

**PACIFIC PREVENTION OF DOMESTIC  
VIOLENCE PROGRAMME**

**KIRIBATI REPORT**

PREPARED FOR NEW ZEALAND POLICE

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## TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	i
PART 1: PACIFIC PREVENTION OF DOMESTIC VIOLENCE PROGRAMME – THE FOUR COUNTRY STUDY .....	1
Research aims and terms of reference .....	1
Our approach and methodological framework.....	3
The four country reports .....	5
PART 2: THE KIRIBATI STUDY .....	6
SECTION 1: POLICE ATTITUDES, POLICY AND PRACTICE .....	11
Current specific levels of domestic violence reported to Police.....	11
Current Police policy, protocols and general processes and procedures (including record keeping) for dealing with domestic violence.....	12
The current state of Police prosecution of domestic violence including levels of case withdrawal, levels of prosecution against reporting, and the overall number of offenders being held accountable for their actions .....	14
Any history of change around Police domestic violence practice.....	16
Current Police leadership practice around domestic violence.....	17
Police attitudes and perceptions of domestic violence .....	18
Police attitudes and perceptions towards Police Officers as domestic violence offenders.....	23
Current policy and practice arrangements for dealing with Police Officers as domestic violence offenders.....	23
The current state of Police domestic violence training .....	24
The state and recent history of Police partner relations.....	25
SECTION 2: GOVERNMENT, NGO AND COMMUNITY ATTITUDES AND RESPONSES .....	26
Current and historical levels of domestic violence reported to the key non- government agencies (women’s crisis/refuge organisations).....	26
Some assessment of the prevalence of domestic violence using the available Police and non-government agency data, and data available from other agencies, including the United Nations.....	26
Broad trends in victim attitudes towards domestic violence and reporting to the Police.....	27
The policy and other contribution of key non-government agencies to dealing with and reducing domestic violence .....	29
A general assessment of levels of social acceptance and cultural tolerance towards domestic violence .....	31
Current government policy and practice arrangements directed or associated with domestic violence .....	32
The current state of legislative arrangements in relation to domestic violence, including compliance with international covenants and conventions (CEDAW)....	33
The current state of any alternative approaches (village justice) to domestic violence .....	34
Overview of nature and extent of systems in place for reporting and sharing information on medical and death records relating to domestic violence .....	38
The attitudes of key religious organisations towards domestic violence .....	38
REFERENCES.....	40
ANNEXES.....	42

**LIST OF FIGURES**

Figure 1. Geographical spread of Kiribati islands ..... 6  
Figure 2. Kiribati milestones in addressing violence against women ..... 10

**LIST OF TABLES**

Table 1. Terms of reference for the research ..... 2  
Table 2. Global and regional gender equity commitments..... 4  
Table 3. Recorded levels of domestic violence, South Tarawa ..... 11

**LIST OF BOXES**

Box 1 Stakeholder views on Police handling of domestic violence cases..... 20  
Box 2 How BMB community dealt with domestic violence..... 36  
Box 3 How Taponibara village dealt with domestic violence..... 37

<p>In some areas certain paragraphs contained in this document have been edited to protect the identity of persons involved in this survey</p>
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## EXECUTIVE SUMMARY

### PART 1: THE FOUR COUNTRY STUDY

This research was part of the wider *Pacific Prevention of Domestic Violence Programme* (PPDVP) which is an initiative of the New Zealand Agency for International Development (NZAID), New Zealand Police (NZPOL) and the Pacific Islands Chiefs of Police (PICP). The programme builds on earlier NZAID and NZPOL support for domestic violence prevention in the Pacific.

The long-term goal of the PPDVP is “a safer Pacific free from domestic violence”. Its primary focus is building the capacity of Pacific Police services to prevent and respond effectively to domestic violence. The programme involves both regional and national level components. At the regional level, all Pacific countries are invited to participate in a range of training, networking and information sharing activities. At the national level, the programme is working more intensively with four Pacific countries – Samoa, Tonga, Cook Islands and Kiribati – providing on-the-ground sustained support for the development of Police domestic violence policy, strategy, action plans, systems and training programmes. A New Zealand Police mentor has been assigned to each of the four countries to support these efforts.

This Kiribati Report on domestic violence is one of four national studies carried out under the PPDVP, the others being for the Cook Islands, Tonga and Samoa. The research adopted the definition of domestic violence used by the PPDVP: that is, “violence against women by a partner or spouse”. The study had two main components. The first centred broadly on Police understandings of and responses to domestic violence. The second component had multiple strands, covering government, NGO and community understandings and responses.

The broad aims of the research were to:

- establish what data were available in each country;
- try to assess the extent of domestic violence and people’s responses to it; and
- engage agencies and communities in reflection on domestic violence.

The research was also expected to provide a key awareness-raising tool for politicians, community leaders and communities. Because it was conducted in the first year of the programme, the findings should serve as a benchmark to measure the performance and effectiveness of the PPDVP.

The research team worked closely with the New Zealand Police mentor in each project country to develop the research approach and timeframes. We also saw it as important to employ a Pacific research framework. To achieve maximum involvement and sharing of ideas, we partnered one NGO throughout the planning and implementation of research activities. This had the dual aim of empowering Pacific communities by fostering enquiry and debate on domestic violence, and consolidating on-going partnerships for future PPDVP activities. The in-country research activities were carried out over a two week period. The research was conducted predominantly in urban areas although in each case a group meeting was held in a rural village to gain a rural perspective on these issues. Even so, the team acknowledges that report findings may not be applicable to rural regions or outer islands.

### PART 2: THE KIRIBATI STUDY

The Kiribati study was conducted between November 16 and November 29, 2006. I was based at the Kiribati Police Service (KPS) Headquarters in Besio, South Tarawa. The in-country NGO partner was the Kiribati Association of Non-Government Organisations (KANGO), in Bairiki, South Tarawa.

Kiribati consists of 33 coral atolls sub-divided into three main groups. The islands are located in the Central Pacific Ocean, over a distance of 800 kilometres north to south and more than 3,000 kilometres east to west (Figure 1). Given the remoteness of the outer islands, most of the field work was conducted on the main island of South Tarawa, with a day trip to North Tarawa, between November 16 and November 29, 2006.

The main data collection methods were:

- individual interviews with representatives of KPS, Courts, government agencies, non-governmental organisations (NGOs) and church groups;
- a small number of group discussions;
- two meetings with village communities; and
- document analysis of legislation; Police statistics, policy and training documents; previous research; reports by international aid and human rights organisations; and local media productions about domestic violence.

As the interviews and discussions were tailored to tap into the specific expertise of the interviewees, they tended to cover somewhat different topics. As a result, the data were analysed thematically. This means that the findings are presented in terms of key themes emerging from the discussions, rather than a count of the number of people who endorsed a particular view. Quotes from interviews are used to illustrate key themes.

#### **Kiribati: the country background**

Kiribati society and culture are conservative and male dominated. The family is the major organising unit. In general, women go to live with their husband's family after marriage. Men are heads of households; women are generally involved in domestic duties and are expected to obey husbands' decisions. Husbands have a traditional right to use physical discipline on children and women. Domestic violence is closely linked with alcohol abuse and often connected with sexuality and jealousy. Women are usually blamed for provoking the violence.

Women have few options if a marriage breaks down. They have no entitlement to their husband's family land or home and cannot stay there if the marriage ends. The extended family is viewed as the principal social institution for protection, support and welfare, including conflict resolution. Outside interference in family matters is not welcomed or expected. Community life centres on the *unimane* system. Each community has a *maneaba*, or gathering place, which serves as centre of social relations and an arena for decision-making and conflict resolution. The *unimane* make decisions and rules through a consensual approach, which means that their decisions are readily accepted by the people. Disputes that cannot be handled by the family are dealt with by the *maneaba*.

There is an emerging public discourse on domestic violence and women's rights in Kiribati. This must be viewed as a significant achievement in itself and is largely attributable to the efforts of NGOs. While the public roles of I-Kiribati women are changing rapidly, particularly in the area of employment, their status in the private domain has not kept pace.

#### **Section 1: Police attitudes, policy and practice**

There were two sources of Police data on levels of family violence reported to Police: annual statistics, provided over varying periods of time, from domestic violence registers kept at three of the four South Tarawa Police stations; and the Family and Sexual Offences (FASO) Unit database. The database should mirror totals from the domestic violence registers, but does not. There are fewer reports in the database than in the local registers. This indicates that the daily crime reports forwarded to Police Headquarters are inaccurate.

**Recorded levels of domestic violence, South Tarawa**

Year	Source				FASO database N
	Bonriki N	Bikenibeu N	Bairiki N	Total N	
1999	17	-	-	<b>17</b>	-
2000	39	-	-	<b>39</b>	-
2001	48	-	-	<b>48</b>	-
2002	11	-	-	<b>11</b>	-
2003	15	29	-	<b>44</b>	-
2004	33	34	-	<b>67</b>	-
2005	36	61	29	<b>126</b>	-
2006*	23	29	106	<b>158</b>	-
2005/06	-	-	-	-	13

\*Year to date - November 2006

Domestic homicides appear to be rare, although no statistics were available.

Police Officers who participated in the study were asked to describe the procedures they follow when a complaint is received. There were indications that procedures are not always understood and followed. Firstly, not all complaints are recorded. Beyond this, some Officers said they and their colleagues needed clarity in respect of Police powers, as set out in the *Criminal Procedure Code*.

A lack of reliable recording systems means it is not possible to estimate levels of case withdrawal, prosecutions, or the overall numbers of offenders being held accountable for their actions. Anecdotal evidence indicates that levels of case withdrawal are high, prosecutions are low, and few offenders are being held accountable. Delays in investigations and lack of Police action allow them to continue offending.

The most significant change in Police practice around domestic violence was the establishment of the Family and Sexual Offences (FASO) Unit in 2005. FASO staff are proactive in the community, particularly in running awareness-raising workshops. The Unit has established a database that could be a valuable tool in monitoring domestic violence and tracking repeat and serious offenders. Aside from this, it is important to acknowledge that domestic violence is a new concept in Kiribati and in the KPS. There was an awareness of domestic violence as a criminal matter among Officers who took part in interviews, which in itself may be viewed as a substantial achievement. That said, it was difficult to judge whether raised awareness was translating into changes in attitudes and practice.

Police commanders and staff can play a leading role in changing community perceptions about gender roles and attitudes towards domestic violence. The Commissioner of Police had the support of senior Officers in respect of initiatives to reduce domestic violence. Three potential obstacles to improved policing of domestic violence were:

- inadequate resources;
- senior commanders who discriminate against women Police; and
- the perception that the Kiribati Police Service does not always lead by example in the community.

There was consensus among Police interviewees that domestic violence is a widespread problem in Kiribati. For some Officers, cultural and community views on domestic violence seemed to have a stronger influence on their attitudes and responses to victims and offenders than institutional policies. There has traditionally been a high level of male violence against women in Kiribati, coupled with a strong prohibition against interfering in family matters. This results in a tension between the requirement for Police Officers to prevent crime and

uphold the law, and expectations around their behaviour as members of small communities with strongly traditional mores.

There was some support among Police Officers for the traditional view that a husband has a right to beat his wife, depending on her behaviour. While most Officers recognised that domestic violence is a serious crime, opinions on prosecutions and offender accountability were divided. There was a fairly widespread preference for dealing with domestic violence through counselling and reconciliation. In part this view is grounded in the realisation that female-headed families will suffer in this subsistence economy. It is also consistent with traditional approaches to dealing with violence through family or village mechanisms and with Christian values promoted by the churches.

For some Officers, the role between law enforcement and counselling has become blurred. This is not to say that traditional practices and community members do not have a place in dealing with domestic violence. Given the entrenched nature of domestic violence and the constant recourse to 'culture' as an explanation for it, it may be preferable for Police to work with the community to find local solutions to gender-based violence.

There was not any overt sympathy among KPS interviewees for colleagues who were domestic violence offenders. All said they would follow standard procedure and treat fellow Officers as they would any other perpetrator. However, they were unlikely to be proactive in following up knowledge that a colleague was perpetrating domestic violence, and they would only take action if a report was filed. In 2004, the Professional Standards Branch prepared a document outlining policies and procedures relating to complaints against Police, internal investigations and discipline. A formal system was established to monitor and control complaints and ensure that serious incidents are subject to thorough and prompt investigation. I was unable to determine whether Police commanders are consistently applying policies and procedures. It seemed that Police commanders are taking action against very few Officers. There were indications that frontline staff did not always follow procedures when it came to their colleagues.

At the time of the interviews, training on domestic violence amounted to around two hours of the recruit training curriculum. Some interviewees said that not all Police received training. A revised training curriculum was introduced in late 2006 and the current and future intake of recruits would receive more extensive training than most senior Officers. The interviews raised the issue of in-service training for longer-serving Officers. Most interviewees thought that all Officers should be trained in domestic violence, particularly on the outer islands, where it was too expensive to call in the FASO Unit. The majority said they needed more knowledge to deal effectively with domestic violence.

Historically, there have been few linkages between Police, government and NGOs. The establishment of the FASO Unit represents an ideal opportunity for KPS to set up strong partnerships with government agencies and NGOs.

## **Section 2: Government, NGO and community attitudes and responses**

There was no way of estimating how many women report to NGOs, as there are no national women's crisis or refuge organisations as such in Kiribati. The cultural taboo against help-seeking and speaking out about family matters means that crisis or counselling services will be under-utilised at the present time.

It was not possible to estimate the prevalence of domestic violence in Kiribati, given the lack of reliable data. Interview data collected during this study indicate that domestic and family violence are prevalent and frequent in some households, but that the level of under-reporting is very high. Under-recording may also contribute to low numbers of recorded crimes. It was not possible to estimate the 'dark figure' of unreported crimes. More reliable statistics will be

available from research on gender-based violence, which was scheduled to be conducted between 2007 and 2009.

Male dominance, including men's right to beat their wives, has traditionally been accepted in Kiribati society. For some females, violence is constant across the lifespan. Women are usually blamed for causing the violence by making their husbands angry. The intergenerational transfer of violence means that some women accept it as their lot in life, although not all women accept it. Some put up with it for reasons such as love for their children, as they could lose custody or would be unable to support them if they left the marriage.

Help-seeking and intervention by outsiders are frowned upon. Even though I-Kiribati women are increasingly aware of their rights, attitudes and behaviours are slow to change. In many Pacific island societies, reporting violence or calling the Police is seen as an attempt to break up a marriage. Many women are reluctant to take their husbands to court because this is tantamount to divorce, which is frowned upon socially. Help-seeking is also constrained by the silence and shame that devolve to victims. The obsessive jealousy that is part of many violent relationships, combined with the fact that many Police Officers attending domestic violence incidents are men, can deter reporting and inflame a violent situation. Police encouragement of reconciliation is likely to discourage future reporting. Still, some women have found that the threat of invoking the law is an effective deterrent to further violence, due to men's wish to avoid public shame.

