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‘Lost in Translation’: Gender Violence, Human Rights and Women’s Capabilities in Fiji

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Gender advocates working to eliminate gender violence in Fiji navigate a difficult path. They regularly decry the pernicious presence of this violence as a violation of women’s internationally recognised right to physical security. Yet they do so in an environment constrained by state authoritarianism, militarism, and communal division.¹ This requires them to adopt a cautious political stand. Processes of ‘human rights translation’ have taken on a profound importance in these circumstances. Much of this work is framed by the idea that Fiji’s women are the twin victims of violence *and* a culture that ordains this violence. Activists confront the allegation that there is an incompatibility between local cultural affiliations and rights-based

1 This chapter was substantially written prior to the 2014 elections which saw Fiji return to democratic rule, although it has been updated to take account of current events. It is important to recognise that continuities in the gendered exercise of political power persist in Fiji even in the wake of the 2014 election. This event did not produce a dramatic shift in Fiji’s political leadership or upset the more general tendency towards authoritarian government in this context. Most of the most influential leaders of the post-coup military government were returned to power and, consequently, current government policy on gender is largely a continuation of the programs developed by the military government since 2006. The analysis presented here remains highly pertinent to the post-2014 context.

universals in Pacific societies through acts of rights 'translation'.² These challenge homogenised and static representations of culture, and instead open the way for women's place in culture to be understood in more open, contested and rights-accommodating terms.³

These rights translation strategies evince an important political creativity that is much celebrated in the region. They have also resulted in some success at the level of state policy and law making. But these political gains have not been matched by any practical abatement in levels of gender violence according to available statistics (see next section for current figures).⁴ This suggests that human rights translation strategies, on their own, may not be enough to apprehend the pervasive gender violence that persists in this context. In this chapter, I examine the limitations of the human rights approach to gender advocacy with the aim of exposing what gets 'lost' or obscured by this political strategy. More particularly, I show that while extensive efforts put into the translation of human rights tend to emphasise cultural 'fit', this strategy detracts attention from the structural factors, political and economic, that diminish women's ability to realise their human right to physical security.

I defend this view by referring to the capabilities framework advocated by Amartya Sen⁵ and Martha Nussbaum⁶ and later works examining how this framework is pertinent to the issue of violence against women. Building on ideas that emphasise the relationship between women's functioning, their capabilities, and their ability to 'secure' human rights in practical terms,⁷ I examine the impact of increasing levels of militarisation and authoritarianism in Fiji and post-coup trajectories of economic development to show how questions about women's political and economic standing are vital to debates

2 Sally Engle Merry, 2006, 'Transnational human rights and local activism: Mapping the middle', *American Anthropologist* 108(1): 38–51, p. 39.

3 Ibid.; Sally Engle Merry, 2009, *Gender Violence: A Cultural Perspective*, West Sussex: Wiley-Blackwell.

4 UN Women (Pacific), 2011, *Ending Violence against Women and Girls: Evidence, Data and Knowledge in Pacific Island Countries*, Suva: UN Women, p. 15; Christine Salomon, 2000, 'Les femmes Kanakes face aux violence sexuelles: le tournant judiciaire des années 1990', *Journal des anthropologues* 82–83: 1–12.

5 Amartya Sen, 1999, *Development as Freedom*, Oxford: Oxford University Press.

6 Martha Nussbaum, 2000, *Women and Human Development: The Capabilities Approach*, Cambridge: Cambridge University Press.

7 Ibid., p. 98.

about gender violence. My discussion shows that in Fiji women have a reduced functional capability to exert political or economic control over their environment and that this, in turn, prevents them from securing their right to lives free of violence. My overall contention is that, while human rights advocacy translation is attentive to women's cultural standing, there is less of a focus placed on the factors that obstruct women's economic and political participation. Because these factors compound women's vulnerability to violence and impede the realisation of human rights, we require an analytical framework and political strategies that address both these dimensions of disempowerment simultaneously.

Admittedly, raising the subject of women's marginalisation in economic or political terms may take Fiji's gender advocates into an even more volatile political territory than they currently occupy. Nonetheless, linking the anti-violence agenda with efforts to promote women's economic and political empowerment presents a set of novel advocacy possibilities that are only beginning to be explored in Pacific contexts.⁸ These may provide important support for the human rights-focused strategies that are already a well-rehearsed part of efforts to combat gender violence in Fiji.⁹

The analysis that follows examines the terrain of gender violence and gender advocacy as it occurs in post-Independence Fiji. I show this arena to be one which has been shaped by repeated episodes of political upheaval; two military-led coups occurring in 1987, the civilian insurgency that overturned a democratic government and ushered in a period of nationalist political authoritarianism in 2000, and the later 2006 coup, again perpetrated by Fiji's military, which remains in political control of the country to this day. My analysis will

8 Martha Macintyre's recent use of a 'capabilities' framework to examine women's agency in Papua New Guinea has prompted me to consider how this same approach is applicable to the human rights-gender violence scenario in Fiji. In this chapter, I build upon Macintyre's examination of women's economic capabilities in PNG to also examine how political capabilities are pertinent to the task of securing rights. I contend that in Fiji women's political and economic capabilities are restricted by episodes of political instability and authoritarianism, a scenario that prevents them from securing lives free of violence. See Martha Macintyre, 2012, 'Gender violence in Melanesia and the problem of Millennium Development Goal No. 3', in *Engendering Violence in Papua New Guinea*, ed. Margaret Jolly, Christine Stewart and Carolyn Brewer, pp. 239–66, Canberra: ANU E Press.

9 See Aletta Biersack, 'Human rights work in Papua New Guinea, Fiji and Vanuatu', this volume.

demonstrate the gendered economic and political contingencies that have accrued from these events and explain how these contingencies undermine Indian and Indigenous women's capacities to secure their right to lives free from violence.

This chapter proceeds in three parts. The first examines the advocacy terrain as it currently exists in Fiji and the strategies used by women's organisations to advance the idea of women's human rights as a crucial plank of anti-violence campaigning. In this context, Pacific Islands culture is commonly understood as a barrier toward the realisation of women's rights, an obstruction to be navigated via processes of cultural translation, or 'vernacularization',¹⁰ which 'localise' the international rights discourse so that it becomes more acceptable in Pacific Islands contexts. The twinning of rights and culture is deemed profoundly important if women's organisations are going to win the support of their political leaders as well as local communities for anti-violence work. However, it can also be argued that this cultural translation work has become harnessed to narrower 'law and order'–focused policy objectives that privilege the state as the agent central to improving the lives of women. This approach aims to reform existing juridical practices to make them more attentive and responsive to the violent crimes perpetrated against women. In Fiji, these strategies have achieved some traction at the institutional level. However, the fact that violence persists undiminished also indicates that this approach has failed to come to terms with the broader structural factors that make women vulnerable to violence and limit their capacities to resist this violence. To develop this line of argument, I advance the capabilities framework, as developed by Sen and further refined by Nussbaum, as a means by which to understand how the broader marginalisation of women in political and economic domains increases women's exposure to gendered forms of violence.

The second and third sections of this chapter explore this proposition in more detail. Section two examines the political domain and the extent to which Fiji's apparent 'coup culture' has been disempowering for women. Here it is argued that rates of gender violence reflect a pervasive militarism and authoritarianism that has taken hold nationally, and a widely held view within the community that manifest grievances,

10 Merry, 'Transnational human rights and local activism', p. 39.

in both national politics and everyday life, can be legitimately and efficiently resolved by forceful means. While the history of coups in Fiji has made women vulnerable to direct violence committed by the state, it has also contributed to an increased lawlessness and rising levels of gender violence within Fiji's communities.¹¹ At the same time, repeated episodes of military rule have denied women an active role in post-coup governance and any opportunity of mobilising state resources in ways that might address this gender violence effectively. Under the current military regime, the state has applied a typically 'absolutist' line to the ongoing problem of gender violence, developing what it terms a 'zero tolerance' approach to the phenomenon. However, these efforts are undermined by the regime's lamentable human rights record toward women and its record of authoritarianism and intimidation, which diminishes women's political capabilities in more general terms.

The third section of this chapter considers women's economic marginalisation in Fiji and how this compounds their exposure to gender violence. Fiji women have seen their economic standing erode as post-coup regimes follow international prescriptions of economic reform in order to garner the support of international financial institutions (IMF and World Bank) as well as foreign investors wary of the country's track record of political instability.¹² State policies of trade liberalisation, rationalised public expenditure in the areas of health, welfare and education, and labour deregulation to encourage foreign direct investment have not been kind to Fiji's vulnerable classes and have hit women particularly hard. Women's organisations have sought to expose the economic dimensions of gender violence by calculating how this phenomenon contributes to the loss of productive women's labour and its cost to the state as public policing and health services respond to victims of violence. By contrast, this advocacy has not concentrated in the same way on the global and local factors that intersect to compound women's economic vulnerability, entrapping them in violent relationships with few possibilities to exercise autonomy or to resist violent treatment. Rajagopal Balakrishnan's work

11 Margaret Mishra, 2012, 'A history of Fijian women's activism (1900–2010)', *Journal of Women's History* 24(2): 115–43; Shamima Ali, 2009, interview with Jemima Garret for *Pacific Beat*, ABC Radio Australia, Suva broadcast, 24 February 2009; Winston Halapua, 2003, *Tradition, Lotu and Militarism in Fiji*, Lautoka: Fiji Institute of Applied Studies.

