

**PACIFIC PREVENTION OF DOMESTIC
VIOLENCE PROGRAMME**

COOK ISLANDS REPORT

PREPARED FOR NEW ZEALAND POLICE

BY

DENISE LIEVORE¹ AND PEGGY FAIRBAIRN-DUNLOP²

VICTORIA UNIVERSITY OF WELLINGTON

14 JUNE 2007

¹ Crime and Justice Research Centre

² Va'aomanu Pasifika (Pacific & Samoa Studies)

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 COOK ISLANDS STUDY | 6 |
| SECTION 1: POLICE ATTITUDES, POLICY AND PRACTICE | 9 |
| Current specific levels of domestic violence reported to Police..... | 9 |
| 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 | 13 |
| Any history of change around Police domestic violence practice | 18 |
| Current Police leadership practice around domestic violence | 19 |
| Police attitudes and perceptions of domestic violence | 20 |
| Police attitudes and perceptions towards Police Officers as domestic violence offenders..... | 26 |
| Current policy and practice arrangements for dealing with Police Officers as domestic violence offenders | 26 |
| The current state of Police domestic violence training | 27 |
| The state and recent history of Police partner relations..... | 27 |
| SECTION 2: GOVERNMENT, NGO AND COMMUNITY ATTITUDES AND RESPONSES | 30 |
| Current and historical levels of domestic violence reported to the key non- government agencies (women’s crisis/refuge organisations) | 30 |
| 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..... | 31 |
| Broad trends in victim attitudes towards domestic violence and reporting to the Police..... | 31 |
| The policy and other contribution of key non-government agencies to dealing with and reducing domestic violence | 35 |
| A general assessment of levels of social acceptance and cultural tolerance towards domestic violence | 36 |
| Current government policy and practice arrangements directed or associated with domestic violence | 38 |
| The current state of legislative arrangements in relation to domestic violence, including compliance with international covenants and conventions (CEDAW) | 39 |
| The current state of any alternative approaches (village justice) to domestic violence | 40 |
| Overview of nature and extent of systems in place for reporting and sharing information on medical and death records relating to domestic violence | 41 |
| The attitudes of key religious organisations towards domestic violence | 42 |
| REFERENCES | 43 |
| ANNEXES..... | 44 |

LIST OF FIGURES

| | | |
|-----------|--------------------------------------------------------------------|----|
| Figure 1. | Geographical spread of the Cook Islands | 6 |
| Figure 2. | Cook Islands milestones in addressing violence against women | 8 |
| Figure 3. | Newspaper reports on domestic/family violence | 38 |

LIST OF TABLES

| | | |
|----------|----------------------------------------------------------------------------------------------------------------|----|
| Table 1. | Terms of reference for the research | 2 |
| Table 2. | Global and regional gender equity commitments | 4 |
| Table 3. | Miscellaneous and criminal domestic matters recorded by CIPS Domestic Violence Unit, July-September 2006 | 9 |
| Table 4. | Recorded violent crime - CIPS, July 2004-June 2005 | 11 |
| Table 5. | Outcomes for assault on a female, wilful damage and all offences, 2004-2005 | 15 |
| Table 6. | PTI client statistics 1996-2005 | 30 |

LIST OF BOXES

| | | |
|-------|----------------------------------------------------------------|----|
| Box 1 | Stakeholders' views on case attrition and sentencing | 17 |
| Box 2 | Reasons for not reporting domestic violence to Police | 33 |
| Box 3 | Problems experienced by victims during Police interviews | 34 |

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 Cook Islands Report on domestic violence is one of four national studies carried out under the PPDVP, the others being for Kiribati, 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”. 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 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 COOK ISLANDS STUDY

The Cook Islands study was conducted primarily on Rarotonga between October 29 and November 11, 2006. Most of the field work was done on Rarotonga, with a day trip to Aitutaki. I was based at the Cook Islands Police Service (CIPS) Headquarters in Avarua. The in-country partner NGO was the Women’s Counselling Centre, Te Punanga Tauturu Inc (PTI), also in Avarua.

The main data collection methods were:

- Individual semi-structured interviews with representatives of the Cook Islands Police Service, Magistrates Courts, government agencies, non-government organisations and church groups;
- a small number of group discussions; and
- document analysis of legislation; Police statistics; previous reports; and local media reports on 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 have been analysed thematically. Quotes from interviews are used to illustrate key themes.

Cook Islands: the country background

Traditionally, married women and women had different but complementary roles in the family. Women were largely confined to domestic roles. Men were heads of households and primary breadwinners. Women were brought up to obey their husbands. Most men believed they had the right to treat their wives as they wished, including beating them for transgressions. Historically, villages were small and the entire community knew about and became involved in other people's problems. The traditional way of dealing with domestic violence was through *kaumatua* (elders) bringing extended family members together to discuss the issues and look for solutions.

Cook Islands society and value systems have undergone large changes since the beginning of the 20th century. The traditional division of labour is still in evidence, although increasing contact with western culture has seen a number of changes in the Southern Cook Islands. More women are helping men to supplement family income and traditional support systems have broken down to some extent. Christian churches exert a strong influence on community life and have taken over traditional community and family functions to some extent.

There is increasing public awareness of women's rights, including the right to live free from violence. This is a significant achievement for Cook Islands society and is largely attributable to the efforts of NGOs.

Section 1: Police attitudes, policy and practice

There were two sources of Police statistics on domestic violence: three months' data compiled by the Domestic Violence Unit and CIPS annual statistics for 2004/05. The limited data available indicate that, on average, around five assaults on a female are recorded per month. Recorded statistics ranged from two to 10 reports per month.

Police Officers were asked to describe procedures for dealing with domestic violence. It was apparent that procedures are not always followed. In particular, domestic violence forms are not being completed for incidents that are resolved on the spot.

Anecdotal evidence which pointed to very high levels of case withdrawal called into question the efficacy of the no-drop policy.

Data on assaults on females are a proxy measure of the level of prosecutions for domestic violence. Assaults on females are substantially more likely to be cleared (31%) or result in a warning (38%) than in prosecution (16%).

Statistics on conviction rates and sentencing were not available. Some Police Officers felt that most cases do not reach this stage. Others felt that the conviction rate was acceptable, but that sentences did little to promote offender accountability.

Changes to Police practice introduced as part of the PPDVP can be sustained through gender awareness training for all Police Officers and particularly staff in the Domestic Violence Unit; developing the expertise of staff in the Domestic Violence Unit; and providing organisational support, including the development of leadership potential, for these staff members.

Opinion of Police Officers was divided on the issue of leadership practices around domestic violence. Some felt that Police commanders were committed to reducing offending, but that practice fell down due to staff handling of cases. Others felt that domestic violence was generally given a low priority and that procedures were not being enforced top-down. There has traditionally been a high level of acceptance of male violence against women in the Cook Islands. While there was little overt support among Police that men are entitled to beat their wives, some believed that women are often responsible for their own victimisation, while others minimised the seriousness of domestic assaults.

The culture of silence and shame, which exerts a strong prohibition against speaking out or intervening in family matters, may extend to Police Officers being reluctant to intervene in domestic violence, or approaching it as a community member, rather than an enforcer of the law. The majority preferred to deal with offenders through counselling and reconciliation, a system that is more closely aligned with restorative justice and with traditional social processes and Christian values. The boundary between law enforcement and counselling or pastoral roles was blurred for some Officers. Police attitudes and behaviours were also adversely affected by organisational factors, and particularly inadequate resources.

There was consensus among Police that those Officers who were domestic violence offenders should be treated in the same way as other offenders, as they undermine the credibility of CIPS. There were indications that Police policy towards Officers as domestic violence offenders may be applied differently for senior and junior staff.

Aside from some long-serving Officers and recent recruits, most staff said they had received domestic violence training, although this was often quite limited. Most felt that all Officers should receive training on domestic violence.

Historically, there seemed to be little in the way of formal relationships between Police, government and non-government agencies. All interviewees from Police, government and non-government organisations would welcome opportunities to forge closer inter-agency links. At the systemic level, there were some tensions that could form barriers to closer links between CIPS and other agencies.

Section 2: Government, NGO and community attitudes and responses

PTI is the key NGO providing victim support for domestic violence. PTI began systematically recording client statistics in 2004. In 2005, 30 of the total 300 clients were seen for matters relating to domestic violence. There is no women's refuge in the Cook Islands. Numbers of victims seeking help from PTI may be expected to increase as the issue is more widely discussed.

It is not possible to estimate the prevalence of domestic violence in the Cook Islands, as there are no reliable data available. Anecdotal evidence indicates that domestic violence is widespread, but highly under-reported. It was not possible to estimate the 'dark figure' of unreported crimes. The paucity of reliable data on domestic violence highlights the importance of consistent and accurate record keeping by Police. In the absence of a national survey, Police data will provide the best prevalence and incidence estimates.

As a general statement, domestic violence is a more or less normalised part of life for many Cook Islanders. Domestic violence has long been regarded as a private matter and a taboo subject in the Polynesian community. Male partners have a traditional right to treat women as they see fit. Women are expected to accept this, although they may now be more forthcoming in disclosing domestic violence to friends (Vainerere, 2005).

As noted, anecdotal evidence indicates that many women are reluctant to report domestic violence to the Police. Some reasons for non-reporting are personal (e.g. not knowing how to get help), or related to structural, social and community factors (e.g. culture of silence); others are related to the criminal justice system (e.g. distrust of Police). There was a view among community stakeholders that more victims would come forward if they understood that invoking the criminal law would stop the violence. However, it must be acknowledged that not all women who report domestic violence to Police want their husbands arrested and prosecuted. Some simply want help to calm a violent situation, a mediator, or to promote safety. Factors such as inappropriate Police responses can act as barriers to future reporting. Both community stakeholders and Police commanders said that they needed a study of victim attitudes to inform future directions.

NGOs provide vital services in the Cook Islands, supporting and supplementing the work of legal and government agencies and implementing international conventions. They are under-resourced, financially and personnel-wise. Demands on NGOs, and PTI in particular, will increase with awareness of domestic violence. Priority areas for capacity building include:

- provision of adequate financial/material resources;
- consultation between funding agencies and local groups, to ensure that resources are directed towards projects that are priorities for local stakeholders;
- adequate staffing;
- staff training and supervision, with thought given to the problem of burn-out; and
- finding qualified counsellors who will uphold client confidentiality.

There has traditionally been a high level of social acceptance and cultural tolerance of domestic violence. In part this is associated with hierarchical gender systems, which provided few sanctions for male violence. Domestic violence is also associated with a huge tolerance for excessive alcohol use. There is also a degree of victim-blaming, by both men and women.

The injunction against speaking out about and seeking help for domestic violence persists, largely because of the stigma associated with being a victim and the personal and family shame of others becoming aware of the problem. It appears that social acceptance of violence is being challenged and the issue is being discussed more openly due to awareness raising campaigns and women taking a more prominent role in the public sphere.

Current government policy and practice arrangements associated with domestic violence are carried out by the Gender and Development Division (GADD) of the Ministry of Internal Affairs. GADD encourages dissemination of information about domestic violence through its NGO partnerships. It has strong links with PTI, the Cook Islands Association of Non-Governmental Organisations, and church and other women's organisations.

There was a strong view that current legislation dealing with domestic violence needed updating, although there seemed to be some confusion about who should lead legislative change – the Police or the Crown Law Office. In particular, the Crimes Act was seen as inadequate because it does not cover the range of acts involved in domestic violence, such as verbal abuse, threats and intimidation, rape, or damage to property. Views on sentencing were

rather more mixed. Some interviewees felt that the penalties were not harsh enough and that heavier sentences would act as deterrents. Others felt that first offenders should receive heavier sentences. Some felt that imprisonment is not the answer, as it does not deter repeat offending and imposes more hardship on the family if the husband is breadwinner. There was widespread support for sentences that included components such as mandatory counselling or rehabilitation programmes.

GADD is responsible for looking at law reform in relation to CEDAW. The Cook Islands States Parties report acknowledges domestic violence as a problem and notes the need for law reform, consistency in law enforcement, and judicial training. It also notes that proposals for law reform have been under consideration for some time. Ongoing difficulties include the lack of refuge facilities, and inadequate monitoring and collection of data on women reporting violence to Police. A shadow report highlights areas in which Cook Islands legislation violates the Convention, specifically s141 of the Crimes Act (which excludes rape in marriage) and s539 of the Cook Islands Act (non-molestation orders applying to former husbands only). It also calls for revitalisation of the no-drop policy.

Traditionally, domestic violence was dealt with by village elders bringing extended family members together to discuss a couple's problems and look for solutions. I was given two opposing views on the current state of village justice on Rarotonga and Aitutaki. On the one hand, I was told that community or village justice is no longer practised there. In contrast, interviewees on Aitutaki said that families provide strong support for victims. They believed that women are more open now that there is more equality in households and as women realise that the shame is on offenders. This raises the question of where victims turn for redress from violence if they cannot seek community help and are unwilling to report to Police. Resolving this question would best be addressed through victim-focused research. As far as I was able to determine, the Ministry of Health has no policy of mandatory reporting of violence or abuse to Police. They will be informed if a death results from an assault, although domestic homicides are rare in the Cook Islands. There is no way of marrying hospital and Police data.

