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SUMMARY VERSION:

Towards women-centred justice in the Pacific

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Executive Summary

The point of departure for this research is an inquiry into what rural women in Vanuatu and Kiribati want and need when they seek help for solving the most common but difficult problems they confront. These problems revolve around family and sexual violence and a need for family maintenance when women and their children are abandoned by their partners.

By taking this woman-centred approach to identify the problems rural women struggle to solve and by then spotlighting the outcomes that they seek when they search for help to solve their problems, this research is then able to investigate and analyse the degree to which the justice options available to them are aligned or not, to women's justice goals. This also involves an inquiry into how women experience plural justice systems including as they fluidly interact in local settings, finding that plural justice environments create barriers but also potential opportunities for women as they try to navigate towards the processes best suited for delivering the solutions they need, while trying to sidestep the many pitfalls they so strenuously seek to avoid.

This research confirms many findings from previous research regarding the multi-layered challenges faced by rural women as they seek access to justice to solve their problems. At the same time, it recognises the enormous potential for harnessing and orientating local justice systems towards better meeting women's needs. It aims throughout to identify specific entry points for change, including recommendations for change put forward by women. However it is the outcome-focused vantage point of the inquiry, directly juxtaposing 'what women want' with 'what women get' from varied justice systems, which enables this research to offer new insights into targeted approaches for local engagement across all available justice systems to orientate them towards working better for women.

The research finds that women seek forms of 'practical' justice when they reach out for help to solve problems of family and sexual violence and abandonment. With regards to family violence, the research found that most women's goals revolved around preserving their marriages and hoped to 'receive back' reformed, rehabilitated husbands who cease using violence and reduce use of addictive substances, and who invest more in shared responsibility for family life. Women who are abandoned by their partners seek adequate and reliable resources so they can independently care for their children without becoming dependent on their own

families. In a 'nutshell' this research finds that these are the outcomes that most women who experience family violence and abandonment seek.

Yet none of the state, customary or religious justice systems available to them are focused on or concerned with delivering these outcomes. The research concludes that this misalignment of women's needs with the outcomes offered by all of the justice options available within their local justice ecosystem, is the key reason why women fundamentally lack access to justice.

The research then investigates some of the initiatives and experience to date across the Pacific in enhancing or creating local-level justice mechanisms across plural justice systems aimed at bringing better understanding, coordination and coherence between them. Four different but inter-related types of strategies are identified and Pacific experiences applying each are discussed from the perspective of meeting women's justice needs.

STRATEGY 1:

Create inclusion opportunities in new bodies 'added on' to existing village governance, justice and security mechanisms and creating blended state and customary systems;

STRATEGY 2:

Introduce roles performed by local people at the village/area level to help people navigate across all parts of the local 'justice ecosystem';

STRATEGY 3:

Culturally-resonant normative change efforts;

STRATEGY 4:

Support dialogue, knowledge exchange and relationship building within and between justice systems to improve alignment and coordination.

This enterprise of improving knowledge, coordination and coherence across justice systems is particularly crucial to women as the continuing lack of these elements across plural justice systems impacts disproportionately on women and girls due to the specific tensions arising between state, customary and religious justice systems when dealing with family and sexual violence cases and family support needs. This is also why any local-justice initiatives must always have a clear gender strategy driven by women at its core so that initiatives are capable of contributing to progressing these specific issues. Otherwise, 'gender-blind' approaches will risk 'doing harm' by amplifying and entrenching existing patriarchal local power structures while reinforcing women's marginalisation and exclusion.

This research provides no 'silver bullets' or comprehensive answers to the 'what' and 'how' questions associated with the aim of increasing the responsiveness of integrated local justice systems to the needs of women. However, it does posit some recommendations for re-framing state justice priorities around 'getting local' and re-directing some existing resources to build capacity in the areas needed to deliver the outcomes women seek, including around robust rehabilitation programs for family violence perpetrators and to address alcohol and drug issues. It also provides some guiding principles for undertaking the sensitive work of local-level engagement with customary, religious and state justice actors by ensuring that such initiatives undertake solid analysis of the political economies and gender dynamics of local justice environments and take these findings into consideration to avoid 'doing harm'.

Engagements must work sensitively with local civil society organisations and actors while also aiming to broker and maximise opportunities for creating diversity in leadership and inclusive processes of participation and consultation for all community members, focusing on socially disempowered groups, including women,

teenage girls, young women and men and people with disabilities. By including a number of initiatives in the one location, broader symbiotic effects between justice systems can be created to help drive momentum for local change effects. Initiatives which draw on a mix of customary and religious authority and state authority through blended approaches often help to catalyse greater traction and cooperation, easing some of the more difficult state authority moments and roles, such as when escalating family violence cases to police and courts.

Affordability and sustainability of local justice provision is always challenging in resource-poor Pacific environments; however the research identifies some approaches for mobilising the resources needed to support greater investment in local justice efforts. It also makes the point that many local justice initiatives involve relatively low costs, especially when compared to costs of building and running centralised state justice systems and taking into account the counter-factual costs of 'doing nothing' to improve local capacities to effectively address common problems where possible at a local level. These costs, which include enormous harm and suffering, are currently being paid by individuals and communities in rural areas, who form the majority of Pacific populations. The state also ends up paying a high price for not supporting efficient and fair local resolution of problems through increased demand for remedial state services needed later when the harmful effects of unresolved problems manifest. Unresolved problems also place an overall constraint or brake upon social and economic development in Pacific countries, as was established in the seminal Justice for All Report: The Taskforce on Justice Final Report¹ highlighting how access to justice bridges all other rights.² There is a very strong case for prioritising investment in local justice initiatives: It just needs to be properly evidenced and forcefully made.