12 Claire Slatter, 1997, 'Banking on the growth model: The World Bank and market policies in the Pacific', in *Sustainable Development or Malignant Growth? Perspectives of Pacific Island Women*, ed. Atu' Emberson-Bain, pp. 17–36, Suva: Marama Publications.

on international law from the 'bottom-up' has shown that the human rights agenda offers little scope for addressing the violence of the contemporary neoliberal development trajectory.¹³ This may explain why women's human rights advocates campaigning against gender violence in Fiji have tended to avoid investigating the relationships between global political economy, women's declining economic standing, and their resulting vulnerability to violence.

I conclude this piece with a reflection on the importance of understanding gender violence as a complex social phenomenon that can be intensified when prevailing sociopolitical and economic norms work to undermine *both* women's standing *and* their functional capacity to challenge violent and discriminatory treatment. Increasingly we have seen gender advocacy evolve in global and local terms in ways that cloister debate on the challenges women face, whether that be their exposure to violence, their standing within decision-making realms, or their economic marginalisation. As this discussion aims to demonstrate, now is the time to examine the gains that might be made if closer attention were paid to the way these challenges intersect.

Gender violence and women's human rights: Strategies and results

Gender violence is said to be present within Fijian communities at extreme levels. Although the collection of meaningful statistics on this type of issue is difficult, and fraught with ethical contention,¹⁴ United Nations (UN) Women has compiled figures that suggest that 66 per cent of Fiji's women have been exposed to family or intimate partner violence at some point in their lives, with roughly half this number experiencing violence on a regular basis.¹⁵ Other sources also suggest that 40 women out of every 100,000 inhabitants are victims of rape in Fiji.¹⁶ Conventional explanations as to why this violence persists, and is seemingly tolerated, point to the prevailing

13 Rajagopal Balakrishnan, 2003, *International Law from Below: Development, Social Movements and Third World Resistance*, Cambridge: Cambridge University Press.

14 Macintyre, 'Gender violence in Melanesia and the problem of Millennium Development Goal No. 3'.

15 UN Women (Pacific), *Ending Violence against Women and Girls*, p. 15.

16 Salomon, 'Les femmes Kanakes face aux violence sexuelles'.

sociocultural terrain. It has been argued that the strong stigma attached to crimes of sexualised and physical violence experienced by women prevent victims of these crimes from coming forward to police to report their attacks. Within the Indian community, the high value placed on notions of *izzat* (honour) and *sharm* (shame) means that victims of sexual and physical violence face pressure from clan members or relatives not to report attacks to state authorities to avoid bringing disrepute upon the family. Women tend also to fear that reporting these incidents will make them targets of even more serious violent reprisals from their aggressors.¹⁷

Within ethno-Fijian communities, women victims of violence face similar pressures.¹⁸ As Lynda Newland has expertly demonstrated in Chapter 1 of this volume, rather than reporting such incidents to state authorities, women are frequently encouraged to see ceremonies of ritual apology (*i soro*) as the more appropriate avenue for redress.¹⁹ However, activists in Fiji also complain that the customary penalties applied to those found guilty of gender violence carry a much lighter social and economic significance in contemporary society than was evident in precolonial times and place a much reduced burden on offenders.²⁰ Despite this alleged lenience, these processes have been defended by indigenous nationalists as part of their broader efforts to assert an exclusive cultural identity and to uphold indigenous juridical traditions.²¹ As Newland's chapter in this volume has also shown, these customary practices of atonement retain considerable weight when family heads and village authorities decide on 'appropriate' courses of action to regulate problems of gender violence occurring in their communities.²²

Religious leaders are often deemed similarly culpable of encouraging a high tolerance of gendered violence by urging women to endure this phenomenon rather than resist it. Women taking complaints of

17 Shireen Lateef, 1990, 'Rule by the Danda: Domestic violence among Indo-Fijians', *Pacific Studies* 13(3): 43–62, p. 45.

18 Pauline McKenzie Aucoin, 1990, 'Domestic violence and social relations of conflict in Fiji', *Pacific Studies* 13(3): 23–41.

19 Lynda Newland, 'Villages, violence and atonement', this volume; Viviane Cretton, 2005, 'Traditional Fijian apology as a political strategy', *Oceania* 75(4): 403–17.

20 Cretton, 'Traditional Fijian apology as a political strategy', p. 410.

21 *Ibid.*; Sally Engle Merry, 2006, *Human Rights and Gender Violence: Translating International Law into Local Justice*, Chicago: University of Chicago Press, pp. 116–17.

22 Newland, 'Villages, violence and atonement'.

family violence to Christian church leaders are likely to be counselled that it is a 'sin' to divorce or separate and advised to return home.²³ These factors combine to make gender violence a pervasive, if often unacknowledged, problem within Fiji's communities. Fiji Women's Crisis Centre (FWCC) figures suggest that 74 per cent of women do not report cases of family violence to police.²⁴ Similarly, only an estimated 5 to 10 per cent of rape victims bring their case to police attention.²⁵

Women's organisations in Fiji have played an important role in combatting the seeming normalisation of gender violence. The chapters by Aletta Biersack and Lynda Newland in this volume rightly note the important role played by the Fiji Women's Crisis Centre in spearheading local programs to address this issue in Fiji and the broader Pacific Islands region.²⁶ These have included partnerships forged with anti-violence organisations in other Melanesian states and territories. This organisation was formed in response to a disturbing report authored by the Action Council for Women in Need, or ACWIN, in the early 1980s that found that while women in Fiji were exposed to high rates of sexualised violence, they were additionally penalised by a poor provision of support services and state inattention to such 'domestic' crimes.²⁷ Women keen to change this state of affairs made up the early membership of the group. In the intervening years the FWCC has become synonymous with efforts to prevent gender violence in the region. Its campaigns, designed to raise public awareness of violence against women, change social behaviour, and elicit government support for policy reforms to better police this phenomenon, broke new ground for women's organisations in Fiji and the region as a whole. This work introduced a sensitive topic into the public domain and challenged robust sociocultural protocols that had previously ensured that the subject of violence against women remained taboo, firmly located within the private sphere, unacknowledged and hidden.

23 Fiji Coalition of Women's NGOs for the CEDAW Shadow Report, 2009, *Shadow NGO Report on Fiji's Second, Third and Fourth Combined Periodic Report to the Committee on the Elimination of Discrimination against Women*, p. 27.

24 UN Women (Pacific), *Ending Violence against Women and Girls: Evidence, Data and Knowledge in Pacific Island Countries*, p. 31.

25 Mensah Adinkrah, 1995, *Crime, Deviance and Delinquency in Fiji*, Suva: Fiji Council of Social Services, pp. 75–79.

26 Aletta Biersack, 'Human rights work in Papua New Guinea, Fiji and Vanuatu'; Newland, 'Villages, violence and atonement', this volume.

27 Action Council of Women in Need (ACWIN), 1983, *Rape in Fiji: A Preliminary Report Prepared by the Action Centre for Women in Need (ACWIN)*, Suva: ACWIN.

Like many other anti-violence organisations operating around the globe, the FWCC has placed an increasing emphasis upon the centrality of women's human rights to its advocacy efforts. This focus on human rights reflected international trends emerging in the mid-1990s challenging the alleged 'human rights myopia' at work in international law. The claim was that conventional interpretations of human rights law were firmly focused on rights violations occurring in the public domain but simultaneously blind to the physical, sexual and psychological violence inflicted upon women in the private domain and beyond the purview of legal jurisdiction.²⁸ For many feminist observers, the international campaign spearheaded by women's human rights advocate Charlotte Bunch was an innovative intervention in international policymaking. This campaign won institutional acceptance within the United Nations of the idea that women were indeed 'human' and that their vulnerability to particular types of physical and sexualised aggressions constituted a violation of their human rights.²⁹ From this perspective the 'human rights' gender advocacy turn was viewed as a deft political 'reframing' of a universal, if hidden menace, that states were now obligated to confront.³⁰

When the focus was shifted from the global to the local, however, the extent to which human rights frameworks could be interpreted as a gain for women became more contested. This has become increasingly apparent in the work of feminist scholars seeking to understand the

28 Ursula O'Hare, 1990, 'Realizing human rights for women', *Human Rights Quarterly* 21(2): 364–402; Jacqui True, 2010, 'The political economy of violence against women: A feminist international relations perspective', *The Australian Feminist Law Journal* 32(June): 39–59.

29 Arvonne Fraser, 1999, 'The origins and development of women's human rights', *Human Rights Quarterly* 21(4): 853–906; see also Jutta Joachim, 1999, 'Shaping the human rights agenda: The case of violence against women', in *Gender Politics in Global Governance*, ed. Mary K. Meyer and Elisabeth Prügl, pp. 142–60, Lanham, MD: Rowman and Littlefield; Jutta Joachim, 2003, 'Framing issues, seizing opportunities: The UN, NGOs and women's rights', *International Studies Quarterly* 47(2): 247–74; Karen Brown Thompson, 2002, 'Women's rights are human rights', in *Restructuring World Politics: Transnational Social Movements, Networks and Norms*, ed. Sanjeev Khagram, James V. Riker and Kathryn Sikkink, pp. 96–122, Minneapolis: University of Minnesota Press; Niamh Reilly, 2009, *Women's Human Rights: Seeking Gender Justice in a Globalizing Age*, London: Polity Press.