Cook Island churches seem to have accepted that domestic violence is a problem in their congregations. In all, it seems that religious organisations are not currently taking a leading role in reducing domestic violence. However positive steps taken by the Cook Islands Christian Church – such as training theology students on domestic violence and forming a men's group to support PTI – are highly commended.

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”. 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 terms of reference for each component are set out in Table 1.

Table 1. Terms of reference for the research

| POLICE ATTITUDES, POLICY, PRACTICE | GOVERNMENT, NGO AND COMMUNITY ATTITUDES AND RESPONSES |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 (PTI); in Kiribati it was the Kiribati Association of Non-Governmental Organisations; 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 st report (2006) | X | X | X |
| Kiribati | 1 st report overdue | X | X | X |
| Samoa | 1 st & 2 nd 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 2006.¹ Each researcher visited two countries.² 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 COOK ISLANDS STUDY

What is our vision for our country? It is the best quality of life for our people in harmony with our culture. We need policy, best practice, legislation and partnerships to achieve this.
(Cook Islands Police Officer, November 2006)

The fieldwork was conducted primarily on Rarotonga between October 29 and November 11, 2006. I was based at the Cook Islands Police Service (CIPS) Headquarters in Avarua and well supported by Sergeant Rebecca Hosking-Ellis, the Coordinator of the Domestic Violence Unit. The in-country partner NGO was the Women's Counselling Centre, Te Punanga Tauturu Inc (PTI). I gratefully acknowledge the support of Mii Daniela (Violence Against Women and Children Coordinator) and Kairangi Samuela (Legal Rights Training Officer).

The Cook Islands comprises 15 islands, each with their own norms, dialects and value systems, spread over 2.2 million square kilometres of the South Pacific Ocean (Figure 1). Given the remoteness of the outer islands, most of the field work was done on Rarotonga, with a day trip to Aitutaki. As Rarotonga and Aitutaki have had the most contact with western culture, it is not clear whether the results can be generalised to the outer islands. Some interviewees were from other islands and commented on differences. For example, Pukapuka is matrilineal and women own land for taro crops. Among Pukapuka people on Rarotonga, it is rare to hear of men beating women, although there is same-sex fighting when people drink.

Figure 1. Geographical spread of the Cook Islands



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

The main data collection methods were:

- individual interviews with representatives of CIPS, Magistrates Courts, government agencies, non-government organisations and church groups;

- a small number of group discussions; and
- document analysis of legislation; Police statistics; previous reports; and local media reports on domestic violence.

In the main, data collection comprised semi-structured individual interviews, with a small number of discussions with two or more people. This approach was taken on the advice of Police and NGOs, who indicated that Rarotongans are reluctant to speak openly when more than one person is present and that individual interviews would yield more honest and open replies. Interviewees from CIPS were selected by Police commanders. A concluding workshop with community stakeholders and a briefing for Police commanders provided a final opportunity for input and allowed me to feed back major points to the community. Lists of daily activities and people consulted during the fieldwork are attached in Annex B and C.

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 two main reasons. As I was unable to set up meetings until I arrived, some people were away from the islands during my visit. In addition, I relied on local advisors to schedule meetings or provide introductions. This drew attention to the fact that there were some gaps in local networks – for example, I had difficulty establishing who I should speak to in the Ministry of Health and I was unable to set up a meeting with a representative of the Crown Law Office. I have included information only on organisations whose representatives I met personally.

Cook Islands: the country background

Traditionally, married men and women had different but complementary roles in the family. Men were heads of households and primary breadwinners, with a sense of ownership of women. Most believed they had the right to treat their wives as they wished, including beating them for transgressions such as talking back, not having food prepared and so on. There was no concept of rape in marriage. Women were largely confined to domestic roles, which involved childrearing, managing the household, seeing to family members' wellbeing, supporting the obligations of the immediate and extended family, and taking part in community development (Ministry of Internal Affairs, 1995). Women were brought up to obey their husbands and for some this extended to accepting suffering as a part of life.

Historically, villages were small and the entire community knew about and became involved in other people's problems. The traditional way of dealing with domestic violence was through *kaumatua* (elders) bringing extended family members together to discuss the issues and look for solutions. While this could lead to resolution of problems, it was not guaranteed. Some families contributed to violence between couples and problems between couples could split families and island communities.

Cook Islands society and value systems have undergone large changes since the beginning of the 20th century. The traditional division of labour is still in evidence, although increasing contact with western culture has seen a number of changes in the Southern Cook Islands. More women are helping men to supplement family income and traditional support systems have broken down to some extent. There are an increasing number of female-headed households, although few single mothers are able to financially support themselves and their

children. Christian churches exert a strong influence on community life and have taken over traditional community and family functions to some extent.

There is increasing public awareness of women's rights, including the right to live free from violence. This is a significant achievement for Cook Islands society and is largely attributable to the efforts of NGOs such as PTI, the National Council of Women, and the Gender and Development Division (GADD) of the Ministry of Internal Affairs. Some milestones in addressing violence against women are presented in Figure 2.

Figure 2. Cook Islands milestones in addressing violence against women

| Year | Milestone |
|-----------|-----------------------------------------------|
| 1984 | Cook Islands National Council of Women formed |
| 1985 | Cook Islands party to CEDAW through NZ |
| 1994 | Te Punanga Tauturu formed |
| 1995 | Cook Islands National Policy on Women |
| 2001-2005 | Domestic Violence Strategy |
| 2003-2005 | Preparation of initial CEDAW report |
| 2006 | First deployment of PPDVP in-country mentor |
| 2006 | PPDVP – Domestic Violence Unit established |
| 2006 | Cook Islands accede to CEDAW |

The institutional context of the study

The research took place at an unsettled time for CIPS. In 2006, at the request of the Cook Islands Government, NZAID helped fund a comprehensive review of CIPS. The findings had not been released at the time of my visit, but rumours were rife and Police morale was low. Both Police Officers and other stakeholders said that the community had a poor perception of Police efficiency and responses to crime. This was partly because the Police were not seen to be carrying out their duties professionally and had lost the people's trust and respect. It was also seen as a function of generational and social change. This included the influence of young people who had grown up in New Zealand and were sent back to Rarotonga when they ran into trouble with Police there.

SECTION 1: POLICE ATTITUDES, POLICY AND PRACTICE

Current specific levels of domestic violence reported to Police

There were two main sources of statistics on domestic violence. The Domestic Violence Unit had just begun to compile monthly reports. They provided data covering July to September, 2006. I was also provided with CIPS annual statistics for 2004/05.

Perpetrators of domestic violence are most likely to be charged under s214 of the Crimes Act 1969 (male assaults female). The limited data available indicate that, on average, around five assaults on a female are recorded per month. Recorded statistics ranged from two to 10 reports per month. Domestic homicides are rare in the Cook Islands.

Domestic Violence Unit Database

The Domestic Violence Unit provided statistics for three months, compiled from their new database (Table 3). Points to note are as follows:

- The reports comprised two sections. The first section provided the number of miscellaneous and criminal matters reported per month, broken down into different offence types. The second provided a brief narrative description of the incidents. There are small discrepancies between the total numbers in each section.
- The report for July 2006 notes that only six Domestic Violence forms were completed for the 16 criminal matters reported. Vital information was not entered onto the forms, which explains the number of 'Unknown' results.
- Under 'Miscellaneous matters' the category of 'Domestic disputes' includes disputes between non-partners; e.g., a report on 13 July referred to a threat by a neighbour.

Table 3. Miscellaneous and criminal domestic matters recorded by CIPS Domestic Violence Unit, July-September 2006

| Month | Miscellaneous matters | | Criminal matters | | Outcome | |
|--------------|-----------------------------------|-----------|---------------------------------------|-----------|----------------------|-----------|
| | Type of matter | N | Offence type | N | Result | N |
| Jul 2006 | Domestic disputes | 9 | <i>Assault on a female</i> | 5 | Unknown | 10 |
| | Warn person | 5 | Common assault | 5 | Warned | 13 |
| | Remove person | 2 | Threatening | 6 | Prosecution | 1 |
| | Missing person | 1 | | | Removed | 4 |
| | | | | | Cleared (no assault) | 1 |
| | | | | | Withdrawn | 1 |
| | | | | | Missing | 1 |
| Total | | 17 | | 16 | | 31 |
| Aug 2006 | Domestic disputes | 13 | <i>Assault on a female</i> | 8 | Unknown | 8 |
| | Warn person | 2 | Common assault | 10 | Warned | 16 |
| | Locate person / attempted suicide | 1 | Threatening with intent | 2 | Prosecution | 9 |
| | | 1 | Wilful damage | 1 | Cleared | 2 |
| | | | Sexual intercourse under 16 years old | 1 | Other | 4 |
| | Total | | 16 | | 22 | |
| Sep 2006 | Domestic disputes | 11 | <i>Assault on a female</i> | 4 | Unknown | 13 |
| | Warn person | 6 | Common assault | 6 | Warned | 9 |
| | | | Assault on a child | 3 | Prosecution | 3 |
| | | | Indecent assault | 3 | Investigation | 2 |
| | | | Fighting in public | 1 | Withdrawn | 2 |
| | Total | | 17 | | 17 | Other |

Police Annual Statistics 2004/05

I was provided with Police statistics for the year July 2004 to June 2005 (Table 4). Assaults on females (n=64) comprised just under half (44%) of all incidents recorded as violent crimes and 10% of all recorded offences. Domestic violence could also contribute to other types of incidents (e.g., suicide / suicide attempts, wilful damage).

Discussion

There are three main points to note about the statistical data:

1. History of poor record-keeping. Although a domestic violence database was set up some years ago, data had not been entered for some time. Another database was recently set up for the new Domestic Violence Unit. Staff in the Unit did not have a precedent of regular and accurate record-keeping and they were coming to terms with the importance of consistently updating the database, as well as the finer points of data entry and analysis.
2. Offence categories. The offence category 'male assaults female' includes assaults by males other than partners. It was not possible to determine how many relate to domestic violence, although overseas research indicates that women are more often assaulted by partners than other assailants (Martin *et al.*, 1998).
3. Under-recording. There are indications that Domestic Violence forms are not completed for all incidents attended (also see discussion on Police protocols and processes). The Cook Islands Government State Party Report on the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) notes that:

The Cook Islands Women's Counselling Centre, known as Punanga Tauturu (PTI), reported an increase in complaints of domestic violence to the Police from 159 in 2003 to 180 in 2004. In 2004 the Police recorded 59 assaults on females. (CEDAW, 2006: 59).

I was not able to verify the source or accuracy of these statistics. However, the interviews also suggested that under-recording may occur. Some Officers said they preferred to resolve domestic disputes 'on the spot'. It appears that Domestic Violence Reports are not always completed for these incidents. This will impact on the accuracy and usefulness of the database, particularly in respect of identifying and monitoring repeat or serious offenders.

Table 4. Recorded violent crime - CIPS, July 2004-June 2005

| INCIDENTS | Jul N | Aug N | Sep N | Oct N | Nov N | Dec N | Jan N | Feb N | Mar N | Apr N | May N | Jun N | Total N | Clear N | Warn N | Pros N | Pend N | Clearance Rate (%) |
|------------------------------------|------------|------------|-----------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|------------|------------|------------|------------|-----------------------|
| Assault on a female | 2 | 7 | 3 | 4 | 6 | 6 | 10 | 6 | 5 | 3 | 8 | 4 | 64 | 20 | 24 | 10 | 10 | 84 |
| Assault on a child | 1 | | | | | 1 | 1 | 1 | 3 | | | | 7 | | 3 | 1 | 3 | 57 |
| Assault with intent to injure | | 1 | | | | | | | | | | | 1 | 1 | | | | 100 |
| Assault with intent to rob (knife) | | | | 1 | | | | | | | | | 1 | | | 1 | | 100 |
| Attempted suicide | | | | | | | | | | 1 | | 1 | 1 | 1 | 1 | | | 100 |
| Suicide | | 1 | | | | | | | 1 | 1 | | | 3 | 2 | | | 1 | 100 |
| Cruelty to a child | 1 | | | | | | | | | | | | 1 | | 1 | | | 100 |
| Common assault | 3 | 4 | 2 | 11 | 6 | 6 | 5 | 3 | 1 | 5 | 3 | 1 | 50 | 14 | 11 | 9 | 15 | 68* |
| Threatening act (knife) | 1 | | | | 1 | | | | | | | 1 | 3 | 1 | 1 | | 1 | 67 |
| Threatening act (manually) | | | | | | 1 | 1 | | 1 | | | | 3 | 1 | 1 | | 1 | 67 |
| Defamation of character | | | | 1 | | | | | | | | | 1 | | 1 | | | 100 |
| Other threatening acts | | | | 4 | | 1 | | 1 | | 1 | | 2 | 9 | 3 | 3 | | 3 | 67 |
| Total violence | 8 | 13 | 5 | 21 | 13 | 15 | 17 | 11 | 11 | 11 | 11 | 9 | 145 | 43 | 46 | 21 | 34 | 76 |
| Total Offences | 133 | 107 | 99 | 166 | 138 | 170 | 126 | 120 | 110 | 119 | 119 | 110 | 1515 | 507 | 260 | 115 | 541 | 58 |

* Includes 1 Undetected offence.