¹ Task Force on Justice, *Justice for All – Final Report*. (New York: Center on International Cooperation, 2019), available at <https://cic.nyu.edu/wp->

[content/uploads/2023/02/english_task_force_report_27jun19-min_compressed.pdf](https://cic.nyu.edu/wp-content/uploads/2023/02/english_task_force_report_27jun19-min_compressed.pdf).

² Ibid, p 19.



Key questions asked in the study

- What are the key protection and justice issues faced by women (and girls) in rural and remote areas of Kiribati and Vanuatu?
- When women experience family violence or other family-related problems, how do they see their options for getting help? How do they see the risks and potential benefits of seeking help? What factors or variables may assist them or prevent them from seeking help?
- What outcomes are women hoping to achieve when they seek help for family violence or other family-related problems from community or state authorities? What outcomes are they hoping to avoid? How do they see their protection and justice goals and priorities?
- How well aligned are community-based justice systems and state-based justice systems to providing the outcomes that women seek? In theory? In practice?
- How do women in rural and remote areas think that the community-based and state justice systems could each work better, as well as together, to help them achieve their protection and justice goals?
- What are the most urgently needed changes that would make the biggest difference for women living in rural and remote areas? What priorities should become the key focuses to increase rural women's access to effective justice relevant to their needs?
- What are the practical steps and processes needed for these changes to occur? How can women's needs be placed at the centre of processes to develop and implement these and to be regularly tested to ensure they are achieving better alignment to the outcomes women need?

Despite the enormous amount of research and work done around the globe, including in the Pacific, to better understand the causes, prevalence and most effective interventions to address family violence against women, very little of that research has focused on identifying the outcomes women want and need when they seek help to address the violence they experience.

The limited work done to understand the particular challenges faced by Pacific women as they seek access to justice tends to focus on responses of either the state or community-based justice systems, and less on the impacts of the overarching impacts of the plural 'justice ecosystem' and how these are experienced by Pacific women living in rural or remote locations. This study contributes to addressing these knowledge gaps by focusing on rural women's perspectives of what 'justice' 'looks like' to them: how they see their options in practice, as well as the risks and benefits which accompany these and to what degree they are able to achieve the solutions they seek to address their problems.





Key findings and recommendations

1. Women's main problem types

The most common, serious and difficult to resolve problems faced by women (and girls) in rural Kiribati and Vanuatu are:

- Spousal violence, often also linked to spouse's alcohol, marijuana and kava use;
 - Child maintenance, family maintenance and lack of independent means of income more generally;
 - Sexual violence, including marital rape, incest mainly against girls and young women and rape of teenage girls;
 - Divorce came up only rarely as few women seek divorce or separation despite violent or unhappy marriages due to their social and economic vulnerability. Most female-headed households are the result of men leaving marriages and then often abandoning the wife and children, thus the importance of child support for women.
 - Women rarely raised land issues, suggesting their low involvement in land ownership disputes but did regularly speak of difficulties resolving cases of damage to crops caused by other people's untethered animals especially when involving villagers from important families with wealth to own many untethered animals.
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2. Women's justice goals: What women want and need from justice processes.

In family violence cases women sought a justice process that would help them to (in order of priority):

- Preserve their marriage and maintain family unity while avoiding imprisonment or long term legal consequences for their husbands as they believed these would be fatal to preservation of their marriages.
- 'Receive back' from the justice process a reformed husband: for his use of violence to stop; reduced use of kava, alcohol, marijuana; his greater involvement with children, household work, supporting family income and socialising with his wife.
- Access the process while remaining comfortable within their cultural framework: supported by community leaders and family and thus able to retain their social status and community standing.
- Access independent means of support and sustainable livelihoods if they were unable to continue living with their husband, so they could live in dignity with their children and be able to remain independent from their own families to retain their status as contributing adults in the community.
- Have their husband jailed for serious and repeated violence but only as a last resort and when they had already given up on the marriage.
- Have access to processes that are delivered locally and quickly, meaning processes would be finalised within days or maximum weeks. Women emphasised the importance of speed in order for any justice process to remain relevant to them as they were often unable to resist for long the strong pressures placed on them to reconcile and withdraw their cases.

In child support cases women seek a process that can:

- Deliver reliable regular or lump sum payments (money or in kind) from the father or his family for support to contribute to the costs of educating and raising children.
- Result in payments being made directly to them and not routed via their families as support often did not 'trickle down' and they aimed to avoid increased dependence on their families.

3. Barriers and risks women face in accessing any justice system (customary, religious and state)

- Women in rural Kiribati and Vanuatu find it difficult if not impossible to access any justice or protection system when they face family violence or have other legal needs such as for child support, which often remain unmet. Spousal violence against women is very common and women feel there is little they can do to stop it without themselves paying a high price, 'one way or another.' As they see it, there are no good options, just 'least-worst' options.
- Most women experiencing family violence do not seek help from anyone. Disclosing family violence or other family problems is seen to be shameful, likely to reflect poorly on them and as they believe there are no 'good' options available for receiving help and they fear they may ultimately lose custody of children or ability to support their children.
- Instead, most women remain silent and try to self-manage violence or other family problems, often at high risk of harm and suffering to themselves and to children. Many eventually accept that they will need to live with their problem.
- Women are very fearful of seeking help for family violence or other family problems from outside of their community as they fear losing control of the process and then facing high personal costs, including retribution from their partner and worse, 'losing their place in the world' due to community stigma and lack of economic, social and cultural support from their family, local authorities and the wider community.

