

**PACIFIC PREVENTION OF DOMESTIC VIOLENCE  
PROGRAMME**

**Update of Baseline In-Country Review**

**Cook Islands Report**

Prepared for New Zealand Police

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January 2011

PREFACE .....	iv
EXECUTIVE SUMMARY .....	v
PART 1: PACIFIC PREVENTION OF DOMESTIC VIOLENCE PROGRAMME – THE FOUR COUNTRY STUDY.....	1
PART 2: THE COOK ISLANDS STUDY .....	7
SECTION 1: POLICE ATTITUDES, POLICY AND PRACTICE .....	11
Current specific levels of domestic violence reported to Police .....	11
Current Police policy, protocols and general processes and procedures (including record keeping) for dealing with domestic violence.....	13
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 .....	17
Any history of change around Police domestic violence practice .....	21
Current Police leadership practice around domestic violence.....	23
Police attitudes and perceptions of domestic violence .....	23
Police attitudes and perceptions towards Police Officers as domestic violence offenders .....	28
Current policy and practice arrangements for dealing with Police Officers as domestic violence offenders.....	28
The current state of Police domestic violence training.....	29
The state and recent history of Police partner relations .....	30
SECTION 2: GOVERNMENT, NGO AND COMMUNITY ATTITUDES AND RESPONSES .....	33
Current and historical levels of domestic violence reported to the key non- government agencies (women’s crisis/refuge organisations).....	33
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 .....	34
Broad trends in victim attitudes towards domestic violence and reporting to the Police .....	34
The policy and other contribution of key non-government agencies to dealing with and reducing domestic violence .....	38
A general assessment of levels of social acceptance and cultural tolerance towards domestic violence .....	40
Current government policy and practice arrangements directed or associated with domestic violence .....	41
The current state of legislative arrangements in relation to domestic violence, including compliance with international covenants and conventions (CEDAW) .....	42
The current state of any alternative approaches (village justice) to domestic violence .....	44
Overview of nature and extent of systems in place for reporting and sharing information on medical and death records relating to domestic violence .....	45
The attitudes of key religious organisations towards domestic violence.....	45
REFERENCES .....	47
APPENDICES.....	49
 <b>LIST OF FIGURES</b>	
Figure 1 Geographical spread of the Cook Islands.....	7

Figure 2	Domestic violence cases reported to CIPS, 2008–2010 (n=429) .....	11
Figure 3	Breakdown of reported domestic violence offences, 2008–2010 (n=137).....	12
Figure 4	Flow chart of actions concerning domestic violence complaints made to CIPS .....	14

#### LIST OF TABLES

Table 1	Terms of reference for the research .....	2
Table 2	Cook Islands milestones in addressing violence against women .....	9
Table 3	Who reported to Police .....	12
Table 4	Action taken on cases reported, 2008-2010 (n=416).....	18
Table 5	Action taken on violent offences versus domestic disputes .....	18
Table 6	PTI client statistics .....	33

#### LIST OF BOXES

Box 1	Principles in dealing with domestic violence.....	15
Box 2	Stakeholders' views on case attrition and sentencing .....	20
Box 3	Police Staff as domestic violence offenders .....	29

## PREFACE

The structure of the Pacific Prevention of Domestic Violence Programme (PPDVP) Baseline Review Reports (see Fairbairn-Dunlop and Lievore 2007a, 2007b and Lievore and Fairbairn-Dunlop 2007a, 2007b) have been used, at the client's request, as a template for this Baseline Review Update.

To a large extent, Part 1 of this report duplicates the introductory chapter of the baseline review. Some minor changes have been made to reflect the current study but it should be noted that the background of the PPDVP, the four country studies and the methodology sections generally replicate sections contained in the previous Baseline Reports. Part 2 of this report outlines the context of each specific country in which the review was undertaken. It also follows the structure used in the earlier baseline review reports. Where applicable, the original content has been amended to ensure the current report is as up-to-date as possible. We would therefore like to acknowledge the authors of those reports – Professor Peggy Fairbairn-Dunlop and Dr Denise Lievore – as providing this material.

We would also like to acknowledge the role Professor Peggy Fairbairn-Dunlop played in the Baseline Review Update. Peggy was involved in the tendering process and in reviewing the methodology. She also acted as a consultant to the project and peer reviewed the final reports.

## EXECUTIVE SUMMARY

### PART 1: 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 Aid Programme (NZAP) under the International Development Group of Ministry of Foreign Affairs and Trade New Zealand Police (NZPOL) and the Pacific Islands Chiefs of Police (PICP). The programme builds on earlier NZAP 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 ongoing support. The initial programme duration is five years, which is due to expire on 30 June 2011.

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, the 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. An NZPOL mentor has been assigned to each of the four countries to support these efforts. Vanuatu joined the programme as a participating country from 1 July 2008.

PPDVP Baseline Reviews of the Cook Islands, Samoa, Tonga and Kiribati were completed in 2007, and the Baseline Review of Vanuatu was completed in 2009. The aim of these reviews was to gather baseline data and to engage agencies and communities in reflection on domestic violence.

