also fit in the study’s criteria with similar experience. Upon his positive response, the researcher was referred to potential new participants. All participants were fully informed consent, voluntarily engaged, and free to withdraw at any stage of data.

Figure 1.
Map of Fiji Islands.
collection. The process continued until a saturation point was reached, where no new participants were introduced or able to provide significantly different insights and information [5]. The particular sampling technique was helpful in the present research, in which social or cultural trust is crucial, combined with practical difficulties in accessing traditional villages and coming in contact with their elders.

Regarding the method employed, the unstructured interviews—being highly flexible and adaptable—enabled the researcher to explore a wide range of subtopics related to domestic violence and uncover unexpected insights allowing the conversation to flow naturally. This type of empirical research appeared ideal as it provided more in-depth information compared to structured interviews because it allowed for open-ended questions that encouraged respondents to express their perspectives, experiences, and emotions freely while helping the researcher to better comprehend the nuances of the interviewees. Unstructured interviews were also well-suited for this exploratory research, where the goal was to uncover new issues that may not have been previously identified and generate hypotheses or areas that warrant further investigation. Thus, the combination of these sources allowed for a holistic understanding of the issue of domestic violence in Fiji Islands.

2. Domestic violence in Fiji: prevalence and challenges

Fiji is an archipelago/islands nation and archipelago in the notoriously friendly region of the South Pacific Ocean with an estimated population of less than 1 million (936.275 as of 2023) containing 322 islands, of which only 106 are inhabited. The 87% of the total population lives on two largest islands, Viti Levu and Vanua Levu. Despite the country's motto, international organizations confirm that violence against women in Fiji is pervasive, with high rates of abuse reported among intimate partners [6]. In fact, Fiji has one of the highest statistics in the world on domestic violence [7]. In fact, “a range of social, political, economic, and cultural factors combine to create an environment where women are particularly vulnerable to abuse” ([8], pp. 6–7). Most recent data from the Fiji Women’s Crisis Centre [9] report that approximately 64% of Fijian women have experienced physical or sexual violence by an intimate partner during their lifetime (including 61% who were physically attacked and 34% who were sexually abused) [10]. FWCC specifically mentions that “domestic violence figures range from 40 to 80 percent of women beaten, usually repeatedly, indicating that the home is the most dangerous place for women and frequently the site of cruelty and torture” (Human Rights Quarterly, Vol. 12, No. 4).

FWCC keeps record of domestic violence cases reported to them per year (Figure 2). The diagram below refers to all these cases in the last 40 years depicting a fluctuation in women-victims' tendency to seek assistance from FWCC as victims of domestic abuse.

Despite the prevalence of domestic violence and the available data as shown in Figure 2, it remains underreported, largely due to cultural factors, stigma, and fear of retaliation. NGO counselors believe that Fiji Police records are not representative, as women who have been assaulted do not report it because it is hard to accept violence or due to family pressure [11]. In general, accurate statistics on domestic violence in Fiji are challenging to obtain due to cultural norms that discourage

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1 The national motto of Fiji Islands as promoted by the Ministry of Commerce, Trade, Tourism and Transport is: “Where Happiness Comes Naturally”.

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reporting and the normalization of abuse within relationships [12]. On one side, the fear of retribution and the stigma associated with being labeled a victim further inhibit the reporting of abuse. On the other side, the economic dependence on the abuser can hinder victims from reporting; hence, economic factors, such as financial insecurity (especially during the Covid-19 pandemic), can make it difficult for victims to leave abusive situations and hinder reporting [13, 14]. Many victims of domestic violence in Fiji do not report incidents due to fear, cultural stigma, or a lack of confidence in the justice system. A 2019 study conducted by the International Finance Corporation, 34% of survey participants in employment (2 in 5 women and 1 in 5 men) had experienced domestic or sexual violence in their lifetime [15]. Comparing these ratios with the FWCC’s counterparts, is manifest that only half of domestic violence victims in Fiji are employed and financially independent. So, it is not a coincidence that many incidents of domestic violence remain hidden from official statistics [16].

This underreporting results in a significant gap in the available data. In addition, domestic violence is often viewed as a private matter, and victims may face social stigma if they come forward deterring victims from seeking help or reporting the abuse. Some victims may also not be aware of the available support services, their legal rights, or the resources to escape abusive situations. Bearing in mind Fiji’s geography, with many remote and isolated islands, can make it even more challenging to reach and provide support to victims [17]. Yet, even when data is collected using the limited available resources, it may vary in quality and consistency. Different agencies and organizations (governmental/police & NGOs) in Fiji Islands use different methods and definitions for data collection, making it challenging to compare and analyze information deriving from, eventually, fragmented, and incomplete data [18].