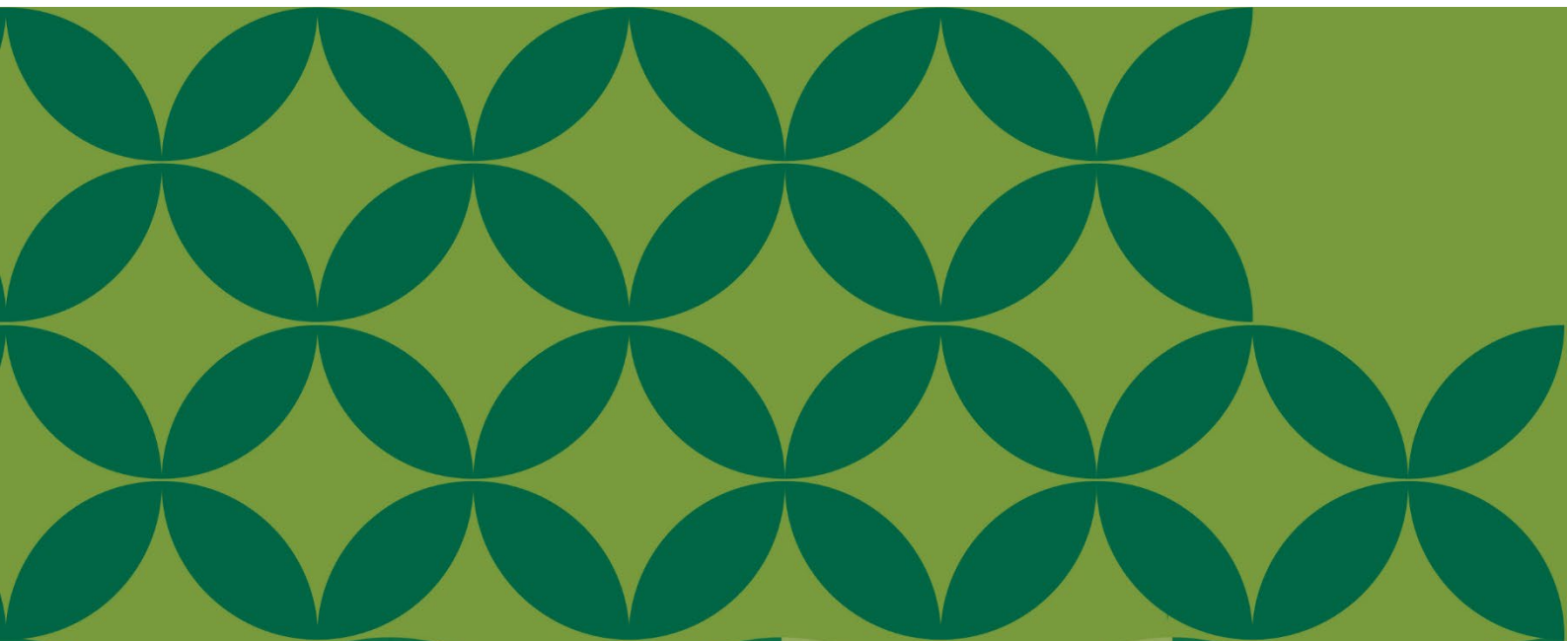


4. Women's experiences and views of customary justice systems

- Customary justice systems are the primary justice system used by women to try to resolve problems, however this is not necessarily by choice but due to lack of alternatives. There is strong evidence that women think that state justice options are 'fairer' than customary processes. Women have a strong desire for at minimum, a temporary presence of pro-active community police in their communities.
- Customary systems are accessible to rural women in the sense that they are known, understood, 'stigma-free' and physically accessible. However they are not as accessible as often assumed due to compulsory fees, women lacking 'standing' to bring a case without family support, family violence (standalone) not being seen as a 'justiciable' case type or due to chiefs not wanting to become involved in 'private' issues, or risk upsetting important families involved.
- Women support customary and religious justice systems because they are the primary mechanisms for dealing with problems and enjoy a high level of community acceptance. Both systems are seen in the community as 'the right way' to deal with any problems involving family members.
- However women who use customary justice systems do not necessarily think they 'fair' and find they are disadvantaged due to entrenched patriarchal gendered norms and in the processes of customary justice to varying degrees. Attrition of blame is usually shared, preventing clear accountability of perpetrators for family violence or pressure for them to change.
- Chiefs and women's families involved in customary processes have different interests often not aligned with women's justice goals. While customary mechanisms may address aspects of women's problems that impact on relationships between their family and their husband's family, they often do not deliver women the practical outcomes they seek, such as an end to family violence or the reliable/adequate payment of child support. After customary problems have failed to provide the relief women need, women find it hard to return to leaders to ask for further help due to the shame they feel that the process led by the leader has failed to resolve the problem and due to fees to start another 'case' with the chief.
- Women identified a range of measures they felt would make customary justice systems more responsive and relevant to their needs and some chiefs also contributed their existing approaches for making customary justice work better for women.