Findings from the baseline reviews have provided a key awareness-raising tool for politicians, community leaders and communities, as well as a benchmark to measure the performance and effectiveness of the PPDVP. The aim of the current project is to provide an update on each of the four countries involved which the PPDVP Management Team will use to help them develop an appreciation of the impact of the PPDVP activities. A Programme Evaluation will be completed in early 2011, which will in turn inform any decisions on future activity or completion of the Programme.

This Cook Islands Report on domestic violence is one of four Baseline Review Updates carried out under the PPDVP, the others being for Kiribati, Tonga and Samoa. As with the baseline research, this study adopted the definition of domestic violence used by the PPDVP: that is, '*violence against women by a partner or spouse*'.

The broad aims of the research were to ascertain/assess the current state of:

- data available in each country
- the extent of domestic violence and people's responses to it
- agencies' and communities' views of domestic violence, particularly how things had changed since the baseline reviews were carried out in 2006.

The research team worked closely with the NZPOL 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 with one non-government organisation (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 ongoing partnerships for future PPDVP activities. The research was conducted predominantly in urban areas and the team acknowledges that the report findings may not be applicable to rural regions or outer islands.

## PART 2: THE COOK ISLANDS STUDY

The fieldwork was conducted on Rarotonga during the period 2–10 September 2010. The researcher was based at the Cook Islands Police Service (CIPS) new headquarters in Avarua. The in-country partner NGO was the Women's Counselling Centre, Te Punanga Tauturu Inc (PTI).

There is increasing public awareness of women's rights in the Cook Islands, including the right to live free from violence. This is a significant achievement for 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.

However, despite advances that have been made on issues relating to gender equity and the elimination of violence against women, the New Zealand Parliamentarians' group on Population and Development (NZPPD) recently expressed their disappointment that only one out of the nine women running in the recently held Cook Islands elections won a seat.

In 2006, the Cook Islands Government acceded to CEDAW in its own right and in 2007 also acceded to the CEDAW Optional Protocol (Cook Islands Government, 2009). The CEDAW Shadow Report (2007), i.e. a critique of the State Report by NGOs, stated categorically that not only is domestic violence the biggest discriminatory factor against women, it is currently the largest reported crime against women.

### Section 1: Police Attitudes, Policy and Practice

Since the baseline review, the following key successes were identified in relation to police attitudes, policy and practice:

- **The Domestic Violence Unit (DVU)** – the DVU is staffed by one female officer – the Coordinator. This is the second Coordinator since the inception of the unit in 2007. There has been some debate around where the unit is best located within the CIPS, resulting in a number of changes in reporting lines. The Unit currently sits in the Community Relations Division and works closely with CIB. The Coordinator of the Unit makes concerted efforts to ensure that all staff follow reporting and recording procedures. She is not involved in attending domestic violence incidents or the investigation process. Her main role is to follow up in domestic violence cases, either where the victim needs assistance or after sentencing. The Coordinator also has a major role to play in community awareness around domestic violence, working in collaboration with the Community Relations staff and NGOs.
- **Changes in reporting to the Police** – what is evident from the available data is that, where previously domestic violence has been considered a private family matter, now neighbours, family members, friends as well as victims are reporting

this to the Police. This was commented on by a number of informants and seen to be the result of increasing awareness around the issue of domestic violence and the knowledge that it is a crime.

- **Improved data collection** – a major achievement, since the introduction of the PPDVP, has been the implementation of systems geared towards improved data collection. Much of this can be attributed to the PPDVP Case Management and Intelligence System (CMIS) domestic violence database, which was implemented as part of the PPDVP in 2007. The Cook Islands is the only PPDVP site that has networked CMIS, and all operations manuals have also been loaded onto the system. At the time of the baseline review it was noted that the database was not kept up-to-date. This does not appear to be an issue currently since it is now the role of the dedicated DVU Coordinator to complete this. Entries into CMIS are also monitored regularly by the Commissioner and the Inspector in charge of the General Duties Branch. There have also been improvements in the completion of Domestic Violence Report Forms by officers attending domestic violence incidents; this was previously noted as a problem.
- **Awareness and improved partnerships** – the establishment of the DVU has created an ideal opportunity for CIPS to set up strong partnerships with government agencies and NGOs. There are indications that the partnerships that CIPS currently has with government agencies and NGOs are working well and even expanding in the case of PTI. For example, Police have been actively involved in community awareness around domestic violence. In 2009 they helped organise the White Ribbon Day celebrations and have also been involved in media awareness programmes with PTI related to domestic violence. CIPS also has its own TV and radio crime watch and crime update programmes. This change has been noted by other government stakeholders.

#### Issues Needing to be Addressed

Possible barriers to addressing the issue of domestic violence in the Cook Islands were identified. These are presented below against suggested actions.