3. Combating domestic violence in Fiji

3.1 The legal framework

The Fijian government has taken significant steps to address domestic violence through legislative measures. Both the Constitution of the Republic of Fiji
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(Section 41)² and the Domestic Violence Decree of 2009³ provide a legal framework for the protection of survivors and the prevention of domestic violence [19, 20]. It allows for the issuance of protection orders, mandates the reporting of domestic violence, and provides for penalties for offenders. Since 1995, Fiji has also ratified international agreements, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Declaration and Platform for Action, further committing to addressing gender-based violence. In Fiji, domestic violence is generally addressed through various pieces of legislation and regulations, including the Crimes Act (2009) and the Family Law Act (2003). Nonetheless, the most important piece of legislation is the Domestic Violence Act [21]. This act provides legal protection and remedies for victims of domestic violence. It defines domestic violence broadly, including physical, sexual, emotional, and economic abuse. It also establishes the legal framework for obtaining protection orders, which can restrict the actions of alleged perpetrators.

In line with this legislation, the Family Court of Fiji handles family law matters, including those related to domestic violence, child custody, and protection orders. The Family Court works closely with the Ministry of Women, Children, and Poverty Alleviation, which is responsible for addressing gender-based violence and providing support services for victims [22].

3.2 Support services for victims

Support services for domestic violence victims, both emotional and material, are vital in assisting survivors and ensuring their safety. The Fijian government, in collaboration with non-governmental organizations and civil society, has established and maintains such services. These services include safe houses, protection, counseling, and legal aid where individuals can seek assistance and report abuse. Additionally, local communities and religious organizations also offer support and assistance to victims of domestic violence [23].

Most notably, the Fiji Women’s Crisis Centre (FWCC) is a prominent organization that offers support to women and children who have experienced domestic violence, sexual assault, and other forms of gender-based violence. They provide crisis legal assistance, and advocacy for victims. A similar organization is Empower Pacific that provides counseling, mental health support, and social services. They can assist victims of domestic violence in dealing with trauma and emotional well-being. For the same purpose, Fiji created a national helpline to aid and support victims of domestic violence [18].

4. Cultural and traditional practices in Fiji

4.1 Conflict resolution

A significant tension exists between domestic violence and traditional practices for conflict resolution in Fiji. It is claimed that pacific island countries, including Fiji, value “communal cohesiveness” over women’s right to safety and redress from gender-based violence [24]. Traditional Fijian societies may adhere to customary

laws and practices when resolving conflicts based on their own values and traditions. Traditional practices often prioritize reconciliation and maintaining family unity, which may involve community leaders mediating disputes. While this approach can be effective in some cases, it may inadvertently pressure victims to reconcile with their abusers or dissuade them from seeking legal intervention. In Fiji, conflict resolution has traditionally been an essential part of the culture, and many indigenous Fijian communities have their own traditional practices and mechanisms for resolving disputes. These traditional methods of conflict resolution are often deeply rooted in the cultural and social fabric of the Fijian people [3].

Focusing on conflict resolution and traditional practices in Fiji, one key aspect is the Yavusa System. Traditional Fijian society is organized into kinship groups called “yavusa.” These yavusa groups often play a significant role in conflict resolution. Disputes that involve members of the same yavusa are often resolved within the group, with the elders and leaders of the yavusa acting as mediators. In addition to yavusa, Fijian society is organized into tribes or clans known as “mataqali.” Each mataqali has a council of elders who play a key role in resolving conflicts within the clan. These tribal councils often have significant influence in traditional dispute resolution.

When a dispute arises, the conflict resolution takes place in “tambuwalu” or “bulubulu.” Both are traditional Fijian ceremonies in which disputing parties come together with their respective mataqali and yavusa representatives. They are essential tools for maintaining peace and resolving disputes without resorting to more formal legal processes. The purpose of these ceremonies is to discuss the dispute, find common ground, seek reconciliation, and restore social harmony within the community. Reconciliation through these ceremonies often emphasizes the preservation of community ties, as many Fijian communities are closely knit and rely on mutual support.