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

I was unable to determine whether there is a written policy for dealing with domestic violence. I asked Police Officers to describe procedures for dealing with domestic violence. Most were able to do so, although they did not know if there was a policy document.

Police procedures for dealing with domestic violence

When a domestic dispute is reported it is entered into a Miscellaneous log book. An Officer who takes a call about a domestic violence incident records details such as the name and contact number of the person calling, the address of the incident and what is happening. Most Officers said that some disputes can be easily dealt with over the phone.

I try to talk to the partner, but first I talk to the victim and ask what happened and who started it. You can easily sort out minor domestics on the phone.

For more serious incidents, the Officer informs the Duty Supervisor, who should send two Officers to attend. This is not always possible, usually because of resource shortages. Some Officers have attended incidents in their own vehicles because there are not enough trucks, or they are not operating. There are often staff shortages, particularly on weekends, when domestic violence is most likely to be reported.

Sometimes the supervisor asks a constable to go out. My own opinion is that the constable and the supervisor should go together. We don't go out alone, unless we're short staffed and two incidents are reported at same time. I had to do that once. I felt okay about it. Some offenders are easier to calm down than others. Some get aggressive. Most listen to us. They're afraid something will happen to them, so they get in the truck when they're told to. Some don't listen, so we try to restrain them.

Police Officers have the authority to exercise discretion in how they deal with domestic violence. They should assess factors such as the seriousness of the case and the history of violence in determining how to proceed. They often act according to the victim's wishes, although this is not always determinative. Many women ask Police to warn but not arrest the offender and arrests are often followed by requests to withdraw the case. CIPS has a no-drop policy: where an offence is committed and an arrest is made, Police must proceed with the prosecution, even if the victim asks for the case to be withdrawn. In these cases victims must go before the Court to have the charges withdrawn. Some Officers said they prefer to deal with matters on the spot and settle them out of court.

Everyone approaches it in their own way... The important thing is the attitude of the Police Officer – people know who they want to attend. I talk to them; I work well with the people... I don't just go by the book. Sometimes we make it worse. You don't need to arrest offenders all the time, as this can make it worse.

Attending Officers are required to complete a Domestic Violence Report Form. The interviewees agreed that while the forms are easy to fill out, not all Officers do so, or they do not always complete them correctly. This was attributed to time pressure or the knowledge that the case would not proceed. A number of interviewees attributed poor practice to Duty Supervisors.

Supervisors are not always implementing the procedures. The problem comes down to the Supervisors. In the last couple of years, Constables have gone through training. The Supervisors think once they're on duty they're their own boss, they can have their own system, but this ruins procedures. It plays havoc with the minds of Constables.

They're rotated every three months, so they work with different Supervisors and different systems, but there should be one system. Collecting information and statistics is hard: the domestic violence form is not filled in and it comes back to the Supervisors. Some deal with the matter then and there and settle it out of court so they don't fill in the form, but it should be filled in. They think it's a burden on them, but it really makes their work easier because all of the information is there.

The process is easy and simple, but sometimes we fail to do it. Officers might be shy to ask questions if they know the person, so they fill in the wrong thing. If they're in a rush, they take shortcuts. Some Supervisors teach shortcuts and staff follow their example. Supervisors have different ways of doing things. It comes back to the practice of Supervisors – they have their own way of filling in forms and preparing a file. The format is there, but we make it our own way. Especially when we know cases are not going to court, we take shortcuts.

Investigation of domestic violence complaints is carried out by the CIB, which sees relatively few domestic violence cases. Interviews may be conducted in the Police station or in the home. Some victims who are shy or uncomfortable with the Police ask for a counsellor from PTI to be present during the interview. CIB Officers travel to the outer islands to interview victims.

Discussion

It was apparent that procedures are not always followed. In particular, domestic violence forms are not being completed for incidents that are resolved on the spot. In addition to the implications of under-recording or incomplete information for the reliability and validity of Police data, settling matters on the spot does not always result in the best outcome for victims.

Some Officers try to settle the matter themselves and send the parties back home. Then some victims are not happy, as they feel it should have been prosecuted. There has to be some justification for just giving a warning; we don't have total discretion. We weigh up the best interests of the parties and the family and take the best course of action based on that. Overall, most comply with policy and standard procedures. There are odd ones doing their own thing, letting people off.

Officers who fail to follow protocols may contribute to the perception that reporting domestic violence to Police is an ineffective way of dealing with it. They may also discourage victims from reporting future incidents. One Officer said that calls from victims have declined as they seek other solutions.

Now women don't call me at night. They're sorting it out themselves. I tell them we're not counsellors; we just take people to court. They need to try other means to help. People rely on the Police to solve problems, even where it's not our job.

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

There is no easy way of tracking case progress or attrition within the Police, let alone across the various criminal justice agencies. For example, information from the Domestic Violence Database (Table 3), is not a reliable guide to the level of case withdrawal, given the high number of unknown outcomes resulting from incomplete records.

Case withdrawal

CIPS introduced a no-drop policy about 8 years ago. Where an offence is committed and an arrest is made, Police must proceed with the case. Victims who ask for a case to be withdrawn at this stage must make their request to the Court. Police will inform the Magistrate of relevant factors such as a history of repeat offending. Some Police believe that the no-drop policy is an effective tool for protecting women and deterring offenders.

What victims are really asking for is for offenders to be put on the right track rather than put behind bars. We are trying to follow the New Zealand system now, so that withdrawals must go before the Courts. It identifies to the Court that this is an ongoing matter and gives the Court a clear view of the history of both parties. [In cases of ongoing violence] it comes to a point where the Court will decide that she can't keep on withdrawing. People think twice if they're brought before the Court – they realise it's just a matter of time before they go to jail... A lot of people are dismissive of the Police. They think we have no powers, are not effective. The no-drop policy changes their minds.

Still, anecdotal evidence pointed to very high levels of case withdrawal, often because Magistrates accede to victims' requests. This calls into question the efficacy of the no-drop policy. The level of case withdrawal was also a source of frustration for Police. Factors contributing to case withdrawal included:

- men's roles as primary breadwinners and the view that families would suffer more injustice if offenders were incarcerated;
- social values around gender roles and the family, particularly the view that men, as heads of households, have the right to treat their wives as they wish;
- women feeling threatened by or sorry for their husbands; and
- women never intending the matter to proceed to court.

Levels of prosecution

Police data relating to incidents involving assault on a female are a proxy measure of the likely level of prosecutions for domestic violence. This is valid because research indicates that women are more often assaulted by partners than other assailants (Martin *et al.*, 1998). If anything, the statistics may overestimate the prosecution rate for domestic violence, because Police may be less likely to charge a partner than another assailant and women may be more likely to ask for charges against a partner to be withdrawn.

Assaults on females are substantially more likely to be cleared or result in a warning than in prosecution. To gain a clear understanding of the significance of prosecution rates, the data have been considered in relation to other offence types. Table 5 compares outcomes for assault on a female with outcomes for all offences and for wilful damage (which occurs in similar numbers as assaults on females). The comparison suggests that outcomes may differ by the type of crime. However, the results should be interpreted with caution; data from other years are required to determine whether there are systematic differences in outcomes.

Table 5. Outcomes for assault on a female, wilful damage and all offences, 2004-2005

| Outcome | Assault on a female | | Wilful damage | | All offences | |
|----------------|---------------------|----|---------------|----|--------------|----|
| | N | %* | N | %* | N | %* |
| Prosecuted | 10 | 16 | 21 | 31 | 115 | 8 |
| Cleared | 20 | 31 | 9 | 13 | 507 | 34 |
| Warned | 24 | 38 | 10 | 15 | 260 | 17 |
| Undetected | 0 | 0 | 9 | 13 | 92 | 6 |
| Pending | 10 | 16 | 19 | 28 | 531 | 35 |
| Total N | 64 | | 68 | | 1515 | |
| Clearance rate | | 84 | | 59 | | 58 |

* Percentages may not equal 100 due to rounding.

Compared to all other offences, assault on a female was:

- twice as likely to result in prosecution. This at least partly reflects the fact that women usually know their attackers (as indicated by no Undetected offences in Table 4).
- almost equally likely to be cleared; and
- more than twice as likely to result in a warning.

The preceding comparison obscures differences in outcomes between different types of crimes. Compared to wilful damage, assault on a female was:

- half as likely to be prosecuted;
- more than twice as likely to be cleared; and
- two and a half times more likely to result in a warning.

There were indications that inconsistent Police decisions contributed to low numbers of cases proceeding to court.

There are some problems with us [Police]. We're not consistent; only some cases are going to court. All assault cases should be treated the same.

Some Police interviewees said that the quality of investigations is often poor. This may be a function of supervision practices and inadequate understanding of the standard of proof.

Officers don't do further investigation if someone admits an offence, but [offenders] can change their plea any time, so they shouldn't take their word for it and stop there. I try to encourage them to do all the work from the start. It falls down with the Supervisors. Officers themselves don't understand the role of Police in respect of taking people to court. They don't understand the adversarial system, how it requires us to prove the offence beyond a reasonable doubt. They're not inquisitive enough; they don't ask in-depth questions and they just take things on the face of it. This shows in the poor quality of files coming in. It could be a training issue. Each Supervisor of each unit has their own practice regime. None work in a standardised way. It's their attitude. They're not following procedure... There is a mentality that this is a Police file only – they don't understand disclosure as part of the judicial process. Good files make our job a lot easier and improve the quality of prosecution cases.

Dismissals by magistrates also contributed to low numbers of cases being prosecuted (Box 1).

Number of offenders being held accountable for their actions

Statistics on conviction rates and sentencing were not available during my visit. Anecdotal evidence was inconsistent. On the one hand, there was the view that most cases do not reach this stage.

Most cases are thrown out of court. This is because of our lack of experience in dealing with victims. Things they don't tell us come up in court and the cases are thrown out. This is a training issue.

Others felt that the conviction rate was acceptable, but that sentences did little to promote offender accountability.

If the victim says 'We're okay now; or he is the breadwinner', and so on, the Courts will discharge him or suspend the sentence. It doesn't show the responsibility of the offender. I would prefer to have them convicted and discharged or fined. Then there is notice on him; something to show that he's like this.

The penalties show no accountability. In those cases [that go to court], prosecution has no effect. There is a good conviction rate, but most offenders are discharged without conviction.

The interviews revealed a tension between holding offenders accountable through sentencing options and the possibility that this could result in further injustice to the victim or family.

Offenders are not taken to Court; they're dealt with at home or in the office. We do this for the welfare of the family and the children. How would the family cope without the father when he is the main breadwinner?

Some Police Officers expressed frustration with inconsistent and lenient decisions made by the Courts, particularly in respect of repeat offenders.

Most come to court time and again. We tell the Court this is their fifth or sixth time here and advise jail for deterrence, but the Court is mostly lenient.

The Court has started putting offenders on a probation period of good behaviour. They give a suspended sentence and if they reoffend, the first offence is counted. The Courts are not always consistent; it depends on the JP. Even when there are convictions they are not always consistent; sometimes the sentences are too lenient. Inconsistent decisions and penalties feed back to victims. They're not happy about it.

Discussion

Anecdotal evidence indicates that levels of case withdrawal are high and prosecutions are low. Overall, the notion of offender accountability was underdeveloped (also see discussion on Police attitudes and perceptions of domestic violence.). This is not solely attributable to Police actions, but it does have wider implications, for example, in respect of community perceptions of whether the criminal justice system is an effective means of dealing with domestic violence. The views of some magistrates and community stakeholders on case attrition and sentencing are summarised in Box 1.

Box 1 Stakeholders' views on case attrition and sentencing

Magistrates commonly accede to victims' requests to withdraw cases. Factors contributing to case attrition and sentencing decisions include:

- poor Police briefs of evidence;
- privileging of the family over individuals;
- the view that crisis management is required, rather than criminal justice intervention; and
- a preference for dealing more harshly with repeat offenders.

The views of two Magistrates are presented here.