At present, there are few Kiribati NGOs actively involved in dealing with domestic violence and most have limited capacities. KANGO and Aia Maea Ainen Kiribati (AMAK) are primarily involved in education or awareness-raising activities. The Alcohol Awareness and Family Recovery Centre offers an alcohol rehabilitation service and also provides counselling on domestic violence.

There has been a high level of social acceptance and cultural tolerance of domestic violence among I-Kiribati people. By Western standards, attitudes to gender relations are still fairly traditional, even among women who are educated, aware of human rights and actively involved in the community. There were indications that acceptance of domestic violence may be slowly waning, although it is hard to say whether the participants in this study were typical of the I-Kiribati population. A small number of participants were beginning to challenge the idea of 'culture' as a blanket explanation for violence. The silence and shame around violent victimisation continues to constrain women as a group and impede change at the broader social level. While men could play an integral role in addressing domestic violence, the communal culture, lack of leadership, and pervasiveness of male violence work against this.

The Women's Affairs Unit of the Ministry of Social Affairs (MISA), which is located within AMAK, is responsible for advising the government on women's issues and providing services for women. The Women's Affairs Unit is involved in community education and awareness training on violence against women. Overall, it seems that government leadership in policies and practices associated with domestic violence is inconsistent.

There is no specific domestic violence law. The *Penal Code* has a range of provisions for assault and injuries. There were opposing views on current legislative arrangements. Some stakeholders called for a domestic violence act, similar to that of New Zealand, which would cover a wide range of behaviours currently understood to constitute domestic violence. The other view was that the range of assault provisions was adequate, but there were problems with Police powers, as well as Police attitudes and knowledge.

Kiribati acceded to CEDAW in March 2004. The initial States Parties report was due one year after accession but had been submitted. Stakeholders said that the Articles of the Convention

have not been incorporated into legislation. Customary law is not in compliance with CEDAW.

In Kiribati society, conflict resolution, including dealing with domestic violence, is usually carried out by the extended family. Problems that cannot be resolved by the family can be handled by the *maneaba*. Some families will support a woman's desire not to return to a violent husband and will take them in. Often however, they either cannot or will not support their daughter and her children. Divorce is rare in Kiribati and calling the Police is seen as equivalent to ending a marriage. Given the shame that attaches to this issue, some families encourage women to reconcile with their husbands. Apology and reconciliation were traditional ways of ending the violence and promoting community harmony. Although a woman could refuse to accept the apology, some have little say in the matter, as this would expose her to criticism and punishment and bring shame on her family. Accepting the apology does not always signal an end to the violence, as it is intended to do. Notionally, women who feel they have been beaten without cause have some recourse to village justice. They can take their complaint to the *maneaba*, where the *unimane* would decide what action, if any, to take. However, it appears that husbands are rarely punished, because violence is usually seen as a wife's fault.

The fieldwork included consultations with two communities that had identified alcohol as having an adverse effect on community life and had taken steps to address the problem. Neither community set out to tackle domestic violence, although it seemed that the enforcement of rules around alcohol had a flow-on effect on domestic and community violence.

No data were available on medical and death records related to domestic violence.

The Kiribati government has called on the churches to take a more active role in promoting social change. Whether they can or will do so is debatable. Some churches have begun to take action on this issue. Church-led approaches to domestic violence centre on counselling to end the violence and achieve reconciliation. This approach is consistent with traditional ways of resolving conflicts and may be suitable for some couples. However, reconciliation can silence victims and protect perpetrators; the involvement of church leaders could mean that Police intervention may be even less likely; and the conservatism of churches works against women's rights, particularly in respect of divorce and reproductive control. At present, heads of churches are not seen to be doing their part to reduce domestic violence. Some stakeholders believe that they are unlikely to instigate widespread social change, particularly because traditional beliefs are still strong and will override religious beliefs.

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

This research was part of the wider *Pacific Prevention of Domestic Violence Programme* (PPDVP). The PPDVP is an initiative of the New Zealand Agency for International Development (NZAID), New Zealand Police (NZPOL) and the Pacific Islands Chiefs of Police (PICP). The programme builds on earlier NZAID and NZPOL support for domestic violence prevention in the Pacific. Feedback from earlier programmes indicates that while the assistance was well received, there was a need for more consistent and on-going support. The initial programme duration is five years.

The long-term goal of the PPDVP is “a safer Pacific free from domestic violence”. Its primary focus is building the capacity of Pacific Police services to prevent and respond effectively to domestic violence. The programme involves components at both the regional and national level. At the regional level, all Pacific countries are invited to participate in a range of training, networking and information sharing activities. At the national level, the programme is working more intensively with four Pacific countries - Samoa, Tonga, Cook Islands and Kiribati. Here it is providing on-the-ground sustained support for the development of Police domestic violence policy, strategy, action plans, systems and training programmes. Specific objectives are:

- i) To increase Pacific Police capacity across the region to prevent/respond effectively to domestic violence and to develop and maintain effective partnerships through regionally coordinated programmes.
- ii) To increase Police capacity in Samoa, Tonga, Cook Islands and Kiribati to prevent/respond effectively to domestic violence through national level programmes.
- iii) To develop and maintain effective partnerships between Police and relevant government agencies, non-governmental organisations (NGOs), churches, community leaders/organisations to prevent/respond effectively to domestic violence in Samoa, Tonga, Cook Islands and Kiribati.
- iv) To support the development of appropriate legislation on domestic violence and training for the judiciary/legal profession in Samoa, Tonga, Cook Islands and Kiribati.
- v) To support development of appropriate national policy on domestic violence and incorporation of appropriate actions in national development plans, in Samoa, Tonga, Cook Islands and Kiribati.

To a large extent, programme aims at the national level are addressed through the work of part-time country mentors. The mentors, who were appointed from within NZ Police, were each assigned one country and are deployed twice-yearly.

### Research aims and terms of reference

The research adopted the definition of domestic violence used by the PPDVP: that is, “violence against women by a partner or spouse”. It had two main components. The first centred broadly on Police understandings of and responses to domestic violence. The second component had multiple strands, covering government, NGO and community understandings and responses. The terms of reference (TORs) for each component are set out in Table 1.

**Table 1. Terms of reference for the research**

<b>POLICE ATTITUDES, POLICY, PRACTICE</b>	<b>GOVERNMENT, NGO AND COMMUNITY ATTITUDES AND RESPONSES</b>
Current specific levels of domestic violence reported to police	Current and historical levels of domestic violence reported to the key non-government agencies (women's crisis/refuge organisations)
Current policy, protocols and general processes and procedures (including record keeping) for dealing with domestic violence	Some assessment of the prevalence of domestic violence using the available Police and non-government agency data, and data available from other agencies, including the United Nations
The current state of Police prosecution of Domestic Violence including levels of case withdrawal, levels of prosecution against reporting and the overall number of offenders being held accountable for their actions	Broad trends in victim attitudes towards domestic violence and reporting to the Police
Any history of change around Police domestic violence practice	The policy and other contribution of key non-government agencies to dealing with and reducing domestic violence
Current Police leadership practice around domestic violence	A general assessment of levels of social acceptance and cultural tolerance towards domestic violence
Police attitudes and perceptions of domestic violence, including attitudes to dealing with complaints, prosecutions, offenders, and holding offenders to account. Police views on traditional cultural attitudes towards domestic violence and views of Officers regarding traditional local or village approaches towards dealing with domestic violence.	Current government policy and practice arrangements directed or associated with domestic violence
Police attitudes and perceptions towards Police Officers as domestic violence offenders	The current state of legislative arrangements in relation to domestic violence, including compliance with international covenants and conventions (CEDAW)
Current policy and practice arrangements for dealing with Police Officers as domestic violence offenders	The current state of any alternative approaches (village justice) to domestic violence
The current state of Police domestic violence training	Provide brief overview of nature and extent of systems in place for (a) reporting and (b) sharing information on medical and death records relating to domestic violence
The state and recent history of Police partner relations	The attitudes of key religious organisations towards domestic violence

The broad aims of the research were to:

- establish what data were available in each country;
- try to assess the extent of domestic violence and people's responses to it; and
- engage agencies and communities in reflection on domestic violence.

The research was also expected to provide a key awareness-raising tool for politicians, community leaders and communities. Because it was conducted in the first year of the programme, the findings should serve as a benchmark to measure the performance and effectiveness of the PPDVP.

## Our approach and methodological framework

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

The first feature of the team strategy was its emphasis on partnerships. To achieve maximum involvement and sharing of ideas, we partnered one national NGO throughout the planning and implementation of research activities. This had the dual aim of empowering Pacific communities by fostering enquiry and debate on domestic violence, and consolidating on-going partnerships for future PPDVP activities. Partner NGOs were given an honorarium in acknowledgement of their expertise and support.

- In the Cook Islands the NGO partner was Punanga Tauturu Inc; in Kiribati it was the Kiribati Association of Non-Governmental Organisations (KANGO); in Samoa it was Mapusaga o Aiga; and in Tonga the NGO partner was the Centre for Women and Children. These partnerships proved an invaluable strategy, ensuring knowledge sharing, ‘open doors’, relevance and ownership of the information, as well as downstream sustainability gains.
- The team also built on the work done by the PPVDP mentors. We worked closely with the mentors to develop the research approach and timeframes. This included, where possible, coinciding the fieldwork with the mentors’ in-country deployment. Again there were wonderful mutual benefits in this strategy. In Kiribati, the researcher worked with the mentor for the duration of the fieldwork. In the Cook Islands, the researcher worked with the mentor for one of the two weeks of fieldwork. For Samoa, the mentor provided key documents and information for the review. On-line support was received from the Tonga mentor.

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

- customary views of domestic violence and ways this should be addressed;
- the strength and capacity of domestic violence local movements, such as NGOs;
- police capacity and policing, law and justice systems;
- physical constraints, including the way in which the spread of the islands which make up Kiribati, Cook Islands and Tonga influences people’s knowledge of laws and access to policing systems and/or justice; and
- national commitments and understandings of regional and international agreements such as CEDAW and the Pacific Platform of Action.

Thirdly, it was important to keep in mind that findings were set against a context of rapidly changing times. Clearly, the interplay of different views on domestic violence – both traditional and legal, for the police and the community – would feature strongly in this review.

Finally, we saw the review as both a data collection and an education and advocacy exercise for domestic violence and related issues and this proved accurate. Each interview was almost an awareness raising exercise on domestic violence, CEDAW and related issues.

Preliminary findings were that each country had a significant resource base of knowledge and expertise. For example, each had participated in training provided by agencies such as the Fiji Women's Crisis Centre or the United Nations Pacific Regional Rights Resource Team (RRRT) project. This meant that domestic violence was likely perceived under a 'human rights framework' in addition to the 'Safer Pacific Free from Domestic Violence' framework of the PPDVP. Table 2 shows the main global and regional gender equity commitments and national responses to these. Samoa's draft Domestic Violence Bill was in circulation at the time of the review.

**Table 2. Global and regional gender equity commitments**

	CEDAW*	Pacific Platform of Action for Women (PPA) SPC**	Pacific Plan Pacific Islands Forum Secretariat (PIFS)***	Millennium Development Goals (UN)
Cook Islands	1 <sup>st</sup> report (2006)	X	X	X
Kiribati	1 <sup>st</sup> report overdue	X	X	X
Samoa	1 <sup>st</sup> & 2 <sup>nd</sup> report (2005)	X	X	X
Tonga	Not yet ratified In discussion	X	X	X

\*Focus on gender equity and human rights.

\*\*See especially: Goals 2.1 (Elimination of all forms of discrimination against women) and 2.3 (To eliminate sexual and family violence).

\*\*\* Initiative 12.5 of the Pacific Plan emphasises a commitment to ratify international and regional human rights conventions, covenants and agreements such as CEDAW.

The fieldwork was carried out in two-week blocks, in October and November 2006.<sup>1</sup> Each researcher visited two countries.<sup>2</sup> Because of the geographical spread and remoteness of many islands in each country, the research was conducted predominantly in urban locations or a central island. The findings may not be applicable to rural regions or outer islands.

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

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

Although we aimed to collect statistical data wherever possible, we anticipated that the information would vary greatly in accessibility, coverage and quality. Qualitative methods were also appropriate, given that a major research focus was identifying attitudes to domestic violence. We recognized that the topic had only recently been acknowledged as a Pacific development issue and that understanding the cultural and social underpinnings of domestic

1 Ethics approval was given by the Victoria University Human Ethics Committee: No 120/2006.

2 The project leader, Peggy Fairbairn-Dunlop, went to Samoa and Tonga. Denise Lievore went to the Cook Islands and Kiribati.

violence in the four countries required extensive discussions with a broad group of actors. Pacific research highlights that face to face communication is more appropriate and yields richer data than paper and pencil instruments or survey methodology.

While we established general guidelines for the research process, data collection methods varied somewhat across the four countries. The methods were finalised after the researchers arrived in the country and based on the advice of local Police and NGO partners. Tables A1 and A2 in Annex A set out the general framework.

### The four country reports

We believed that the term ‘domestic violence’ would be recognised in the four project countries. However, we anticipated that we might find different understandings of what it comprises, and how it should be dealt with, according to differences in the four countries’ socio-cultural values, beliefs and attitudes to do with roles and place, and post-colonial and recent history. We felt that women’s vulnerability to violence in a given country might also vary in terms of factors such as age or urban/rural living. Similarly, we felt that while there were likely to be some commonalities in legislation, policy and practice responses to domestic violence, there would probably also be differences. Given these and other socio-cultural and structural differences among the project countries, we concluded that it would be challenging to draw the data together in a reliable and rounded assessment of the extent and nature of domestic violence across the four countries, and the policies and programmes to address it.

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

Each country report comprises two main parts with the second part covering two sections. Part 1 has set out the background to the study. Part 2 discusses relevant contextual factors in the specific country. This covers information such as local understandings of gender, family, and community, to the political context at the time of the research.