The tambuwalu and bulubulu involve the exchange of gifts, traditional ceremonies, and dialog, as well as the emergence of an apology from the perpetrator and forgiveness from the victim. Apologies and forgiveness are essential aspects of Fijian conflict resolution. Often, disputes are resolved through parties acknowledging their wrongdoings, apologizing, and seeking forgiveness from the aggrieved party. This process can be facilitated by community leaders and elders, who play a crucial role in resolving conflicts. They are often seen as wise and impartial figures who mediate disputes and guide the process of reconciliation.

It’s important to note that while traditional practices continue to play a role in conflict resolution in Fiji, tambuwalu and bulubulu are not a substitute for the formal legal system. The country also has a modern legal system that addresses disputes, including civil and criminal matters. Nowadays, many iTaukei Fijians (the indigenous people of Fiji) may opt for a combination of traditional and legal mechanisms to resolve conflicts, depending on the nature of the dispute and the preferences of the parties involved. In cases involving criminal offenses or violations of the law, the formal legal system may still be employed, and reconciliation ceremonies do not exempt individuals from legal consequences.

In recent years, efforts have been made to incorporate traditional practices like tambuwalu and bulubulu into the legal system in Fiji, recognizing their cultural and community significance. Fiji has seen efforts to bridge the gap between traditional practices and the law.

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4 It is more closely associated with the Lau Islands in the eastern part of Fiji, where the Lauan culture has its unique traditions.

5 It is more commonly associated with communities in western Fiji, where it is a recognized cultural practice.
and modern conflict resolution methods, recognizing the value of both in addressing the diverse needs of its population. In this process, government and non-governmental organizations have been involved in promoting alternative dispute resolution mechanisms to provide efficient and culturally sensitive solutions to conflicts.

4.2 Impact on victims

Traditional practices in Fiji, as in other South Pacific societies, can have both positive and negative impacts on victims, particularly in the context of conflict resolution. The impact on victims may vary depending on the specific practice, the community, and the individuals involved. The most obvious positive impact is the preservation of culture. Traditional practices keep cultural heritage and the values of the Fijian people alive, and victims may feel a stronger connection to their cultural identity and community. Another pivotal positive impact of traditional practices on victims in Fiji is reconciliation and healing. Many traditional Fijian practices are designed to promote reconciliation, forgiveness, and healing; and victims may find these practices to be emotionally cathartic and helpful in moving forward after a conflict or harm. Furthermore, traditional practices often involve the wider community, including elders and community leaders from whom victims receive support and solidarity, which can be essential in their recovery process. Some traditional practices, also, involve the payment of compensation or restitution by the perpetrator to the victim, which helps victims recover losses or damages they may have incurred.

Nevertheless, as domestic violence is complicated as a crime and a social phenomenon, the influence of traditional practices can have a profound negative impact on such victims. Traditional practices in Fiji, like in many other traditional societies, may sometimes reinforce gender inequalities and roles. Women may face additional challenges in seeking justice or resolution in situations of domestic violence or other gender-based violence. Although cultural barriers resulting from cultural practices, beliefs, and norms can discourage victims from reporting domestic violence, traditional norms are often used to mediate conflicts instead of reporting them to authorities. This means that traditional practices may not always provide the same legal protections as the formal legal system. Victims may find themselves without recourse if their rights are not adequately protected in traditional dispute resolution processes. The effectiveness and outcomes of traditional practices can vary widely depending on the community, the individuals involved, and the knowledge and experience of the elders and leaders. Some victims may not receive a fair or consistent resolution.

Victims might, also, experience social pressure to conform to traditional practices, which may not always align with their personal wishes or needs. Some may feel obligated to endure abuse to avoid bringing shame to their families or communities. The stigma associated with divorce or separation in traditional Fijian culture can contribute to the perpetuation of abusive relationships; especially if the perpetrator is not held accountable or if the community does not adequately protect the victim.

5. Balancing tradition and human rights

The challenge for law enforcement agencies in Fiji is to strike a balance between respecting and preserving cultural traditions and upholding human rights, particularly the right to live free from violence. This requires a nuanced approach that
respects cultural practices while ensuring that they do not perpetuate or justify domestic violence. It's essential to recognize that Fiji is a diverse country with various traditional practices, and the impact on victims can differ significantly between communities. Moreover, there has been a growing recognition of the need to balance traditional practices with legal protections, particularly in cases involving gender-based violence and human rights. For this, strengthening legal protection against discrimination in Fiji is vital [25]. Efforts have been made to address some of the shortcomings of traditional practices through legal reforms, awareness campaigns, and the promotion of women's rights and gender equality. However, challenges remain in ensuring that traditional practices align with human rights and provide fair and just outcomes for all victims. To address the challenges and tensions between law enforcement and traditional practices, a multi-sectoral approach is crucial. Collaboration among various sectors, including government, non-governmental organizations, traditional leaders, and law enforcement, is necessary to develop strategies that both respect cultural traditions and protect the rights of victims.