5. Women's experiences and views of religious justice systems

- Religious justice mechanisms often sit alongside customary mechanisms but in some locations are the main justice option. Like customary systems, women highly value them as they are accessible to rural women in the sense that they are familiar, 'stigma-free', physically accessible and unlike customary justice systems, do not cost money to use.
- However religious justice systems are also entrenched in patriarchal norms that prioritise family unity and wifely obedience over the safety of family members and therefore often do not deliver women the lasting practical outcomes they seek, such as an end to family violence or the reliable/adequate payment of child support.
- Often religious counselling results in reconciliation and each party promising to live up to their marriage vows but without any real pressure or sanction for the husband to change.
- Women felt their husbands sometimes used religious leaders to 'get them back home' after temporarily leaving to 'take a stand' against violence, by asking religious leaders to request that they attend counselling with their husband. Women find it difficult to refuse these requests due to social power of the church leader and thus feel compelled to cooperate with the process, ordinarily resulting in them returning home.
- Women identified a range of measures they felt would make religious justice systems more responsive and relevant to their needs.





Caption: Magistrate Takanebu Tinana, Maiana Island Magistrate Court, Kiribati. Credit: Dr Carolyn Graydon

6. Women's experiences and views of police

- Women believe that having a proximate police presence helps deter men from family violence and increases their feelings of safety. They would like a greater police presence in their communities, even if it is not a permanent presence.
 - However most women are unable to access police due to lack of transportation or lack of response from police. Those who manage to access police, often do not receive the support and help they seek. Police often do not reliably follow through with arrests, investigations or charges for family violence and often recommend women sort out their problems at home. Some police accede to requests or pressure from village chiefs or perpetrators to 'shelve' reports of family violence, acquiescing in obstruction of justice and also placing them at higher risk of retribution from perpetrators or chiefs.
 - These experiences of unreliable police response undermine women's confidence to seek or continue with the process and many withdraw their complaints with few cases ever coming before courts.
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7. Women's experiences and views of state courts

- Most rural women have little to no knowledge about state laws, courts or processes for seeking help, including for family violence.
- Most women are unable to access any court due to: lack of transportation, money and carer responsibilities; the belief that courts should only be used as a last resort; lack of knowledge regarding court offerings, processes or help available; fear of retribution from husband and criticism from local leaders and family for looking for help outside of the community; fear that contact with police and courts will result in imprisonment of husbands; and lack of confidence that police or court will provide a relevant and reliable response.
- Most women are aware that family violence is illegal but are not aware of family protection orders and how they do not result in imprisonment unless the order is breached and criminal action taken at that point. They are also unaware that protection orders can be obtained by telephone directly from the court and that there is no need to go via the police, which is often the hardest part of the process for women.
- Local-level courts are strategically positioned to provide women with access to court remedies in remote locations but are currently under-capacitated, under resourced and unable to fulfil their jurisdictions, including crucially, to grant family protection orders. Lack of women justices and lack of information combine to limit women's access to these important courts and their remedies.
- When women apply to local courts for child support they face expensive transportation costs, cumbersome processes, protracted delays, low caps on entitlements and enormous difficulties enforcing court decisions, causing many to question whether applying to the court is worth the effort.

8. Lack of alignment of all justice systems with women's justice goals and needs

What emerges from this part of the research is a clear picture of a lack of alignment of any of the available justice systems to women's justice needs. This highlights a need for all elements of state, customary and religious justice mechanisms to work better together to reduce the high stakes for survivor-victims seeking help and for them to become orientated towards survivors-victims' goals. Holistic strategies for change involving all three key justice types are needed to centre their responses around the needs of victims and their protection and justice goals.

9. Poor alignment of state justice systems with women's justice goals

- State justice resources are mainly invested in retaining means for punitive punishment of perpetrators with limited investment in remedies aligned with women's justice goals, being quality, culturally relevant, rehabilitation programs for family violence perpetrators, for drug and alcohol issues and for improving family relationships.
- State criminal justice processes are framed as crimes committed against the state, marginalising the power and needs of survivor-victims' in the process, limiting their control over the outcomes and often delivering the opposite of what survivor-victims want.
- There is a distinct lack of state engagement and effort to deliver justice at a local level or to coordinate with customary and religious local justice systems and authorities to identify how plural governance, security and justice systems can better align with women's justice needs and community needs more generally. State justice needs a people-centred revamp.
- There is limited state investment in addressing key social and economic vulnerability factors that prevent survivor-victims from seeking help including due to lack of housing and financial safety net supports and lack of organised opportunities for women to build sustainable livelihoods so they can live independently.
- There are major gaps in implementation of police and justice services including weak coverage of police and courts in remote and rural areas due to lack of mobile services, poor management of transportation assets, lack of accessible information and services via telephone, electronic and other remote means; lack of speed and immediacy of processes, limiting the deterrence impact; lack of any serious approach to tackling longstanding unreliable police response and accountability issues; lack of implementation of mandated accessible means for securing family protection despite these orders being well aligned with what survivor-victims want and need.