They need counselling rather than going to court. The no-drop policy doesn't work because the prosecution will fail: victims won't give evidence. They generally ask for the matter to be withdrawn. They're not coerced, but have a genuine fear for what might happen to their husband. He might be locked away. I need to consider the strain this places on the victim. Police need a counselling unit to deal with the problem on the spot, or at least set up a way of dealing with it on the spot. Police need to ensure that the charges will stick if it gets to court... There should be victim assessments done to ascertain if the matter should go forward, but this isn't being done. Often medical reports aren't done either. Police should be able to decide whether it should proceed to court at the time of doing the victim assessment... I'm more inclined to prosecute reoffenders.

How many times have women been abused before they make a complaint? And then they withdraw. I suspect it's many times, until they can't take any more... When a victim requests a withdrawal, I take no action on the case at that point. If there's no repeat violence or complaint in the next six months, I will dismiss the charges. But I don't dismiss it completely at that point; I put him on notice for six months. If he reoffends, then I charge him and proceed. It needs ongoing and constant follow-up. Often the reconciliation lasts only for a few weeks. He's good, and then he gets with his mates, drinks and reoffends.

Other community stakeholders were concerned about case attrition and the messages given by sentencing decisions.

Offenders should be going to court. Women come to [Police and other agencies] at the end, when they've already tried mediation and other means. At that point, you've got to take it to court. We're lobbying for the court system to impose some level of counselling. At present they mostly give suspended sentences. Two things might happen from that. One is that the guy goes home and carries on beating the woman. She doesn't report again because she knows it won't go to court. Otherwise the violence might stop... By the time domestic violence goes to court, it becomes a rubber stamp for what women already know. To go through without withdrawing empowers women. It gives them the knowledge that there is a system to punish offenders. All they want is for him to stop. If the court says 'You're guilty and you have to stop', it empowers women. Suspended sentences don't give this. For men, the shame of going to court is a deterrent in itself. To us, that's where bad people go, and everyone knows about it. It's embarrassing for both parties to appear in court. We encourage women not to withdraw. Even if he only gets a suspended sentence, he knows he's on notice. I don't think anyone's ever gone to jail for domestic violence.

Any history of change around Police domestic violence practice

The Cook Islands Domestic Violence Strategy was intended to provide a framework for the development of CIPS domestic violence policy and procedures. The Strategy covered the period 2001-2005 (Commonwealth Secretariat, United Nations Development Fund for Women, Pacific Islands Forum Secretariat, Secretariat for the Pacific Community, 2003). Some changes in Police policy and practice are a result of this strategy, although there are questions around the extent to which its action points have been achieved. Other changes are attributable to new legislation, or reflect increased awareness of domestic violence.

No-drop policy

CIPS introduced a no-drop policy about 8 years ago, as part of a strategy to decrease domestic violence and in response to increased numbers of victim withdrawals and overseas trends. Some Police believe that this has led to higher prosecution rates, although there are no data to indicate whether prosecution rates have risen. There was also a view that prosecutions have increased due to training and better understanding of domestic violence.

I've had overseas training; I realise it's not just a family problem. It's everyone's problem. I've been in the force for 14 years. The first five years we just counselled couples. Not any longer. Now we prosecute.

There have been calls for revitalisation of the no-drop policy (Liddicoat, 2005), given continued high levels of case withdrawal.

Victim impact statements

Under s8 of the Victims of Offences Act 1999, Police are required to complete Victim Impact Statements for the sentencing Court. However, Police have been criticised by a Judge for failing to address all elements of Victim Impact Statements.

Reporting procedure

As part of the Domestic Violence Strategy, CIPS developed a Domestic Violence Report Form and reporting procedure. As noted, reporting procedures are not consistently followed and forms are not always completed, although continued efforts are being made to ensure that all staff follow procedures.

Domestic violence database

A domestic violence database was developed as part of the Domestic Violence Strategy. Its aim was to capture information contained in the domestic violence reports and increase problem-solving and intelligence capabilities. However, the database was not kept up to date. This may partially reflect the fact that staff were often reassigned to other work that was prioritised over domestic violence.

New Domestic Violence Unit - PPDVP

The establishment of the new Domestic Violence Unit was greeted as a positive step, particularly because there was a view that policing had been too general in the past. Until 2005, the Family Services Unit dealt with both domestic violence and young people involved in family violence. However, funding for the Unit was not continuous and staff were often reassigned to other duties. In the new Domestic Violence Unit, different Officers will deal with couples and children, the work will be more specialised, and material resources have been boosted. A new domestic violence database was set up, although staff required training on how to maximise use of the information. The Coordinator of the Unit was making concerted efforts to ensure that all staff followed reporting and recording procedures.

Community role

Some interviewees felt that the Police had taken a more reactive approach to dealing with domestic violence in recent years. They felt they were less involved and more out of touch with the community. This partially contributed to diminished community respect for the Police. By contrast, a small number of Officers said that violence against women has been given more priority in the organisation. As part of this move, one of their roles is to raise community awareness that male violence against women is a serious offence.

Discussion

There are at least three major ways of sustaining changes introduced as part of the PPDVP. The first relates to gender awareness training for all Police Officers and particularly staff in the Domestic Violence Unit, who are the public face of the PPDVP. As discussed below (in relation to Police attitudes and perceptions of domestic violence), some Officers seem to lack awareness of the dynamics of domestic violence; one consequence of this is what one community stakeholder referred to as '*the callous way some Police treat victims*'. PTI would be ideally placed to provide such training, or to supplement the Police training curriculum.

Secondly, although all Police need training in domestic violence, the capacity of the CIPS to deal effectively with domestic violence will be augmented by developing the expertise of staff who would ideally be assigned exclusively to the Domestic Violence Unit and not diverted to other duties.

Thirdly, organisational support for these staff members is crucial. This extends from personal encouragement and assistance from Police colleagues and Commanders, to opportunities to develop leadership qualities and other potentials.

Current Police leadership practice around domestic violence

The vision for the Domestic Violence Strategy for 2001-2005 explicitly addressed the issue of Police leadership.

Police will demonstrate leadership to reduce domestic violence in communities. Within Police, commanders will demonstrate commitment to achieve reductions in actual offending. (Commonwealth Secretariat, United Nations Development Fund for Women, Pacific Islands Forum Secretariat, Secretariat for the Pacific Community, 2003: 96)

Opinion of Police Officers was divided on the issue of leadership practices around domestic violence. There were those who felt that Police commanders were committed to reducing offending, but that practice fell down because of the way staff handled cases.

There is a will for the programme to succeed within the Police hierarchy. The weakness is getting staff to deal with it appropriately.

Some felt that domestic violence cases were generally given a low priority by Police commanders, but that high profile cases were more likely to receive a swift and efficient response.

Lack of leadership has an impact due to inconsistent decision making. Domestic violence is sometimes rated at a lower level than other crimes. When it's a high profile case that goes to the media, they send staff to deal with it, get the case to court, and make it an efficient process. At other times, staff just sit on it, especially in minor cases.

Others felt that Police commanders needed to pay more attention to the views and experience of frontline staff.

Sometimes management come with their own concepts, which are not the concepts of Officers involved directly with domestic violence. They need to take into consideration what those people say. They think they know more than those dealing directly with domestic violence. For example, the level of staffing needed to attend to complaints: if an offender is aggressive and there are only junior staff available, this can cause problems if you need to arrest the offender. Also if the offender knows you're by yourself and have limited resources. You can't take the risk; you have to retreat. Management don't take things seriously from workers. They try to blame us and criticise when a file comes in, without realising the severity of the problem attended. They see the papers, not the actions that were carried out and how risky it was at the time. They don't see the actual scenario. You can't paint a picture on a piece of paper.

Finally, there was a view that procedures were not being enforced top-down and there was no mechanism for ensuring accountability for non-compliance.

Discussion

The points raised by Police interviewees in relation to this question indicate that the capacity of CIPS to lead by example in the community largely reflects the commitment of Police commanders. The outcome of the review of CIPS is likely to offer opportunities to reflect on and strengthen practices in this area.

Police attitudes and perceptions of domestic violence

Police attitudes to domestic violence

I asked Police Officers what sorts of acts they considered to be domestic violence. Most defined it in terms of physical violence and arguing, although some recognised that emotional violence was as damaging as physical violence.¹

Men get angry; they compare their spouses to animals. This is violence. They call them names. That's the thing that really hurts them, but they don't show it.

The focus on physical violence is consistent with the *Crimes Act 1969*, but is out of step with the definition developed as part of the Cook Islands Domestic Violence Strategy. This definition covers physical, sexual and psychological (emotional) violence, including intimidation and threats of violence (Commonwealth Secretariat, United Nations Development Fund for Women, Pacific Islands Forum Secretariat, Secretariat for the Pacific Community, 2003).

Alcohol, jealousy and financial stress were perceived to be the main causes of domestic violence. There was a view that domestic violence and general crime had decreased on Aitutaki following the introduction of tighter liquor licensing laws around two years ago. If this is the case, then more stringent policing of liquor laws may be an effective intervention on Rarotonga, although one Officer said that resource constraints meant that policing there was not up to scratch.

The interviewees were unanimous in saying that it is never acceptable for a man to hit his wife, although some (both male and female) qualified this statement, saying that some women provoke violence.

¹ They also referred to violence between other family members.

Domestic violence is something that happens in the household. The parents get angry. The husband comes home drunk and the wife hasn't cooked food, so they start arguing. It's never okay for a husband to beat his wife, but sometimes a wife provokes an incident. She gets smart to her husband and he gets angry.

Most domestics I've attended, always the girls start it by telling their partner not to go out; not to dance with someone; it's time to go home.

Your approach depends on the circumstances. That dictates Police action. If an assault is on a minor scale, then you deal with it at that level. If it's serious, you deal with that. Sometimes when you come to look at the circumstances you discover that the wife has played a part. Maybe she was unfaithful to her husband, so he bashed her. You look at how often it happens, at the attitude of wife, whether there are children involved, and weigh these things up.

There was consensus among the Officers interviewed that domestic violence is a problem in the Cook Islands, although there was some minimisation of the problem as 'just normal arguments'. Opinions were divided as to whether the rate has increased or decreased in recent years. There were also differing views on the extent of violence in Rarotonga compared to the outer islands.

Domestic violence is increasing, mostly among young people. There are more incidents reported to the Police and more happening in the community. They don't want to report it. It's mostly alcohol-related among the young ones. Women's attitudes and acceptance of domestic violence [are a big factor in non-reporting]. That's just the way they are. They love their partner, so they don't want to report him.

Husband and wife domestic violence is rare on the outer islands. There's no access to alcohol, unlike Rarotonga. Here, couples go to nightclubs and go off with someone else. On the outer islands, it's just normal arguments without alcohol. They disagree on how to run things at home, or there might be children involved... Domestic violence on Rarotonga has decreased, at least in terms of severity. Most is minor assault: it occurs only at that time, on that night, when they're drunk. It's different now compared to 10 or 20 years ago, when there were crimes of actual passion. People take heed of the law now. Their awareness has been raised through groups such as PTI.

Police attitudes to dealing with complaints

There were somewhat contradictory views expressed in relation to complaints about domestic violence. Some Officers saw domestic violence as a serious matter and treated complaints accordingly. Violence against women as a human rights issue was raised by three Officers who spoke about women's rights in marriage. This discussion of rights often went along with the view that the Police have a role in educating the community about gender-based violence and the law.

I have been in the Police for 14 years. In most domestics I've dealt with, women don't understand their rights. They say, 'When my husband married me, he had rights to beat me'. I advise that under the law, a husband has no rights to assault his wife. With groups like Te Punanga Tauturu trying to help out, future numbers will decrease. More ladies are educated and know their rights. Before they didn't; they thought their husbands had all the rights. I tell the husbands 'You have no right to beat your wife'... I sit down and tell the wife and husband their rights. Before, Police Officers helped the men only, instead of talking to both parties.

There is more awareness now of women's rights. We female Police Officers talked about what we could do. One of our tasks is to go into the community and... spread the message... Some people don't understand that it's a problem. Perpetrators deny they have a problem. Men, more than women, see it as okay to use violence. Some women say it's okay – those who don't understand as much.

Some victims want the matter to go to court. We have to explain the standard of evidence. Some will come back to have matters involving a partner withdrawn. We don't encourage them to do this: these are serious offences, they should be prosecuted.

Having said that, some Officers felt that most domestic violence in the Cook Islands is not serious in nature and they said they would not take action on minor assaults. Bruises and black eyes were considered to be at the less serious end of the scale, while cases involving wounding were considered to be more serious.

In most cases we don't make arrests if assault is minor, like a slap; only if it's serious. A slap doesn't warrant jail. We put them in the cell, give them a warning, and then watch their progress over the next few days. They simmer down. If you let nature take its course, things will naturally heal. They will calm down and understand each other. We don't often see them when they're angry. If we approach them for a second time or get someone to do some counselling, they may feel ashamed. Privacy is important. Involving another person just keeps the fire burning. We look at the circumstances: the seriousness of assault; how often it happens; and we consider the wife's thoughts. At times the wife is influenced by other people, like her parents, or other support groups. We will arrest if assault is happening frequently.