Raising awareness about the intersection of domestic violence and traditional practices is vital. Initially, law enforcement agencies should receive training that emphasizes both legal and cultural sensitivity. This training can help police officers navigate the complexities of domestic violence cases, particularly those involving traditional practices, in a way that respects cultural norms while prioritizing the safety and rights of victims. In parallel, educational programs that target communities, traditional leaders, and the general public can promote dialog and understanding, potentially leading to cultural adaptations that align with human rights and gender equality. Traditions are not static; they can evolve over time. Fijian communities can work towards adapting traditional practices to align with modern values of gender equality and human rights. This adaptation might involve revising or reinterpreting traditional rituals and customs to ensure they do not perpetuate or justify domestic violence.

Preserving cultural heritage is essential while promoting human rights and gender equality. A delicate balance can be achieved by preserving traditional practices that do not infringe or undermine human rights—particularly the rights of victims to live free from violence—but reinforce the elimination of gender-based discrimination.

6. Limitations

The current research sought to highlight these challenges and find viable solutions toward the elimination of domestic violence while preserving traditional practices. As with all empirical studies, this research bears a number of limitations, mainly associated with its methodology and the scarce bibliography on domestic violence in the South Pacific. The snowball sampling technique embeds a risk of bias, as referred participants rely heavily on social networks [5]. In addition, unstructured interviews often lead to inconsistencies in data collection due to their narrative nature raising the risk of interviewer bias, who may interpret responses differently, and their personal biases can influence the direction of the interview. The lack of standardization in unstructured interviews can, also, make it difficult for other researchers to replicate the study or verify the findings. However, past training and experience of the interviewer helped to mitigate some of the subjectivity and interviewer bias associated with unstructured interviews.
7. Conclusions and recommendations

Domestic violence, law enforcement, and traditional practices intersect in complex ways in the Fiji Islands. Domestic violence is a significant issue with deep cultural and historical roots, as well as severe social and economic repercussions at country level [26]. Sexual and gender-based violence permeates all facets of life in Fiji impeding any efforts towards gender equality. Law enforcement agencies are tasked with upholding human rights and ensuring the safety of victims. This interplay often leads to challenges and tensions between traditional practices and modern legal frameworks. To address these challenges, Fiji must engage in a multisectoral approach that prioritizes cultural sensitivity and human rights from a public health perspective [27], as women seem to have different risk and exposure factors that require different interventions [28]. Examples of such initiatives include public awareness campaigns, cultural sensitivity training for service providers, legal reforms, and improved coordination among government agencies and NGOs. The role of NGOs is pivotal in advocating ratification and implementation of international human rights treaties [6]. Fiji should continue to strengthen its legal framework for combating domestic violence. This includes enforcing existing laws, enhancing penalties for offenders, and improving the implementation of protection orders. Legal reforms can also consider the intersection of traditional practices with domestic violence to ensure that victims’ rights are protected.

Similarly, law enforcement agencies should prioritize cultural sensitivity training to equip personnel with the skills and understanding needed to navigate cases involving traditional practices. This training can facilitate better communication with communities and victims while respecting cultural norms. In combination with education programs that promote gender equality and human rights [14], it can also empower women and communities to challenge harmful traditional practices and advocate for change within their communities and households for a more egalitarian relationship with their spouse, which leads to less violence or power imbalances [29]. Lastly, improving research and data collection on the intersection of domestic violence and traditional practices is essential. Reliable statistics and in-depth research are crucial for understanding the scope of the issue and guiding evidence-based policies and interventions.

In conclusion, overcoming these challenges to gain a better understanding of domestic violence in Fiji could be the stepping-stone for the implementation of effective prevention and intervention measures. While traditional practices hold cultural significance, adaptation and evolution are necessary to ensure they do not perpetuate domestic violence, because preserving cultural heritage while protecting human rights should be the ultimate goal.
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