Issues	Suggested Actions
<p>Despite the clear guidelines around the no drop policy there is evidence that some Police are still focusing on reconciliation rather than arrest.</p> <p>It is not clear whether such failures to follow protocols are related to a lack of understanding of the procedures – in which case, extra training is required – or whether it is related to attitudes towards domestic violence, which are more difficult to address.</p>	<p>There is ample evidence that good systems have been put in place to acknowledge the seriousness of domestic violence and for CIPS to respond appropriately. However, it is important that these are monitored and enforced.</p> <p>Protocols need to be updated where necessary and recording practices and Police responses to domestic violence incidents monitored on an ongoing basis.</p>
<p>Under-reporting of domestic violence is an inherent problem. In addition, levels of case withdrawal are high and prosecution numbers low. This suggests that the community is unlikely to perceive the criminal justice system as an effective means of dealing with domestic violence.</p>	<p>The following multidimensional approaches are suggested:</p> <ul style="list-style-type: none"> <li>▪ Develop and implement specific policy and practice arrangements for dealing with Police Officers as domestic violence offenders so that the Police are seen to be leading by example.</li> <li>▪ Increase senior Police leadership to ensure appropriate prosecution of domestic violence cases.</li> <li>▪ Pay attention to investigation of domestic violence</li> </ul>

	cases so that files presented to Court are not inadequate and do not result in the case being 'thrown out' due to lack of evidence.
<p>Issue of in-service training and upskilling of longer-serving Officers to ensure best practice domestic violence guidelines and practices are seamlessly incorporated into Police operations.</p> <p>This addresses issues such as confusion around what domestic violence is, Police delays in investigations, the poor quality of investigations, and suggestions that Police are not carrying out their duties.</p>	<p>Suggestions include:</p> <ul style="list-style-type: none"> <li>▪ refresher courses for general duties police</li> <li>▪ how to navigate tensions arising out of cultural pressure to reconcile rather than prosecute</li> <li>▪ Police roles in relation to counselling and advice giving, the need for the police to issue messages about how to keep safe, victim empowerment, active listening, maintaining boundaries within the role of police</li> <li>▪ senior / long-serving Police Officers need updated training on domestic violence best practice</li> <li>▪ charges laid against a person resulting from a domestic violence incident can only be withdrawn at Court by a JP due to the no drop policy. However, there should be standardised guidelines for this, rather than leaving it to the discretion of individual JPs.</li> </ul>
<p>Current marginalisation of DVU due to its physical placement at the back of the Police Station. Staff commented on the fact that the current Coordinator was not fully engaged in training and community awareness. Consequently, at the present time there would appear to be a lost opportunity in terms of maximising the potential of the unit, raising community awareness around domestic violence issues and cementing community relationships.</p>	<p>More efforts need to be made to ensure that the DVU is visible both within CIPS and more importantly in the community. It is crucial to maintain the current levels of increased community confidence in CIPS by the visible presence of a commitment to issues related to domestic violence by the involvement of the Coordinator in the community.</p>
<p>No tracking of domestic violence cases through to prosecution is currently undertaken. In addition, few officers appeared to be aware of what happened to cases after arrest.</p>	<p>Opportunities exist for improved tracking of domestic violence cases through to prosecution.</p>

There is evidence that good systems and processes have been put into place under the PPDVP so it remains for CIPS to continue to drive the campaign against domestic violence. The restructuring of CIPS may result in a new energised force which will take ownership of the problem, particularly since this is taking place within a current Pacific culture of promoting work around gender-based issues. The DVU is the public face of the PPDVP and as such needs to develop community relationships and maintain a more visible presence to build on current improved levels of confidence in the Police.

## Section 2: Government, NGO and Community Attitudes and Responses

Non-government and government agency representatives were interviewed alongside church representatives. To this end key successes were identified, alongside potential barriers to the continued efforts to eradicate domestic violence in the Cook Islands.



## Key successes

Key successes identified were:

- **Increased awareness** – awareness of domestic violence has increased markedly in the Cook Islands; most people are aware that this is a crime and not a private family matter. Some respondents felt that it was no longer accepted as a private issue due to the demise of the extended family and the exposure to western ideologies, particularly on Rarotonga. In addition, now women were more aware of their rights and were speaking out about violence.
- **Gender awareness training** – GADD has established a group of gender trainers which provides training for government ministries and agencies, heads of ministries, and managers. Gender-based methodologies have also been developed for training workshops conducted in the outer islands in 2009 to raise awareness and understanding in relation to the consequences of violence. Similarly in 2008 the Ministry of Justice in collaboration with PTI conducted a gender awareness training workshop for all law enforcement officials, including judicial officers, JPs, lawyers and prosecutors. The aim of the workshop was to establish a legal culture supportive of women's equality and non-discrimination.
- **Changes in social acceptance and cultural tolerance** – domestic violence is not a 'women's issue' and efforts to change social acceptance of violence against women require male involvement and leadership. There is some indication that this is happening in the Cook Islands. Gender awareness workshops have been held on the outer islands and the Cook Islands now have two men's groups working with issues related to domestic violence. These groups will work collaboratively with PTI. The value of having men involved in addressing issues related to domestic violence cannot be stressed too highly, as some men still have reservations around moves for gender equity, especially when advocated for by women.

## Issues needing to be addressed

Key areas of concern are presented below against suggested actions.