30 Kathleen Keck and Margaret Sikkink, 1998, *Activists Beyond Borders*, Ithaca: Cornell University Press.

sociocultural issues at stake when the universalist discourse of rights is applied to the often sensitive question of women's physical security in localised contexts.³¹

Many feminist scholars working in this area tend to explain non-Western women's exposure to violence as a problem of culture. Cultural practices and values are said to expose women to serious levels of violence. These are often described in ways that powerfully suggest a vast gulf between liberal notions of rights and non-Western value systems.³² Other observers of the relationship between culture and women's human rights in locations beyond the West argue that the gulf is bridgeable.³³ They contend that the construction of a conceptual distance between non-Western cultural values and liberal rights discourses relies on a 'demonization' of culture³⁴ which is equated, unproblematically, with 'tradition' and understood to be frozen in time. From this perspective culture looks very much like a historical relic that impedes women's progress³⁵ and places them directly in the pathway of violence.³⁶

As the introduction to this volume has already made clear, critical responses to this framing of culture as a wholesale problem for women have exposed the racist undertone to these arguments.³⁷ They challenge the 'Othering' of non-Western women as the sole victims of 'culturally ordained violence' and expose the extent to which women in the west are also the targets of violent, sexist and gender discriminatory

31 Merry, *Gender Violence*; Merry, 'Transnational human rights and local activism'; Jane K. Cowan, 2006, 'Culture and rights after *Culture and Rights*', *American Anthropologist* 108(1): 9–24; Brooke Ackerly, 2001, 'Women's human rights activists as cross-cultural theorists', *International Feminist Journal of Politics* 3(3): 311–46.

32 Sylvie Bovarnick, 2007, 'Universal human rights and non-Western normative systems: A comparative analysis of violence against women in Mexico and Pakistan', *Review of International Studies* 33(1): 59–75; Janet Afari, 2004, 'The human rights of Middle Eastern and Muslim women: A project for the 21st century', *Human Rights Quarterly* 26: 106–25; Susan Moller Okin, 1999, *Is Multiculturalism Bad for Women?* Princeton: Princeton University Press; Gayle Binion, 1995, 'Human rights: A feminist perspective', *Human Rights Quarterly* 17: 509–26.

33 Ackerly, 'Women's human rights activists as cross-cultural theorists'.

34 Sally Engle Merry, 2003, 'Human rights law and the demonization of culture (and anthropology along the way)', *Political and Legal Anthropology Review* 26(1): 55–77, p. 55.

35 Ibid.

36 Bovarnick, 'Universal human rights and non-Western normative systems', p. 73; Binion, 'Human rights: A feminist perspective'.

37 Aletta Biersack and Martha Macintyre, 'Introduction: Gender violence and human rights in the western Pacific', this volume.

cultural practices.³⁸ Equally, these depictions of culture ignore the fluidity of cultural interpretation and practice and the extent to which contestation around questions of 'cultural authenticity' offer women advocates the possibility of 'translating' human rights norms in ways that reinforce their local resonances. Contesting the notion that women in non-Western settings are the twin victims of violence *and* culture, this focus on rights vernacularisation challenges homogenised and static representations of culture³⁹ and instead opens the way for these things to be understood in more open, contested and rights accommodating terms.⁴⁰

This perspective on culture has been important for those gender advocates in Fiji who aim to create awareness of gender violence as a problem and increase state attention to the issue. Although FWCC coordinator Shamima Ali has often decried contemporary cultural excesses that naturalise patriarchal authority in Fiji and legitimate the treatment of women, in her words, as 'doormats',⁴¹ her organisation works hard to contest these perspectives. Ali argues that it is important to work with authority figures from all of Fiji's religions to demonstrate how the ideas she promotes about women's rights are reinforced within religious teachings. According to Ali, 'very often women are told to forgive and forget' when they discuss issues of family violence with their religious leaders.⁴² They are also often ostracised from their religious communities if they choose to make

38 Margaret Jolly, 2012, 'Introduction – Engendering violence in Papua New Guinea: Persons, power and perilous transformations', in *Engendering Violence in Papua New Guinea*, ed. Margaret Jolly, Christine Stewart and Carolyn Brewer, pp. 1–45. Canberra: ANU E Press, p. 29; Merry, *Human Rights and Gender Violence*, pp. 10–16. For example, while Australian commentators are quick to point out the patriarchal cultural traditions they allege to be detrimental to progress on gender issues in the Pacific region and beyond, they fail often to consider the deep misogyny within Australian 'culture' that allows extreme levels of violence to persist in this setting and which has also authorised strongly gendered public criticisms targeted at Australia's first female Prime Minister, Julia Gillard, without protest or restraint. Virginia Hausegger, 2010, 'Feminism is failing in the war against women', *The Drum*, ABC, 28 October; Anne Summers, 2012, 'Conspiracy of silence lets persecution of PM fester', *The Age*, 1 September; 'Domestic violence: Our biggest law and order issue', *The Age*, 4 March 2012. Online: www.theage.com.au/opinion/editorial/domestic-violence-our-biggest-lawandorder-issue-20120303-1u9tg.html (accessed 4 September 2012).

39 Cowan, 'Culture and rights after *Culture and Rights*', p. 9.

40 Merry, 'Transnational human rights and local activism'; Merry, *Gender Violence: A Cultural Perspective*.

41 Shamima Ali cited in Nicole George, 2012, *Situating Women: Gender Politics and Circumstance in Fiji*, Canberra: ANU E Press, p. 101.

42 Shamima Ali cited in Fiji Women's Crisis Centre (FWCC), 2012, 'Taking the message to the people', press release posted to *Pacific Women's Information Network ListServe*, 21 November.

public their violent treatment in the home public.⁴³ To counter these trends, her organisation has made many efforts to include sympathetic church representatives in their anti-violence campaigns or media events. Indeed, in November 2012 the FWCC held a workshop in Nadi which was designed to educate religious leaders about how they too can contribute to the advocacy effort to reduce the incidence of gender violence in the country. This meeting had an ecumenical focus and engaged ‘pastors, priests, pundits and imams’ from all of Fiji’s major religious institutions.⁴⁴ As well as recognising the need for a more sympathetic response to women who are victims of gender violence, all 25 participants were encouraged ‘to examine their own religious interpretations and see how key messages can be used in the prevention of violence against women’ within religious teachings.⁴⁵

Ilisapeci Meo,⁴⁶ a Fijian feminist theologian and coordinator of WEAVERS, a women’s advocacy group that is part of the South Pacific Association of Theological Schools,⁴⁷ has also discussed the importance of this type of work. Meo cites the New Testament parable of the persistent widow and the unjust judge (Luke 18: 1–8) as a Biblical example that authorises women not only to ‘speak out for their rights’,⁴⁸ but to do so persistently. For Meo, the persistent widow’s repeated demands for justice, made both to the judge and her community, are courageous. She encourages Christian women in the Pacific to emulate the woman in the parable and challenge conventional church expectations about women’s subordinate place within church hierarchies without fear that claims for rights or justice, or lives free of violence, conflict with spiritual values.⁴⁹

43 Ibid.

44 FWCC, ‘Taking the message to the people’.

45 Ibid.

46 Ilisapeci Meo, 2003, ‘Asserting women’s dignity in a patriarchal world’, in *Weavings: Women Doing Theology in Oceania*, ed. Lydia Johnson and Joan Alleluia Filemoni-Taefaeono, pp. 150–60, Suva: Institute of Pacific Studies.

47 Helen Hill, 2010, ‘Women and religious diversity’, in *Religious Diversity in South East Asia and the Pacific*, ed. Gary D. Bouma, Douglas Pratt and Rod Ling, pp. 247–54, London: Springer.

48 Meo, 2003, ‘Asserting women’s dignity in a patriarchal world’, p. 155.

49 This theological definition of women’s right to resist mistreatment resonates with similar examples mentioned in Newland’s contribution to this volume. For reflections on women’s place in church hierarchy, see Eta Varani-Norton, 2005, ‘The church versus women’s push for change: The case of Fiji’, *Fijian Studies* 3(2): 223–47, p. 240.

In a similar vein, gender activists have made strong efforts to demonstrate the local cultural resonances of rights-based campaigns to resist gender violence. This has been particularly important in Fiji, given the ethno-nationalist rhetoric that has been invoked by coup leaders to legitimate their claims to national political power and that emphasises indigenous cultural integrity. Nationalist political leaders have often voiced strong criticism of women's groups such as the FWCC or the Fiji Women's Rights Movement (FWRM), whose defense of women's rights is said to threaten the cultural centrality of 'family'⁵⁰ or violate Fijian norms of 'quiet diplomacy'.⁵¹

To counter these allegations, gender advocates, both Ethno- and Indo-Fijian, frequently preface their efforts to challenge pervasive levels of violence by making the claim that they speak as 'women and mothers'. These references provide an important cultural legitimation for debate on an issue many would prefer to avoid. They also demonstrate the conflict that exists between cultural discourses of revered motherhood and simultaneous tolerance of pervasive forms of violence in the family setting.⁵²

A recent example of the importance of this type of argument for Fiji's indigenous population appeared in a *Fiji Times* article authored by the Executive Director of 'Partners in Community Development, Fiji', Alisi Daurewa. In this article Daurewa discussed how it was possible to reconcile the idea of women's human rights as a supposed '*palagi* [foreign] and superior concept' with the 'traditional' realm of Fijian indigenous culture.⁵³ Daurewa argued that the respectful treatment of women was not antithetical to indigenous culture in Fiji but central to the rightful negotiation of gender relationships. She discussed the *i tatau*, a customary practice that involved husbands making a formal vow on prestation of a *tabua* or whale's tooth to their wife's family to care for and protect their daughter. Failure to uphold this vow made the husband answerable to his in-laws, and in the past had been severely punished, according to Daurewa.