It appears that some Officers do not understand that seemingly minor acts can be part of an ongoing and escalating pattern of violence, or that even apparently minor injuries can be indicators of serious assaults. Such injuries have evidential significance and are important in assessing the risk of repeat violence, including domestic homicide (Strack & McLane, 2001).

Others felt that the nature of domestic violence incidents had become more serious in recent times.

These days people are using instruments, like pieces of wood, whereas in the past they just used fists.

Combined with this, domestic violence was viewed to some extent as a relatively normal outcome of marital disagreements. Such attitudes can give the appearance that Police are trivialising victims' experience. They also point to a lack of understanding of the dynamics of violent households and the emotional effects of living in a climate of fear.

Since community awareness has been raised, people realise it's a problem. It can't be wiped clean: it's human nature to have a spat here and there. But we can try to reduce the numbers.

There were some indications that the small size of communities and close associations with community members could influence Officers' responses.

I don't go to domestic violence incidents as a Policeman, but as a community member, to calm them down. If he doesn't calm down, then I'll climb rank as Police Officer and arrest him.

As a Policeman, dealing with family and friends as offenders is a problem. I arrange for another person to attend. You have to keep your distance if the husband is your brother and has been unfaithful to his wife.

Police attitudes to prosecutions and holding offenders to account

Although most Officers recognised that domestic violence is a serious crime, attitudes towards prosecution and holding offenders to account were somewhat divided. Some Officers were critical of the Court's leniency towards offenders, although they stated that sentencing is a matter for the Courts, not the Police.

Some staff want firm action, even if it's minor violence. They are very firm that offenders should be sent to jail.

The majority view was that the criminal justice system is not necessarily the best way of dealing with domestic violence. The preferred way of dealing with offenders was through some form of counselling and/or reconciliation, such as mediation by family members or a church pastor, although some admitted that not all cases could be dealt with in this way.

You start to deal with it in the family, then the churches, and then the Police last, if nothing else can be done. Parents and other relatives can sit with the couple and talk about their relationship, their lifestyle, how they're getting on. They're more open when they talk to the family than when they talk to other people. They won't tell other people some things.

People respect the law; they go along with the Police. The Police consult the views of the community to find the best way of dealing with the problem. If it's serious, it goes to court; it's not dealt with in the family.

The preference for dealing with domestic violence through non-justice channels was usually underpinned by the view that criminal justice sanctions such as imprisonment would impose greater hardship on victims and families in which the perpetrator was the breadwinner. It also reflected understandings that men's violence against female partners is simply the result of misunderstandings and quarrels and can be overcome with improved communication.

The concept of holding offenders to account was under-developed among Police. While they agreed that action should be taken to reduce domestic violence and rehabilitate offenders, they placed little emphasis on upholding the other criminal justice goals of punishment, deterrence, and incapacitation. What emerged was a preference for a system that is in some ways more closely aligned with models of restorative justice. Some Officers saw this approach as a way of upholding the functions of the adversarial system.

I used to believe the penalty was the key to deterrence and rehabilitation, now I don't think so. Community service would be better. They pay their debt to society. People see them working, there's a little bit of public shame. Society appreciates that something has been done to account to society. Jail is not a deterrent. No one sees them there. The Government pays to keep people in jail, so they accumulate a debt, not repay it. It doesn't help the purpose of punishment. They need to do something to restore to society and others.

For others, this model was more in keeping with traditional social processes and Christian values.

Traditionally everyone works together on the outer islands. Everyone knows about and will try to handle other people's problems. Husband and wife tensions can divide

families and islands. They can have problems for a long period of time before anyone intervenes; it can be years. It depends on the kind of problem. Anything can trigger violence ... As a Policeman, sometimes I can't do much. If I follow procedure, it will cause the problem to blow up. We talk it over with the church minister, sit down, and work something out, talk with the kids, the in-laws. This sometimes works, but not always.

For some Police Officers, and particularly male Officers who were also church leaders, the boundary between their law enforcement and counselling or pastoral roles has become blurred. They focused more on reconciliation than rehabilitation.

Just relying on the law itself won't do much unless Officers are qualified counsellors. I would like to see a programme to train Police as counsellors.

I try to bring reconciliation, to solve problems... This is a Christian country, so people tend to try to bring reconciliation by talking through what the Bible says: 'Love your wife and children. Be a good person'. As Policemen, we also act as pastors and counsellors at times. Sometimes we preach to them. We use the gospel, it works. I use that a lot in dealing with couples. I talk about what a good home is supposed to be; the love in the home.

The words of the Bible help me and the person I'm dealing with. I bring the word of God to help and to give to the person. It helps me as a Police Officer. Sometimes I make jokes to the ladies: 'Maybe you didn't satisfy your husband'. Everyone's happy. The wife and husband are angry; I talk and make jokes, it seems to be alright.

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).

This does not mean that there is no place for traditional approaches in the Cook Islands today. Rather, locally grown solutions may have greater success than ideas imposed from outside the culture. What this means is that, rather than taking on a role other than law enforcement, Police have an opportunity to collaborate with community groups that are equipped to provide counselling and other services.

The best way to deal with it is to achieve resolution at the point of conflict – it's not the Police's role; it should be done through them in partnership with PTI. The Police appear on the scene and stop the violence. It doesn't help when men end up with a record. These are our people, our community. We don't want to see our young men with a blight against them for the rest of their lives. Family group conferences might be better before court, and then it can go to court if the matter can't be resolved. It's not that we don't want to hold them accountable, but that we want to promote harmony and love in our families and our community.

We need to educate our people. In the olden days if you did something wrong you got punished. No one sat down and explained why something was wrong or what the problem is. We need seminars out in the public: get Police and other agencies in the community. Getting the community to come to seminars could be a problem. The local attitude is 'What will I get out of it? I won't get a full stomach. My kids are not in trouble, so why should I go?' House to house visits might work. People are sick of the Police. We're not in the good books of the public at the moment. They don't trust us any more because we aren't doing our work... There are articles in the paper about Police. People respond more to other agencies for domestic violence than to the Police.

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. There was little overt support for the traditional view. However, some male Officers admitted that they had been violent towards female partners in the past, although they said they no longer did so. Moreover, some Officers, both male and female, held the view that women are responsible for their own victimisation, perhaps through pushing men to the limit, unfaithfulness, or gambling.

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

As previously noted, most Police Officers endorsed the view that domestic violence is best dealt with through traditional processes of consultation and dialogue. Some had a vision of the community and Police working together to address domestic violence, particularly given the delay between introducing new laws and concepts and having them understood and accepted in the community.

The Police need to go back into the community. The main problem is drinking. People waste money at housie, and then they drink and argue about money. We should work with people in the villages: create things with them, get them involved. Introducing new laws will take years. We need to get the message to people and work together. We need to do other things besides the law.

It's the duty of every family to report domestic violence to the Police. The family has a role to play instead of keeping quiet.

Commentary on linkages between attitudes and behaviour

The attitudes and behaviour of Police Officers are shaped by social and cultural values and structures. These include Officers' understandings of the causes and dynamics of domestic violence and their responsibilities towards and expectations of extended family members and members of small communities who know each other well.

There has traditionally been a high level of acceptance of male violence against women in the Cook Islands. In many respects this was reflected in the attitudes of Police Officers who minimised the seriousness of domestic violence and did not understand the impact of violent victimisation on women's self-confidence, esteem, and ability to act.

This is coupled with a culture of silence and shame, which exerts a strong prohibition against victims, family members, or others who are aware of domestic violence, speaking out or intervening. The resistance to involving Police in family matters may extend to Police Officers being reluctant to intervene, or if they do, approaching it from the perspective of a community member, rather than an enforcer of the law.

A community stakeholder said that such attitudes have a negative impact on victims' perceptions of the Police.

The public attitude towards Police is one of distrust. Male Police sometimes side with offenders. Some Police have a bad attitude, so women don't trust them. They say 'They didn't do what I wanted them to do; they're useless'. It's not all Officers, just some.

Police attitudes and behaviours were also adversely affected by organisational factors, and particularly poor resourcing. A consistent theme in the interviews was that the Police's ability to respond to domestic violence callouts was curtailed by too few personnel and inadequate transport.

- Frontline units were often short of staff: one interviewee noted that on the day of the interview, each unit had only three staff on duty, instead of five.
- Senior Officers are often on duty with probationary constables only; they need the backup of another senior person.
- There was a shortage of female Officers to question female victims and offenders. Age was also a factor here, as mature women could not be told what to do by young Policewomen.
- One of the two Police vehicles was not working. Some Officers used their own cars or bikes to attend domestic violence incidents.

One Officer said that frontline staff became frustrated, and that morale declined, in the face of inadequate resources: *'They end up feeling that they can't be bothered'*. None of the interviewees explicitly said this, although some said that they become frustrated, annoyed and angry with women who cry when their husbands are arrested and ask for the charges to be withdrawn.

There are some CIPS Officers who are strongly committed to reducing domestic violence: their efforts should not be understated and they deserve full praise and encouragement. On the whole, however, the results here suggest that the criminal law is not being enforced effectively or consistently. As a result, it has limited value as a deterrent.

Police attitudes and perceptions towards Police Officers as domestic violence offenders

There was consensus among Police interviewees that Officers who were domestic violence offenders should be treated in the same way as other offenders, if not more harshly, as they undermine the credibility of CIPS. Although most believed that not many Officers were offenders, they admitted that some might be hidden offenders.

We deal with them the same as other offenders. They're not known in the community because they isolate themselves. Sometimes the wives talk about it, but many wives are not that stupid to talk about it because their husbands will come back at them. Not many Officers are offenders, only a few.

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

I could not ascertain if there was a written policy for dealing with Police Officers as domestic violence offenders. The following information was provided by senior Officers.

Officers who are convicted of an assault face automatic dismissal. In the absence of an arrest or conviction, there will be an internal investigation. Discipline resulting from such an investigation could include demotion or dismissal.

There were indications that Police policy towards Officers as domestic violence offenders may be applied differently for senior and junior staff.

If another Police Officer commits a crime he should face the consequences. Everybody is the same. It's not okay for a Police Officer to assault his wife. If you do that as a Police Officer, how can you attend domestics? The Executive sometimes hides this and takes time to make a decision if it's senior staff, but they're quick to make decisions for junior staff.

The current state of Police domestic violence training

Aside from some long-serving Officers and recent recruits, most staff said they had received domestic violence training, although this was often quite limited.

- For some, this comprised in-service training conducted some years ago by New Zealand Police.
- For others, this was recruit training. The current recruit training curriculum focuses mainly on theory, policy and procedures. At present, around two hours are given to domestic violence, towards the end of the course.

Most Police interviewees felt that all Officers should receive training on domestic violence. A few said that their on-the-job experience and their knowledge of the community and church equipped them with the necessary skills to deal with domestic violence.

There was an issue raised about the standard of training currently on offer, both for recruits and trainers. Some felt that the quality of training offered in the Pacific was not as good as training previously offered in New Zealand.

Police interviewees' recommendations for improving recruit training

The interviewees put forward a number of areas in which training could be supplemented. Suggestions included:

- more time spent on domestic violence training;
- additional training in policy and procedures, including filling out Domestic Violence Report forms.
- the consequences of failing to adhere to policy and procedures;
- dealing with victims;
- talking to both partners;
- dealing with children at domestic violence incidents;
- dealing with verbal abuse;
- problem solving;
- sharing experiences on better ways of dealing with domestic violence; and
- investigating domestic violence, including technological advances.

The state and recent history of Police partner relations

Historically, there seemed to be little in the way of formal relationships between Police, government and non-government agencies. All interviewees from Police, government and non-government organisations would welcome opportunities to forge closer inter-agency links. At present this is more likely to occur at an individual rather than systemic level.

Police Officers

Some Police Officers said they had good working relationships with individuals in other agencies and that they refer victims and offenders to them. Others recognised the value of increased collaboration and would like to see more formalised relationships.

Once a matter is referred to us, that's it. The Police have channels to go through. There's nothing to say we must communicate with other agencies. We're stuck in a box;

we need to work with others and hopefully the Domestic Violence Unit will do this. Those people are important to our cases. They help us to deal with victims.

Criminal justice sector, including the Ministry of Justice

I was unable to make appointments with some agencies within the criminal justice sector, for example, the Crown Law Office. As far as I could tell, this indicated that CIPS did not have strong links with these agencies.

A representative of the Probation Service within the Ministry of Justice said they have a very good working relationship with CIPS, with some flow of information between the two agencies. The Probation Service provides CIPS with information as required. CIPS is generally good at providing information, although it sometimes fails to provide the Summary of Facts and Victim Impact Statements. The Probation Service wanted to see the reintroduction of a monthly meeting between the two organisations, which was discontinued some time ago.