Issues	Suggested Actions
Impossible to estimate the prevalence of domestic violence due to the lack of reliable data (even taking into account CMIS)	A national survey would provide some insight into the prevalence of gender-based violence. In some Pacific countries where this has happened, in particular Kiribati, the results have not only provided the first research-based estimate of gender-based violence but have also galvanised the government and other groups into action to address the issues.
Limited/lack of resourcing for NGOs	<ul style="list-style-type: none"> <li>▪ In times of fiscal constraints such as presently exist worldwide, one way of addressing this issue would be to encourage organisations to coordinate their activities so that existing resources are directed towards projects that will build on rather than duplicate other agencies' efforts.</li> <li>▪ Collaboration strategies may also reduce the need for organisations to compete with each other for limited funding.</li> </ul>
The need for continued awareness raising around	<ul style="list-style-type: none"> <li>▪ Continued used of radio and other media to raise</li> </ul>

domestic violence and gender awareness issues	<p>awareness.</p> <ul style="list-style-type: none"> <li>▪ Continued use of awareness meetings, particularly in outer islands and rural villages to discuss issues around domestic violence.</li> <li>▪ Evaluations of campaigns and educational programmes to determine which strategies have been most successful at raising awareness and have resulted in some form of domestic violence intervention.</li> </ul>
<p>Lack of interventions and programmes for victims and perpetrators of domestic violence</p> <p>Lack of women's refuge or safe house</p>	<ul style="list-style-type: none"> <li>▪ The development of services, support systems and referral processes for both perpetrators and victims of domestic violence.</li> <li>▪ Issues around the safety and protection of victims need to be addressed – the establishment of a safe house would be the first step.</li> </ul>
<p>Lack of confidence in the Police may deter victims from seeking Police help</p>	<p>Develop strategies to counter perceptions that the Police:</p> <ul style="list-style-type: none"> <li>▪ will blame the victim</li> <li>▪ will not take complaints seriously</li> <li>▪ will provide insufficient protection.</li> </ul>
<p>The view remains that there is still a place for the use of community relationships and sanctions for dealing with domestic violence and that village elders and catechists or pastors could lead this, involving the Police as a last resort.</p> <p>Although Ministers speak out against violence from the pulpit, there appears to be no action other than this</p>	<p>Stakeholders felt that there was strength in traditional ways of dealing with domestic violence utilising the resources of the family and community rather than imposing a westernised individualist solution.</p> <p>It is important that Church organisations take up the campaign against family violence and that any progress in this direction does not rely solely on committed individuals. The Church has the potential to be involved to a greater extent in the campaign against gender-based violence due to the pivotal role and power it has in society.</p>

NGOs provide vital services throughout the Pacific, including the Cook Islands, and it is crucial that this work is supported. They support and supplement the work of legal and government agencies and are proactive in community development, implementing international conventions and advocating for change. 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. It is commendable that there are two men's groups working together with PTI to address gender-based violence in the community, indicating that some men are acknowledging and working to address gender-based violence.

## 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 Aid Programme (NZ Aid) under the International Development Group of the Ministry of Foreign Affairs and Trade, New Zealand Police (NZPOL) and the Pacific Islands Chiefs of Police (PICP). The programme builds on earlier NZ Aid 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 ongoing support. The initial programme duration is five years, which is due to expire on 30 June 2011.

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, the 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. An NZPOL mentor has been assigned to each of the four countries to support these efforts. Vanuatu joined the programme as a participating country from 1 July 2008.

PPDVP Baseline Reviews of the Cook Islands, Samoa, Tonga and Kiribati were completed in 2007,<sup>2</sup> and the Baseline Review of Vanuatu was completed in 2009.<sup>3</sup> The aim of these reviews was to gather baseline data and to engage agencies and communities in reflection on domestic violence. Data collection included reviews/focus groups with Police Officers, victims, Government agencies, non-government organisations (NGOs), Women's Groups and a number of representative communities to assess the extent of domestic violence and people's responses to it.

Findings from the baseline reviews have provided a key awareness-raising tool for politicians, community leaders and communities as well as a benchmark to measure the performance and effectiveness of the PPDVP. The aim of the current project is to update the baseline data for each of the four countries involved. The PPDVP Management Team<sup>4</sup> will use the updated baseline reviews to help them develop an appreciation of the impact of the PPDVP activities. A Programme Evaluation will be completed in early 2011, which will in turn inform any decisions on future activity or completion of the PPDVP.

<sup>2</sup> See Lievore and Fairbairn-Dunlop (2007a), Fairbairn-Dunlop and Lievore (2007a), Fairbairn-Dunlop and Lievore (2007b), and Lievore and Fairbairn-Dunlop (2007b).

<sup>3</sup> See Fairbairn-Dunlop (2009).

<sup>4</sup> The three partner agencies that make up the PPDVP Management Team are: New Zealand Ministry of Foreign Affairs (MFAT) International Development Group (IDG), New Zealand Police (NZPOL) and the Pacific Islands Chiefs of Police (PICP).

Research aims and terms of reference
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As mentioned, the aim of this project is to update the baseline data in each of the four countries involved. It had two main components. The first centred broadly on Police understandings of and responses to domestic violence. The second component had multiple strands, covering government, NGO and community understandings and responses. The terms of reference (TORs) for each component are set out in Table 1.