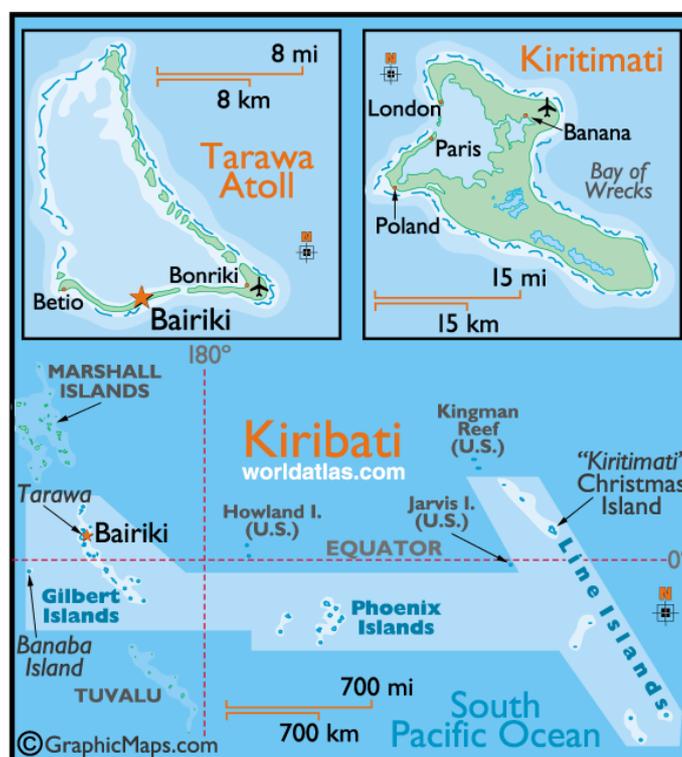
Section 1 of Part 2 covers Police attitudes, policy and practice in relation to domestic violence. The section is organised around the 10 Terms of Reference (TORs) in Table 1. The sub-sections raise points for discussion or further consideration. The information in this section is mainly derived from interviews with Police Officers. Section 2 follows the same format. It covers the second set of 10 TORs, relating to government, NGO, and community attitudes and responses to domestic violence. The information is mainly drawn from interviews with community stakeholders.

## PART 2: THE KIRIBATI STUDY

The fieldwork was conducted between November 16 and November 29, 2006. I was based at the Kiribati Police Service (KPS) Headquarters in Besio, South Tarawa, and well supported by Sergeant Titan Toakai, the Coordinator of the Family and Sexual Offences (FASO) Unit. The in-country NGO partner was the Kiribati Association of Non-Government Organisations (KANGO), in Bairiki, South Tarawa. I gratefully acknowledge the support of Roko Timeon, (Coordinator) and Lolia Kamauti (Assistant NGO Development Officer) – a most efficient translator, assistant and cultural advisor.

Kiribati consists of 33 coral atolls sub-divided into three main groups. The islands are located in the Central Pacific Ocean, over a distance of 800 kilometres north to south and more than 3,000 kilometres east to west (Figure 1). Given the remoteness of the outer islands, most of the field work was conducted on the main island of South Tarawa, with a day trip to North Tarawa. The extent to which the results can be generalised to the outer islands is not clear.

**Figure 1. Geographical spread of Kiribati islands**



Source: <http://worldatlas.com/webimage/countrys/oceania/lcolor/kicolor.htm>

The main data collection methods were:

- individual interviews with representatives of KPS, Courts, government agencies, non-governmental organisations (NGOs) and church groups;
- a small number of group discussions;
- two meetings with village communities; and
- document analysis of: legislation; Police statistics, policy and training documents; previous research; reports by international aid and human rights organisations; and local media productions about domestic violence.

In the main, data collection comprised semi-structured individual interviews. This approach was taken on the advice of Police and NGOs, who indicated that individual interviews would yield more honest and open replies. A translator (Lolia Kamauti) was required for most interviews and both community meetings. Interviewees from KPS were selected by Police commanders. There were a small number of discussions with two or more people. Lists of daily activities and people consulted during the research are included in Annex B and C. I gave feedback on major points to local stakeholders through a concluding workshop with the Gender and Domestic Violence Taskforce and a final brief report to Police commanders.

As the interviews and discussions were tailored to tap into the specific expertise of the interviewees, they tended to cover somewhat different topics. As a result, the data were analysed thematically. This means that the findings are presented in terms of key themes emerging from the discussions, rather than a count of how many people endorsed a particular view. Quotes from interviews are used to illustrate key themes.

Efforts were made to consult with as many government and non-government agencies as possible during the two weeks of fieldwork, but some agencies were not covered. This happened for three main reasons. Firstly I was unable to set up meetings until I arrived and the period of fieldwork was relatively short. Secondly, I relied on local advisors to set up meetings or provide introductions. This drew attention to the fact that there were some gaps in local networks. For example, neither KPS nor KANGO seemed to have contacts in the Ministry of Health. Thirdly, representatives of some agencies, such as the Department of Social Welfare, failed to meet our appointments. I have included information only on organisations whose representatives I met personally.

### Kiribati: the country background

Kiribati society and culture are conservative and male dominated. Women have traditionally been subordinate to their fathers, husbands and *te unimane* (male elders or old men). Male elders are accorded particular respect. Gender inequities were reinforced by Christian missionaries and continue to be reproduced in social life, including the areas of education and decision-making (Ratuva, 2005).

The concept of culture – which seemed to be implicitly defined by research participants as traditional ways of living – was widely used to explain a range of practices, including:

- men's right to discipline women and children physically;
- women's seeming support of this practice;
- lack of intervention by witnesses to violence; and
- women's agreement to men's requests to reconcile after separation.

### Community life and decision making

Community life centres on the *unimane* system. Each community has a *maneaba*, or gathering place, which serves as centre of social relations and an arena for decision-making and conflict resolution. The *maneaba* forges a social and political bond among members of a community. It looks after community welfare and provides a sanctuary for people seeking physical protection. In the *maneaba*, community members can air their concerns and the *unimane* discuss matters that affect their communities (Garcia, 2006). The *unimane* make decisions and rules through a consensual approach, which means that their decisions are readily accepted by the people (Ratuva, 2005). In progressive communities, women have speaking rights in the *maneaba*. However, on some outer islands women are not permitted to speak during meetings and in some communities they are only present to serve food.

## The family

The family is the major organising unit of Kiribati society. The extended family is a source of social identity and support and upholds common obligations. Land is a family owned asset and collective households are the norm. While women are able to inherit or own land within the collective family of origin, their rights are secondary to those of male family members and particularly the eldest male, who controls the family land (Tekanene & Teannaki, 2001).

The organisation of Kiribati society also involves communal practices such as *bubuti*. This involves a request from other households in the extended family that cannot be refused. It is a traditional form of social protection that is aimed at strengthening social support and welfare systems. It also helps to avoid shame, particularly being labelled as lacking in compassion and love (Ratuva, 2005). As discussed later in this report, a form of *bubuti* seems to be invoked in the practice of reconciliation between husbands and wives.

## Marriage and the household

In general, women go to live with the husband's family after marriage. It is usual for several generations to live communally on the family land. Men are heads of households and attitudes to gender roles are strongly traditional. Husbands have a traditional right to use physical discipline on children and women in defined circumstances. Women are generally involved in domestic duties and are expected to obey husbands' decisions.

Women have few options if a marriage breaks down. They have no entitlement to their husband's family land or home, even if they have contributed financially to permanent buildings, and they cannot stay there if the marriage ends. Women who cannot find somewhere else to live on South Tarawa may be forced to move to their family's home island. However, many have never been to the outer islands and leaving Tarawa may mean abandoning contact with their children (Nei Tabera Ni Kai Video Unit, 2006c).

The extended family is viewed as the principal social institution for protection, support and welfare, including conflict resolution (Ratuva, 2005). Outside interference in family matters is not welcomed or expected. Disputes that cannot be handled by the family are dealt with in the *maneaba*.

## Alcohol and violence as outlets for emotion

Domestic violence is closely linked with alcohol abuse in Kiribati. There is a high tolerance of excessive alcohol use. One interviewee noted that:

*People drink to get drunk and they keep drinking until they're paralytic.*

Traditionally women did not drink alcohol, but as South Tarawa has become more urbanised, more women are drinking with their husbands, with similar patterns of alcohol consumption.

Westerners living on South Tarawa described the I-Kiribati people as non-confrontational and non-demonstrative. They will not criticise others or tell them that they are doing something wrong. They can talk very openly about some issues, as witnessed by the success of HIV/AIDS and reproductive health programmes, but are 'extremely secretive' about other issues, including domestic violence. Men's inability to express themselves and talk about their problems leads to frustration. They use alcohol as an outlet for showing emotion, and this often ends in violence. In the words of one interviewee:

*When they blow their top, they go right over the top.*

The notion of individual responsibility for violence can be minimised by the collective.

*No one wants to take responsibility or attribute blame directly, but they blame other circumstances. The offender is not at fault: he did not make a conscious decision to beat his wife; circumstances drove him to it. There is no individual sense of responsibility. Decisions are made by the group and this allows people to be lenient in some situations. It's context-bound as to how people think about a situation.*

Not all I-Kiribati men are violent towards women. However, cultural norms around drinking and violence as routes to self-expression have serious implications: in some men, this takes the form of self-directed violence.

*Beating is men's first recourse. If they can't do that, they mutilate themselves. This is their choice. It doesn't help the situation, but at least the person causing it is also the person who will suffer. Women prefer to be beaten than have their husband self-mutilate, because he will not be able to go out and get food.*

### Sexual jealousy and violence

Both men and women go into alcohol-fuelled rages, often connected with sexuality. Men blame their wives for any sexual difficulties they experience and beat them for the loss of male identity. Many women will not talk about this, as it is too intimate. Some men say that a man who does not beat his wife does not love her enough. From a wife's perspective, if her husband is not jealous and does not beat her, his mind must be elsewhere. The Bible has been misused to support this notion. Wives are beaten to save their husband's honour and they attack other women with whom their husbands have affairs.

*A man and his brothers will beat a woman in a situation of honour. If another man speaks up for her, they will assume he's having an affair with her and will take action against him. Women do it too. When they're jealous of their husband running off with another woman, they bite their rival's nose off to disfigure her.*

Obsessive jealousy need not have any factual grounding to lead to violence.

Women who have extramarital affairs may find it impossible to remain with their husbands. Some women have been killed for unfaithfulness, although there may be a certain degree of impunity in these cases. The following story was related by a respected community member who was highly involved in human rights issues.

*Some unfaithful women are killed. When these cases come to court, they die a natural death. The women's families don't want the courts to deal with it, they want to take revenge. There are not many men in jail for killing their wives. In some outer island communities, men can share the women, with or without the women's consent. Men are not supposed to beat their wives for this, but some are ashamed and are the jealous type. One man punished his wife by cutting her with a knife. She eventually died.*

I was not able to verify the details of this case. By all accounts domestic homicides are rare in Kiribati.

### Recent social changes

There is an emerging public discourse on domestic violence and women's rights in Kiribati. This must be viewed as a significant achievement in itself and is largely attributable to the efforts of NGOs. During my visit, the national women's organisation, Aia Maea Ainen Kiribati (AMAK) and the Kiribati Association of Non-Governmental Organisations (KANGO) staged the first public commemoration of White Ribbon Day in this country. They garnered support from various agencies, including New Zealand Police and the Australian

High Commission, and staged a public event that attracted a large audience and media coverage. Some milestones in addressing violence against women are presented in Figure 2.

**Figure 2. Kiribati milestones in addressing violence against women**

Year	Milestone
1986	AMAK established and given responsibility for women's affairs
1986	KANGO established
1995	Women's Affairs Unit established with the Social Welfare Division of the Ministry of Environment and Social Development (now the Ministry of Internal and Social Affairs)
2003	Evidence Act amended, to exclude the corroboration requirement for rape
2004	Accession to CEDAW
2005	Family and Sexual Offences (FASO) Unit established through the PRPI
2006	First deployment of PPDVP in-country mentor
2006	New recruit training curriculum
2006	First public commemoration of White Ribbon Day, Bairiki Square

The public roles of I-Kiribati women are changing rapidly.

- Women are overtaking men in paid employment. In part this seems to be related to a perception that women are more motivated workers than men, particularly given social tolerance of men missing work because of drinking.
- Women are increasingly involved in governance. There are several female Members of Parliament. The Vice-president is a single woman, who was instrumental in Kiribati acceding to CEDAW.
- Women are holding more responsible positions in the civil service than men, including the management of government departments.

These changes are largely attributable to education. Although education for girls is less valued than for boys, disparities in educational achievements are narrowing. Male and female attendance at secondary school is roughly equal and women now outnumber men among young university graduates. Still, few women have reached senior decision-making positions in the public domain (United Nations, 2002).

Moreover, the U.S. Department of State (2006) has identified violence and discrimination against women as an ongoing human rights problem in Kiribati. Women in prominent public positions rarely challenge the status quo and women's status in the private domain – where they continue to be subjugated – has not kept pace with the public arena.

The Christian church has become a focal point of social life in Kiribati since the mid-twentieth century. Churches offer a community structure that is congruent with the traditional Kiribati lifestyle. Importantly, they also provide education for youth, which is highly sought after by parents and children. Many of the organised activities of women at the community level are conducted through church groups. However, the churches are seen by some as reinforcing gender hierarchies and as opposing key gender issues, such as reproductive control.

## SECTION 1: POLICE ATTITUDES, POLICY AND PRACTICE

### Current specific levels of domestic violence reported to Police

The U.S. Department of State (2006) notes that population statistics are not well collected in Kiribati. This is also the case for crime statistics. There were two sources of Police data on levels of family violence reported to Police. These are shown in Table 3.

- The first source comprised annual statistics, provided over varying periods of time, from domestic violence registers kept at three of the four South Tarawa Police stations.<sup>1</sup>
- The second source was the Family and Sexual Offences (FASO) Unit database. The Unit was established in 2005. The database should mirror totals from the domestic violence registers, but does not.

The FASO Unit database statistics are compiled as follows.

- Details of complaints are lodged in report books kept at local Police stations.
- Summaries of domestic violence complaints are manually recorded in domestic violence registers at local Police stations.
- Daily crime reports from the stations are sent to Police Headquarters. The statistics are collated for inclusion in the Police Commissioner's daily talk to Officers.
- The daily crime reports are sent to the FASO Unit for entry into the database.

There are fewer reports in the database than in the local registers. This indicates that the daily crime reports are inaccurate.

**Table 3. Recorded levels of domestic violence, South Tarawa**

Year	Source				FASO database
	Bonriki N	Bikenibeu N	Bairiki N	Total N	
1999	17	-	-	<b>17</b>	-
2000	39	-	-	<b>39</b>	-
2001	48	-	-	<b>48</b>	-
2002	11	-	-	<b>11</b>	-
2003	15	29	-	<b>44</b>	-
2004	33	34	-	<b>67</b>	-
2005	36	61	29	<b>126</b>	-
2006*	23	29	106	<b>158</b>	-
2005/06	-	-	-	-	13

Source: Kiribati Police Service

\*Year to date - November 2006

No statistics were available on domestic homicides, although they appear to be rare. One stakeholder believed that this was largely due to the visibility of domestic violence in the communal lifestyle.

*Because of the public nature of domestic violence, it tends not to have as serious consequences. For example, there's a low incidence of spousal homicide. People live in extended families, so family members intervene if the husband is going overboard. There's less opportunity for things to get completely out of hand.*

<sup>1</sup> The register from Besio was not available.