Caption: Women in Tanner, Vanuatu with Wendy Raptigh, Vanuatu Supreme Court, Carolyn Graydon, author and Holly Ewens, PJSP.. Credit: Dr Carolyn Graydon

10. Poor alignment of customary justice system offerings with women's justice goals

- Customary processes in Vanuatu and Kiribati are provided exclusively by men and typically embedded in rigid gendered norms based on dominant cultural views that privilege men and normalise most family violence.
 - Outcomes of customary processes are often not effective in stopping violence due to lack of clear decisions to condemn violence and a tendency to attribute shared responsibility rather than applying pressure for perpetrators to change.
 - While accessible in theory, customary systems are often not accessible to women in practice due to fees, need for family representation, inability for women to meaningfully participate, to speak, be heard and for weight to be given to their views in processes and lack of willingness of village chief to become involved except in certain circumstances.
 - Outcomes are often not enforced or followed up by customary authorities despite problems continuing unabated. Further approaches by women to customary authorities are difficult to make. Customary outcomes are not enforceable by law and depend on the degree of soft power wielded by customary leaders based on their degree of local legitimacy.
 - Inconsistency in quality and legitimacy of customary authorities and lack of accountability can undercut basic standards of fairness. Yet in locations where customary authority has legitimacy, customary systems can have strong normative power and immediate effect.
 - Custom's flexible nature enables custom to support changed beliefs around acceptable standards of behavior in the family that can contribute to peaceful, respectful family life.
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11. Poor alignment of religious justice system offerings with women's justice goals

- Most local religious justice systems apply biblical teachings that wives must obey and forgive their husbands for violence and that families must keep violence to themselves and remain intact despite harm caused to family members.
- Religious norms tend to align closely with dominant norms from customary systems, combining to present a formidable joint front of social pressure on victims to tolerate and accept normalised violence.
- Yet like customary systems, religious systems have enormous potential to lead normative and behavioral change of perpetrators and contribute to sustainable peaceful and respectful family life. Through religious reinterpretation and by bringing clarity to allocation of responsibility for violence, religious justice systems can guide the grounding of changed behaviours and new beliefs.



Caption: Man on beach in Paris, Christmas Island Kiribati. Credit: Dr Carolyn Graydon



12. Strategies for bringing all justice systems into better alignment with women's justice goals.

Four types of strategies are identified as valuable for bringing plural justice systems into better alignment with women's justice goals. Pacific experience in each of these is discussed. All four strategies work best at the most local level possible to achieve greatest relevance and impact, but this sensitive work needs to be approached cautiously so as not to inadvertently 'do harm' by:

- Negatively impacting on the functionality of relied upon existing mechanisms for community safety or justice, or by
- Inadvertently weakening or missing opportunities for inclusion and empowerment of marginalised social groups to participate in developing, accessing, using and receiving fair and effective outcomes from modified or augmented community-based justice and security mechanisms.

The application of four key principles can help avoid such harms.

- Ensure that change processes are driven by local actors based on careful local analysis of the political economy of local justice mechanisms from the design stage, and by providing support mainly 'from behind' throughout implementation.
- Proceed on an understanding that there is no 'one size fits all' model but rather a need for customised approaches driven by local actors in each community context.
- Provide flexibility in projects so they can adapt in local contexts and include responsive processes for quick turnaround 'learning loops'. Learnings regularly captured and reviewed can then be applied throughout implementation, enabling projects to adjust and nimbly increase their relevance and impact in the particular community context.
- Include in any project design a gender and inclusion strategy designed by local actors for maximising opportunities to grow diverse leadership and wide participation and empowerment of all community members, thereby contesting entrenched concentrations of power that often work to deny women and other marginalised groups their rights. Develop project indicators capable of measuring impact in this respect.

All of the following four strategies provide complementary ways for tackling a lack of access to effective forms of locally available justice in remote locations that is aligned to women's justice needs. Applied simultaneously, the combination of these strategies can intensify and accelerate change processes through creating mutually reinforcing currents with the common aim of improving the relevance and effectiveness of justice outcomes for women, and for communities more generally.

STRATEGY 1:

Create inclusion opportunities in new or modified bodies ‘added on’ to existing village governance, justice and security mechanisms and improve coherence through also adding blended state and customary elements.

Key points gleaned from experiences to date:

- The importance of mechanisms having a presence at the local (village or area) level. It need not be a permanent presence or necessarily a physical presence, but there must be a continuing local presence.
- Ensuring that any ‘new’ bodies working alongside existing community mechanisms include plans for creating diversity in their leadership, participation and consultation processes including a good proportion of women, youth and inclusion of people with disabilities. It is important to focus resourcing on leaders who are ultimately willing to support some form of power sharing approach to avoid ‘doing harm’ by amplifying or further entrenching existing patriarchal governance structures.
- Bringing multiple initiatives together in the one place creates combined, symbiotic effects that can help maintain momentum for change.
- By including a number of different elements that draw on a mix of customary and wider community authority combined with state authority, the strengths of all systems can be harnessed.