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

Police Attitudes, Policy and 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 NGOs (women's crisis/refuge organisations)
Current policy and practice arrangements for dealing with Police Officers as domestic violence offenders	Assessment of the prevalence of domestic violence using the available Police and NGO data, and data available from other agencies, including the United Nations
The state and recent history of Police partner relations	Policy and other contribution of key NGOs to dealing with and reducing domestic violence
Current policy protocols and general processes and procedure (including record keeping) for dealing with domestic violence	General assessment of levels of social acceptance and cultural tolerance of domestic violence
Current Police leadership practice around domestic violence	Current Government policy and practice arrangements directed at or associated with domestic violence
The current state of Police domestic violence training	Current state of legislative arrangements in relation to domestic violence, including compliance with international covenants and conventions (CEDAW)
History of change around Police domestic violence practice	Current state of any alternative approaches (village justice) to 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	A review of medical / death records indicating levels of domestic violence and reporting of domestic violence
Police attitudes and perceptions towards Police Officers as domestic violence offenders	The attitudes of key religious organisations towards domestic violence
Current state of Police prosecution of domestic violence	

As with the baseline research, this study adopted the definition of domestic violence used by the PPDVP: that is, '*violence against women by a partner or spouse*'.

The broad aims of the research were to ascertain/assess the current state of:

- data available in each country
- the extent of domestic violence and people's responses to it
- agencies' and communities' views of domestic violence, particularly how things had changed since the baseline reviews were carried out in 2006.

### Our approach and methodological framework

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

This study continued the emphasis on partnerships utilised in the baseline review and partnered one national NGO in three of the four countries throughout the planning and implementation of research activities.<sup>5</sup> This had the dual aim of empowering Pacific communities by fostering enquiry and debate on domestic violence, and consolidating ongoing partnerships for future PPDVP activities. Partner NGOs were given an honorarium in acknowledgement of their expertise and support.

In the Cook Islands, the NGO partner was Punanga Tauturu Inc; in 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 continued to build on the work done by the PPDVP mentors. This included, where possible, coinciding the fieldwork with the mentors' in-country deployment. Again there were wonderful mutual benefits in this strategy. Online support was received from the Kiribati mentor. In the Cook Islands, the researcher worked with the mentor for five of the eight days of fieldwork. For Samoa, the mentor provided key documents and information for the review. In Tonga, the researcher worked with the mentor for the entire period of the fieldwork.

Our approach was premised on the understanding that no single research strategy would fit the four countries: that, although the countries might have some common experiences, 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, information technology (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

<sup>5</sup> We were unable to organise working with KANGO in Kiribati as the person we had worked with previously on the baseline review was unavailable.

- physical constraints, including the way in which the spread of the islands which make up Kiribati, the Cook Islands and Tonga influences people's knowledge of laws and access to policing systems and/or justice
- national commitments and understandings of regional and international agreements, such as CEDAW<sup>6</sup> and the Pacific Platform of Action.<sup>7</sup>

It was important for us to remember that findings were set in the context of rapidly changing times and against a backdrop of initiatives promoting women's rights and gender equity and calls for the elimination of violence against women and children.

Finally, we saw that the update would continue to act as both a data collection and an education and advocacy exercise for domestic violence and related issues, as each interview was almost an awareness raising exercise on domestic violence, CEDAW and related issues.

We continued to draw on the significant resource base of knowledge and expertise in each country by utilising the relationships made in the previous study. As noted in the previous study, each country is either signatory to CEDAW or in the process of becoming so, and/or has participated in training provided by agencies such as the Fiji Women's Crisis Centre, the SPC/RRRT of the Regional Rights Resource Team of the Secretariat of the Pacific Community project, and, in the case of Samoa, the Secretariat of the Pacific Community (SPC)/United Nations Development Programme (UNDP) study. In fact, it is highly likely that domestic violence issues are perceived under a 'human rights framework' in addition to the 'Safer Pacific Free from Domestic Violence' framework of this PPDVP initiative.

The fieldwork was carried out in two-week blocks during September 2010.<sup>8</sup> The methodology replicated that developed for the baseline study and each researcher visited two countries.<sup>9</sup> Because of the geographical spread and remoteness of many islands in each country, the research was conducted predominantly in urban locations or on a central island. Therefore, 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, as found for the baseline study, the information would vary greatly in accessibility, coverage and quality. Qualitative methods were again deemed to be appropriate, given that a major research focus was identifying attitudes to domestic violence. We recognised that the topic had only recently been acknowledged as a Pacific

<sup>6</sup> This is the United Nations Convention on the Elimination of all forms of Discrimination Against Women.

<sup>7</sup> This is the Pacific Platform for Action on Advancement of Women and Gender Equality 2005–2015.

<sup>8</sup> Ethics approval was given by the Victoria University Human Ethics Committee: No 17907/2010.

<sup>9</sup> Venezia Kingi went to the Cook Islands and Kiribati, and Michael Roguski went to Samoa and Tonga.

development issue and that understanding the cultural and social underpinnings of domestic violence in the four countries required further extensive discussions with a broad group of people. Pacific research highlights that face-to-face communication is more appropriate and yields richer data than paper and pencil instruments or survey methodology.

As previously, we established general guidelines for the research process and assumed that data collection methods would again vary 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 Appendix A set out the general framework.

### The four country reports

This four nation PPDVP review must be set within the wider happenings in the Pacific region in the past four years. Some of these influence the four nations directly, while others are influenced by the impacts of these.

