

Women’s Access to Justice in Fiji: Evidence and Insights

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Introduction

Women and girls in Fiji face some of the highest recorded levels of gender-based violence globally, a reality that makes access to justice not merely a legal question but a survival imperative. The Fiji Women’s Rights Movement (FWRM) and DIVA for Equality have produced some of the most sustained, survivor-centred research on how women actually experience the justice system—from the moment harm occurs, through reporting, investigation and prosecution, to outcomes and remedies. Their findings illuminate where the system works, where it fails, and what must change to make justice real in women’s lives. The broader prevalence context has been established by the Fiji Women’s Crisis Centre (FWCC) national survey, which documented extremely high lifetime rates of intimate partner violence in Fiji and stark disparities across communities, underscoring the urgency of effective justice pathways.

The Justice Landscape and Why Access Matters

Fiji’s formal justice architecture—the police, the Office of the Director of Public Prosecutions, Legal Aid Commission, Magistrates’ and High Courts—operates alongside community-based dispute resolution and family or religious authority structures. In practice, women’s pathways to justice traverse both spheres, often in sequence, and are powerfully shaped by norms, costs, distance, language, disability access, and fear of stigma or retaliation. When access falters at any link in this chain, the result is attrition: cases drop away, harms go unremedied, and impunity is reproduced. FWRM’s research shows how this attrition accumulates, especially for sexual and domestic violence, while DIVA for Equality’s community-led research shows how LGBTQ+ women and gender-diverse people are further marginalized within the same pathways. Together, both the studies map a system that is formally open yet substantively narrow, with many women effectively excluded by practical barriers and gendered power relations that shadow every step.

What FWRM’s “Balancing the Scales” Reveals about Case Attrition

FWRM’s multi-year study, *Balancing the Scales: Improving Fijian Women’s Access to Justice*, examined how sexual offence cases move through the system. The research findings indicate

that nine out of ten victims were women and girls- and now more girls are victim/ survivors. Legal practitioners in the study consistently pointed to a confluence of barriers—costs, distance to courthouse circuits, delays, evidentiary burdens for survivors, and community pressure to withdraw—that collectively narrow the funnel long before a matter reaches trial. The report also documents that while institutional reforms exist on paper, practical implementation and survivor-centred practice remain uneven, with serious implications for trust and reporting. These findings led FWRM to call for stronger, resourced, survivor-centred services across policing, prosecution and courts; improved data systems; and deepened training for justice actors to counter bias and secondary victimisation.

The study further shows that attrition is not random. It clusters at predictable choke points: initial reporting and statement-taking; investigative follow-up; prosecutorial assessment; and pre-trial delay. Survivors' material circumstances—ability to pay transport, find child care, miss work, or access interpretation—are as determinative as any legal test. Where policing or prosecution practices are not trauma-informed, the justice “ask” becomes impossibly high for many. FWRM's evidence therefore reframes access to justice as a material, logistical and psychosocial continuum, not merely a formal right.

DIVA for Equality: Lived Realities of LGBTQ+ Women and Gender-Diverse People

DIVA for Equality's research adds critical intersectional detail by examining access to justice for lesbians, bisexual women, trans men and gender-nonconforming people. Its 2019 study and fact sheet, *Unjust, Unequal, Unstoppable*, documents that 83.64 percent of participants reported experiencing intimate partner violence, yet only 11.49 percent of those cases were reported to the police. Among the cases that did reach authorities, a large share resulted in either warnings or no action, and only a small fraction progressed to court or resulted in protective orders. The data also show very low levels of access to legal advice, mediation or counselling among survivors. These patterns reflect layers of stigma, fear of outing, and prior negative experiences with authorities, which together suppress reporting and increase reliance on informal or private coping strategies with limited safety.

DIVA's analysis shows that where heteronormative assumptions, transphobia and homophobia are present, institutional doors may be nominally open but functionally closed. Survivors anticipate disbelief, ridicule, or breaches of confidentiality; they fear retaliation in families or workplaces; and they often lack resources to travel or secure counsel. For gender-diverse people, identity documents and recognition issues can compound every procedural step. DIVA therefore argues for comprehensive, rights-affirming reforms, including confidential reporting options, competency training for police and court personnel on SOGIESC, and partnerships with feminist and queer-led services to ensure referrals are safe and effective.

The Weight of Prevalence and the Cost of Inaction

The FWCC national survey contextualises these justice-pathway findings with prevalence data of exceptional gravity. The survey shows extremely high lifetime rates of physical and/or sexual violence by intimate partners (2 out of 3 women), with marked disparities across divisions and communities. The magnitude of violence means the justice system is not handling a marginal issue but a widespread violation that intersects with health, livelihoods and intergenerational wellbeing. Without timely, survivor-centred access to justice, harm escalates and repeats. This is the core policy problem FWRM and DIVA for Equality identify: legal reforms that do not translate into accessible, accountable and trusted pathways will not dent the curve of violence.

Barriers that Keep Justice Out of Reach

While Fiji's Constitution and laws guarantee equality before the law, women's lived experience of accessing justice is deeply constrained by structural, social, economic, and institutional barriers. These are not isolated but interlinked, disproportionately affecting marginalised women, including those living in rural and maritime communities, women with disabilities, and LBTQ+ women.

Economic and financial barriers remain among the most significant. Survivors often cannot afford repeated transport costs to police stations or courts, especially when hearings are delayed. Daily wage earners risk losing income, and many lack resources for childcare. Although the Legal Aid Commission exists, demand far exceeds supply, and rural women often cannot access it. For LBTQ+ women financial precarity makes survivors more vulnerable to withdrawal or coercion.