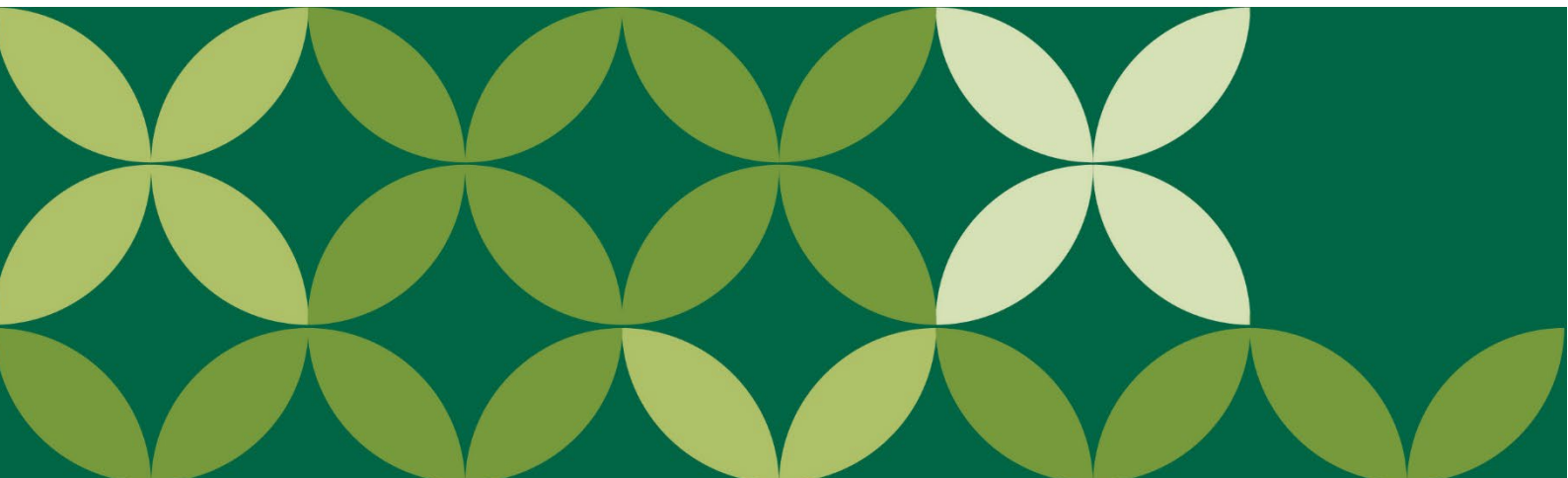
STRATEGY 2:

Introduce community paralegal and women’s advocate roles performed by trusted local people at the village/area level to help women and other community members navigate across all parts of the local ‘justice ecosystem’ to find the forum best suited to resolving their problem.

- These roles can work effectively to counterbalance power disparities between parties and improve the function of customary mechanisms by empowering women and other non-elites to leverage knowledge of state law and justice systems.
- By working closely with customary and religious authorities and with local police/courts, community paralegals and women advocates can strike a balance between supporting and advising and holding actors to account for performing their mandates and roles across all justice actors.
- Community paralegal and women’s advocate roles work best when they have a clear link or pathway for escalating relevant case types to state justice mechanisms and the ability to provide supported referral and accompaniment also through state justice process.
- They are therefore best linked to or embedded within a competent expert body, whether it be a national women’s organisation, community policing service, legal aid organisation or local government authority in order to provide both supervision and back-up support to those performing these important but challenging community roles.



Caption: Vanuatu Judicial Development Officer Wendy Raptigh providing legal information to women in Ambrym.
Credit: Dr Carolyn Graydon



STRATEGY 3:

Use culturally-resonant 'frames' for normative change efforts:

- Reframing or reinterpreting customary or religious norms in ways that contest gender-based violence and support internal cultural contest of rigid gendered norms can increase the traction and effectiveness of community engagement and awareness raising efforts.
- Government and civil society collaborations bring the strengths of both organisational types to the task including by engaging and training customary and religious authorities to lead community normative change efforts.
- Including health and education actors and Male Advocates Programs can also help create an amplified comprehensive approach towards preventing sexual and gender-based violence.

STRATEGY 4:

Support dialogue, knowledge exchange and relationship building within and between justice systems to improve alignment with women's justice needs as well as encourage greater general coherence and coordination.

- Create opportunities for dialogues within customary and religious leaderships to share existing good practices for making customary and religious justice processes more responsive to women's justice needs.
- Create opportunities for mutually respectful dialogues between customary and religious authorities with women's organisations and state justice actors to help build the knowledge of chiefs and religious leaders regarding state justice processes, as well as vice versa and to advocate for the gender justice needs across all systems including approaches for solving pathway problems and clarifying roles of respective justice systems in relation to family and sexual violence cases.

13. Re-framing of state justice around outcomes needed by women

This research finds an urgent need for a significant reframing of state justice to become more relevant and responsive to the largely unmet needs of women seeking protection and justice for family violence, sexual violence and other family problems.

- Robust behavioural change and rehabilitation programs for family violence perpetrators, applying culturally and spiritually relevant frames, with monitoring and feedback from family members and linked to communities for ongoing community-based mentoring, monitoring and supporting perpetrators.
- Robust drug and alcohol rehabilitation programs applying culturally and spiritually relevant frames and linked to communities for ongoing community-based mentoring, monitoring and support.
- Economic safety-net and housing support programs for victim-survivors and programs for building sustainable livelihoods for survivor-victims and vulnerable women as a preventative social protection strategy.
- Invest more heavily in local-level state justice services to improve and expand the reach of existing local level state justice services: activate the full jurisdiction available to hybrid (Island/Village) courts, including to grant protection orders and enable them to circuit through remote areas; recruit more women justices and provide them with specialised support; develop and promote more remote service options including telephone-based temporary family protection orders, child support orders and enforcement orders; provide accessible public information about court processes and services including using community radio and maximising opportunities for in-person outreach in rural communities whenever courts go on circuit.
- Encourage more willingness of, and opportunities for, state court leaderships to engage with customary and religious justice actors to strengthen the linkages and functionality of pathways between state and non-state justice processes.
- Focus on accelerated court processes to enable family and sexual violence criminal cases to be finalised in matter of days or weeks wherever possible and ensure protection orders are reliably in place to protect complainants in the meanwhile.