50 Jacqueline Leckie, 2002, 'The complexities of women's agency in Fiji', in *Gender Politics in the Asia-Pacific Region*, ed. Brenda S.A. Yeoh, Peggy Teo and Shirlena Huang, pp. 156–79, New York: Routledge.

51 George, *Situating Women*, p. 139.

52 Nicole George, 2010, "'Just like your mother": The politics of feminism and maternity in the Pacific Islands', *The Australian Feminist Law Journal* 32(June): 77–96.

53 Alisi Daurewa, 2009, 'The power of Fiji's women', *Fiji Times*, 5 May.

Daurewa's commentary on the reverence for women in Fijian culture also examined funeral ceremonies and the various traditions performed by sons that honoured their mothers and upheld their maternal lineage. Daurewa claimed this practice recognised women as 'links in a lengthy chain' of ancestry that brought families together and 'strengthened blood ties'.⁵⁴ She concluded her commentary with the observation that this cultural respect for women could provide a localised basis for making sense of the 'international treaties we agree to' but that are often perceived in the village setting as being 'disrespectful' to local culture. Daurewa concluded that rethinking claims about women's rights in these terms could potentially create a situation where 'we would not be still beating our mothers, wives, sisters and daughters, we would still not be sexually abusing them' and could expose the hypocrisy of a situation where 'we would continue to think nothing of these acts as we ready ourselves, gigantic Bible in hand, to attend another Sunday service or mass'.⁵⁵

This culturing of the women's human rights debate is pursued to achieve twin aims. The first is to challenge the widespread tolerance of gender violence that is said to persist at extreme levels across the country. The second is to win policy-makers' support on this issue so that they will mobilise state resources in a way that might make the reduction of gendered violence a government policy priority. Advocacy directed towards the state demands reformed judicial and police responses to gender violence. These campaigns, led by the FWCC and FWRM in particular, have sought to increase awareness of the need for a more 'victim-focused' juridical response when women, who have experienced violence, report these crimes to state authorities. They emphasise the importance of more sensitive and effective policing responses to these crimes when they are reported,⁵⁶ a reduced evidentiary burden placed on victims of rape in the court room, the need for harsher sentencing regimes for crimes of sexual and physical violence perpetrated against women, and the importance

54 Ibid.

55 Ibid.

56 George, *Situating Women*, p. 145.

of reclassifying a range of offenses as sexualised crimes of violence.⁵⁷ While these strategies have increased the public profile of the advocacy organisations involved, state response to this campaigning has been mixed.

In 2003, Fiji's parliament passed a new Family Law Act, which aimed to provide women with easier access to divorce as well as guaranteed access to maintenance. This was the culmination of a 15-year process that had frequently been stalled by Fiji's coups. When the new Act was created, it was hailed as a development that would empower women, making it easier for them to escape violent domestic relationships through no-fault divorce provisions and providing them with enforced spousal maintenance should they be raising children as single parents.⁵⁸ The FWCC has also pushed heavily for the creation of a new Domestic Violence Bill with heavier sentencing provisions for a range of reclassified gender violence crimes. The Fiji Law Reform Commission has been involved in this project.⁵⁹

The military regime which assumed power in 2006 later introduced a Domestic Violence Decree in 2009, which was designed to improve policing and judicial responses to cases of gender violence.⁶⁰ This decree may have also been designed to appease the many critical pro-democracy voices within women's groups such as FWRM and FWCC who were strongly opposed to the 2006 military takeover.

There is no doubt that the human rights advocacy framework has opened up lobbying possibilities for women advocates in Fiji. The fact that even Fiji's authoritarian military government seems keen to appear progressive on the issue of gender violence is, at one level at least, testimony to the broader impact of this agenda and its effectiveness in helping to promote gender sensitive reform in state policy.

57 They achieved minor successes in 1995 when the Fiji police force adopted a 'no-drop' policy toward gender violence, obligating them to take cases of violence through the legal process even if complainants wished to withdraw them. In response to advocacy on this question, the police also established Sexual Offences Units in the Southern and Northern Divisions. The hope was that these units would respond more sympathetically to the needs of victims and that this in turn would encourage increased reporting of sexual assaults. See Biersack, 'Human rights work in Papua New Guinea, Fiji and Vanuatu', this volume.

58 UN Women (Pacific), *Ending Violence against Women and Girls*, p. 31.

59 Asian Development Bank, 2006, *Country Gender Assessment: Republic of the Fiji Islands*, Manila: Asian Development Bank, p. 51.

60 Republic of Fiji, 2009, 'Domestic Violence Decree 2009', in *Republic of Fiji Islands Government Gazette* 10(67) (14 August).

Certainly, cultural and religious ‘translation’ work has been crucial to advocacy efforts that aim to localise the universal discourse of rights for both Fiji’s indigenous and Indian populations. This is particularly important given that efforts to promote women’s human rights occur within a highly politicised environment, in which communal divisions have hardened as a result of Fiji’s periodic political upheavals and in which ethno-nationalists have made the protection of indigenous culture and political privilege a key site of struggle. At the same time, the human rights framework has also allowed gender advocates in Fiji to remind the state that the types of violence that women are subjected to in the private domain are not beyond its jurisdiction. In this regard, the women’s movement in Fiji has logged considerable success in promoting more gender equitable family law and improved policing and judicial policy with respect to crimes of gender violence.

However, even though important successes have been achieved on the juridical front in the last 20 years, there is little evidence to suggest that any of this activity has in fact reduced the incidence of gender violence in Fiji. More worrying, perhaps, is the finding from other Pacific Island contexts that invocations of women’s human rights tend often to provoke a masculine backlash, which may in fact increase women’s exposure to violence. In Vanuatu, John Taylor has described how men have responded to debate on women’s rights by proposing the formation of men’s rights groups such as the Violence Against Men group that formed on Espiritu Santo in the 2000s in response to proposed reforms to marriage laws.⁶¹ In Papua New Guinea, Macintyre contends that women emulating human rights values in their daily lives as a means to resist discriminatory treatment may be exposed to increased violence in repayment of their challenges to masculine privilege.⁶² It might be going too far to suggest that the human rights approach is doing more harm than good in the Pacific Islands, but clearly the impact of this type of advocacy has not secured, on its own, the physical safety of women that many human rights advocates anticipated with enthusiasm in the 1990s.

61 John P. Taylor, 2008, ‘The social life of rights: “Gender antagonism”, modernity and *Raet* in Vanuatu’, *The Australian Journal of Anthropology* 19(2): 165–78.

62 Macintyre, ‘Gender violence in Melanesia and the problem of Millennium Development Goal No. 3’, pp. 201–202.

Securing human rights: Examining the links between gender violence and capabilities

In the following pages I consider why this might be the case by examining how prevailing political circumstances limit women's capacity to realise their right to physical security. To sustain this perspective on women's vulnerability to violence in Fiji, I draw on the capabilities approach advocated by human development thinkers such as Amartya Sen and Martha Nussbaum, as well as on the many who have later followed in their footsteps.⁶³ Building on important insights from this literature, I contend that beyond proclaiming women's right to live their lives free of violence, we need also to examine women's capabilities to 'secure' that right.⁶⁴ In my view, this consideration has been lost or obscured in the human rights debate on gender violence that has taken place in Fiji, which has been focused more centrally on affirming women's cultural standing and by implication the resonance between culture and a liberal/universalist discourse on rights. This project is then harnessed to campaigns that aim to improve judicial and policing responses to gender violence. While these strategies have played some part in helping to localise acceptance of the women's human rights discourse, important political and economic constraints obstruct how far women can progress their human rights ambitions. My overriding contention, therefore, is that the broader factors that undermine women's standing in economic and political realms in Fiji directly impact on women's capability to promote the human rights framework in a way that will allow them to resist violence in their daily lives.

Nussbaum, in her book *Women and Human Development*, explains how women's functional capability to exert some control over their environment, in political and economic terms, has a more general relevance for women's 'life quality [emphasis removed]'⁶⁵ or for what

63 Ingrid Robeyns, 2003, 'Sen's capability approach and gender inequality: Selecting relevant capabilities', *Feminist Economics* 9(2-3): 61-92; Fabienne Peter, 2003, 'Gender and the foundations of social choice: The role of situated agency', *Feminist Economics* 9(2-3): 13-32; Vergerd Iversen, 2003, 'Intra-household inequality: A challenge for the capability approach', *Feminist Economics* 9(2-3): 93-115; Patricia McGrath Morris, 2002, 'The capabilities perspective: A framework for social justice', *Families in Society* 83(4): 365-73.