Government agencies

A representative of the Gender and Development Division (GADD) of the Ministry of Internal Affairs said there was a good working relationship with CIPS and a unity between the two organisations. At the same time, it was felt that CIPS could strengthen the stakeholder network by keeping other partners informed about matters relating to domestic violence.

NGOs

Cook Islands NGOs established closer working relationships with CIPS as a result of preparing the shadow CEDAW report. The NGOs saw working in tandem as more productive than working in isolation. At the time of the interviews there was no formal system of organisations dealing with domestic violence. Some would welcome a formal relationship with written guidelines for partner agencies.

The most significant recent development in Police partner relations was the imminent signing of a Memorandum of Understanding between CIPS and PTI. In addition to this agreement, the counsellor at PTI was setting up a closer relationship with the Domestic Violence Unit, which included reciprocal referrals and follow up of cases. PTI was willing to support Police work in various ways, such as lobbying for CIPS and providing training on gender issues.

A representative of Te Pa Tau'nga, a mental health NGO, said they have a good relationship with Police. She believed that, from a safety perspective, it would be good for Police and an NGO to respond to domestic violence incidents jointly, although some NGO workers would not wish to be involved. Another advantage would be that the presence of an NGO worker might help in pacifying the situation: while the older generations still have respect for *mana* and the Police, this is not the case among younger people and they need someone to talk with.

Discussion

At the systemic level, there were some tensions that could form barriers to closer links between CIPS and other agencies. In the interests of effective inter-agency collaboration, it will be important to overcome these obstacles.

Points raised about CIPS by other agencies included:

- failure to respond to callouts, particularly on the outer islands;
- inappropriate handling of incidents – for example, returning injured women to situations in which they were beaten again, rather than taking them hospital, or giving poor advice;

- insensitive treatment of victims – for example, lecturing or blaming them;
- failure to inform victims of the progress of their cases;
- poor investigation and evidence;
- interviews taking hours because Officers could not type;
- lack of confidentiality;
- inadequate monitoring and follow-up of cases.

These points indicated that some Officers were failing to meet the requirements of the *Victims of Offences Act 1999*, particularly in relation to treatment of victims and the provision of information.

Points raised about other agencies by CIPS included:

- lack of experience in domestic violence;
- perceptions about the suitability of some staff for this work; and
- concerns about confidentiality.

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)

PTI is the key NGO providing victim support for domestic violence. PTI began systematically recording client statistics in late 2004. Table 6 presents statistics relating to four different types of consultations. One category (Rape) is self-explanatory. The others cover the following issues.

- Domestic violence covers physical and verbal assaults on women, threatened abuse, rape, and incidents involving alcohol in the home.
- Child abuse covers physical and sexual assault, emotional abuse and neglect.
- 'Other' covers consultations for counselling and to obtain information on legal matters, such as non-molestation orders, child custody, maintenance, benefits and lawyers, as well as other issues related to schools, underage drinking, and other private matters.

Table 6. PTI client statistics 1996-2005

| Year | Domestic Violence | Rape | Child Abuse | Other | Total |
|--------------|-------------------|----------|-------------|------------|------------|
| 1996 | 9 | - | - | 2 | 11 |
| 1997 | 31 | 1 | 11 | 12 | 55 |
| 1998 | 14 | - | 7 | 11 | 32 |
| 1999 | 6 | 1 | 8 | 13 | 28 |
| 2000 | 4 | 1 | 7 | - | 12 |
| 2001 | - | 1 | - | 1 | 2 |
| 2002 | 8 | - | 2 | 22 | 32 |
| 2003 | 7 | - | 6 | 22 | 35 |
| 2004 | 4 | 1 | 8 | 41 | 54 |
| 2005 | 30 | 4 | 15 | 251 | 300 |
| Total | 113 | 9 | 64 | 375 | 561 |

Source: Te Punanga Tauturu Inc.

From January to June 2006, PTI had 35 new clients and two repeat clients. The majority (n=23) were women; nine were men and five were children.

Discussion

It is reasonable to expect that more women will seek help from PTI as the issue is more widely discussed. This raises the issue of safety and protection. There is no women's refuge in the Cook Islands. Women and children seeking refuge may be sent to a hostel, a pastor's mission house, or the homes of PTI staff or Police Officers. Sometimes Police look for family members to accommodate them in the short term.

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 the Cook Islands, as there were no reliable data available. Anecdotal evidence indicates that domestic violence is widespread, but highly under-reported to Police and PTI. It was not possible to estimate the 'dark figure' of unreported crimes.

Similarly, I could not gain an accurate picture of the incidence of domestic violence or trends in rates. The interviews gave rise to contradictory accounts, which reflected personal opinions rather than fact. Some said that repeat offending was not common in the Cook Islands, as Police are called to only one or two incidents at most addresses and few offenders go through the Courts on a repeated basis.

This could be an accurate reflection of the reality in the Cook Islands, but it does not fit with what is known about the ongoing nature of domestic violence in other countries and cultures. Nor does it take account of factors that may deter further calls for help. For example, it may be too risky for victims to call the Police repeatedly. Alternatively, they may regard it as futile if previous calls for help have not had the desired outcomes. The following anecdote, related by a community stakeholder, illustrates these points.

An offender who was on 12 months probation resumed the violence when the 12 months was up. It had been going on for a long time. The woman was beaten with timber. She had been to the Police a couple of times. Her in-laws didn't help and the woman felt ashamed. It was not the first time to the Police and through Court. The Probation Service knows them well. The woman feels there's no use going through it again. She needs to leave the Cook Islands for better opportunities for herself and her children.

Discussion

The paucity of reliable data on domestic violence highlights the importance of consistent and accurate record keeping by Police. In the absence of a national survey, Police data will provide the best prevalence and incidence estimates.

Police data could also shed light on the nature of domestic violence in the Cook Islands, including changes over time. There was a suggestion that offences may be escalating in seriousness, as offenders are beginning to use weapons rather than fists and feet. Some interviewees felt that suicides and suicide attempts are often connected with family violence.

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

Victim attitudes to domestic violence and reporting to Police were identified in two ways. First, some women who were interviewed in relation to their work in NGOs or other agencies had experienced domestic violence and spontaneously discussed their experiences. Secondly, most interviewees knew women who had been victimised and they spoke about social, cultural and systemic factors that impact on victim attitudes.¹

¹ Due to ethical considerations and because I was told that Cook Islands women would be reluctant to talk to an outsider about private matters, I did not set out to interview victims of domestic violence, although this was originally requested by NZ Police. I spoke to one PTI client, who asked that our conversation remain off the record.

Victim attitudes towards domestic violence

As a general statement, domestic violence is a more or less normalised part of life for many Cook Islanders. Stereotypical male and female gender roles have been passed on through the generations. This has often entailed women's acceptance of violence, combined with a culture of silence and shame.

Women need to talk, to share their unhappiness. They have a fear of being beaten and killed... A lot of women accept suffering as part of life. It's too shameful to share with others; they'll only share it with people at their church. They won't go to women's groups either. They're worried about confidentiality.

Domestic violence has long been regarded as a private matter and a taboo subject in the Polynesian community (Vainerere, 2005). Male partners have a traditional right to treat women as they see fit. Women are expected to accept this without complaint, although some are now more forthcoming in disclosing violent victimisation. The interviews provided some evidence that women are starting to find strength and support through confiding in friends, although they may still be in the minority.

You might tell a friend about domestic violence, but you wouldn't talk to your family about your problems. You wouldn't want them to think you're not coping. There's a lot of judgement from families: they'll talk about how you're not doing so well instead of helping. The men just hang out and drink.

There is a danger in attributing men's violence towards women – and women's seeming acceptance of it – solely to 'culture'. The concept is often misused. Some stakeholders felt that men's violence was more a matter of upbringing: that Cook Islands culture did not endorse violence, but men use their dominant position as an excuse to hit. The following quotes show how culture can be used to rationalise injustice or justify failure to intervene.

Many wives are insecure, because the husband is the breadwinner. We need a solution to break the cycle. It's hard for a small community and our culture: men take advantage of the view that 'men are the boss of the house'. Women are too ashamed, too soft to come out.

Rape in marriage: the cultural view is 'You are my wife, so I can do whatever I want'. I don't know that women understand they can say no. Marriage vows include the word 'obey' and women take that literally. Women and men are brought up with this view. It has an effect when they're married. Men have a sense of ownership of women: 'She's mine, I own her'.

Traditionally husbands said 'You're my wife, you can't report me to Police'. Now young ladies are educated. My grandfather was a Policeman; he didn't go out and talk to people. I tell ladies their rights. We were hiding behind our culture.

The final quote, from a Police Officer, highlights that social and cultural norms change over time. Many of the interviewees noted that women are becoming more educated about their rights, in large part due to campaigns and awareness-raising programmes implemented by agencies such as PTI and GADD. The emergence of a rights-based discourse and increased public awareness of violence against women represents a significant shift in social values and attitudes. Some interviewees believed that tolerance towards domestic violence will diminish as a result.

With groups like PTI trying to help out, future numbers will decrease. More ladies are educated and know their rights, whereas before they didn't. They thought their husbands had all the rights. Now they understand more.

Finally, it must be acknowledged that not all women have the same options and opportunities. The widespread location of the Cook Islands in itself presents a challenge to policing and the overall effectiveness of Police, government and NGO initiatives.

The outer islands are still predominantly male dominated. The traditional hierarchical system is not necessarily a bad thing, but the behaviour around it is. The Old Testament supports this. It tells victims 'This is your lot'. The new thinking coming in amongst women is that they're not here to be pushed around. Women don't accept it silently, but they don't say much publicly. There are fewer choices for women in outer islands, they're also less educated.

Victim attitudes towards reporting domestic violence to Police

Domestic violence is pretty bad here. People hide it. They won't report due to [personal] shame and the shame on the family name.

There is strong anecdotal evidence that many women are reluctant to report domestic violence to the Police. Some reasons for non-reporting are personal; some are related to structural, social and community factors; others are related to the criminal justice system. They are summarised in Box 2.

Box 2 Reasons for not reporting domestic violence to Police

| Personal factors | Structural/social/community factors | Criminal justice system factors |
|------------------------------------------------------|--------------------------------------------------------------------------|------------------------------------------------------------------------|
| Not knowing how to get help | Normalisation of violence in some groups | Slow Police responses due to limited staff on duty |
| Shame – personal and family | Culture of silence around family matters | Distrust of Police in general and of particular Officers |
| Impact on the family of the breadwinner being jailed | Social values upholding men's dominance or rights as heads of households | Perception that male Police side with offenders and blame victims |
| Protecting the offender out of love | Victim-blaming | Perception that Police do not help or care about victims |
| Risk of involving Police, e.g. fear of reprisal | Lack of social support | Lack of confidentiality |
| | Lack of options following reporting, e.g. no refuge | Poor quality of information provided by Police |
| | Lack of awareness of rights | Deterrents such as inconsistent Police responses and/or Court outcomes |
| | | Inappropriate or inadequate penalties |

There was a view among community stakeholders that more victims would come forward if they understood that invoking the criminal law would stop the violence.

We need increased awareness to encourage victims to come forward, through the media and education. People are scared of coming forward; they're scared of repercussions – of what the husband will do – and scared for their family. There's a lack of knowing that by reporting domestic violence, things should get better. If they keep things to themselves, they just keep getting the same things. Repeat offenders who are reported to Police tend to be more careful now. It lets them know it's not acceptable.

It must be acknowledged that not all women who report domestic violence to Police want their husbands arrested and prosecuted. Other desired outcomes include:

- obtaining immediate help or intervention to pacify a violent situation;
- enlisting a mediator; and
- promoting safety – the victims', the offender's and that of other parties.

Still, women who do report to Police are not always happy with the outcomes, particularly in the case of inappropriate responses, such as an Officer who told an offender to solve the problem by taking his wife to bed. Police practices that promote victim safety and reduce offending could be implemented by recognising barriers to reporting and providing viable options.

Police can help by saying they won't take it further if offender contacts a service and gets help – then follow up and arrest if he doesn't do that. If we take a black and white approach, people won't say anything – we need to give them options. Otherwise they'll hide it, clam up, then a few years later we'll see the kids with behavioural problems and growing up thinking that's the normal thing to do. Women always have to press charges unless someone else does and this can have enormous repercussions for family relationships; for example. one woman pressed charges against her father for his violence against her mother and he didn't speak to her for years.

Community stakeholders commented on problems with Police interview processes which can act as deterrents to reporting (Box 3).

Box 3 Problems experienced by victims during Police interviews

Problems encountered by victims of domestic violence during the interview process, include:

- Interviews taking hours because Police officers did not know how to type.
- Police who were pastors lecturing victims.
- Policewomen blaming victims for provoking the violence.
- Lack of privacy during interviews. A new Police Headquarters was scheduled to be completed at the beginning of 2007. It was not clear if private interview rooms were planned.