The global recession is affecting all Pacific Island countries and territories through slower economic growth, increased economic uncertainty and worsening household vulnerability. The Asia Development Bank estimates that an additional 50,000 people were living below the poverty line in the Pacific in 2010 because of the global economic crisis. Continuing high rates of population growth in addition to escalating rates of urbanisation have seen the growth of overcrowded urban settlements in all Pacific Island countries and territories, with all the hallmarks of incipient poverty and social issues this entails. At the same time, rural areas are becoming the areas of women and children. The United Nations Children's Fund says children, youth and women are bearing the 'lion's' share of the burden of the global economic crisis, while surveys conducted by UNICEF in Tonga and Tuvalu in December 2009 reveal that a staggering 80 percent of families living in vulnerable communities do not have enough money for food.

The effects of climate change and natural disasters also impact on Pacific communities and are triggers for violence against women. The region's high vulnerability to earthquakes and accompanying tsunami is seen in the Western Solomon's (2007), the Viti Levu floods (January 2009) and the earthquakes and accompanying tsunami in American Samoa, Samoa and Tonga (2009). The extreme weather and climate variability and accelerated sea level rising associated with climate change are also impacting negatively on family livelihoods, economic wellbeing and health. In addition, Pacific Island countries and territories have witnessed increased political crises, social unrest and violent conflict in recent years. The political situation in Fiji is complex, while in Tonga, which is governed under a monarchy, advocacy is ongoing for a move towards democracy.

Views are that traditional family systems are weakening as people increasingly identify with modern regional and global ideas accessed through IT, education, migration and travel. Not only that, high levels of out migration have left many professional posts unfilled, with severe consequences for the delivery of violence against women, educational and health services, especially to rural areas.

We recognise that it is only relatively recently that domestic violence has been acknowledged as a Pacific development issue, yet 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 the roles and place of women, and post-

colonial and recent history. We felt that women's vulnerability to violence in a given country might also vary depending on age, urban/rural living and other factors.

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 containing two sections.

- Part 1 sets 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 nine 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

The fieldwork was conducted on Rarotonga during the period 2–10 September 2010. I was based at the Cook Islands Police Service (CIPS) new headquarters in Avarua and well supported by Senior Constable Pauline Rangi, the Coordinator of the Domestic Violence Unit (DVU). The in-country partner NGO was the Women's Counselling Centre, Te Punanga Tauturu Inc (PTI). I gratefully acknowledge the support of Tereapii Enea (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 and time constraints, all of the fieldwork was conducted on Rarotonga, which is home to approximately three-quarters of the country's population of 19,569 (2006 Census). As the culture in Rarotonga is influenced to a large extent by western society, it is not clear whether the results can be generalised to the outer islands.

**Figure 1 Geographical spread of the Cook Islands**



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

The main data collection methods were:

- individual interviews with representatives of:
  - Police – senior and junior staff and new recruits
  - government agencies – Ministry of Justice, Judiciary, Rarotonga Hospital, Ministry of Internal Affairs and Social Services and Social Affairs, Ministry of Health, Ministry of Education, Aorangi Prison
  - NGOs, including PTI, the National Council of Women, Cook Islands Men Against Violence Agreement (CIMAVA) and Cook Island Family Welfare

- church groups
- a small number of group discussions
- document analysis of: legislation; Police statistics, policy and training documents; previous research; previous reports; and local media reports on domestic violence.

Data collection methods replicated those used for the baseline review and mainly comprised semi-structured individual interviews. The review had noted that this approach had been taken on the advice of Police and NGOs who had advised that individual interviews would yield more honest and open replies. Interviewees from CIPS were selected by the DVU Coordinator and those from government agencies and NGOs were organised by working in collaboration with PTI. There were a small number of discussions with two or more people.

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 seven days of fieldwork, but some agencies were not covered. The reasons for this were similar to those identified in the baseline review. Firstly I was unable to set up meetings until I arrived and the period of fieldwork was relatively short. Secondly, I relied on local advisors to set up meetings or provide introductions. Thirdly, although no-one failed to keep appointments, representatives of some agencies were either unavailable or unable to be contacted during the time I was in the Cook Islands. I have included information only on organisations whose representatives I met personally.

#### Cook Islands update

In 2006, the Cook Islands Government acceded to CEDAW in its own right and in 2007 also acceded to the CEDAW Optional Protocol (Cook Islands Government, 2009). The CEDAW Shadow Report (2007)<sup>10</sup> stated categorically that not only is domestic violence the biggest discriminatory factor against women, it is currently the largest reported crime against women. The authors go on to add that domestic violence is concealed by the cultural and social context of the Cook Islands.

As reported in the baseline review, there is increasing public awareness of women's rights in the Cook Islands, including the right to live free from violence. This is a significant achievement for 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.

However, despite advances that have been made on issues relating to gender equity and the elimination of violence against women, the New Zealand Parliamentarians' group on Population and Development (NZPPD) recently expressed their disappointment that only one out of the nine women running in the recently held Cook Islands elections won a seat.

*"It is very disappointing that women don't have a higher representation in parliament in the Cook Islands. Women's voices need to be heard at the highest level to ensure decisions made for the country are based on the perspectives and views of both women and men. It is also important that issues important to women*

<sup>10</sup> A critique of the State Report by NGOs.