Geographic and infrastructural barriers are equally restrictive. Court circuits like the island courts for the maritime areas may sit infrequently, leaving survivors in limbo for months. Women in maritime islands must endure long, expensive journeys to report crimes or attend hearings. Women with disabilities face inaccessible buildings, lack of transport options, and inadequate support services.

Social and cultural barriers are deeply entrenched. Patriarchal expectations often pressure survivors to prioritise family or community harmony over personal safety. Informal reconciliation, particularly in iTaukei communities, frequently displaces formal justice. For LBTQ+ survivors, stigma and the risk of outing function as powerful deterrents against seeking help.

Institutional and procedural barriers compound these challenges. Police may dismiss or mishandle complaints, survivors are often retraumatised through insensitive questioning, and prosecutors may discontinue cases due to evidentiary gaps. Court delays exacerbate trauma and discourage survivors from seeing cases through.

Legal and policy barriers persist despite progressive laws. Survivors are often unaware of remedies like restraining orders, and when they are granted, enforcement is inconsistent. The absence of temporary special measures means women are underrepresented in police and

judicial leadership, perpetuating patriarchal bias. Restrictive abortion laws under the Crimes Act continue to undermine women's reproductive autonomy and limit justice in sexual and reproductive health and rights (SRHR) cases.

Intersectional barriers magnify these problems. Rural women face the combined hurdles of distance, poverty and limited services. Women with disabilities face both physical inaccessibility and communication challenges. LGBTQ+ survivors encounter discrimination, misgendering, and non-recognition of same-sex violence in legal contexts.

Finally, **psychological and safety barriers** shape decision-making. Survivors may rationally choose silence to avoid retaliation, harassment, or further trauma. The emotional toll of repeatedly retelling experiences, with little guarantee of justice, pushes many to abandon their cases. In this way, women often weigh the risk of seeking justice against the risk of harm, with the system itself making justice appear unsafe.

Together, these barriers create a justice system that is formally available but substantively closed for most women.

Policy and Practice: Progress, Gaps and the Implementation Challenge

Recent policy developments, including Fiji's National Action Plan to Prevent Violence Against All Women and Girls (2023–2028), create an enabling framework to reduce violence over time and improve responses. The plan acknowledges the scale of the problem and articulates a whole-of-government approach. Yet feminist research findings highlight that policy commitments must be matched by front-line resources and practice change in policing, prosecution, legal aid and courts to materially alter survivors' experiences. Without expanding legal aid coverage for GBV, reducing case backlogs, ensuring trauma-informed interviewing, investing in interpretation and disability access, and establishing reliable transport and accompaniment supports, the implementation gap will persist.

Survivor-Centred Justice as a Feminist Public Good

Feminists and feminist research insist that survivor-centred justice is not a niche concern but a feminist public good that strengthens the rule of law for everyone. When the system is redesigned around those with the greatest barriers—rural women, low-income workers, girls, women with disabilities, LGBTQ+ and gender-diverse people—access improves for all. That redesign requires shifting power: investing in legal empowerment, funding independent women's rights organisations to provide accompaniment and casework, resourcing shelters and counselling, and prioritising active accountability for duty-bearers. It also requires concerted effort to counter patriarchal norms that naturalise violence and discredit survivors, including in the very institutions tasked with delivering justice.

Toward a Practical, Measurable Reform Agenda

The research done in this area points to practical steps. First is reducing attrition with early-stage supports: accessible reporting options, victim-survivor advocates, and transport stipends so that poverty does not decide case outcomes. Second is competency: mandatory, recurring training for police, prosecutors, magistrates and court staff in trauma-informed, survivor-centred practice, with specific modules on child safeguarding, disability inclusion and SOGIESC. Third is time: setting and enforcing timelines for case milestones to reduce harmful delays. Fourth is accompaniment and legal aid: scaled funding for specialist legal aid and community-based feminist organisations to ensure survivors have someone on their side through every procedural step. Finally, data must be modernised: interoperable, privacy-respecting case-tracking that makes it possible to see where and why cases fall away and to hold institutions to account for improvement over time. Each element directly addresses failure points identified by FWRM and DIVA.

Feminist Recommendations: Decolonising and Reimagining Justice

A feminist framing requires moving beyond technical fixes to ask deeper questions of power, coloniality and patriarchy within justice systems. First, **decolonising justice** means acknowledging how colonial legal structures often disregards traditional forms of accountability, while reproducing male-dominated hierarchies that still shape access. Any reform must reckon with this history and integrate Indigenous, feminist, and community-led approaches that centre women's safety and dignity.

Second, **centering care in justice** reframes the system not only as punitive but as protective and restorative. This requires survivor-centred services that prioritise healing, accompaniment, and empowerment, recognising that justice is not only about convictions but about restoring agency and safety in survivors' lives.

Third, **redistributing resources** is essential. Donors, government, and international partners must direct flexible, long-term funding to feminist organisations who are already filling justice gaps at the community level. These organisations are often underfunded, yet they provide the accompaniment, advocacy, and case support that make justice possible in practice.

Fourth, **transforming institutions** is non-negotiable. Feminist reforms must challenge patriarchal cultures in police and courts, ensuring more women, especially diverse women, are recruited and promoted into decision-making positions. Without gender-transformative change inside institutions, survivors will continue to face disbelief, dismissal, and delay.

Finally, **fostering solidarity** across movements—women's rights, LGBTQI+, disability rights, and Indigenous rights—ensures that access to justice is intersectional and leaves no one behind.

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