It was not possible to verify if this is the reason for the apparently low rate of spousal homicide.

### Discussion

The reliability of Police statistics is questionable. In addition to under-reporting, which is an acknowledged problem in jurisdictions across the world, the low numbers of reported crimes are likely to reflect under-recording (see discussion of next TOR). This will affect the accuracy and usefulness of the FASO Unit database, particularly in respect of tracking trends over time and identifying and monitoring repeat or serious offenders.

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

I was unable to establish whether there is a written policy on processes and procedures for dealing with domestic violence. I asked Police Officers who participated in the study to describe the procedures they follow when a complaint is received.

When a victim lodges a complaint at a Police station, she is advised that once the report is entered, this will be an official matter. Police said they ask women if they really need assistance, because their experience is that most women will return to withdraw the charges. It is not clear whether women feel they are being discouraged from proceeding, or whether this deters future reporting.

If a report is received about a serious incident occurring in the community, Police will attend if a vehicle is available – which is not always the case. If the suspect has gone, or the matter is not serious, the incident can be resolved on the spot. If the victim wants to lodge a complaint, Police will take her to the nearest Police station to take a statement before proceeding with the investigation. However, Police are often told by householders that incidents occurring in their homes are family disputes. In accordance with tradition, Police do not intervene in family matters. In the view of the Coordinator of the FASO Unit, once an assault is committed it is an offence, not a family dispute. Officers from the FASO Unit proceed by asking if the woman is ready to report the case.

Details of the complaint are lodged in report books at local Police stations and a brief summary is recorded in a domestic violence register. The summary includes: the serial number; date and time of complaint; particulars of the complainant and the accused; injuries; detail of the report; presence of children; involvement of alcohol or weapons; Police action; and outcome. Some registers include the relationship between the victim and offender. Daily crime reports from all stations are included in the Police Commissioner's daily talk to Officers at Headquarters. The daily crime reports are forwarded to the FASO Unit for entry on to their database. As noted above, there are fewer reports entered into the database than are in registers, which indicates that the daily crime reports are inaccurate.

Victim care and personal safety are important considerations prior to collecting evidence. Care for the victim may entail female officers attending incidents.

*Women officers attend to rape cases. It's best for men and women to attend domestic violence. Sometimes it's hard for men to attend to female domestic violence victims. Victims prefer to speak to women. In many cases victims are injured. First you attend to her life, and take her to hospital for a medical check. Then you look to your own self-defence if the offender doesn't want to stop the violence.*

*The primary consideration is the life of the victim. It's our duty to take her to hospital for medical treatment. Then you look to the suspect, record witness statements, and submit a report*

*for trial. Most officers follow this process, but most cases are closed before they get to court because the women withdraw the charges.*

There were indications that procedures are not always understood and followed. Firstly, not all complaints are recorded.

*The procedures are not well understood. Mostly women phone the station. If it's not a serious case, we'll do counselling. If it's serious, we'll take the normal procedure.*

*When victims come in to complain, they don't want offenders to be punished or taken to court. They want the Police to solve the problem and stop the violence: get the husband in a cell at the time to keep the peace. There should be a complaint filed first – there should be a report – before he's locked up. That may be why some cases are not reported. Police need a clearer understanding of procedures to follow in cases like this.*

Beyond this, some Officers said they and their colleagues needed clarity in respect of Police powers, as set out in the *Criminal Procedure Code*. The main difficulties arose in respect of:

- Police powers to enter premises without the householder's permission and/or without a warrant of arrest; and
- Police powers of arrest - in particular, distinguishing between cognisable (felony) offences, for which Police Officers do not require a warrant to arrest a suspect, and non-cognisable (misdemeanour) offences, for which a warrant is required.

*The law gives us the power to arrest, but domestic violence mostly happens in the home. We can't enter a house without permission, but it depends on how serious the violence is. Police Officers can enter any house where a crime is committed.*

*We get confused about our powers. Some say that when a woman is punched in the home they're not sure if they should attend. Some say you have to attend because this is a crime. Others say it's criminal trespass if they enter the property. Which law takes precedence?*

*The laws are not well understood by Police Officers. Sometimes we don't arrest when we attend because there is no crime being committed. If he has hit her before and there are witnesses to the assault, then we can arrest.*

## Discussion

Three main points deserve consideration here.

Firstly, there does not seem to be any accountability for Officers who fail to follow procedures. It is not clear whether such failures are related to a lack of understanding of the procedures – in which case, extra training is required – or whether it is related to attitudes towards domestic violence, which are more difficult to address.

Secondly, some Officers are failing to see to victims' safety and wellbeing, as indicated by the following victim's account. This may suggest either that they are not taking domestic violence complaints seriously, and/or that they do not understand that even apparently minor injuries can have severe consequences, be indicators of ongoing and escalating violence, and have evidentiary significance (Strack & McClane, 2001).

*I was beaten by my husband and had an injury to my eye. I went to the Police and wanted them to take me to the hospital to check my eyes. They tried to discourage me, but I insisted. The doctor verified the injury was from a fist to the eye.*

Finally, there is the matter of confusion around Police powers. Some stakeholders felt that this was used as an excuse for Officers' reluctance to intervene in private matters (see

discussion on current state of legislative arrangements). Section 49 of the *Criminal Procedure Code* – which states that Police have an obligation to prevent offences – would appear to override other sections.

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

A lack of reliable recording systems means it is not possible to estimate levels of case withdrawal, prosecutions, or the overall numbers of offenders being held accountable for their actions. For one, systems were not in place to track cases across the various agencies.

It might have been possible to obtain a rough estimate of case withdrawal relative to reporting by examining the domestic violence registers. Aside from the time-consuming nature of this task, the reliability of the information would be questionable. As noted, it seems that not all complaints are recorded. Moreover, in a sample of register pages provided by the FASO Unit, many entries did not have outcomes recorded. Some Police Officers recognised the difficulties caused by poor record keeping.

*The systems are not good. There are no proper records of people committing these offences. We need to locate these people and get them involved in programmes. It's on our part to keep files and proper records. The registers must be reliable and constantly updated.*

Based on consistencies in anecdotal evidence, it is possible to make some general statements on withdrawals, prosecutions and accountability, as discussed below.

#### Case withdrawal

Anecdotal evidence points to very high levels of case withdrawal, some at the request of victims, others as a result of inappropriate Police action (see Box 1). Police Officers said that a common reason for withdrawals is that criminal justice sanctions will impose further hardship on families.

*Women withdraw cases because they look at the final outcome of court: a fine takes money that is needed for the family. A husband in jail causes more hardship.*

There are indications that the level of victim withdrawals is demotivating for prosecutors, although it appears they often accede to victims' requests to withdraw cases. Some said they would welcome a no-drop policy.

*Many prosecutors don't care about domestic violence because of the level of withdrawals. They should care; they have had workshops on domestic violence. I want to see these cases dealt with separately for better results; I want them to get to the courts. Women are silenced when they compromise or agree with the husband's request to drop the case. Withdrawals should be done in court, not on the demand of the accused. We need to force prosecutors to deal with this system. A no-drop policy would be a good idea, because it makes offenders feel fear.*

Others were more cautious. Some Police and community stakeholders felt that a no-drop policy might expose women to more violence and could be counter-productive because male attitudes are not sufficiently advanced.

*It will make women more reserved in using FASO at this time. It might work in the future, if or as the culture changes.*

## Levels of prosecution

Most prosecutions are handled by prosecutors at the stations where the complaints were lodged. More serious cases are dealt with by the Attorney-General or the prosecutor at Police headquarters. A Police prosecutor said that 12 cases were currently pending in Bairiki and that almost 40 cases were prosecuted in that jurisdiction in the previous year. I was not able to verify these numbers.

According to Magistrates, few cases come before the Courts annually.

*This year about 30 cases came before one Magistrate. In Betio and Bairiki, there are probably about 10 cases a month each; four to six of those will be withdrawn. Most are withdrawn by the prosecutor after being asked to do so by the victim. We only deal with a few cases. Most find their own way to unite or reconcile. Cases that are not withdrawn are dealt with according to the Penal Code. These are mostly women who are strong enough to face the husband and don't quit from the complaint. We see more cases of young people causing violence in the home than partner violence.*

## Number of offenders being held accountable for their actions

Statistics on conviction rates and sentencing were not available, but it appears that few offenders are being held accountable for their actions. Instead, inordinately long delays in investigations and lack of Police action allow them to continue offending. Both Police Officers and Magistrates had some criticisms of the quality of investigations, preparation of cases, and delays in prosecution.

*Most of the time investigations are not done properly. The elements required to prove the offence are not filled. Some are good, but most are poorly investigated. They need to dig further, for example, look for other elements of evidence such as a history of domestic violence. But they ignore this and cut short the investigation... Offences are repeated because the Police don't do their part. There's a lack of action and delays in investigations. Some take as long as four months to be investigated, so the offenders don't care what happens. There's a backlog of cases waiting for investigation and prosecution.*

*Some cases are well prepared; others need more evidence. There are delays of months in bringing cases to the courts. Violence is still happening in these homes, so the women go to the Magistrates Court while waiting for the case to be heard. We send them to the Police. The women go around the system for too long. Police are not doing their job. They keep sending people to us to get warrants of arrest rather than doing it themselves. Repeat offending is going on in the interim. Police send victims to us to get restraining orders rather than prosecuting offenders. We must bring the offender in to hear the case against him before issuing a restraining order. We can stop offender returning to the address as an ancillary order in sentencing, so it would be better to prosecute and do this as part of sentencing.*

## Discussion

Anecdotal evidence indicates that levels of case withdrawal are high, prosecutions are low, and few offenders are being held accountable. While there are a number of factors contributing to this situation, it does suggest that the community is unlikely to perceive the criminal justice system as an effective means of dealing with domestic violence.

Of particular concern are reports of Police delays in investigations, the poor quality of investigations, and suggestions that Police are not carrying out their duties. In all, it appears that many perpetrators are offending with impunity and to some extent as a result of Police inaction.

### Any history of change around Police domestic violence practice

The most significant recent change in Police practice around domestic violence was the establishment of the FASO Unit in 2005. FASO Unit staff are proactive in the community, particularly in running awareness-raising workshops, although this has attracted some criticism from male community members.

*Men who are very aggressive say we are adopting European styles. Men who accept us accept our work with women and children.*

As noted, the FASO Unit has established a database that could be a valuable tool in monitoring domestic violence and tracking repeat and serious offenders.

Aside from this, it is important to acknowledge that domestic violence is a new concept in Kiribati and in the KPS. There was an awareness of domestic violence as a criminal matter among Officers who took part in interviews, which in itself may be viewed as a substantial achievement. Some Officers said that they are taking domestic violence complaints seriously and dealing with them differently from the past. To some extent this may reflect the success of the Pacific Regional Policing Initiative (PRPI) in developing an ethos of professionalism in Police services across the region.

*Previously Police believed that domestic violence is a family dispute and they could not intervene. Nowadays they know it's assault in the home and they go straight to arrest the suspect wherever the offence is occurring... Police officers deal more carefully with these cases now. They go to solve the matter, to keep the husband in custody. They respond immediately if vehicles are available. Police are given communication skills through the PRPI programme. We're told that once we've taken an oath as a Police Officer, we should do work carefully.*

However, it was difficult to judge whether raised awareness was translating into changes in attitudes and practice. Overall, the interviews indicated that it was taking time for Police Officers to act on their new understandings of domestic violence. Some may still view men's violence against wives as different from other assaults: this has flow-on effects for charging decisions.

*There is no domestic violence offence, only assault. But the charge depends on the seriousness of the offence, such as whether a weapon was used, or if there was a wounding. We need a specific domestic violence charge: we call it domestic violence, but once it goes to court it's a different matter. Police Officers decide which is the most appropriate charge and this can be difficult to decide. If they select the wrong charge, it will have an impact on proving the offence in court. Some Police may be confused as to why an offender is charged with assault when it's a problem in the family. Outer island police need awareness training. They see it as a family matter and that they are trespassing on other people's property. Domestic violence is a new thing for us, a new concept.*

### Discussion

The PPDVP has the potential to be a significant driving force for changing KPS practice around domestic violence. However, the sustainability of such changes must be promoted from within the KPS. One way of doing this would be through gender awareness training for all Police Officers. Gender sensitivity and capacity-building, including leadership training, is particularly important for members of the FASO Unit, as they are the public face of the PPDVP. AMAK's Legal Rights Training Officer may be well placed to provide such training or supplement the Police training curriculum. Ideally FASO staff would be assigned specifically to the Unit and not diverted to other duties. This would allow them to develop expertise that would assist in dealing with the public and which they could pass on to their

colleagues, thereby augmenting the capacity of the entire KPS to deal effectively with domestic violence.

### Current Police leadership practice around domestic violence

The Commissioner of Police was held in high esteem by members of the KPS, the community, and international agencies. His dedication to building the capacity and professionalism of the KPS was evidenced through his willingness to support the PPDVP and the PRPI. This flowed through to staff, who took pride in their qualifications and achievements.

*We see that the Commissioner encourages good attitudes and that's what he wants for his force. If we are proud to have qualifications, we need to have an attitude to match, or we are not seen as good Officers.*

The Commissioner of Police had the support of senior Officers in respect of initiatives to reduce domestic violence. Senior Officers noted three potential obstacles to improving policing of domestic violence.

- Inadequate resources are a major constraint on the Commissioner's plans.
- The leadership practices of senior commanders who discriminate against women Police are open to question.

*Some police leaders are encouraging and positive, others are not. They don't like women to lead and discrimination is evident.*

- Some Officers said that the KPS does not always lead by example in the community.

*The Police need to show the community that they are leaders in initiatives to reduce domestic violence. Some Police are not doing their job. We need to work with the community and be friends with them, and then the job will be very easy. Community policing is very poor.*

### Discussion

Police commanders and staff can play a major role in changing community perceptions about gender roles and attitudes towards domestic violence. Some senior Officers felt that male members of the KPS should lead the change.

*We need to improve the role of the husband, not the role of the wife. Police should deal with this. Implementing this concept is difficult if it's done by women. We need a community survey and analysis of men's attitudes. We're not dealing with wives' problems; we're dealing with men's problems.*

I agree with this sentiment and have no wish to understate the importance of involving male Officers in this initiative. At the same time, the KPS has an ideal opportunity to model gender equity for the community. This could be achieved firstly by supporting the professional development and advancement of women within its own ranks – the appointment of a woman Sergeant as Coordinator of the FASO Unit is a good start. Secondly, the KPS could promote the idea of women and men working co-operatively and on an equal footing, by assigning teams of female and male Officers to attend domestic violence incidents. This would also be preferred by and promote the safety of women victims (see discussion on victim attitudes towards reporting domestic violence to Police)

## Police attitudes and perceptions of domestic violence

There was consensus among Police interviewees that domestic violence is a widespread problem in Kiribati. Some felt that levels of domestic violence were increasing; others felt that there were more complaints to Police rather than an increase in prevalence.