64 Nussbaum, *Women and Human Development*, p. 98.

65 *Ibid.*, p. 6.

women are ‘actually able to do and be’.⁶⁶ Nussbaum defines political capabilities in this sense as women ‘being able to participate effectively in political choices that govern one’s life; having the right of political participation, protections of free speech and association’.⁶⁷ She defines economic capabilities as ‘having the right to hold property (both land and movable goods) not just formally but in terms of real opportunity, and as having the right to seek employment on an equal basis with others’.⁶⁸

Adopting a capabilities approach to examine the relationship between gender violence and human rights in Fiji requires us to develop an ‘evaluative space’ that facilitates exploration of the relationship between (a) women’s political and economic functioning—‘what people actually do’—(b) the gendered inequities that shape their political and economic capabilities—‘what people are capable of doing’⁶⁹—(c) the implications this has for claiming women’s bodily integrity as an ‘important freedom’.⁷⁰ In the following section of this chapter I apply these insights to a discussion of women’s broader political and economic standing in Fiji with a view to identifying the factors preventing women in this setting from securing their human right to bodily integrity, even as advocacy on this issue retains its critical, human rights–oriented inflection. My argument here is that gender violence prevention efforts have been overly preoccupied with the task of promoting women’s human rights and have failed to give adequate attention to the question that is perhaps more difficult: How do women secure these rights in their daily lives?

66 Ibid., p. 5.

67 Ibid., p. 80.

68 Ibid.

69 We are reminded that individuals and groups may have capabilities that they do not fully exercise. For example, women may not take up the opportunity to work in the formal economic sector but rather focus on reproductive and caring responsibilities even if they have the capability to do so.

70 As Loretta Pyles notes, bodily integrity is an important freedom as defined by Nussbaum, but at the same time, it is also a means to achieve other stipulated freedoms such as ‘control over the material environment’. Deprivation of bodily integrity can have severe implications for women’s capability to realise economic goals or objectives. See Loretta Pyles, 2012, ‘The capabilities approach and violence against women: Implications for social development’, in *Companion Reader on Violence Against Women*, ed. Claire M. Renzetti, Jeffrey L. Edleson and Raquel Kennedy Bergen, pp. 25–36, Thousand Oaks, CA: Sage, p. 36. As Pyles notes, bodily integrity is an important freedom as defined by Nussbaum, but at the same time, it is also a means to achieve other stipulated freedoms such as ‘control over the material environment’ (p. 36).

Gender and institutional politics in Fiji

Commentators on women's standing in institutional politics in the Pacific Islands have regularly argued that Fiji has achieved noteworthy success when it comes to representation of women in elected parliaments. Prior to the coups of 2000 and 2006, Fiji's parliamentary statistics seemed to indicate a regionally unique acceptance of female representatives, with women making up 11 per cent of the national legislature in 1999 as compared with the regional average of roughly 3 per cent.⁷¹ However, this optimistic picture masks the highly gendered nature of authoritarian political rule as it has been practised in Fiji since the first coup occurred in 1987 and, more particularly, during Fiji's second period of military rule, which began in 2006. During this second period of military government, women's political standing has been significantly diminished in a number of ways outlined below. While this scenario has practical implications for how far women are able to rally state attention to the gender violence issue, it can also be argued that authoritarian rule in Fiji has directly increased women's vulnerability to violence in everyday terms.

To begin with, it is clear that military rule in Fiji has seen the dismissal of national- or local-level deliberative forums that might allow women to have a critical political voice. In 2009, Shamima Ali of the FWCC was particularly critical of the military's seizure of government and its absolutist exercise of authority, which has involved 'government by decree' accompanied by an extensive system of news media censorship preventing critical voices from being heard. Ali called attention in particular to the dissolution of the national parliament and, later, local councils; all developments which, according to Ali, prevented women from accessing public forums where 'they could speak out.'⁷²

Activists' efforts to protest the restrictive nature in which constitutional deliberations were occurring in Fiji ahead of planned elections in 2014 are also indicative of how far women's political capabilities have been restricted under the current military regime. Three women's

71 UNIFEM (Pacific), 1999, *Women and Political Empowerment: A Resource Manual for the Pacific*, Suva: UNIFEM; UNIFEM, 1999, *Pacific Women: Getting into Politics: Fiji as a Best Practice Case Study*, Suva: UNIFEM; Meredith Burgmann, 2011, 'Time for women to represent the Pacific', *Sydney Morning Herald*, 16 September.

72 Ali, interview with Garret.

organisations—fem’Link, FWCC and FWRM—were behind efforts to publish a joint advertisement in Fiji’s daily newspapers criticising the 2012 constitution-making process. This advertisement protested against the immunity provisions proposed for coup perpetrators within the document and was critical of the restricted access to the supposedly ‘public’ constitutional forums that were held around the country at this time.⁷³

Fiji’s newspapers, however, refused to publish these criticisms. The harsh military treatment of critical reporters and newspaper editors in the period of military rule involved detention, as well as deportation of foreign journalists and news editors. This history of punitive retaliation dissuaded media publishers from putting their employees at risk of government wrath. Although government officials began to articulate a more moderate line in later years, and encouraged Fiji’s media to abandon its cautious self-censorship practice,⁷⁴ this episode demonstrates how a general level of fear and distrust of military authority within the media has further restricted women’s political capabilities and their ability to critique a project defended by the regime as ‘building a new way for Fiji’.⁷⁵

At the same time, military authority has functioned in ways that have made women the direct targets of state-perpetrated violence. Since 2006, attacks on the political standing of women have become commonplace, seemingly designed to reduce women’s political visibility and clamp down on their capacity to promote dissent. The following incidents are noteworthy examples of this type of practice.

1. In late December 2006, women’s rights campaigner Virisila Buadromo was allegedly taken from her home by military representatives with a group of other outspoken coup-critics and subjected to physical assault and intimidation, culminating in

73 FWCC, 2012, ‘Taking the message to the people’, press release posted to *Pacific Women’s Information Network ListServe*, 21 November.

74 Sharon Smith-Johns, 2012, ‘Fiji journalists urged to stop censoring themselves’, ABC Radio Australia, 10 September.

75 FWCC, 2012, ‘Women’s rights groups question freedom of expression’, press release posted to *Pacific Women’s Information Network ListServe*, 29 August.

a forced march through the rainy streets of Suva.⁷⁶ She and fellow women's rights campaigner Shamima Ali were later deprived of the right to travel internationally.

2. In 2007, Kuini Lutua, head of the Fiji Nursing Association (FNA), was the public face of a strike action that saw the majority of Fiji's 1,700 nurses walk off the job. During the strike, Lutua was repeatedly targeted by threatening phone calls and was once confronted by an intruder to her home, who made a verbal threat on her life. She was in no doubt that these various acts of intimidation were authored by members of the military regime.⁷⁷ Undaunted, Lutua led a protest action in front of the government buildings in Suva on 3 August 2007, in full knowledge that she and her fellow protesting nurses faced certain arrest. Recounting how the decision to protest was discussed in the FNA offices in the lead-up, Lutua stated: 'There were lots of tears that day. But we had to stand up to them—as mothers, as women of Fiji—we had to tell them they were wrong.'⁷⁸ Lutua and her fellow nurse-protestors were indeed arrested by police but were later released without charge.
3. In June 2011, state security shut down a planning meeting staged by the Fiji Women's Rights Movement (FRWM) at the Pearl Resort in Pacific Harbour, some 70 kilometres outside Suva. Local police alleged this meeting contravened the regime's Public Emergency Regulations (PERs). The FWRM coordinator, Virisila Buadromo, again found herself detained by state authorities for some hours without charge. While this meeting was eventually disbanded, FWRM argued that this heavy-handed approach was specifically designed to frustrate women's human rights activists. They noted that a similar planning meeting, held by a group known as Pacific Disability Forum, in a neighbouring room at the resort, was allowed to proceed unimpeded.
4. In November 2011, Ro Teimumu Kepa, a high-ranking woman holding the chiefly title Roko Tui Dreketi, and a well-known advocate for indigenous nationalist principles, spoke at the Rewa Provincial Council meeting. She used this opportunity to denounce

76 Nicole George, 2009, 'Women's organizing in Fiji: Shifting terrains of transnational engagement', in *Gender and Global Politics in the Asia-Pacific*, ed. Katrina Lee Koo and Bina D'Costa, 175–93, New York: Palgrave-Macmillan.

77 Kuini Lutua, personal communication with author, September 2009.

78 Ibid.

the 2006 military coup. The regime had threatened to withdraw FJ\$3 million in funding to the Rewa Provincial Council if it did not take a more politically acquiescent line. During her speech Ro Teimumu Kepa revealed that she had been the victim of state intimidation: some months previously she alleged that 16 military and police officers had presented themselves at her home and threatened her with arrest because of her outspoken opposition to the regime.

In sum, these incidents demonstrate that the experience of post-coup military government limited the political capabilities that women activists could draw upon to promote women's rights to physical security, and actively contributed to the contravention and undermining of those rights. This has been done through acts of detention, intimidation and harassment designed to degrade, shame and instill fear in women it deems dangerous.