14. Sustainability of local justice initiatives

Most Pacific countries face acute resource constraints. Efforts to invigorate and strengthen approaches to local-level justice not only need to be highly cost effective but also need to demonstrate the resources that will be saved, and the suffering prevented by investing in efficient and effective local justice approaches. They also need to be affordable for Governments in the long term. The following recommendations are made for addressing issues of affordability and sustainability of local justice initiatives aligned to women's justice needs.

- Compile an evidence-base to 'make the case' for the effectiveness, low cost and cost saving effects of local level justice initiatives to persuade Pacific governments that local justice initiatives that can efficiently and fairly solve disputes provide large savings by obviating the need for government services to be later provided to address the consequences of problems that are not resolved or not prevented from occurring or escalating.
- Rally donor/development partner support to reverse the drift away from support to Pacific rule of law and justice sectors and ' earmark ' substantial justice funding for *local-level* justice initiatives that engage with *all* local state, customary, religious justice providers and civil society actors.
- Conduct analysis of court budget allocations and identify savings that can be reallocated to the unmet operational needs for provincial and lower level courts to perform their functions and if necessary, make cuts to existing budget allocations for superior level courts to meet this need.
- Focus on low cost methods for courts to still have a presence in remote and rural communities such as incorporating outreach into existing court circuits, using community radio for providing information, providing more court services remotely by telephone and activating full jurisdiction and providing mobility for local level courts to meet unmet community legal needs, including for access to family protection orders.
- Initiate discussions around village chief practices of charging fees to achieve more consistency and equity through lower fees and exemptions for categories of persons and case types.





Conclusion

This research has traversed wide territory. Commencing from the vantage point of rural women, it identified the most common and difficult to resolve problems faced by rural women in Vanuatu and Kiribati.

It then identified the key priorities or components of what ‘justice’ looks like to women, when they seek assistance to address family and sexual violence and family support needs. It found that most women seek forms of ‘practical’ justice that cause minimum disturbance to their familial, social and economic contexts, where due to their social and economic vulnerability, they face high stakes with long term consequences when seeking help for these problems.

The research then identified the components of local justice ‘ecosystems’ representing the most common options available for women to solve their problems, comprised primarily of customary, religious and to a lesser extent, state mechanisms. It examined how each responds to the problems of family and sexual violence and family support needs, identifying how they also interact, primarily through the lens of women’s experiences using each.

Using women’s justice goals as the relevant ‘yard stick’ measure, the research then analysed each justice system’s approach and implementation modality for providing relief to women for family and sexual violence and family support needs. From this analysis, clear conclusions could be drawn with findings that while they each have different strengths and drawbacks, none of the available justice options are currently at all well aligned to women’s justice goals. This disconnect is likely the main underlying barrier to women’s access to justice, underpinning all the ‘usual’ barriers such as lack of physical access, knowledge and assistance. In essence, the research has found that the problem of women’s lack of access to justice is much more complex than simply making existing justice options more readily available or better connected. A different problem sits at the heart, being discordance between justice offerings and women’s needs. In short, there is little currently on the justice ‘menu’ that is orientated towards delivering the relevant outcomes that women want and need. This likely explains the very low uptake of state justice options by women, as well as their

reservations using customary and religious justice systems, as none of them deliver the practical and enduring outcomes women seek.

That is not to say that they cannot. Realistically, solutions need to be as local as possible in order for them to be affordable, reachable and understandable. While religious justice systems are strong in each of these regards, this research makes the important finding that customary justice systems are not nearly as accessible to women in practice, as it often assumed, due to fees and a range of other reasons. This requires some recalibration amongst those who invest much expectation and hope that improving and modifying customary systems is essentially ‘the answer.’

There is undoubtedly enormous scope for engagement and support for customary systems to encourage their development in directions that will treat women more fairly and in ways that will ‘even the playing field’ somewhat with regards to their ability to participate and be meaningfully heard. At each step this research has identified opportunities and entry points for such change, many of them suggested directly by women participants, which would help bring each justice system into better alignment with women’s justice goals. Regarding customary systems, these include measures that some chiefs already use, such as receiving briefings on a woman party’s circumstances via a female intermediary prior to the Nakamal hearing or directing compensation or restitution payments to women rather than to their families. Simply providing opportunities to allow for sharing between chiefs may encourage other chiefs to follow suite, while generating momentum for internal change processes.