### Attitudes towards domestic violence

Police Officers were asked what sorts of acts they considered to be domestic violence. Most defined it in terms of arguing and physical violence among extended family members, as well as violence between families. Some included emotional violence towards children.

*Domestic violence is a crime that happens in homes between wife and husband, parent and child, or different families. There are different problems that can result in domestic violence. Men are the head of the family and it's common for men to beat wives because of something the wives have done. Sometimes this is serious and a crime.*

*Domestic violence occurs between the father, mother and kids, as well as the extended family. It involves physical violence as well as psychological violence towards children.*

*Domestic violence relates to families and the bigger community. It concerns people with different behaviours and attitudes. It is a very serious crime among other crimes. Sometimes families take sides. If the husband is very cruel to the wife, her family will have a problem and ask her to divorce her husband.*

This focus on physical violence reflects provisions in the *Penal Code*, whereby offenders are most likely to be charged with offences relating to assault. However, it is out of step with wider legal and social definitions now common internationally, which cover a range of acts including threats, intimidation, and emotional and sexual violence.<sup>1</sup>

All of the Police interviewees recognised the role of alcohol in domestic violence.

*Men get drunk, and then come back home and beat their wives. Women are always the victims and also children.*

*Our ancestors used alcohol to build their strength for work. Now people use it to make them happy, but some don't know how to control themselves when they are drunk.*

*Domestic violence is men and women having family problems. It's a big problem in Kiribati. It happens because of alcohol. It occurs in both young and old people.*

### Police attitudes to dealing with complaints

There was a tension between the duty of Police Officers to prevent crime and the cultural proscription against intervening in other people's private lives. Some Officers believed they had no power to act unless someone was injured (also see earlier discussion on Police powers).

*We won't attend if a couple is just arguing and there's no injury. If there was a law that we had to attend quarrels, this might prevent serious injuries. We could stop it before it happens. We have no power to intervene in quarrels.*

There was a sense that other Officers felt constrained by existing laws.

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<sup>1</sup> The *Penal Code* does not provide spousal immunity for rape. However, the concept of marital rape did not seem to be widely recognised, if the complete absence of reference to it by Police and community stakeholders is anything to go by.

*If the wife tells us that her husband is drinking and will beat her when he returns, we have no power to arrest him when he returns. There is no way to protect her before it happens.*

In small communities, Police Officers may be called to attend incidents involving family members. Responses vary from one individual to the next. Some indicated that their duty to enforce the law would be secondary to customary ways of dealing with family conflicts.

*If the offender is a family member it could go two ways. Some would attend; they'd say it's easier to deal with if it's family. Others say it's too awkward and will create more problems. They'd send a colleague to attend.*

*If it's a family member, I would call an older family member and deal with it in the customary way.*

*If it's a family member, it's better to attend myself, as I understand the family better than other people.*

For young, single Officers, the respect accorded to elders presents problems when it comes to telling older married people what to do.

*I feel uncomfortable because I'm single.*

*Children are brought up in violence, so they do what was done to them as kids. We have to stop violence to children first. I feel shy to stop parents bashing their children. It's against the culture. Parents would say: 'Do you I have any business here?'*

The Police experience is that many women will ask for charges against their husbands to be withdrawn. This is frustrating for Officers who want to see more cases going to court and/or resent Police time and resources being 'wasted'. While the latter view is understandable, it could be argued that Police interventions that promote safety and pacify violent situations are never wasted.

*Domestic violence is a waste of time because the cases are always withdrawn.*

*Most don't report because it involves husband and wife. Some complain and then they often withdraw their cases. It's not good to withdraw; it's better to go to court. It gives us a lot of work. At first, victims insist on arrest. Then we go back and check if this is what they want. The victims worry about their children and they withdraw. Women need more education and awareness of the importance of filing complaints, because the law is there for them and is to protect them so the problem won't be repeated.*

*More people are reporting now. They understand what to do if they're beaten by their husband. We record their statement, and then two days later they withdraw the complaint. We haven't found a way to stop women from doing this. We would like to stop them, but we can't. I talk with them when they make the complaint, and try to make sure they will continue, but they withdraw.*

There are indications that some withdrawals are a result of Police actions. Box 1 contains comments from community stakeholders, which suggest that Police do not always handle domestic violence complaints appropriately. The quotes include the experiences of two women who withdrew from prosecution as a result of Police handling of the cases.

### Box 1 Stakeholder views on Police handling of domestic violence cases

*Domestic violence is not seen as a law enforcement issue. Assault is a crime, but at a cultural level, family violence is expected to be kept in the family. The community expects the law to have limited involvement and only at a serious level of offending. Victim reluctance to report or proceed results in Police reluctance to be involved and a lack of effectiveness in Police interventions. This reluctance to intervene from an institutional point of view, when combined with cultural views, means that it's hard to get Police to see that they have a role to play. (Government stakeholder)*

*Police sometimes won't accept complaints because of withdrawals. But women want to take cases to court. (NGO stakeholder)*

*The Police told my husband he was to go to court that afternoon and would probably go straight to jail. My husband was afraid and came to me, asking me to withdraw the charges and save him from jail. I did this for the children's sake; otherwise he would lose his job and not be able to support them. For myself, I would prefer not to be living with him. He has not hit me since that time, but he breaks things around the house. I'm very scared when he does this. (Victim)*

*I rang the Police once for help but the phone was not answered... Another time I went to the Police at 10pm to report that my husband was beating me. They came back from the house and said it was okay for me to return as he was sleeping. I was afraid to go home and I wanted the Police to arrest him and lock him up until he was sober. They said they couldn't do that as they didn't see him beating me. I stayed at the station all night until morning, returning home when I knew I'd be safe. They charged him at my insistence. I heard nothing for a long time, and then they came to my house and made me sign a form to withdraw the matter. They did this in front of my husband, who then knew that I had laid the complaint against him. He was angry about this but didn't beat me because he knew I would complain to the Police and he didn't want to be in trouble with them. (Victim)*

### Police attitudes to prosecutions and holding offenders to account

Overall, the concept of offender accountability was underdeveloped among the Officers interviewed. While most Officers recognised that domestic violence is a serious crime, opinions on prosecutions and offender accountability were divided. On the one hand, Officers who endorsed the deterrent function of the criminal justice system and wanted to see offenders held accountable said they were constantly trying to persuade women to proceed to court. Some viewed the absence of specific domestic violence laws as a barrier to successful prosecutions.

*Women are scared to get their husbands to court; otherwise they're afraid he'll go to jail. Now when a complaint is filed, we try to rush it through to court so there's no chance to withdraw. This is the best way to teach men. Maybe there's a need for community awareness of how to treat these cases. We could visit communities to talk about crime, how to control violence, and let neighbours know what they can do when it comes to domestic violence.*

*I try to make victims understand that if they are filing a complaint, they should take the case to court, to make the offender learn that there's a law to protect women. By enforcing the law and trying to make people understand the law, this will help reduce domestic violence. The only law is assault on a female. When these cases are prosecuted, the prosecutor doesn't say it's a domestic violence case, so the court records don't show any history of prosecution or conviction.*

*There should be seen to be more enforcement of the law. There should be specific laws on domestic violence that we can work on and study. We need training and awareness on the laws and on domestic violence.*

On the other hand, some had little belief in the deterrent and rehabilitative functions of the criminal justice system.

*Even if offenders go to jail, they will be released and will do it again – it's a cycle. We see a lot of repeat offenders. They could have more penalties within jail, but people are taken care of in jail. They get rations; they're protected, whereas people in the community are suffering. Who will take care of their children while they are in jail?*

Some Officers felt that reporting to Police and proceeding to court should be a last resort. There was a fairly widespread preference for dealing with domestic violence through counselling and reconciliation. In part this view is grounded in the realisation that female-headed families will suffer in this subsistence economy. It is also consistent with traditional approaches to dealing with violence through family or village mechanisms, and with Christian values promoted by the churches. For some Officers, the role between law enforcement and counselling was blurred.

*Women know it's a crime and they need help. The first place should be the Police. They file a complaint then withdraw it. Men and couples need counselling first, otherwise who will take care of the kids? We're happy if a couple reconciles. The role for Police is to have skills in counselling. I will do counselling between couples and close the case when possible, rather than see it go to court and have family suffer financially.*

*The best way to deal with it is maybe to go to the church, to pastors. The best way for men who cause problems is to bring their apologies to the church. Women can go to the church and seek assistance. In the first instance the woman should seek help from her family. The family can help cease the argument.... We can't do anything unless there's an offence. If it's a very serious case, such as where there's injury, the offender can be picked up by Police and taken to a cell. If it's not very serious, we can do counselling to get couples reconciled.*

Coupled with this, some senior Officers shifted responsibility from offenders by attributing the blame to alcohol. Again this is congruent with the I-Kiribati way of avoiding criticisms of others and looking to the situation to assign responsibility for action.

*No women want their husbands to be in prison, but they need assistance to stop the violence. Some men perpetrate violence when they're using alcohol, but they're good people when they're not taking alcohol.*

Taken together, these responses suggest that some Officers are not cognisant of the wider dynamics of power underpinning violence against women, the climate of fear that pervades violent households, or the fact that many women have no option but to stay in these relationships. There was no acknowledgement that traditional cultural and religious practices of reconciliation can promote silencing of victims and protect perpetrators (Commonwealth Secretariat, United Nations Development Fund for Women, Pacific Islands Forum Secretariat, Secretariat for the Pacific Community, 2003).

#### Police attitudes to traditional cultural attitudes towards domestic violence

To gauge Police attitudes to traditional cultural views on domestic violence, I asked the interviewees if it was ever acceptable for a man to beat his wife. Three out of 10 Officers gave unqualified responses that it is never acceptable for a man to beat a woman, although one of these felt that it was acceptable for wives to assault husbands in some circumstances.

*It may be okay for a wife to hit her husband if it's a small argument, but not for a husband to hit his wife. Women don't have the strength to hurt men with their fists. Women shouldn't be beaten by men.*

Among the rest, there was some support for the traditional view that a husband has a right to beat his wife, depending on her behaviour.

*It might be sometimes okay for a man to beat his wife; for example, if she has an affair. It depends on how the woman acts.*

*It's not good for a husband to hit a wife, but some women treat their husbands wrong, according to our culture, so they should be beaten. It's a way of teaching them a lesson.*

*It's not okay for men to beat their wives. Maybe he can smack her a little. Otherwise he'll end up in jail.*

### Police attitudes to traditional local or village approaches towards dealing with domestic violence

As indicated in the discussion on Police attitudes, there was support among Police interviewees for traditional approaches to dealing with domestic violence. In particular, reconciliation was highly favoured, even though this sometimes means that women are pressured into returning to violent relationships (see discussion of alternative approaches to domestic violence).

### Commentary on linkages between attitudes and behaviour

For some Officers at least, cultural and community views on domestic violence seemed to have a stronger influence on their attitudes and responses to victims and offenders than institutional policies. As noted, there has traditionally been a high level of male violence against women in Kiribati, coupled with a strong prohibition against interfering in family matters. This results in a tension between the requirement for Police Officers to prevent crime and uphold the law, and expectations around their behaviour as members of small communities with strongly traditional mores.

It is crucial that members of the KPS uphold their role as enforcers of the law. In particular, it is important to observe the line between policing and counselling and to acknowledge that traditional practices often work in favour of perpetrators. This is not to say that traditional practices and community members do not have a place in dealing with domestic violence. Given the entrenched nature of domestic violence and the constant recourse to 'culture' as an explanation for it, it may be preferable for Police to work with the community to find local solutions to gender-based violence. As one Police Officer noted:

*The best way to deal with it is for the community to discuss how to overcome the problem. People regard it as cultural; it goes from generation to generation, so this is difficult. In the past it was alright for a man to beat his wife, but there are rules against that now.*

In particular, there may be room to develop the *unimane* system (cf Garcia, 2006). There were indications that two communities I visited could be open to new attitudes given time and increased awareness (again, see discussion of alternative approaches to domestic violence).

*We need more communities with bylaws that set up boundaries for the community to control their own youth and do police work. In Buota there is no maneaba for people to gather and discuss what to do, only churches. The churches get children involved in programmes to stay away from alcohol. They see it as against our culture to barge into other people's business. In the maneaba, the unimane gave orders and organised the village to be more in order. People who are not active in the church could listen to the elders. The maneaba is a public forum, so Police could do training in the village.*

### Police attitudes and perceptions towards Police Officers as domestic violence offenders

There was not any overt sympathy among KPS interviewees for colleagues who were domestic violence offenders. All said they would follow standard procedures and treat fellow Officers as they would any other perpetrator. However, they were unlikely to be proactive in following up knowledge that a colleague was perpetrating domestic violence, and they would only take action if a report was filed. Some felt that Police recruits should be told that they could lose their jobs if they perpetrated domestic violence.

*Arrest him – he knows he’s committing a crime.*

*It happens that some Police Officers beat their wives, but the wives don’t report it because their husbands would be dismissed or demoted. I wouldn’t do anything unless the wife reports. But if there are severe injuries I would attend. There was a case of a Police Officer who beat his wife. He was sent to jail and lost his job. Applicants to the Police force should be aware that they may lose their jobs if they are abusers.*

*If an offence has been committed, I enter a report. I treat him like anyone else. It’s difficult if it’s a senior Officer. I might refer it to a more senior Officer. If a crime has been committed, we have to report it. We file it as a case and report to an Officer in a higher position. If there’s no crime, nothing can be done.*

### Discussion

In many respects it is not surprising that KPS members were willing to overlook a colleague’s violence unless the matter was reported. Strong social norms against interfering would be powerful disincentives. In addition, social and institutional hierarchies would work against action from young, junior Officers.

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

In 2004, the Professional Standards Branch prepared a document outlining policies and procedures relating to complaints against Police, internal investigations and discipline. A formal system was established to monitor and control complaints and ensure that serious incidents are subject to thorough and prompt investigation. Among other matters, the Professional Standards Branch must be notified within 24 hours of:

- all complaints against a member of the KPS made by members of the community;
- all complaints or allegations made against members of the KPS from internal or other sources where it would appear that a criminal or disciplinary charge could be laid if the allegation is found to be true; or
- when a member of the KPS has been charged with a criminal or a civil offence and is to appear in court.

The Professional Standards Branch liaises with the Commissioner of Police to appoint a suitable investigator and will subsequently review the file to establish the thoroughness of the investigation and appropriateness of the determination. When it appears likely that there is sufficient evidence for criminal or disciplinary charges to be laid, consideration will be given to suspending the person from duty. The person must be notified in writing and a copy forwarded to the Professional Services Branch.