Discussion

Both community stakeholders and Police commanders said they needed a study of victim attitudes to inform future directions. If such a study were to be conducted, it would be best done through the auspices of PTI. Particular attention would need to be paid to the following issues:

- gaining women's trust in and rapport with a researcher who is qualified to conduct interviews on sensitive issues;
- protecting participant privacy and confidentiality;

- ensuring participant well-being and safety;
- overcoming potential language barriers; and
- ensuring that PTI has the capacity to provide debriefing and follow-up counselling for participants who require it, and that they are reimbursed financially in recognition of their expertise.

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

PTI is the key NGO dealing with domestic violence, both in Rarotonga and the outer islands. It works closely with other groups, such as the Cook Islands National Council of Women (CINCW), the Cook Islands Men Against Violence Agreement (CIMAVA), and Te Pa Tau'nga, a mental health agency. The work of PTI is supported by the Cook Islands Association of Non-Governmental Organisations (CIANGO).

PTI

PTI has both a therapeutic and an educational or awareness-raising role. The organisation provides a centre where women can seek help and support. The counsellor and Legal Rights Training Officer are involved in a range of activities aimed at reducing domestic violence, which include:

- a confidential counselling service;
- assistance and support to women going to court;
- human rights and legal literacy workshops;
- developing and delivering educational awareness programmes for women, children and the broader community;
- developing educational materials / literature for use in schools and the community;
- radio and television appearances to encourage women to come forward with complaints of domestic violence;
- educating people about the criminal justice process and what will happen when a complaint is laid;
- reviewing and making recommendations on legislation dealing with women's and children's rights with regard to domestic violence and rape;
- advocacy around policy and procedure change; and
- training on gender-based violence for men against violence, prison Officers and perpetrators.

CINCW

CINCW is an umbrella organisation for women's NGOs in the Cook Islands. It has 26 affiliate members. CINCW supports CEDAW and works at local, national and regional levels to make positive changes in policies affecting women and families. It works in close partnership with women's groups, including Vaka or Island organisations. At the national level, CINCW works collaboratively with the GADD to develop action plans for implementing the National Policy on Women.

CIMAVA

This group grew out of a Male Advocacy Training organised by PTI in November 2005. Thirteen men from Rarotonga and the outer islands participated in the training programme and two had since been to Fiji for further training. They have strong associations with local churches and include Police Officers. The aim of the programme was to help participants develop skills to work with men in ending violence against women and children.

The members signed an agreement which acknowledged that rape, domestic violence and child abuse are crimes and violations of human rights, which stem from the unequal status of men and women. They agreed to work in partnership with PTI and similar groups to eliminate gender-based violence. PTI referred men to this group, as they were more likely to open up to other men than to female counsellors. CIMAVA worked with the church and used the media to encourage men to deal with violence through the group. Group leaders were trying to promote the group to have its own management and structure, along the lines of PTI. At the time of my visit, they had held four workshops on Rarotonga and two on the outer islands. They felt that the outer islands were missing out on gender awareness training due to lack of funding.

Te Pa Tau'nga

Te Pa Tau'nga is a mental health NGO, funded by the Richmond Fellowship. It has reciprocal referrals with PTI. The organisations share the common goals of empowering women to make good decisions. Te Pa Tau'nga works on a preventive, strength-based model which aims to:

- support women's decision making;
- support children; and
- promote confidence within the community.

Discussion

NGOs provide vital services in the Cook Islands. They support and supplement the work of legal and government agencies and are proactive in community development and implementing international conventions. They are under-resourced, financially and in terms of personnel. They tend to be operated by a small group of dedicated volunteers, who are often members of a number of committees and boards. Demands on NGOs, and PTI in particular, can only be expected to increase as awareness of domestic violence increases. Priority areas for capacity building include:

- provision of adequate financial/material resources;
- adequate staff;
- staff training and supervision, with thought given to the problem of burn-out;
- finding qualified counsellors who will uphold client confidentiality; and
- consultation between funding bodies and local groups, to ensure that resources are directed towards projects that are priorities for local stakeholders.

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

As noted, there has traditionally been a high level of social acceptance and cultural tolerance of domestic violence. In part this is associated with hierarchical gender systems, which provided few, if any, sanctions for male violence. Domestic violence is also associated with a

huge tolerance for excessive alcohol use. There is also a degree of victim-blaming, by both men and women.

There is no excuse for men to abuse women, but I have seen women push men to the limit until they can't take it any more. Alcohol is a huge reason for domestic violence. You can't reason with men or women who are intoxicated. Women need education not to push guys when they can't be reasoned with.

It may not be entirely accurate to say that domestic violence is hidden in the Cook Islands, as there seemed to be a high level of awareness of the problem. Rather, what persists is the injunction against speaking out about it and seeking help. In large part this was associated with the stigma of being a victim and the personal and family shame of others becoming aware of the violence.

This is not to suggest that Cook Islands women are passive victims who condone or even collude in male violence. From all accounts, it seemed that social acceptance of domestic violence was being increasingly challenged and the issue was being discussed more openly. Informants on Aitutaki said that women there have taken a more prominent position in the public sphere and this has been accompanied by a rise in their status in the home.

Women figures are coming out strongly in the community. They are speaking out and holding positions. Men give more respect for women in the community. Before, women were seen only as mothers and expected to stay at home. This has been a big shift: women used to keep the peace and be punching bags.

There was some suggestion that women were beginning to respond to male violence with their own violence and some were turning their anger against other family members. The interviewees suggested that women's responses to domestic violence were shaped by broader social values and conditions, as well as psychological factors, which include:

- the privileging of the family and the heavy load of family obligations carried by Cook Islands women;
- the lack of refuge facilities and other support systems;
- women's inability to generate an income adequate to support themselves and their children;
- psychological disempowerment, which is a consequence of physical, emotional and sexual victimisation;
- feelings of love for the perpetrator; and
- lack of understanding of their human and legal rights.

Newspaper reportage as an indicator of social acceptance and cultural tolerance

The Cook Islands has three newspapers, two of which ran articles or other pieces on domestic/family violence and associated issues during my visit (Figure 3). I was also provided with copies of articles from earlier editions. The tone and language of the articles were strongly against gender-based violence. The articles urged open discussion of issues such as child sexual abuse and provided positive coverage of church groups and men's groups that supported the work of PTI.

My analysis of media reports, in combination with information provided by study participants, suggests that social and cultural tolerance for domestic and family violence may be diminishing. This observation was supported by the Cook Island's initial CEDAW report:

Prior to public campaigns by PTI to raise awareness about violence against women, many people in the community saw domestic violence as being a private matter; an issue to be dealt with by the two conflicting parties. However, perhaps due to sustained media awareness on this matter, it is being talked about more openly and there is a noticeable increase in the number of women now reporting domestic violence to the Police. (CEDAW, 206: 59)

Figure 3. Newspaper reports on domestic/family violence

| Newspaper/Date/Page | Headline | Content/source |
|----------------------------|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cook Islands News | | |
| 30 October 2006: 1 | How much family violence is there? 1 out of 4 marriages. | Advertisement for PTI |
| 30 October 2006: 1 | Stella McCartney rages against stepmother | Overseas news article mentioning claims of domestic violence against Sir Paul McCartney |
| 31 October 2006: 2 | Pitcairn Islanders lose rape appeal at Privy Council | Overseas report on child sexual abuse trial |
| 2 November 2006:2 | Father jailed 10 years for genital mutilation of daughter | Overseas report |
| 4 November 2006:3 | Pitcairn pair set for island jail | Overseas report on jailing of child sex abusers |
| 6 November 2006 | Shadow CEDAW report gives another angle to UN | Article on draft shadow report to the UN, urging Cook Islands Government to lift reservations regarding customs, practices and social and cultural patterns of conduct of men and women |
| Cook Islands Herald | | |
| 28 October 2006: 20 | Aunty Pati, advice column | Boyfriends and alcohol |
| 4 November 2006: 14 | Draft of women's report out for comment | Article on draft shadow report to CEDAW, citing PTI's LRTO on the problem of domestic and sexual violence |
| | Aunty Pati, advice column | Controlling boyfriend, cheating husband |

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

In 1995 the Women's Division of the Ministry of Internal Affairs formulated a National Policy on Women. It was renamed the Gender and Development Division (GADD) in 2002 and is primarily responsible for Government policy directed towards domestic violence. At the time of my visit, GADD was formulating a National Gender Policy, which would supersede the National Policy on Women. I could not be given access to the policy as it had not gone to Cabinet, but I was told it included family violence. GADD is responsible for overseeing the implementation of the policy, together with CINCW. PTI actively supports the aims of the policy, particularly through its work on eliminating violence against women.

GADD encourages dissemination of information about domestic violence through its NGO partnerships. It has strong links with PTI, CIANGO, church and other women's organisations.

The Ministry of Justice (Courts) has no formal policy on victim requests to withdrawal domestic violence cases. Decisions are left to individual magistrates.

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

Legislation

Article 64 of the *Cook Islands Constitution* sets out the right of the individual to life, liberty and security as a fundamental human right and freedom.

The Crimes Act 1969 contains various criminal provisions for assault and injuries, which apply to more serious offences. Perpetrators of domestic violence are most likely to be charged under s214 (male assaults female). The offence carries a maximum prison term of two years. There is no provision for rape in marriage or other forms of domestic violence.

Section 539 of the *Cook Islands Act 1915* provides civil protection from domestic violence. Victims can apply for trespass and non-molestation orders against a former or separated husband. There is no protection for women who are not separated or for single women. Police have the power to arrest an offender who breaches the order. However, orders must be obtained through a lawyer and the associated cost is a deterrent for many women.

The *Victims of Offences Act 1999* contains a number of provisions that are in line with the UN Declaration of Basic Principles of Justice for Victims of Crime and the Abuse of Power (1985). These include the right to request notification of an offender's release or escape from custody; to be treated with courtesy, compassion and respect; to be provided with information about services and remedies and the progress of the case; and to have a voice through Victim Impact Statements. However, there were indications that these provisions were not being met consistently by CIPS.

Participants' views on the adequacy of current legislation

There was a strong view that current legislation dealing with domestic violence needed updating, although there seemed to be some confusion about who should lead legislative change – the Police or the Crown Law Office.

In particular, the *Crimes Act* was seen as inadequate because it does not cover the range of acts involved in domestic violence, such as verbal abuse, threats and intimidation, rape, or damage to property.

Under the law, women are not protected in domestic violence situations. I'd like to see the New Zealand Domestic Violence Act adapted to our situation. The only provision is assault on a female and this needs to be changed. Partner violence is the single most reported form of violence against women in the Cook Islands. It's also a form of discrimination: women are beaten because they're women.

PTI recommended reform of s141 of the *Crimes Act*, which defines rape. It specifically excludes rape in marriage unless a separation order or decree of divorce is in place and provided that the couple have not resumed cohabitation.

Views on sentencing were more mixed. Minor offences or first offences tended to result in a fine. For serious offences or repeat offending, the Probation Service recommended imprisonment or probationary supervision. Some interviewees felt that the penalties were not harsh enough and that heavier sentences would act as deterrents. Others felt that first offenders should receive heavier sentences. Some felt that imprisonment is not the answer, as it does not deter repeat offending and imposes more hardship on the family if the husband is the breadwinner. There was widespread support for sentences that included components such as mandatory counselling or rehabilitation programmes.

Compliance with CEDAW

The Cook Islands first became a party to CEDAW when New Zealand ratified the Convention in 1985. They acceded to CEDAW on 11 August 2006.

GADD is responsible for looking at law reform in relation to CEDAW. One of the aims of the Ministry's existing National Policy on Women was to '*promote and protect the human rights of women... through the implementation of relevant United Nations Charters and International Covenants pertaining to the elimination of discrimination against them*'.

The Cook Islands States Parties report contained various references to domestic violence, including criminal and civil law provisions outlined above (CEDAW, 2006). It acknowledged domestic violence as a problem and noted the need for law reform, consistency in law enforcement, and judicial training. It also noted that proposals for law reform had been under consideration for some time. A new Sexual Offences Bill had been drafted but had not been introduced to Parliament. The work of NGOs and of PTI in particular, was instrumental in progressing CEDAW and promoting public discussion of violence against women. Ongoing difficulties included the lack of refuge facilities, and inadequate monitoring and collection of data on women reporting violence to Police. The report noted changes in Police practice, including the introduction of a no-drop policy.

A shadow report highlighted areas in which Cook Islands legislation violates the Convention (Liddicoat, 2005). Specifically, it referred to s141 of the Crimes Act (which excludes rape in marriage) and s539 of the Cook Islands Act (non-molestation orders applying to former husbands only). It also called for revitalisation of the no-drop policy.

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

Traditionally, domestic violence was dealt with by village elders bringing extended family members together to discuss a couple's problems and look for solutions. While this could resolve differences, it was not guaranteed: problems between couples could split families and island communities.