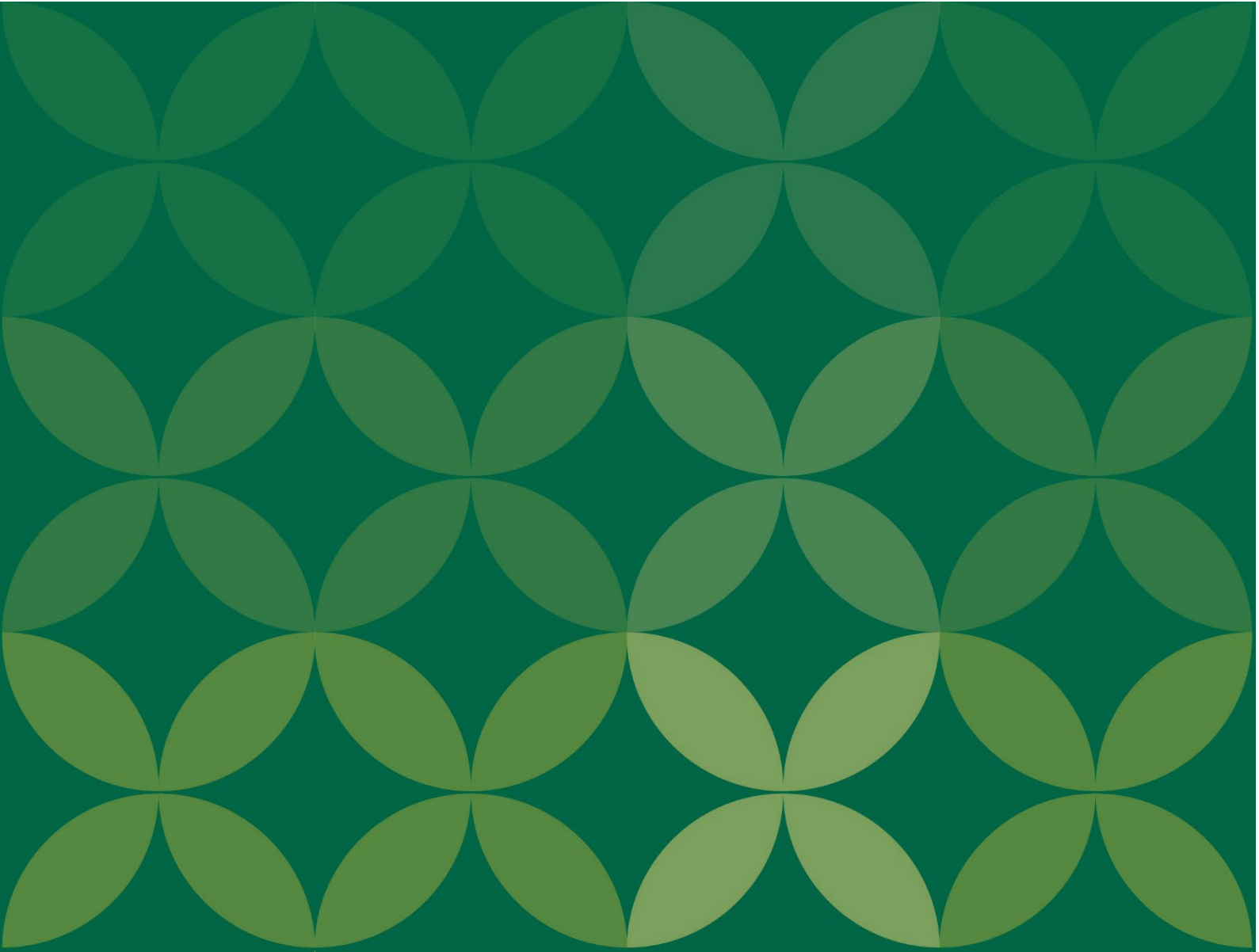
However, it will still remain a tall task for customary or religious systems to reliably provide actual solutions to women’s problems (ie. stopping and preventing family and sexual violence) unless they are re-orientated towards securing accountability and behavioural

change of perpetrators. This research has identified some examples which provide grounds for optimism that this may well be achievable in some locations. Where customary authorities have strong community legitimacy and are willing to share power to some degree by accepting more diverse 'new' roles and participatory processes for reaching community-wide consensus for bylaws, penalties and safe reporting methods and then utilise their hard or soft customary power to consistently enforce these standards, this can result in major reductions in family violence in those communities. Creating an environment where consequences for family violence immediately flow from local authorities is undoubtedly a powerful mechanism for preventing violence. What is needed is modified diverse bodies that can work alongside customary and religious authorities who are willing to remain involved not only for the 'judging' part but also for the follow up part of monitoring and mentoring community members who have fallen short of expected standards of behaviour to their families. Such systems in more locations could make a very real difference as they could stop the violence while strengthening marriages and preserving women's economic and social status in accordance with women's goals.

State justice systems have critical roles to play too and currently at the local community level are largely 'missing in action.' First, courts systems must 'get local' and develop a local presence. The presence need not be permanent or necessarily even physical, but it must be

continuous and real. There are several existing state justice mechanisms and bodies that if they were actually functioning as intended, would provide the presence of a state that women can 'see' and 'feel' and have confidence it will protect her rights and provide reliable back up to local justice systems to provide her with protection and justice where needed. Regular criminal law justice also needs to be reorientated around women's justice needs and include on its 'menu' remedies that are relevant to women seeking rehabilitated partners and reliably enforced maintenance payments.

What is needed is a mix of coordinated initiatives engaging with customary, religious and state mechanisms implemented at the local level to foster symbiotic change between them, with each initiative taking as its point of departure knowledge of women's justice goals and an aim to meet these, leveraging the respective strengths of each justice system-type as they do so. Such an approach must not merely involve women themselves and women's organisations but must be driven by them to ensure that both processes and outcomes remained aligned and accountable to what women want and need. That way women will gradually experience less family and sexual violence and abandonment. And should such acts still occur, hopefully women will feel there is a point to them reaching out for help to solve their problems, as the solutions they seek will be available to them and they will not be left silenced and isolated, bearing the brunt of normalised family and sexual violence and abandonment, any longer.



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