Criminal charges are laid under the criminal law and disciplinary charges are laid under administrative law. There is nothing to prevent both types of charges being laid, although disciplinary charges are not to be brought until such time as the criminal charges have been

heard and determined by a court. Penalties for those found guilty of disciplinary charges range from admonishment to a fine. However, the Commissioner of Police has the power to impose a range of harsher penalties, including reduction in rank and dismissal from the KPS.

### Discussion

I was unable to determine whether Police commanders were consistently applying policies and procedures. A community stakeholder estimated that the level of domestic violence offending among Police Officers was very high.

*I would hazard a guess that 50% of police officers have perpetrated domestic violence and that's a conservative estimate.*

Even if the preceding estimate was highly over-inflated, it seemed that Police commanders were taking action against very few Officers. The number of Officers who had recently faced action for domestic violence could be counted on one hand. I was told that one Officer was currently in prison; another had been fined; and no criminal or disciplinary action had been taken against a third senior Officer who beat his wife in front of her family.

Added to this, there were indications that frontline staff did not always follow procedures when it came to their colleagues. This had implications for community perceptions of Police credibility.

*Some Police do not arrest other Officers. They remind him he's committing a crime and ask him to stop. That's common practice, but it's hardly professional. A common question among the community is: why should they report when Police also commit crimes?... There should be more awareness in new recruits – inform them that this is a serious crime and they will lose their job if it happens.*

## The current state of Police domestic violence training

At the time of the interviews, training on domestic violence amounted to around two hours of the recruit training curriculum. Some interviewees said that not all Police received training.

A revised recruit training curriculum was introduced in late 2006 and current and future intakes of recruits would receive more extensive training than most senior Officers. The new curriculum was developed as part of the PRPI and includes comprehensive modules on family and domestic violence and dealing with victims of crime. Particular strengths of the family/domestic violence module include: identification of social and cultural issues that underpin family violence and how they conflict with the national constitution; Police responsibility; enforcing the law; and strategies to assist women report domestic violence.

### Discussion

The interviews raised the issue of in-service training and upskilling of longer-serving Officers. Most of the interviewees thought that all Officers should be trained in domestic violence, particularly on the outer islands, where it was too expensive to call in the FASO Unit. The majority also said that they needed more training and knowledge to be able to deal effectively with domestic violence.

*I need skills to communicate with people, to negotiate with them, let them know how bad this is. At present our only way of communicating is through arresting the suspect, locking him up and going to court.*

*I would like more understanding of domestic violence. All Police need it, but at present only some are selected for training. We need more training and a better understanding of the laws,*

*so we feel more confident to do our duties. Children are involved in lots of cases, so we need to know how to respond to them. Are there laws against beating children?*

The interviews pointed to shortfalls in knowledge in the following areas:

- understanding domestic violence;
- how to deal with it;
- how to deal with children present at domestic violence incidents;
- what to do when there is a lot of fighting going on;
- communication skills;
- the laws on domestic violence; and
- investigation procedures and techniques.

### The state and recent history of Police partner relations

Historically, there have been few linkages between Police, government and NGOs. The establishment of the FASO Unit provided a link between Police and other agencies.

The FASO Unit had developed a good working relationship with the national women's organisation, AMAK.

A representative of women's groups operating through the Kiribati Protestant Church said they had no links with the Police, but would like help in their efforts to preach for peace.

The Coordinator of the FASO Unit was closely involved with the Gender and Domestic Violence Taskforce, which was organised through KANGO.

### Discussion

The establishment of the FASO Unit represented an ideal opportunity for KPS to set up strong partnerships with government agencies and NGOs. The Coordinator of the FASO Unit was highly regarded by community members and had been proactive in seeking out ways to engage the community in workshops and public discussion of gender-based violence. She indicated that the FASO Unit would in future work more closely with NGOs and churches, to equip them to deal with domestic violence in their communities.

## SECTION 2: GOVERNMENT, NGO AND COMMUNITY ATTITUDES AND RESPONSES

### Current and historical levels of domestic violence reported to the key non-government agencies (women's crisis/refuge organisations)

There was no way of estimating how many women report to NGOs, as there are no national women's crisis or refuge organisations as such in Kiribati. There was a small centre, run by Catholic nuns, that could accommodate two to three women with their children at any one time, but it was not widely used. Partly this was because it is unusual for I-Kiribati women to leave their husbands. Religious divides in Kiribati also meant that *'Women are not happy to go there if it's not their religion'*.

#### Discussion

The cultural taboo against help-seeking and speaking out about family matters means that crisis or counselling services would continue to be under-utilised for the foreseeable future. The SAFE programme from New Zealand recently visited Kiribati to look at ways of strengthening counselling services. The Kiribati Counselling Association was one organisation mentioned as being worth strengthening.<sup>1</sup> However, there was doubt about the extent to which victims would be willing to use a counselling service.

*Few women would use a counselling service or a refuge. The Catholic crisis centre is not used. Some come to AMAK but they don't want to be seen going there... The Kiribati Protestant Church women's counselling service is rarely used. There's no trust about confidentiality.*

It is possible and perhaps even likely that women will begin to utilise crisis organisations in the future. The current challenge would seem to be building the capacity, skill base and profile of such organisations.

### Some assessment of the prevalence of domestic violence using the available Police and non-government agency data, and data available from other agencies, including the United Nations

It was not possible to estimate the prevalence of domestic violence in Kiribati, given the lack of reliable data. Interview data collected during this study indicated that domestic and family violence are prevalent and frequent in some households, but that the level of under-reporting is very high. Under-recording may also contribute to low numbers of recorded crimes. It was not possible to estimate the 'dark figure' of unreported crimes.

This finding is consistent with an earlier report on alcohol-related harms on South Tarawa (Humphry & Casswell, 2003). The authors of that report noted that there are no statistics on the prevalence or incidence of domestic violence, although anecdotal evidence pointed to it being common, under-reported, and socially ignored.

More reliable statistics will be available from a forthcoming survey on gender-based violence, funded by UNFPA and AusAid, which will be conducted between 2007 and 2009. The research will be modelled on the WHO multi-country study on the health effects of domestic violence, which included Samoa (Garcia-Moreno et al., 2005) and was replicated in New Zealand (Fanslow & Robinson, 2004).

<sup>1</sup> I did not have an opportunity to speak to members of the Kiribati Counselling Association.

## Discussion

The lack of data on the prevalence of domestic violence highlights the importance of keeping accurate and consistent Police statistics. Without regular national surveys, Police records represent the best source of information on the extent and nature of domestic violence in Kiribati.

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

For ethical reasons, I did not set out to interview victims of domestic violence. Nevertheless, a number of women who were interviewed in other capacities self-identified as victims and spontaneously discussed their experiences and attitudes. Additional information on victim attitudes and social and cultural tolerance of domestic violence was obtained from DVDs on family and domestic violence, developed by the Nei Tabera Ni Kai Video Unit (NTNK) (2006a, 2006b, 2006c). NTKN productions are funded by international organisations, including NZAid and the NZ High Commission.

#### Victim attitudes towards domestic violence

Male dominance, including men's right to beat their wives, has traditionally been accepted in Kiribati society. For some women, violence is constant across the lifespan.

*In some households, beatings are an everyday occurrence. It happens for minor things. A description of marriage in Kiribati is when a woman leaves a family that beats her for another beat-up situation. It is widespread and even pastors and catechists do it.*

Women are usually blamed for causing the violence by making their husbands angry. The intergenerational transfer of violence means that some women accept it as their lot in life.

*In the cultural way husbands have a right to discipline wives. Women support this practice: it is okay for women to be beaten if they disobey rules set for them.*

Not all women tolerate violence. One woman told me how she was beaten by her father, her brother and her husband. Although she complained to the Police, others were not always willing to become involved.

Some women do not accept violence so much as they put up with it for various reasons. For example, love for their children is a major reason for staying in violent marriages, as many women would be unable to support them if they left. Added to this, children almost always stay with their fathers when a marriage ends.

*Women are in a vulnerable position. The husband can throw them out and the children usually stay with the husband. He or his parents might decide to pack the kids off to relatives in the outer islands. So it's not simply a matter of leaving a violent relationship, because it also means walking out on the children. The power dynamic plays into the men's hands and allows them to control women.*

Although women can apply to the Courts for custody, I-Kiribati women are not experienced in seeking legal advice and taking cases to Court. Even if they do, they may be unable to express their wishes. Women seeking maintenance may be afraid to speak out for fear of the consequences.

*If the husband wants custody the women won't speak up, even if they are sitting there crying. They won't fight for their rights or say what they want... It's hard for them to take their husbands to Court. They're not thinking of themselves, but of their children.*

*They're afraid that if they complain about the husband not paying maintenance, he will use this as an excuse to take the children away, by saying she is unable to support them and care for them.*

Help-seeking and intervention by outsiders are still frowned upon. Even though I-Kiribati women are increasingly aware of their rights as a result of education and awareness-raising campaigns, attitudes and behaviours are slow to change.

*My neighbour was beaten badly and came to me for help. She refused my requests to call the Police or take her to the hospital. We respect women's wishes. It's their own family problem. The last resort is to leave her husband. Unless the wife comes to us for shelter, we won't intervene. Women know they don't have to put up with this. We've had workshops to raise their awareness. Culturally, we see it as 'This is my own problem; it was my own choice to marry this man'. So they put up with it unless they can't bear it any more. It's sad. But educated women are now going out to seek ways of assistance. .*

### Victim attitudes towards reporting domestic violence to Police

Women's attitudes towards reporting domestic violence are strongly influenced by tradition. In many Pacific island societies, reporting violence or calling the Police is seen as an attempt to break up a marriage (Masaurua & Harborow, 2004). Many women are reluctant to take their husbands to court because this is tantamount to divorce, which is frowned upon. Help-seeking is also constrained by gender hierarchies and the silence and shame that devolve to victims.

*It's very rare that a wife goes to the Police, even if they don't want to be married to that man any longer. It's very shameful to make problems public like this. Even if we have broken bones we go back again. Even when we're small children we see that the father is the boss. Young men become the boss. It's generational and hard to stop.*

The obsessive jealousy that is part of many violent relationships, combined with the fact that many Police Officers attending domestic violence incidents are men, can deter reporting and inflame a violent situation. From a safety perspective, it is preferable that female Officers attend violent incidents. The fact that women have to bring charges against the offender is another disincentive, unless victims can be guaranteed that the identity of the complainant will be kept confidential.

*Because of the culture, women prefer to deal with a female Police Officer at the scene of violence. One husband accused his wife of having an affair with a male Officer who attended an incident and told the husband to stop beating her. An affair gives a man a legitimate reason to beat his wife. If a woman calls the Police, it's best if a female Officer comes to the house and says they received a report about violence. They should not say where the information came from. It's safer for the woman this way.*

Police responses to domestic violence also impact on women's reporting decisions. An article by the Regional Rights Resource Team (RRRT) notes that:

*In Kiribati police encourage reconciliation because they say that the day after the beating, the woman reporting the offence 'always' withdraws the complaint. (Masaurua & Harborow, 2004: 25).*

Police encouragement of reconciliation is likely to discourage future reporting.

### Discussion

In time the FASO Unit, with its female Coordinator, may help to overcome some of the social and cultural barriers to reporting and seeking help for domestic violence. There was a hope

among some older women that future generations of women would move past the cultural prohibition against seeking help and protection.

*We're trying to let women know that there is a place in the Police [FASO Unit] for them to be safe, protected, and helped. But only a few go there. Maybe the next generation will go, but not us. Women accept the Unit for the sake of their daughters and granddaughters. We haven't used it, but there is a continuance of awareness that it exists.*

At the same time, some women have found that the threat of invoking the law is an effective deterrent to further violence, due to men's wish to avoid the prospect of public shame.

*Men did not realise it was a crime. Now women tell them it's a crime and threaten to call the Police. This often causes men to stop the violence, due to the embarrassment of going to court and being seen as a bad person by the community.)*

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

At present, there are few Kiribati NGOs actively involved in dealing with domestic violence and most have limited capacities. KANGO and AMAK are primarily involved in education or awareness-raising activities. The Alcohol Awareness and Family Recovery Centre (AAFR), which offers an alcohol rehabilitation service, also provides counselling on domestic violence.

#### KANGO

As the umbrella organisation for NGOs, one of KANGO's main roles is to coordinate a disparate range of projects implemented by international donor agencies. It also helps to strengthen NGOs through training workshops, organisational development and government liaison. KANGO contributes to dealing with domestic violence in various ways, including:

- facilitating the activities of the national Gender and Domestic Violence Taskforce;
- assisting with community workshops and awareness training, such as workshops on alcohol abuse for seafarers;
- being involved in staging events for White Ribbon Day; and
- promoting public discussion of gender-based violence.

KANGO has a positive and growing relationship with the government. The Coordinator felt that KANGO would be more effective in facilitating the development of equitable government gender policies by adopting a supportive approach to government, rather than being overtly challenging.

## AMAK

AMAK (or the Kiribati National Council of Women) is the umbrella organisation for women's groups. AMAK's 18 members are primarily church groups, but they also include village organisations, the teacher's network, and the Girl Guides. AMAK is best described as a quasi-NGO, since the Ministry of Internal and Social Affairs (MISA) provides funding for AMAK's operational costs. MISA's Women's Affairs Unit, which advises the government on policy issues for women, is part of AMAK.

Much of AMAK's work is performed by volunteers and most of its project activities are supported by bi-lateral funding from international donor agencies. Government involvement in the funding process has resulted in some difficulties and delays, which have hindered the implementation of the biennial work plan and outreach to the outer islands. The funding set-up also means that AMAK's activities are project-based rather than programmatic. This has resulted in a somewhat piecemeal approach, as AMAK tried to determine the priorities of other Ministries and avoid duplication of their projects. Initiatives specifically connected with violence against women are as follows:

- The Virtues Project. This project was originally developed in the United States in response to increasing violence among youth and families. It provides life-skills strategies through personal, professional and community development programmes. AMAK adapted the project material for use in Kiribati, including translation of programme manual.
- Outer islands workshops. AMAK accessed Canadian funds to run outer island workshops on parenting and on alcohol and domestic violence.
- Legal Rights Training Officer (LRTO). The LRTO promotes social justice, legal literacy, and advocacy in human rights and the law. This includes making the link between domestic violence and human rights. The LRTO has run workshops on South Tarawa for women seeking to apply for maintenance after separation.
- White Ribbon Day/International Day for the Elimination of Violence Against Women and Children, 2006. AMAK raised funds and material support from the Australian High Commissioner and NZ Police to stage the first public commemoration of these events in Kiribati. Speakers included the Minister for MISA, the Australian High Commissioner and the PPDVP in-country mentor, Sergeant James Sole. The event received a full page of coverage in the local newspaper.
- Legislative change. AMAK was integral to the removal of the gender-discriminatory corroboration rule for rape from the *Evidence Act 2003*.
- UNIFEM/CEDAW. See later discussion in relation to current legislative arrangements in relation to domestic violence, including compliance with international covenants.