*are given attention at this level" says Dr. Jackie Blue, NZPPD Chair.*  
([www.scoop.co.nz/stories/WO1011/S00396/only-one-woman-elected-in-the-cook-islands.htm](http://www.scoop.co.nz/stories/WO1011/S00396/only-one-woman-elected-in-the-cook-islands.htm))

Although women are increasingly being appointed to senior posts in the public service only seven women have ever been elected to Parliament in the Cook Islands since the country became self-governing in 1965.

During the last four years moves have been made to formalise the relationship between PTI and CIPS working in collaboration with the PPDVP. This resulted in the signing of a Memorandum of Understanding (MOU) in 2007 between the parties and this has led to a more collaborative working relationship between PTI and the Police. An MOU was also signed between the Ministry of Internal Affairs and the National Council of Women aimed at achieving goals relating to advocating for women, promoting gender awareness, and the elimination of discrimination against women.

Moves to change legislation to incorporate domestic violence and so to comply with CEDAW have been slow; this has not been helped by the political situation at the time of this review (see below). However, a Family Law Bill is in draft form which includes civil laws aspects of domestic violence.

In 2009, CIPS, in collaboration with PTI, led the organisation of White Ribbon Day for the first time. This was held in front of the new Police Station in Avarua and provided a clear and visible example of Police leadership around addressing issues related to domestic violence. In the lead-up to the 2010 celebrations the PPDVP mentor had secured the support of Cook Islands Telecom in the *'Break the Silence – End the Violence'* domestic violence awareness campaign. Telecom will display this slogan, along with the emergency phone number, on their corporate products.

Some milestones in addressing violence against women are presented in Table 2.

**Table 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 New Zealand
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
2007	CEDAW Shadow Report
2007	Cook Islands accede to the CEDAW Optional Protocol
2007	MOU between PTI and CIPS
2008	MOU between Ministry of Internal Affairs and the National Council of Women
2009	Gender-based violence workshops held on outer islands (GADD)
2009	CIPS lead White Ribbon Day campaign funded by PPDVP
2009	Government response to the UN questionnaire on the implementation of the Beijing Platform for Action

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2010	Draft Family Law Bill
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The institutional and political context of the PPDVP baseline research

The baseline research took place at an unsettled time for CIPS due to:

**Review of the National Police Department** – this was a comprehensive review of the Police undertaken in 2006 (C&M Associates, 2006). The release of the findings resulted in the two-year appointment of a New Zealand Police adviser to the CIPS Commissioner. Another outcome was the restructuring of CIPS, which resulted in some Police being promoted but others either being demoted or losing their jobs. This was happening during my visit and it was thus a time of uncertainty for Police, who did not know what the outcomes for individuals would be. However, both Police Officers and other stakeholders said that confidence in the Police was increasing and the community view towards CIPS had improved.

**Climate of political turmoil** – in addition, the country was in the lead-up to an election and in political turmoil, which was creating a state of uncertainty in the government sector and with NGOs.

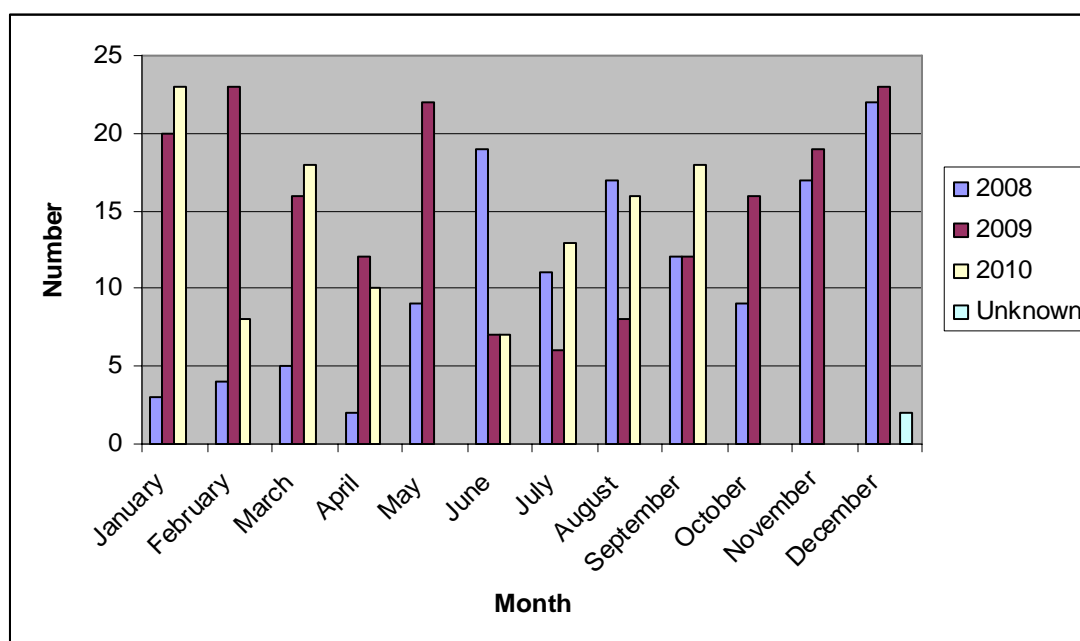
## SECTION 1: POLICE ATTITUDES, POLICY AND PRACTICE

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

The rollout of the PPDVP CMIS<sup>11</sup> domestic violence database in the Cook Islands has resulted in a more coordinated effort by the DVU to record the levels of domestic violence reported to the Police. In fact the Cook Islands is the only PPDVP site to have CMIS networked; everywhere else it is just used for domestic violence. The main source of statistics on domestic violence for this update was, therefore, the CMIS database.