But activist women are not the only ones to feel the detrimental impacts of these practices. It can also be argued that militarised political authority in Fiji has been exercised since 2006 in ways that institutionalise and normalise gendered forms of violence in a more indirect but no less serious fashion. As the lines that define military and civilian aspects of social and cultural life become more comprehensively blurred in Fiji,⁷⁹ violent expressions of masculine authority have become normalised with devastating effects. Cynthia Cockburn has noted in other contexts that the impact of increased militarism in any society is almost never positive for women who contend with a situation in which norms of violence seep beyond the military context from the 'barracks' to 'the bars, the streets, to the bedroom'.⁸⁰ Such observations indicate the ways in which gendered 'relations of power' operating through state institutions can structure gender relations beyond the institution and encourage a normalisation of gender violence.⁸¹

79 Teresia Teaiwa, 2008, 'Globalizing and gendered forces: The contemporary militarization of Pacific/Oceania', in *Gender and Globalization in Asia and the Pacific*, ed. Kathy E. Ferguson and Monique Mironescu, pp. 318–32, Honolulu: University of Hawai'i Press; Halapua, *Tradition, Lotu and Militarism in Fiji*.

80 Cynthia Cockburn, 2011, 'Don't talk to me about war, my life's a battlefield', *50.50 Open Democracy*, 25 November.

81 R.W. Connell, 2002, *Gender*, Cambridge: Polity Connell, p. 59.

Since 2006, Fiji's gender activists have described this as a 'continuum of violence' that extends from the military barracks to the lives of families.⁸² Military leader Frank Bainimarama defended the right of Fiji's military to act on its political grievances by contrasting his commitment to good governance with the alleged corrupt governance of his predecessors. At the same time he warned of 'serious consequences' for potential dissenters.⁸³ Since that time, the military leadership in Fiji has repeatedly defended its political legitimacy by pointing to the efficiency of military force in dealing with division, or dissent. Gender activists allege that these lessons have been absorbed with a disturbing success within the community and contributed to a post-coup spike in gender violence rates occurring at the community level. In her commentary on the relationship between violence occurring at the national level and violence occurring within families, Shamima Ali has argued that militarism in Fiji contributes to generalised feelings of social powerlessness and disenfranchisement among men, who then choose to punish the women in their lives. A veteran observer of such events, Ali claims this to be a strong pattern replicated after each coup in Fiji, whereby men are prompted to 'take it out on the most vulnerable' when they feel their 'manhood has been taken away'.⁸⁴

Perhaps in response to these allegations, and as other chapters in this volume have also noted, the military regime has developed new programs aiming to improve the state response to gender violence. The 2009 Domestic Violence Decree, which aimed to reclassify a range of offenses occurring in the 'family situation' as criminal acts, is one example of this shift.⁸⁵ Another is the Zero Tolerance Violence Free Community Campaign, which aims to encourage a rejection of gendered forms of violence at the village level.⁸⁶ While government representatives have hailed the campaign as a success, others have offered a more guarded assessment, questioning the state's capacity

82 *fem'Link*, 2009, cited in George, *Situating Women*, p. 193.

83 George, *Situating Women*, p. 186.

84 Ali, interview with Garret. Pickup has noted how 'cultures of violence' can take hold in the wake of conflict or political crisis, and that persistent levels of violence in societies afflicted by conflict can be attributed to the responses that are developed during the crisis period and that allow individuals to cope. Francine Pickup, 2001, *Ending Violence against Women: A Challenge for Development and Humanitarian Work*, Oxfam: Bournemouth.

85 Brenda Ragi, 2009, "'Overwhelming and extremely positive response to domestic violence decree'" says Attorney General', press release, Attorney-General's Chambers (Fiji), 14 September.

86 Anshoo Chandra, 2012, 'Economic drivers', *Fiji Times*, 9 June.

to oversee and manage these programs effectively.⁸⁷ Interestingly, none of these initiatives is publicly underwritten by the regime's commitment to women's human rights or discussions about the relevance of this international principle for women's physical security. This stands in stark contrast to the way women's organisations have approached the issue but is hardly surprising given that the military government has, since 2006, acted in ways that directly contravene human rights principles but also enjoyed tacit support from institutions charged with investigating such practices, such as the Human Rights Commission.⁸⁸

Fiji's 2014 return to democracy may have given some cause for optimism, but transformative results are yet to be seen. Elections held in September 2014 were conducted under a new, and tightly restricted national constitution. This ensured many of the figures that had assumed power undemocratically in December 2006 were returned to power, including former military commander and coup leader Voreqe (Frank) Bainimarama, who was elected as Prime Minister with 'landslide' support. Eight women won seats in the new parliament, with five women candidates elected to represent Bainimarama's Fiji First party. All of these women were allocated ministerial responsibilities. However, as I have demonstrated elsewhere, this return to democracy has not guaranteed a less punitive state response to critical political debate. Neither has the numerical representation of women in government guaranteed a more liberal institutional approach to policymaking on gender.⁸⁹ While these female government representatives have touted the positive impacts of their efforts to promote reforms such as the Domestic Violence Decrees and Zero Tolerance Violence Free Community initiatives put in place by the military government in the period between 2009 and 2013 they have also described women's inappropriate dress (wearing shorts) and

87 Ragi, "Overwhelming and extremely positive response to domestic violence decree" says Attorney General'.

88 Brij V. Lal, 2009, 'One hand clapping: Reflections on the first anniversary of Fiji's 2006 coup', in *The 2006 Military Takeover in Fiji: A Coup to End All Coups*, ed. Stewart Firth, Jon Frankael and Brij V. Lal, pp. 425–48, Canberra: ANU E Press.

89 Nicole George, 2014, 'Business as usual in post-election Suva' *East Asia Forum*, 22 October. Online: www.eastasiaforum.org/2014/10/22/business-as-usual-in-post-election-suva/ (accessed 8 July 2015).

behaviour (drinking with boys) as 'inviting' trouble.⁹⁰ Likewise, they have failed to adequately address the gap between these new state legal provisions and programs promising gender-sensitive reform and the everyday practice of state policing responses to gender crimes (particularly cases of violence against women) which continues to be shaped by conservative religious and cultural protocols stipulating the importance of conjugal order.⁹¹

Against this backdrop, the absolutist 'zero tolerance' approach to the issue of gender violence might be seen as a further iteration of the Fiji government's authoritarian response to a problematic phenomenon. Its failure to engage with civil society activists who have developed local and regional expertise on this issue is indicative of the more general pattern of military authority in Fiji, which, even under the guise of constitutional democracy, exhibits a grave distrust of women, and particularly those who voice regime criticism—seeking to marginalise these from the political process altogether.⁹² The fact that the military regime continues this strategy even while it seeks to address the issue of gender violence seems both extreme and counter-productive to the government's stated ambitions to develop a 'progressive' response to this issue.⁹³ For the purposes of this discussion, however, it demonstrates the extent to which broader political structures can constrain women's political agency. As I have shown, Fiji's women are living currently under a system of nominal democratic rule, but the authoritarian military presence remains highly influential. This severely constrains their general political capabilities. This scenario has made women vulnerable to state-sanctioned forms of violence as well as heightened levels of everyday violence in the community. Neither of these trends is conducive to

90 Pacific.Scoop, 2014, 'Fiji women's right groups calls for Minister to resign over rape comments', *Pacific Scoop*, 16 May 2014. Online: pacific.scoop.co.nz/2014/05/fiji-womens-rights-groups-call-for-minister-to-resign-over-rape-comments/ (accessed 8 July 2015).

91 FWCC, 2013, *Somebody's Life, Everybody's Business! National Research on Women's Health and Life Experiences in Fiji (2010/2011): A survey exploring the prevalence, incidence and attitudes to intimate partner violence in Fiji*, Suva: FWCC.

92 Indeed, this privileging of masculine authority continues to be a hallmark of the new gender violence initiatives enacted by the military government. Biersack's assessment of this program in this volume indicates that the community stakeholders that are nominated to assist police work on gender violence at the village level, according to the 'Zero Tolerance' program, are nearly always men. See Biersack, 'Human rights work in Papua New Guinea, Fiji and Vanuatu', this volume.

93 Sayed-Khaiyum, cited in Ragi, "'Overwhelming and extremely positive response to domestic violence decree" says Attorney General'.

expanding women's capabilities in Fiji. And together they seriously undermine women's ability to secure their human right to lives free of violence.

Women's economic standing

An understanding of women's economic capabilities is also highly important when seeking to assess if and how Fiji's women can secure their right to violence-free lives. Such a task again invites critical appraisals of Fiji's ongoing experimentation with authoritarian political rule. In general terms there has been concern expressed about the 'feminisation of poverty' in the last decades in Fiji, with a range of studies finding that a 'disproportionate number of poor households in Fiji—almost one in every seven', is headed by a woman⁹⁴ and that women are more likely to experience poverty than men.⁹⁵

Indications of a rising female labour-force participation rate over the past three decades, from 23 per cent in 1986 to 39 per cent in 2005, may seem to contradict these concerns. However, further examination shows that women's employment tends to be 'ghettoised' in a few subsistence or low-waged sectors. These include subsistence agriculture and fisheries industries (45 per cent), manufacturing (12 per cent), tourism and hospitality (12 per cent), and community and social services sectors (17 per cent).⁹⁶ Subsistence sector work is defined in Fiji as 'growing vegetables, root crops, gathering wild fruits and herbs, raising poultry and other livestock and catching fish, prawns, shellfish and other seafood'.⁹⁷ This work is not paid as waged labour. Most produce is used to feed families, and surpluses earn only small amounts of cash through local market sales.⁹⁸ Women's presence in the community and social service sectors reflects their overrepresentation in feminised professions such as teaching, nursing

94 United Nations Development Program (UNDP), 1996, *Fiji Poverty Report*, Suva: UNDP and Fiji Government, p. 54.

95 Jenny Bryant, 1993, *Urban Poverty and the Environment in the South Pacific*, Sydney: University of New England Press; Priya Chattier, 2007, 'The capability approach: Mainstreaming gender into poverty discourses in Fiji', *Fijian Studies: A Journal of Contemporary Fiji* 5(2): 329–59.