## AAFR

AAFR was set up in 1989. On a daily basis, it is run by two Catholic Sisters, with help from volunteers. Members of other religions are welcome to join the programme. AAFR offers a three-week residential rehabilitation programme and counselling for couples and singles affected by alcoholism. This often includes counselling on domestic violence and capacity building among families and support groups. A separate two-week programme is offered for youth. Courses are offered on South Tarawa and periodically on the outer islands. South Tarawa programme participants are followed up in the community and can return for a three day refresher course. Follow-up visits and refresher programmes for the outer islands are arranged when possible. AAFR is self-funded and relies on contributions from those using the centre, overseas grants and the sale of goods and produce.

## Discussion

Volunteerism plays a significant part in NGO activities and is also part of Kiribati culture (Garcia, 2006). However, most of these organisations are under-resourced, which raises the question of how to build the capacity of these disparate organisations to respond effectively to domestic violence. There is also the issue of how to coordinate their activities so that existing resources are directed towards projects that will build on rather than duplicate other agencies' efforts. The LRTO at AMAK may be best placed to engage in this work.

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

There has been a high level of tolerance for domestic violence among I-Kiribati people. By Western standards, attitudes to gender relations are still fairly traditional, even among women who are educated, aware of human rights and actively involved in the community. There were indications that acceptance of domestic violence may be slowly waning, although it is hard to say whether the participants in this study were typical of the I-Kiribati population. A small number of participants were beginning to challenge the idea of 'culture' as a blanket explanation for violence. They included the male leader of a prominent community group.

*Domestic violence is always with us. When I was growing up, no one talked about it, because women were just beaten if they were not doing what they were supposed to do. Now we understand that this is not so good... Men grow up with this in their homes and that's how they treat others. It's easy to abuse if you grow up in a family with violence. We call it culture, but you don't like it if you see your sister or daughter being injured.*

Some women are also beginning to redefine culture in positive ways.

*Men and boys are cherished and spoilt more than girls... Wives pander to their husbands' wishes and take responsibility for things he could do. For example, a husband could clean up his own vomit after he's been drinking, but the wives do it. **A good culture is a sharing culture, not to have another person as a slave, or to be a king.***

Given the absence of refuges and a social welfare system, I-Kiribati women must be independent and financially self-sufficient to leave violent husbands. Some stakeholders felt that educated women were becoming less likely to tolerate violence.

*In the last 10 years there have been a lot of separations on Tarawa, even among couples who have been married for 20 or 30 years and have many children. Women who react to the injustice and leave their husbands are self-sufficient; they can support themselves and their children. They know it's okay to be strong and independent. Among those who are less educated, the husbands leave the wives. Independent women won't put up with aggressive husbands; they can't talk about it to their husbands, so they leave, either alone or with another man.*

However, the silence and shame around violent victimisation continues to constrain women as a group and to impede change at the broader social level.

*Women have the power to implement social change – they are working and they could sway the government and force its hand – but it's not happening. The repercussions at home of speaking out as a group are feared. Theoretically women don't have status, but in reality they have lots of status. They do a lot for the community. They are strong but also weak, because they don't realise that they're suffering the same as the woman next door. It's not an individual problem.*

While men could play an integral role in addressing domestic violence, the communal culture, lack of leadership, and pervasiveness of male violence work against this.

*The strongest influence is the cultural and community view. We need to work with community standards and expectations, not just with the Police. Men need to stand up and say violence against women is unacceptable... Kiribati has no leaders on this issue. There is no one standing up and being counted on alcohol or family violence. It's a communal society, so there are no individual leaders or champions. Decisions are made collectively, so we need everyone on board... The dynamics are changing around tolerance of violence against women, but it's very slow. Some socially prominent women are in violent relationships but feel culturally constrained. The changing role of women in the community won't on its own force men to change, even if women see that it's okay for them to be independent and strong. They need male champions and these must be cleaner than clean, with no skeletons in the background. The difficulty is that it's so accepted and tolerated in Kiribati. It's also not an I-Kiribati thing to poke your head above the ramparts and speak out against your peers. They must be indigenous champions and they must be groups of men.*

## Discussion

Domestic violence is not a 'women's issue'. Efforts to change social acceptance of violence against women require male involvement and leadership. The United Nations (2005) has commented that it has had difficulty in involving I-Kiribati men in gender issues. While progress towards this objective may be slow, there are some grounds for cautious optimism. Firstly, the fact that both men and women are beginning to challenge the notion of culture is a positive sign.

The issue flowing on from that is how to disseminate new ideas. On this front, there may be a growing willingness among Kiribati media to engage with the issue of gender-based violence. The local newspaper, *Te Uekera*, devoted a page and a half to coverage of White Ribbon Day commemorations. In particular, it drew on the anti-violence message delivered by Sergeant James Sole. This highlights the importance of having anti-violence messages delivered by credible male authority figures.

The White Ribbon Day commemorations also emphasised how much the I-Kiribati people enjoy and respond to music, drama and poetry. During planning meetings for White Ribbon Day, staff at AMAK commented that radio plays that they have funded in the past seem to reach a fairly widespread audience. Given low literacy rates in Kiribati, there may be value in using popular culture to reach the population.

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

The Women's Affairs Unit of MISA, which is located within AMAK, is responsible for advising the government on women's issues and providing services for women. Additional functions of the Unit include:

- providing secretariat and support services, and policy and administrative advice to AMAK;
- initiating, implementing and monitoring government funded programmes and projects for women;
- facilitating training programmes on issues affecting women;
- coordinating programmes and projects for women; and
- identifying funding sources for women's projects and programmes (Tekanene & Teannaki, 2001)

The Women's Affairs Unit is involved in community education and awareness training on violence against women. In 1995, it proposed A National Plan of Action for Women, with the

second strategic objective being to ‘reduce the incidence of domestic violence and to improve women’s knowledge of their legal rights’ (Tekanene & Teannaki, 2001: 9). A draft policy guideline for women’s development was also formulated. I was not able to determine whether the Plan or the policy had been finalised or implemented, although this was not the case in 2001 when a UNESCO report on gender, science and technology was written (Tekanene & Teannaki, 2001).

The Women’s Affairs Unit has also been involved in projects aimed at eliminating violence against women. For example, the UNIFEM Pacific Regional Officer funded an Education & Training Project for the Elimination of Violence Against Women (1998-2000). The implementing partners were the Women’s Affairs Unit, the Government of Kiribati, and the Kiribati Island Council.<sup>1</sup>

## Discussion

Government leadership in policies and practices associated with domestic violence seemed to be inconsistent. Although the female Vice-President was instrumental in Kiribati acceding to CEDAW, it does not appear that she is an outspoken advocate of women’s rights. While efforts were made to meet with representatives of MISA, they failed to meet the appointments. The United Nations (2005) has found it difficult to engage government agencies on gender issues. At the same time, it has acknowledged that government administration is severely under-resourced in terms of skills and finances.

### The current state of legislative arrangements in relation to domestic violence, including compliance with international covenants and conventions (CEDAW)

#### Legislation

There is no specific domestic violence law. The *Penal Code* has a range of provisions for assault and injuries. For domestic violence, these could include the felony offence of grievous harm (s220), or misdemeanour offences of unlawful wounding (s223), common assault (s237) and assault causing actual bodily harm (s238). These offences carry maximum penalties ranging from seven years imprisonment for grievous harm to six months imprisonment for common assault.

There were opposing views on current legislative arrangements. Some stakeholders called for a domestic violence act, similar to that of New Zealand, which would cover a wide range of behaviours currently understood to constitute domestic violence. The other view was that the range of assault provisions was adequate, but there were problems with Police powers, as well as Police attitudes and knowledge.

*The problems lie with Police powers. The Police don’t know the process; there are gaps in their knowledge – for example, around their powers of arrest – or they don’t know how to get a warrant when one is required... They hide behind not being able to enter a house. This is an excuse for their own reluctance to intervene. They have clear powers to intervene when an offence is being committed. The problem is the way the powers of arrest are framed. They have to distinguish between a felony and a misdemeanour; know what offence to charge with; and where to find it in the Penal Code. I’d like to see clear and simple powers of arrest.*

Some of these problems should be addressed in the near future. Cabinet has agreed in principle to a revision of the *Police Ordinance Act*. It will be funded by the Australian Government. The Australian Government Attorney-General’s Department will assist with drafting the legislation.<sup>2</sup>

<sup>1</sup> UNIFEM (n.d.) <http://www.unescap.org/esid/GAD/Resources/ProjectsDatabase/CAC4-5.doc>

<sup>2</sup> Early 2007 was mooted as a possible timeframe.

The definition of rape (s128 of the *Penal Code*) does not exclude rape in marriage, although the concept of spousal rape did not appear to be widely recognised. Some stakeholders felt that sexual offence provisions are inadequate. An internal review of sexual offence provisions had been proposed, but had not yet received Cabinet endorsement.

### Compliance with CEDAW

Kiribati acceded to CEDAW in March 2004. The Women's Affairs Unit is responsible for ensuring that Kiribati complies with international agreements related to women's development. The President of AMAK said that implementation of CEDAW is a major objective. Towards this, AMAK, in conjunction with RRRT and UNIFEM, has run national workshops on CEDAW, women's rights, gender discrimination, and law and customary practice. The workshops were run on South Tarawa and the outer islands for government and civil society representatives (Regional Rights Resource Team, 2004).

The initial States Parties report was due one year after accession but had not been submitted. In the view of a government stakeholder, *'This was an unrealistic deadline. Accession was a significant achievement in itself.'*

Other government and NGO stakeholders said that the Articles of the Convention have not been incorporated into legislation. They noted that customary law does not comply with CEDAW.

### Discussion

The legitimacy of initiatives to address gender-based violence relies to a large degree on support from the highest levels of government. The findings in relation to legislative arrangements and compliance with CEDAW provide mixed evidence as to government support in this area. However, it is important to acknowledge and not undermine the significance of milestones to date. At this point, international assistance is likely to be needed to compensate for gaps in material resources and expertise required to take the next steps towards legislative change and compliance with international covenants.

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

In Kiribati society, conflict resolution, including dealing with domestic violence, is usually carried out by the extended family. Problems that cannot be resolved by the family can be handled by the *maneaba*.

#### Traditional family and village approaches

Outside interference in family disputes is not welcomed and many women are too embarrassed to ask for help.

*Our culture is strong. A man says 'It's my wife and you have no business to interfere'. The man is boss; he can do anything he wants to his wife. Women must accept this treatment. They have no power... It's very shameful to make problems public.*

A woman who leaves her husband firstly approaches her own family for help. Some families will support a woman's desire not to return to a violent husband and will take her in. Often however, they either cannot or will not support their daughter and her children.

*Women are scared to live with their own families who didn't accept their husband. They will say, 'It's your problem and you're bringing it back to us'.*

Divorce is rare in Kiribati and calling the Police is seen as equivalent to ending a marriage. Given the shame that attaches to this issue, some families encourage reconciliation.

*The woman's parents will discuss things with the husband, and give him option to apologise and stop the violence, rather than going to the Police straight away. The wife's family don't want to lose face, so they give him a chance. Then, if that doesn't work they'll take other action, such as divorce. The involvement of the wider family complicates matters if some support the woman and others support the man. The involvement of the law makes it even more complicated.*

Apology and reconciliation are traditional ways of ending violence and promoting community harmony. This involves a husband visiting his estranged wife's family home accompanied by high status supporters, such as his or her relatives, a pastor, or *unimane* or *unaine* (old women). Notionally, a woman can refuse to accept the apology, but some have little say in the matter. There appeared to be an element of *bubuti* associated with this practice, since refusal to accept the apology would expose her to criticism and punishment and bring shame on her family.<sup>1</sup> Acceptance of the apology is supposed to signal an end to the violence, although this does not always happen.

*In Kiribati culture the husband often asks important or high status relatives of the wife to help him reconcile with her. It is shameful for the whole family if she doesn't accept them, so there is sometimes pressure from her family to forgive her husband. If she forgives him, that's supposed to be the end of the argument and the violence, but this isn't always the case. Some husbands are cunning; they seek ways to reconcile, but don't stop the violence... At this point the best solution is divorce. The family will step in and shelter the women only if the situation is out of control – if she has bruises, or there is repeated violence, etcetera.*

Theoretically, women who feel they have been beaten without cause have some recourse to village justice. They can take their complaint to the *maneaba*, where the *unimane* would decide what action, if any, to take. In practice, however, it appears that husbands are rarely punished, because violence is usually seen as a wife's fault.

### Villages addressing alcohol-related problems

I visited two communities that had identified alcohol as having an adverse effect on community life and taken steps to address the problem. Neither community set out to tackle domestic violence, although it seemed that the enforcement of rules around alcohol had a flow-on effect.

The visits consisted of formal meetings in the *maneaba* of each community. Both communities had built a new *maneaba* that symbolised their new direction. Both spoke about the importance of being 'well organised', a concept that seems to refer to harmonious village and family relationships. Neither community had turned its back on traditional cultural ways, particularly in relation to gender roles. Rather, they had formulated rules and sanctions that put the well-being of the collective above that of any individual. Both communities were open to new ideas and ways of dealing with problems

### BMB Community, South Tarawa

BMB community comprises three villages that meet at a *maneaba* opened in July 2006. It is a progressive community, in which women have speaking rights in the *maneaba*. In 2004, the community formulated bylaws to deal with drunkenness, youth problems and violence. I addressed the community members and asked questions about their understandings of and responses to domestic violence. Lolia Kamauti translated between I-Kiribati and English.

<sup>1</sup> Added to this, divorced women are regarded as 'fallen women' and may be vulnerable to other forms of violence. I was told that most rapes are perpetrated against 'fallen women' and gay men.

The community members upheld the notion that husbands had a right to discipline their wives, but said they did not ignore domestic violence. They tried to resolve domestic disputes themselves and called the Police if that was not successful. Their understandings of and approach to domestic violence are summarised in Box 2.

Community members were very receptive to awareness-raising talks by the FASO Unit. They said they would welcome parenting workshops and leadership training for youth. They sometimes had difficulty contacting police due to poor phone lines and cell phone coverage. They said that handcuffs to restrain offenders or walkie talkies to contact police would be useful.