I was given opposing views on the current state of village justice on Rarotonga and Aitutaki. One the one hand, I was told that community or village justice is no longer practised there.

There is no community justice here. We're more individualised, westernised. We live in nuclear families. Traditional leaders are now seen about land, rather than bringing people together to talk about things. There's migration in and out of villages, no consistency in people, less collective lives.

In contrast, interviewees on Aitutaki said that families provide strong support for victims. They believed that women are more open now that they realise that they need not be ashamed and there is more equality in households.

Families provide strong support for victims... Women used to not share problems, now in workshops we share ideas on how to deal with problems. We involve men as well. The men shrink in their seats; they try to joke about it. Some don't admit they do it. Some acknowledge that they've done it and say what they've done to eliminate violence. It's a happy environment on the island. There's less jealousy with changing understandings of gender roles. The family gives strong support for victims. There are strong women's groups. Women are not shy any more; they're very open – they realise that the shame is on the offenders.

Discussion

I was not able to verify whether alternative forms of support or redress are available to victims of domestic violence. In either case, this raises the question of where victims can turn if they cannot seek community help and are unwilling to report to Police. Resolving this question would best be addressed through victim-focused research.

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

As far as I could determine, the Ministry of Health has no policy of mandatory reporting of violence or abuse to Police. They will be informed if a death results from an assault, although domestic homicides are rare in the Cook Islands. There is no way of marrying hospital and Police data.

Patient files are forwarded to the Medical Records Unit at Rarotonga Hospital. The Statistician there said that hospital records contain no specific indicators of domestic violence. Diseases and health problems are classified using the World Health Organisation's International Classification of Diseases (ICD 10),¹ which is probably most useful for assessing domestic violence at the serious end of the spectrum.

Morbidity data from Rarotonga Hospital showed that in 2005 there were four patients whose injuries were the result of assault. Two were aged 15-24 and two were 55-64 years of age. Although ICD 10 coding allows the cause of injury to be recorded as assault, the data did not specify victim-offender relationships.

Discussion

A number of factors determine whether medical personnel make a link between presenting injuries and domestic violence. They include:

- the quality of domestic violence screening: medical personnel *should* be able to tell from the type and seriousness of an injury whether it resulted from an assault;
- whether victims disclose the real reason for the injury: many victims are reluctant to disclose partner violence as the cause of injury; and
- the standard of medical record keeping: the patient's file should indicate whether there is a history of domestic violence.

This raises the question of whether doctors are willing and have capacity to deal with patients who are victims of domestic violence. An NGO stakeholder felt that there is likely to be a shortfall in this area.

Doctors know what domestic violence injuries look like. We need to get them equipped with counselling skills to deal with the situation.

¹ The ICD has become the international standard diagnostic classification for analysing and monitoring the incidence and prevalence of diseases and other health problems (World Health Organisation, <http://www.who.int/classifications/icd/en/>). It has a number of codes (X85-Y09) that can identify external causes of morbidity and mortality, including assault or intentional injury inflicted by another person.

The attitudes of key religious organisations towards domestic violence

The Cook Island churches seemed to have accepted that domestic violence was a problem in their congregations. However, it seemed that most of the major churches had no formal policies for dealing with disclosures on domestic violence. One interviewee said that some churches continue to be reluctant to interfere in other people's problems.

The view of the Catholic Church is that the safety of the individual is paramount: women should protect themselves, rather than staying in a relationship and putting the family first. This may also be the philosophical position of other churches, but it was not clear whether the church view translated into the actions of individual pastors.

The Cook Islands Christian Church (CICC) was taking the issue seriously and had invited PTI to conduct a workshop for students at the Takamoa Theological College. Male members of the CICC were also integrally involved in CIMAVA. There is no question that church leaders involved in CIMAVA genuinely wanted to reduce domestic violence. Their involvement is highly commended and encouraged. However, they often voiced a preference for dealing with domestic violence through reconciliation. While this may be appropriate for some couples, it could also increase the risk for other victims. This may indicate that they need a deeper understanding of the dynamics of violent relationships (also see discussion on Police attitudes to prosecutions and holding offenders to account).

Discussion

Three additional points should be considered in relation to religious organisations, particularly as the interviewees put forward some contradictory viewpoints.

- Some interviewees saw church groups as very effective in dealing with domestic violence. However, others said that very few women approached pastors for help, due to their reluctance to discuss private matters with people outside the family.
- Other stakeholders noted that there was a scarcity of credible role models among church leaders, as many were perpetrators of domestic violence: *'They keep it under the carpet. They need to look at the issues of their own relationships.'*
- The adoption of Christian principles was seen as having reinforced stereotypical gender roles in the Cook Islands. The implication was that churches were not necessarily a strong agent for social change.

In all, it seemed that religious organisations were not taking a leading role in reducing domestic violence, although the positive steps taken by CICC in particular were highly commended.

REFERENCES

- Anae, M., Coxon, E., Mara, D., Wendt-Samu, T. & Finau, C. (2003). *Pasifika Education Research Guidelines*. www.minedu.govt.nz
- CEDAW. (2006). *Consideration of Reports Submitted by States Parties Under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women. Initial Report of States Parties: Cook Islands*. (<http://daccessdds.un.org/doc/UNDOC/GEN/N06/562/20/PDF/N0656220.pdf?OpenElement>)
- Commonwealth Secretariat, United Nations Development Fund for Women, Pacific Islands Forum Secretariat, Secretariat for the Pacific Community. (2003). *Strengthening Pacific Partnerships for Eliminating Violence Against Women. A Pacific Regional Workshop Report. Suva, Fiji Islands 17 – 19 February 2003*. London: Commonwealth Secretariat.
- Liddicoat, J., in consultation with the Cook Islands and New Zealand Governments. (2005). *Pathways to Development: A report on Cook Islands legislation and consistency with the Convention on the Elimination of Discrimination of All Forms of Violence Against Women*.
- Martin, J. A., Nada-Raja, S., Langley, J., Feehan, M., McGee, R., Clarke, J., Begg, D., Hutchinson-Cervantes, M., Moffitt, T. & Rivara, F. (1998). 'Physical assault in New Zealand: the experience of 21 year old men and women in a community sample'. *New Zealand Medical Journal*, 111 (1065): 158-160.
- Ministry of Internal Affairs. (1995). *Cook Islands National Policy on Women*.
- Strack, G.B. & McClane, G. (2003). 'How to improve your investigation and prosecution of strangulation cases'. Paper presented at the *Domestic Violence and Sexual Assault International Conference*, July 30-August 1, 2003. Gold Coast, Australia.
- The Health Research Council of New Zealand. (2005). *Guidelines on Pacific Health Research*. Auckland: The Health Research Council of New Zealand.
- Vainerere, P. (2005). *Domestic Violence: facts collated from July 2—4 – May 2005. Statistics from the Cook Islands Police & Te Punanga Tauturu*. Unpublished report.

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) |

| TABLE A2: GOVERNMENT, NGO & VICTIM RESPONSES | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Terms of reference | Method |
| 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 ¹ | 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 |

¹ 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
DAILY SCHEDULE

| | |
|------------|------------------------------------------------------------------------------------------------------------|
| 30 October | |
| 9.00 | Commissioner Pira Wichman, Deputy Commission Maara Tetava, CI Police, Sergeant John Robinson, NZ Police |
| 9.15 | NZ High Commission |
| 10.30 | Rebecca Ellis |
| 1.00 | Paraia Vainerere |
| 2.15 | Tere Patia |
| 4.00 | Write up day's notes |
| 31 October | |
| 8.30 | Michael Akavo |
| 9.40 | Ano Teinangaro |
| 10.05 | John Paul Tuara |
| 1.00 | Tuaine Maunga |
| 2.00 | Teinaki Howard |
| 4.00 | Write up day's notes |
| 1 November | |
| 8.30 | Teotaki Joseph |
| 9.30 | Mii Daniela, Kairangi Samuela, Introduction and planning Session |
| 11.00 | Ngari Munokoa |
| 1.15 | Nga Teao |
| 3.00 | Write up days' notes |
| 2 November | |
| 8.30 | Arama Tera |
| 9.45 | Ken Ben |
| 1.00-4.00 | Mii Daniela |
| 5.00 | Write up notes |
| 3 November | |
| 8.30 | Priscilla Pareina |
| 9.30-10.30 | Airport to book flight to Aitutaki |
| 10.35 | Kura Taere |
| 1.00 | Sister Margaret, Henrika Wilson |
| 4.00 | Write up days' notes |
| 6 November | |
| 10.00 | John Kenning |
| 11.00 | Mereana Worth (Tinirau Tamarau) |
| 12.00 | Nio Mare, Albert Hosking |
| 12.45 | Gina Mataroa |
| 1.15-3.15 | Off the record discussion with PTI client |
| 4.00 | Write up days' notes |
| 7 November | |
| 8.00 | Plane to Aitutaki |
| 9.00-4.40 | Tepaeru Cameron |
| 9.30 | Alfred Marsters |
| 10.45 | Josephine Lockington, Tearuru Marsters, Amiria Davey, Kairangi Henry |
| 1.30 | Tai Maea |

- 4.40 Plane to Rarotonga
- 8 November
- 8.00 Write up previous days' notes, preparation
- 10.00 Rongo File, Polly Tongia
- 11.30 Te Ti Ka Mataipo (Dorrice Reid)
- 2.00 Kairangi Samuela
- 3.30 Media interview, Cook Islands Times
- 4.15 Write up days' notes
- 9 November
- 9.00 Tumutoa Henry
- 11.00-5.00 Preparation for workshop and presentation on Friday
- 10 November
- 10.00 Stakeholder workshop, PTI
Mereana Worth
Estelle Searle
Marjorie Crocombe
Donna Smith
Rev Nio Mare
Henry Makiriai
Edwina Tangaroa
Vereara Maera-Taripo
Nga Teao
Eddie Browne
Kairangi Samuela
Mii Daniela
- 1.00 Presentation to Police Commissioner, Inspector, OIC DV Unit, CIB Officers

ANNEX C
PERSONS CONSULTED

| RAROTONGA | |
|------------------------------------|---------------------------------------------------------------------------|
| Cook Islands Police Service | |
| Pira Wichman, | Commissioner |
| Maara Tetava | Deputy Commissioner |
| Rebecca Hosking-Ellis | Sergeant, OIC Domestic Violence Unit |
| Tere Patia | Inspector |
| Sergeant Paraia Vainerere | Sergeant |
| Sergeant Michael Akavo | Sergeant |
| Ano Teinangaro | Probationary Constable |
| John Paul Tuara | Probationary Constable |
| Tuaine Maunga | Sergeant |
| Teinaki Howard | Senior Sergeant, Prosecutor |
| Arama Tera | Inspector |
| Ken Ben | Senior Sergeant |
| Priscilla Pareina | Constable, CIB |
| Kura Taere | Detective Constable, CIB |
| Government agencies | |
| Teotaki Joseph | Chief Probation Officer, Ministry of Justice |
| Ngari Munoko | Chief Statistician, Rarotonga Hospital |
| Nga Teao | Director, Gender and Development Division, Ministry of Internal Affairs |
| John Kenning | Chief Magistrate |
| Gina Mataroa | Ministry of Education/ Help Cook Islands (suicide prevention group) |
| Te Ti Ka Mataipo (Dorrice Reid) | JP / Traditional leader |
| Tumutoa Henry | Child and Family Services Unit, Internal Affairs and Social Welfare |
| Henry Makiriai | Relation Officer and Security, Parliament |
| Edwina Tangaroa | Health Educator, Ministry of Health |
| Eddie Browne | Probation Officer, Ministry of Justice |
| NGOs and other | |
| Mii Daniela | Violence Against Women and Children Coordinator, PTI |
| Kairangi Samuela | LRTO, PTI |
| Marjorie Crocombe | PTI |
| Vereara Maera-Taripo | President, Cook Islands Association of NGOs |
| Rongo File | National Council of Women |
| Polly Tongia | National Council of Women |
| Pastor Nio Mare | Cook Islands Men Against Violence Agreement/Cook Islands Christian Church |
| Albert Hosking | Cook Islands Men Against Violence Agreement |
| Sister Margaret | Catholic Church |
| Henrika Wilson | Catholic Church |
| Mereana Worth (Tinirau Tamarau) | Are Pa Tau'nga |
| Estelle Searle | Are Pa Tau'nga |
| Donna Smith | Disability Action Team |
| AITUTAKI | |
| Alfred Marsters | Constable, Cook Islands Police |
| Tepaeru Cameron | PTI Committee |
| Josephine Lockington | Women's Officer, Ministry of Internal Affairs |
| Tearuru Marsters | Welfare Officer, Ministry of Internal Affairs |
| Amiria Davey | Disability Coordinator, Ministry of Internal Affairs |
| Kairangi Henry | Manager, Women's Culture Shop |
| Tai Maea | Deputy Registrar, Ministry of Justice |