96 Dharma Chandra and Vasemaca Lewai, 2005, *Women and Men of Fiji Islands: Gender Statistics and Trends*, Suva: University of the South Pacific and Fiji Islands Bureau of Statistics, p. 93.

97 Ibid.

98 Ibid.

and other forms of care work. Much of this work is done within a public sector that has experienced substantial falls in funding in recent years and declining wage values in real terms.⁹⁹

Women's increasing participation in Fiji's manufacturing sector has been solely explained by the growth in garment manufacturing, an industry created and largely sustained by government tax incentives. This industry was developed as part of a broader program of economic restructuring designed to halt rapid economic downturn after the 1987 coup. Fiji's women have provided a source of 'low-skilled', low-waged labour for this industry and have contributed to the growth of an export industry that, by 2003, rivalled Fiji's sugar industry at FJ\$252 million per annum, employing nearly 14,000 on its production lines.¹⁰⁰ At the same time, however, women employed in this industry endured difficult conditions, intense disciplinary supervision, and little more than subsistence wages of FJ\$45–50 a week.¹⁰¹ Many women garment workers lived in squatter settlements, and for those raising families as single parents the threat of 'slipping into poverty' has been constant.¹⁰²

In addition to women's disadvantaged earning capability, strongly gendered norms can operate within the family in Fiji in ways that compound women's poor economic standing.¹⁰³ Priya Chatter's study of Indo-Fijian farming communities shows that when household resources are scarce, women are often likely to attend to the needs of other household members—husbands, sons and children—before their own. This means they may eat less to ensure 'hard-working' men have more access to food and children do not go hungry. They also tend to ignore their own health problems to ensure that there are adequate household resources to attend to the ailments of spouses and children.¹⁰⁴ Within Indo-Fijian families, norms of property inheritance also favour sons over daughters, so that women tend to be 'dependent on males for access to land' and other forms of inherited wealth.¹⁰⁵

99 Fiji's nurses, for example, earn the rough equivalent of AU\$300 a month in the domestic setting, but in Australia or New Zealand might be averaging about AU\$1,100 per month.

100 Chandra and Lewai, *Women and Men of Fiji Islands*, p. 93.

101 Christy Harrington, 2004, "'Marriage' to capital: The fallback positions of Fiji's women garment workers', *Development in Practice* 14(4): 495–507, p. 504; George, *Situating Women*, p. 176.

102 Chandra and Lewai, *Women and Men of Fiji Islands*, p. 95.

103 Chatter, 'The capability approach'.

104 *Ibid.*, pp. 344–47.

105 *Ibid.*, p. 349.

These economic challenges have been compounded by Fiji's history of coups, events which Satish Chand estimates have pushed Fiji's economic development back three years in real terms.¹⁰⁶ The economic standing of Fiji's women has been undermined both as a result of coup-related job losses caused by international economic boycotts and withdrawal of international investment in local industry such as garment manufacturing.¹⁰⁷ For example, in the wake of the 2000 coup, the sustainability of Fiji's garment industry seemed in serious doubt as international embargos and investor fears resulted in factory closures and job losses.¹⁰⁸

Coups have caused similar downturns in the tourism sector in Fiji, with regional governments such as Australia and New Zealand releasing critical travel advisories and potential holiday tourists choosing other destinations in which to spend their tourist dollars when political stability is in jeopardy. The practical consequences of continued political instability for those employed in the tourism sector has been devastating as tourism workers deal with reduced working hours or indefinite lay-offs.¹⁰⁹

Women's economic standing has also been undermined by post-coup regimes' efforts to restructure their economies in ways that meet the expectations of international financial institutions and the conditions placed on receipt of international aid. A stringent program of economic restructuring was put in place soon after the Rabuka-led coup of 1987 and continued into the early 1990s. This included currency devaluations, the imposition of a value-added tax, and a significant reduction in public expenditure supporting state welfare, health and education programs. While real wages and incomes declined in this period, government military spending doubled. These same remedies were emulated by later post-coup regimes to avoid economic collapse; again the currency was devalued, taxes were increased, and state spending was severely cut.¹¹⁰ It follows that women's already marginal economic functioning has been further undermined by Fiji's apparent

106 Satish Chand, 2007, 'Swim or sink: The predicament of the Fiji economy', *Pacific Economic Bulletin* 22(2): 1–21.

107 Anas Khan and Riad Khan, 2007, 'Political and economic instability, and poverty in Fiji', *Fijian Studies: A Journal of Contemporary Fiji* 5(2): 315–27.

108 George, *Situating Women*, p. 149.

109 Khan and Khan, 'Political and economic instability, and poverty in Fiji', p. 321.

110 Khan and Khan, 'Political and economic instability, and poverty in Fiji'; Chand, 'Swim or sink'.

coup cycle and the increased financial pressure that all citizens have experienced in the wake of these events. The resulting financial pressures have impacts on many aspects of social life. In 2001 it was found that increasing economic pressures following the 2000 coup had intensified a range of 'social problems' such as domestic violence, child abuse, suicide and drug and alcohol abuse, as people of all ages reported feeling 'fearful, frustrated, angry and powerless'.¹¹¹

Within the literature on violence against women there is a strong interest in understanding the links between poverty and vulnerability to violence. I contend that it is important to understand these links when we examine how women might secure their right to live violence-free lives in Fiji. While it would be a mistake to argue a straight causal link between poverty and gender violence, there are good reasons to suppose that economic vulnerability is highly relevant to understanding both women's exposure to violence and their ability to resist violence in their daily lives.

When resources are scarce, conflicts over money within the household or domestic setting can expose women to violence. This is particularly so in cultural contexts where women are charged with managing household budgets while men take on the role of primary wage earners. Paula Wilcox has shown the strategies that women effect to ensure that male wages are managed in ways that allow family obligations to be met. She also shows how these strategies can be the cause of family violence as men contest this attempt to control how their earnings are used.¹¹²

Women's exposure to violence in turn compounds their economic vulnerability, disrupting women's 'patterns of employment' or making it harder for women to engage in continued income-generating activities.¹¹³ This disruption may occur because of physical injury,

111 Mercia Carling and Colleen Peacock-Taylor, 2001, *Study of the Impacts of the Political Crisis on Children and Families in Fiji*, Suva: Save the Children Fund/UNICEF, p. 9.

112 Paula Wilcox, 2006, *Surviving Domestic Violence: Gender Poverty and Agency*, Houndmills: Palgrave Macmillan, pp. 117–19. Although Martha Macintyre also notes that in PNG women who earn more than men can also be perceived as 'threatening and legitimate targets for violence'. Macintyre, 'Gender violence in Melanesia and the problem of Millennium Development Goal No. 3', p. 247.

113 Wilcox, *Surviving Domestic Violence*, p. 111.

mental stress, or from masculine attempts to 'isolate' women from work opportunities and deny them access to financial resources that might facilitate their autonomy.¹¹⁴

There is also strong evidence to suggest that women's capacities to resist violence are limited by their marginal economic standing. Susan Pickup contends that women often find themselves in relationships that make them economically dependent upon men, and this limits their capacity to leave those relationships if they become violent. A lack of financial autonomy in these situations may encourage women to endure regular violence rather than contemplate the difficult possibility of building a life with dependents but without male economic support.¹¹⁵

At the same time, poverty can handicap female victims in their efforts to utilise juridical mechanisms put in place to help them. Complaints against experiences of family violence or rape are frequently treated more seriously when they are made by women from wealthy backgrounds than when they are made by women living in poverty.¹¹⁶ Wealthier women may also have greater capability to access other formal institutions that might alleviate their situation, such as health services, counselling services, and legal advisers.¹¹⁷ Poorer women on the other hand may avoid contacting these institutions because of the costs they fear they will incur.¹¹⁸

114 Pyles, 'The capabilities approach and violence against women', p. 35; Vasala K.B. Kumari, 2008, 'Violence and microcredit: A snapshot of Kerala, India', in *Violence and Gender in the Globalized World: The Intimate and the Extimate*, ed. Sanja Bahun-Radunović, V.G. Julie Rajan, pp. 43–55, Aldershot: Ashgate, p. 47; Syed Masud Ahmed, 2005, 'Intimate partner violence against women: Experiences from a woman-focused development program in Matlab, Bangladesh', *Journal of Health, Population and Nutrition* 23(1): 95–101, p. 99.

115 Pickup, *Ending Violence against Women*, p. 26.

116 *Ibid.*, p. 27.

117 Pickup also notes, however, that an 'ideology of privacy in the home' may also restrict women's abilities to resist gender violence, making it difficult for them to expose violent treatment to family members, friends, or professional colleagues. This is attributed to a sense of shame and a desire to protect 'reputation'. See Pickup, *Ending Violence against Women*, p. 27.