## **Box 2 How BMB community dealt with domestic violence**

*Domestic violence takes place within families, especially where there is jealousy, drunkenness, or no organisation or management. The 100% cause of violence is alcohol, but this is not an excuse to be violent. Children witness arguing between their parents and think that the parents do not have a good understanding between them; that the family is not well organised and there is no happiness.*

*Our culture outlines ways that women should be beaten. A husband sets the rules, so he can beat his wife if she is disobedient. In the cultural way, husbands have a right to discipline wives. Women support this practice: it is okay for women to be beaten if they disobey rules set for them. Young people feel sad to see their mother beaten. Sometimes children take the mother's side against the father. This results in more problems. Maybe they should call the Police.*

*Community members will call the Police if the fighting goes on. In this community, we will blow the whistle if there is violence in a family. The people get together. If the husband is violent after drinking, the community will try to settle the problem. If he doesn't stop, they tie him up and call the Police.*

*The Community has a rule of no drunkenness. It's okay if a person is drinking alone and nothing happens. But if people get together to drink in a group, the community will intervene. There's a penalty of \$50 to be paid to the community if they are drunk. If they disobey, we will call the Police and have people charged. We call the Police on a lot of charges. They take angry offenders away to calm down, and the community is in peace.*

*Domestic violence is a big problem and has a lot of effects. When a husband drinks, children often do not go to school because there is no money for bus fares, school materials or food. It causes disputes between husband and wife: there's no discussion between them, but they need a good relationship and discussion to solve these problems and stop it happening again. Sometimes the husband gets tired of his wife fussing about the way he spends money. He goes to other relatives to get money to stop the arguments. He knows they will give it (i.e. bubuti), but he regrets having to do it because he knows he can't repay it.*

### **Tabonibara village, North Tarawa**

When the residents of Tabonibara changed the village laws to promote a more peaceful lifestyle, they built a new *maneaba*, which they named *Ngaon Te Tangira* - Nest of Love. A prohibition on alcohol in the village seems to have reduced domestic violence to some extent. I visited Tabonibara in the company of Sergeant James Sole, Sergeant Titan Toakai and Lolia Kamauti. Because the village was somewhat more traditional than BMB community, Sergeant Sole addressed the *unimane* and asked about domestic violence.

The *unimane* endorsed the view that husbands had a right to discipline their wives, but indicated that they would support women who wanted to leave violent husbands and return to their own families. While there was a village constable, they believed that the Police had no power to intervene in domestic disputes. The *maneaba* was a place of non-violence. Wives

who sought refuge there were in principle offered protection, although the community had not encountered such a situation. Their understandings of and approach to domestic violence are summarised in Box 3.

The community members said they would appreciate learning communication skills and other skills to help them deal with domestic violence. They were open to new ideas, such as alternative ways of disciplining children. During awareness training they preferred to separate men, women and youth.

### **Box 3 How Tabonibara village dealt with domestic violence**

*Domestic violence is a quarrel between couples. There are many ways domestic violence happens in families. In Kiribati culture, a husband will beat his wife with his fists and sometimes she will be injured. Women are beaten for different things: jealousy; she didn't do what was expected by her husband. Husbands aren't always drunk when they beat their wives. There's lots of violence in our homes. Previously in this village there were no laws about alcohol. When a man got drunk, if his wife hadn't prepared food, he would beat her. Sometimes if a man is jealous, especially if he's drunk, he'll come home and try to figure out what his wife has been doing and this results in violence. Wives end up with black eyes, or sometimes injuries to the skull. Women sometimes think violence is a family problem.*

*If a person is related to the husband, they can ask him to stop beating his wife. But if they're not related, it's difficult to interfere, especially if the husband is jealous. If the father or brother of the wife sees the man beating her, they will sometimes intervene physically to pull him off her. If it's a non-family member, it's okay to step in if the violence is serious or life-threatening. It's against the culture for men to beat a sister or mother. It's shameful to beat sisters; only wives can be beaten.*

*The village law is set up so that if a wife is beaten and she comes to the maneaba, the husband can't follow her in. The maneaba is a refuge for the wife. If the husband follows her, the village committee will give him a penalty. For example, he could be beaten by people from a varying number of houses, or he might have to feed the village. We haven't come across wives running into the maneaba, although couples who have argued in the maneaba have been penalised; they had to feed the entire community.*

*We are beginning to hear and understand about domestic violence. We know that beating your wife is a crime. The younger generation in particular knows about it. The village has a special constable, so when problems like this arise we can go straight to the Police. But the Police have no power to intervene in a domestic violence dispute.*

*If your daughter married into another family and ran back to her family because her husband was beating her, women say that the couple should divorce. Men say that the family should always support the daughter. It might be possible to have an agreement with the husband for shared custody of the children.*

*This village used to be a very violent, disorganised place. It was dirty, with men drinking and sexually harassing women. Now is a clean, more peaceful, sober place. The reason for creating new laws was to get peace. We used to have lots of problems with people drinking. We wanted to stop binge drinking. Now alcohol is forbidden in the village. Now husbands can travel to South Tarawa and know that their wives can stay behind in peace and safety because no one is drinking.*

### **Discussion**

Theoretically, the *unimane* system could represent a culturally appropriate way of dealing with domestic violence. However, there would need to be a significant shift in community understandings and acceptance of violence before this was possible. Men's violence is normative and enshrined as a right in I-Kiribati culture, while the concept of women's right to

live free from violence has barely begun to be heard. Still, it is encouraging that some communities are beginning to be more open to new ways of dealing with conflict.

A second point that deserves some attention here is the practice of reconciliation. This is not unique to Kiribati and in fact has laudatory underpinnings. However, the intention behind the practice has been subverted, both in Kiribati and in other Pacific countries. This has resulted in a call for re-evaluation of such practices:

*All Pacific cultures have customary practices of reconciliation meant to breach the wound between families for the good of the community. However, it was not meant to excuse the accused behaviour or to lessen the punishment. Such customary practices need to be re-evaluated and national legislation amended to ensure women are safe within their own homes (Masaurua & Harborow, 2004: 25).*

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

No data were available on medical and death records related to domestic violence. Information from health centres, dispensaries and clinics on the outer islands are held by the statistics department of the Tungaru Central Hospital. A representative of this department said there is a standard surveillance form for collecting outpatient data. The Monthly Consolidated Statistical Report has no classification for assault in the section on morbidity. It would simply be recorded as 'Other'. Information on mortality could include injury as a cause of death or a presenting symptom before death, but it may not specify assault or show how the injury occurred.

A different form is used to capture information for patients admitted to hospital and seen at the Accident and Emergency Department. This information is not forwarded to the statistics department. The interviewee was not sure where it was held.

#### The attitudes of key religious organisations towards domestic violence

The Kiribati government has called on the churches to take a more active role in promoting social change. Whether they can or will do so is debatable. Religious organisations are unlikely to endorse domestic violence, but the same does not always hold true for individual church leaders.

There was a view among different stakeholders that church leaders should be doing more to address domestic violence, particularly because the churches have a national reach and their leaders are respected. However, some church leaders are known perpetrators of domestic violence and child abuse and have misused scripture to justify male dominance.

Some churches have begun to take action on this issue. For example, the Kiribati Protestant Church (KPC) has taken a strong stand against domestic violence. In October 2006, the Assembly made a statement condemning domestic violence and decreeing that any pastor or person in a responsible position who is known to be violent to his wife or children will be disciplined.

#### The implications of church-led approaches to resolving domestic violence

Church-led approaches to domestic violence centre on counselling to end the violence and achieve reconciliation. For example, the Catholic Church runs a programme called 'Marriage Encounter'.

*The husband and wife talk to a priest or catechist about their problems and learn to identify solutions. They talk to resolve their differences. It's a good mechanism. It's confidential and a lot of people are using this service.*

This approach is consistent with traditional ways of resolving conflicts and may be suitable for some couples. However, there are three associated issues that need to be addressed.

- Firstly, there needs to be open discussion of the fact that ‘traditional cultural and religious practices of reconciliation can promote silencing of victims and protect perpetrators (Commonwealth Secretariat, United Nations Development Fund for Women, Pacific Islands Forum Secretariat, Secretariat for the Pacific Community, 2003).
- Secondly, the involvement of church leaders could mean that Police intervention – and whatever protection this currently affords victims – may be even less likely.
- The third point, which is related to the previous one, is that the conservatism of churches works against women’s rights, particularly in respect of divorce and reproductive control.

The following quotes illustrate these points.

*We would not prevent the Police from intervening, but hopefully they won't turn up, because it becomes very complicated. It is seen as a failure on the part of the pastor if a member of the congregation is so violent that the police need to be involved... The culture is complicated. I have the right to punish my wife. The church is trying to correct that conception... It's a very male dominated society, so it's hard. A lot of people use the Bible to support male domination. The church believes that family and marriage is very, very important. We try to keep the family together. In extreme cases, such as when there are life threatening factors, we are reluctantly open to divorce.*

*The church has a lot of influence. Taking a husband to court means divorce. The church standpoint is strong for not dissolving marriage. You can be separated but cannot have marriages annulled. Marriage is a sacrament. Fear of this will deter women from acting.*

## Discussion

At present, heads of churches are not seen to be doing their part to reduce domestic violence. Some stakeholders believe that they are unlikely to instigate widespread social change, particularly because traditional beliefs are still strong and will override religious beliefs.

*Religion has a limited ability to effect change. People are used to paying lip service to religion, so they're unlikely to change just because religious leaders call on them to do so. The church has replicated or replaced traditional community structures: home, family, village, and island. The fear of not being part of a community structure is so strong that people won't walk away.*

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## ANNEXES

## ANNEX A

## PROPOSED METHODOLOGY FOR DATA COLLECTION

TABLE A1: POLICE ATTITUDES, POLICY, PRACTICE	
Term of reference	Method
Current specific levels of domestic violence reported to police	Document review (e.g. recorded crime statistics) Consultation with Police
Current policy, protocols and general processes and procedures (including record keeping) for dealing with domestic violence	Document review (e.g. policy documents where available) Interviews/focus groups with Police
The current state of Police prosecution of Domestic Violence including levels of case withdrawal, levels of prosecution against reporting and the overall number of offenders being held accountable for their actions	Document review Consultation with Police, Magistrates, etc.
Any history of change around Police domestic violence practice	Interviews/focus groups with Police
Current Police leadership practice around domestic violence	Interviews/focus groups with Police
Police attitudes and perceptions of domestic violence, Including attitudes to dealing with complaints, prosecutions, offenders, and holding offenders to account. Police views on traditional cultural attitudes towards domestic violence and views of Officers regarding traditional local or village approaches towards dealing with domestic violence.	Interviews/focus groups with Police
Police attitudes and perceptions towards Police Officers as domestic violence offenders	Interviews/focus groups with Police
Current policy and practice arrangements for dealing with Police Officers as domestic violence offenders	Document review (e.g. policy documents where available) Interviews/focus groups with Police
The current state of Police Domestic Violence training	Document review (e.g. training curriculum) Interviews/focus groups with Police, trainers
The state and recent history of Police partner relations	Consultation with Police and partners (NGOs, government agencies)

<b>TABLE A2: GOVERNMENT, NGO &amp; VICTIM RESPONSES</b>	
<b>Terms of reference</b>	<b>Method</b>
Current and historical levels of domestic violence reported to the key non-government agencies (women's crisis/refuge organisations)	Document review of NGO records
Some assessment of the prevalence of domestic violence using the available Police and non-government agency data, and data available from other agencies, including the United Nations	Synthesis of available data, including previous research
Broad trends in victim attitudes towards domestic violence and reporting to the Police <sup>1</sup>	Analysis of media coverage (e.g. newspaper) Previous research
The policy and other contribution of key non-government agencies to dealing with and reducing domestic violence	Data from all TORs (1 and 2)
A general assessment of levels of social acceptance and cultural tolerance towards domestic violence	
Current government policy and practice arrangements directed or associated with domestic violence	Consultations with relevant Ministries
The current state of legislative arrangements in relation to domestic violence, including compliance with international covenants and conventions (CEDAW)	Consultations with relevant Ministries Review of legislation
The current state of any alternative approaches (village justice) to domestic violence	Community meetings Discussions with NGOs
Provide brief overview of nature and extent of systems in place for (a) reporting and (b) sharing information on medical and death records relating to domestic violence	Consultation
The attitudes of key religious organisations towards domestic violence	Consultation with National Council of Churches/other church groups

<sup>1</sup> The original brief from NZ Police asked us to interview victims, but our partner NGOs advised us that the women were unlikely to discuss this sensitive matter with us. Additional ethical issues associated with speaking to victims in small communities include confidentiality and participants' safety if their partners suspect they have disclosed the abuse. Given the exploratory nature of the research, we considered that we would gather sufficient information on this through stakeholder consultations.

**ANNEX B**  
**PERSONS CONSULTED**

<b>Kiribati Police Service</b>	
Ioeru Tokanetetaake	Commissioner
Tebano Tauatea	Inspector, Executive Sponsor of PPDVP
Titan Kabata (Toakai)	Sergeant, Coordinator FASO Unit
Teriao Korua	Sergeant
Tanaeang Raobati	Woman Police Constable
Kabaoiti Aretactek	Woman Police Constable
Tokataake Biriti	Sergeant
Iakobwa Baiteere	Police Constable
Raubwebwe Kiteon	Woman Police Constable
Burataake Bwebwerratu	Police Constable
Bamaere Tiira	Inspector, Prosecutor
Bonteman I. Kiatoa	Police Constable
<b>Government agencies</b>	
David Lambourne	Solicitor General
Sister Bernadetta	Office of the People's Lawyer
Bontu Aio	Magistrate
Erite Awira	Magistrate
Tehro Semilota	Acting Chief Registrar, Magistrates Courts
Ioeru	Statistician, Tungaru Hospital
Anne Kautu	LRTO, AMAK
Moia Tetoa	AMAK
Meere Riawata	President, AMAK
<b>NGOs and other agencies</b>	
Roko Timeon	Director, KANGO
Loria T. Kamauti	Assistant Development Officer, KANGO
Mwerenga Baiteke	Te Itibwerere Drama Group
Sister Teretia	AAFR
Sister Ioana	AAFR
Sister Maritina	Catholic Crisis Centre
Sister Rosarin	Catholic Crisis Centre
Tekaniuea Uriam	Marine Training Centre
Rite Tira	KPC Women's Group
Rev. Barante Kirata	KPC; Kiribati National Council of Churches
Kirata Akai	Chairperson, KIOSU (Seafarers' Union)
Linda Uan	Nei Tabera Ni Kai Video Unit
John Anderson	Nei Tabera Ni Kai Video Unit
<b>International agencies</b>	
Craig Rickit	NZ High Commissioner
Anne Quinane	Australian High Commissioner
Dennis Porteous	Deputy NZ High Commissioner
Bob Shaw	PRPI
Greg McPherson	AusAid
Tiana Felmingham	Public Health Advisor, Outer Island Health Project, EU
Akoia Keetau	Unicef