118 Pickup contends that this situation is compounded in many ways by government policy-making, which tends to silo the 'women's issues' portfolio from other relevant policy areas, such as health, education, and law. Pickup, *Ending Violence against Women*, p. 26.

These types of concerns are highly relevant to experiences of gender violence in the Pacific Islands.¹¹⁹ As I have shown in Fiji, many women, indigenous and Indian, live in conditions of financial dependency or increasing vulnerability. Their reduced economic functioning equates to a reduced economic capability to seek out ways of avoiding or resisting the violence that many live with on a daily basis. In my discussions with local researchers examining the predicament of female garment workers in Fiji in 2002, for example, I learned that women earning average industry wages and living in increasingly crowded squatter settlements on the perimeters of Suva were in such a precarious financial situation that even if their long working hours allowed it, the payment of an extra bus-fare into central Suva to discuss their situation with legal representatives or state welfare authorities represented a prohibitively costly financial investment with no guarantee of return.¹²⁰

Such considerations illustrate the problem with focusing on juridical remedies to reduce women's vulnerability to violence, which underestimate the practical financial barriers that restrict women's access to juridical institutions. Recent evidence assessing the effectiveness of Fiji's Family Law Act (2005) indicated that 'many women are unaware' of its provisions and how it might assist them in 'obtaining protection orders', for example.¹²¹ This lack of awareness is undoubtedly most pronounced among Fiji's growing numbers of poor women. Those promoting the proposed legislative changes in the early 2000s were enthusiastic about how they would act as a tool of poverty alleviation for women caught in violent relationships with diminished economic autonomy.¹²² Yet there are obvious limitations to this highly juridicalised approach to securing women's human rights. It can be argued that in this context the legalist approach offers a uniform solution to the phenomenon of gender violence and/or family violence that obscures more difficult and complex questions about women's diminishing economic capability, which limits their autonomy within households. Deliberation on this question has, to date, been relatively muted in women's advocacy circles.

119 Macintyre, 'Gender violence in Melanesia and the problem of Millennium Development Goal No. 3'; Michelle Bachelet, 2012, interview with Fran Kelly, for *Pacific Beat*, ABC Radio Australia, 24 August.

120 See Harrington, "'Marriage" to capital', p. 498.

121 UN Women (Pacific), *Ending Violence against Women and Girls*, p. 31.

122 Cited in George, *Situating Women*, p. 157.

Conclusion

In June 2007, Shamima Ali, coordinator of the Fiji Women's Crisis Centre, addressed the 10th Triennial Conference of Pacific Women, held in Nouméa, on the relevance of feminism. Here she argued that 'feminism was about women's human rights'. Reaction to her claims was mixed. Replaying concerns about the term (feminism) that have been raised in regional contexts for many decades,¹²³ many in the audience of conference delegates found her references to feminism troubling and alleged it was inappropriate to the Pacific Islands context. Remarkably, none questioned the applicability of the 'rights' discourse she also invoked. The previous pages have shown that there are good reasons why, in Fiji, we might be sceptical of the assumption that human rights, on their own, can 'do the work of feminism'. Nonetheless, this episode is illustrative of an important current trend in the debate on the status of women in Fiji, and indeed across the Pacific Islands, whereby the language of rights is more acceptable than the language of feminism.

In the last two decades, the human rights discourse has become ubiquitous, the predominant framework for advocacy which contests gender discriminatory treatment in general and pervasive levels of gender violence in particular. Acts of rights translation have helped break down some of the resistance to the universalising aspects of human rights. As I have shown, women activists in Fiji have worked creatively to incorporate religious and cultural references as part of the efforts to convince their audiences that the concepts they discuss are not foreign but resonate with existing value systems and Pacific ways of thinking. In Fiji these strategies have been an important aspect of community advocacy. They have also assisted activist efforts to win support from the state for proposed legal and policy changes that might enable better policing of gender violence.

123 Vanessa Griffen, 1987, *Women, Development and Empowerment: A Pacific Feminist Perspective. Report of a Pacific Women's Workshop, Naboutini, Fiji, 23–26 March 1987*, Kuala Lumpur: Asian and Pacific Development Centre; Leckie, 'The complexities of women's agency in Fiji'; Margaret Jolly, 2005, 'Beyond the horizon? Nationalisms, feminisms and globalization in the Pacific', *Ethnohistory* 52: 138–66.

Yet important questions remain about how far this framework enables women to secure a pathway to lives free of violence in practical terms. These are most clearly brought into focus when consideration is given to the factors that undermine women's economic and political functioning in contemporary Fiji. As I have shown, repeated instances of post-coup authoritarian rule did great damage to women's political standing in Fiji, limiting their capability to promote a right to lives free from violence. Fiji's coups have encouraged an increasing lawlessness along with widespread political and social alienation. Many contend this exposes women to heightened levels of physical insecurity. At the same time, the coups and the political regimes they engender function to expose 'dissenting' women to the risk of state-perpetrated violence and intimidation. In a political context where the state itself has been accused of widespread human rights violations, the promotion of a rights-based framework for addressing gender violence appears to have limited political traction. Indeed, in important instances it has placed women activists directly in the path of state-sanctioned violence. While there is a disturbing irony to this scenario, there is also an important lesson to be taken away from these events. They demonstrate that women are only able to fully secure their right to lives free from violence when they have the political capability to do so. Fiji's history of political instability and authoritarianism has profoundly undermined that capability in the last four decades.

At the same time, women's diminished economic standing also limits how far they are able to resist their exposure to violence. As I have shown, women in Fiji may have increased their rate of labour-force participation in the past four decades, but they remain predominantly ghettoised in low-income, low-status, feminised professions. Their already low incomes have been further diminished by Fiji's coups. Each set of post-coup leaders is faced with the same difficulty: how to reduce public sector spending, halt foreign investment outflow, and meet the conditions attached to foreign aid and economic assistance. The economic remedies they choose invariably reduce income-earning opportunities for women workers in a dramatic fashion. This in turn has profound implications for those who are exposed to violence. Diminished economic circumstances may disincline women victims of violence from accessing health, counselling or legal services for fear that they will incur debts they cannot repay. Moreover, a lack of financial autonomy and a fear of destitution may also disincline women from leaving violent partners.

Together these scenarios remind us, once again, that beyond proclaiming women's right to lives free from violence, we need also to be attentive to women's economic and political functioning and their capacities to secure these rights. Recent efforts to document the changing attitudes towards gender violence amongst Kanak women in New Caledonia provide further evidence to support this claim. In New Caledonia, women have gained an elevated level of political representation thanks to electoral parity laws that were adopted in 2001. However, beyond a simple statistical increase in women's representation, these laws have also enabled women political representatives to mobilise state resources to fund a series of agencies specifically devoted to women's well-being known collectively as '*la secteur de la condition féminine*'.¹²⁴

The existence of these agencies, operating at both the national and provincial levels, and the explicit attention they pay to the issue of violence against women, is unique to the region and contrasts starkly with how questions on the status of women are addressed by the state in Fiji. In New Caledonia, the public profile of these agencies has increasingly encouraged Kanak women to resist their exposure to violence and renegotiate gender relations in ways which challenge male conjugal authority.¹²⁵ Further, these developments have encouraged Kanak women victims of violence to challenge the perceived leniency of custom court rulings on the crimes perpetrated against them and to pursue cases of gender violence through the criminal justice system.¹²⁶ The success of the parity provisions has also emboldened Kanak women to challenge the male-only makeup of New Caledonia's customary senate¹²⁷ and to demand a fuller role in economic production.¹²⁸ This impetus for gender reform across the social, political and economic domain contrasts starkly with women's relative political invisibility in Fiji and the seemingly static nature of national deliberations on gender disadvantage that occur as a result.

124 *Guide éducative sur les droits des femmes et sur l'égalité entre les sexes*, 2009, Nouméa: Gouvernement Nouvelle Calédonie, p. 20.

125 Christine Salomon and Christine Hamelin, 2010, 'Vers un changement des normes de genre', in *La Nouvelle Calédonie: Vers un destin commun*, ed. Elsa Faugère and Isabelle Merle, pp. 203–24, Paris: Karthala.

126 Christine Salomon, 2003, 'Quand les filles ne se taisent plus: un aspect du changement postcolonial en Nouvelle Calédonie', *Terrain: Revue d'ethnologie de l'Europe* 40: 1–17, p. 3.

127 Salomon and Hamelin, 'Vers un changement des normes de genre', p. 216.

128 Déwé Gorodé, 2009, 'Preface', in *Guide éducative sur les droits des femmes et sur l'égalité entre les sexes*, Nouméa: Gouvernement Nouvelle Calédonie, p. 6.

In this chapter I have discussed the complex array of factors preventing women in Fiji from exerting the level of control over their political and economic environment that might allow them to secure their rights. While much of the debate on gender violence and women's human rights has been predominantly focused on the relationship between the universalist nature of human rights claims and their local cultural fit, this addresses only one aspect of the broader challenge that faces women activists in Fiji and the broader Pacific region. Questions around women's diminished political and economic standing are also highly relevant to experiences of gender violence in Fiji and require the same kind of attention. For the moment, however, these challenges are confronted in a highly cloistered fashion. In the debate on gender violence and human rights, women's capabilities appear to be all but 'lost' from view.

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