The DVU database statistics include all offences categorised as domestic violence, including violence against the person, violence against property, verbal abuse and intimidation. The most up-to-date figures available for reported domestic violence are those presented by the DVU Coordinator to the PPDVP Conference held in Fiji in September 2010 (see Figure 2 below). These data cover the period January 2008 to September 20 and give an overview of the increased levels of reporting over this time.

**Figure 2 Domestic violence cases reported to CIPS, 2008–2010 (n=429)**



Source: CIPS PPDVP Conference, September 2010

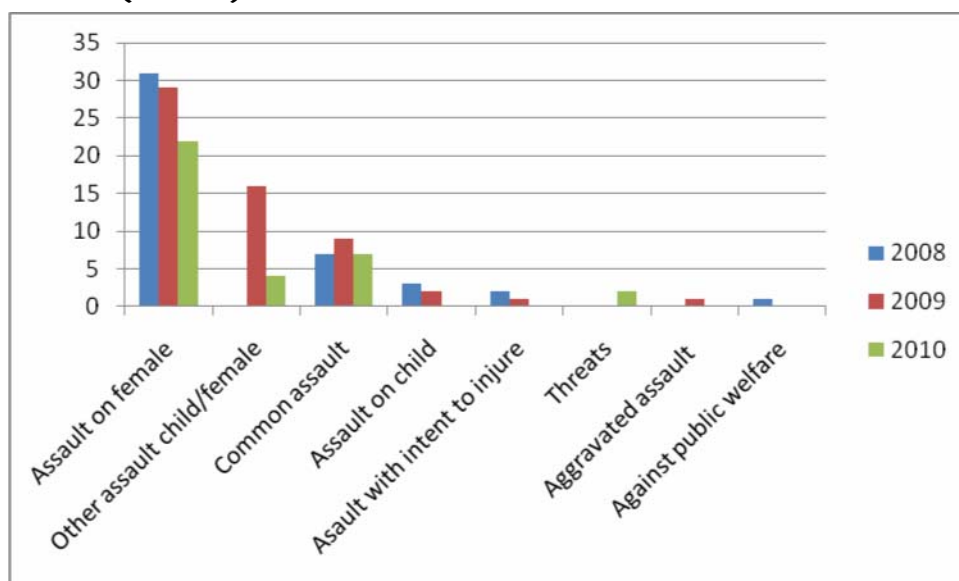
#### CMIS data, January 2008 – August 2010

The following discussion provides a more detailed description of domestic violence cases reported to Police and is based on the CMIS data I obtained during fieldwork, i.e. from January 2008 to August 2010.

During this period 416 domestic violence-related incidents were reported to CIPS. Of these, one-third (n=137) were where an offence had taken place and the remaining two-thirds (n=279) were categorised as 1D Domestic Dispute (non-offence). A breakdown of the offences recorded is presented in Figure 3.

<sup>11</sup> This is the Case Management and Intelligence System that was rolled out in 2007 with the PPDVP. Training for CMIS operators was provided by PPDVP staff.

**Figure 3 Breakdown of reported domestic violence offences, 2008–2010 (n= 137)**



Source: CIPS CMIS

As we can see from the data in Figure 3, assault on a female was the most common offence recorded.

The baseline review noted that domestic homicides were rare. The current available statistics support this statement, indicating that during the period from January 2008 to August 2010 only one homicide had taken place and this involved intimate partner violence.<sup>12</sup> No sexual violence offences were reported during the period.

What is evident from the available data is that, where previously domestic violence has been considered a private family matter, now a range of people are reporting incidents to the Police in addition to victims themselves. This was commented on by a number of informants and seen to be the result of increasing awareness around the issue of domestic violence and the knowledge that it is a crime.

**Table 3 Who reported to Police**

Informant	Year					
	2008 n=119		2009 n=178		2010* n=119	
	n	%	n	%	n	%
Victim	61	51%	100	56%	55	46%
Family	26	22%	43	24%	38	32%
Neighbour	17	14%	21	12%	16	13%
Friend	5	4%	4	1%	6	5%
Other**	10	8%	10	6%	4	3%

Source: CIPS CMIS

\* Year to August 2010. These figures need to be interpreted with caution, as they do not include the Christmas and New Year period which usually sees an increase in the volume of reported cases.

\*\* This category includes incidents reported by doctors (n=2), NGOs (n=3), Police Officers (n=5) and work colleagues (n=2). Details were missing on who reported the remaining 12 cases.

Police interviewees were asked whether the awareness campaigns and the fact that most people now knew that domestic violence was a crime had resulted in any men reporting their partners for domestic violence. Views were mixed: some said this

<sup>12</sup> This is recorded as 'male assaults female' in Figure 3.

probably happened but was not being reported due to how it would be perceived, yet others indicated that there had been instances of this.

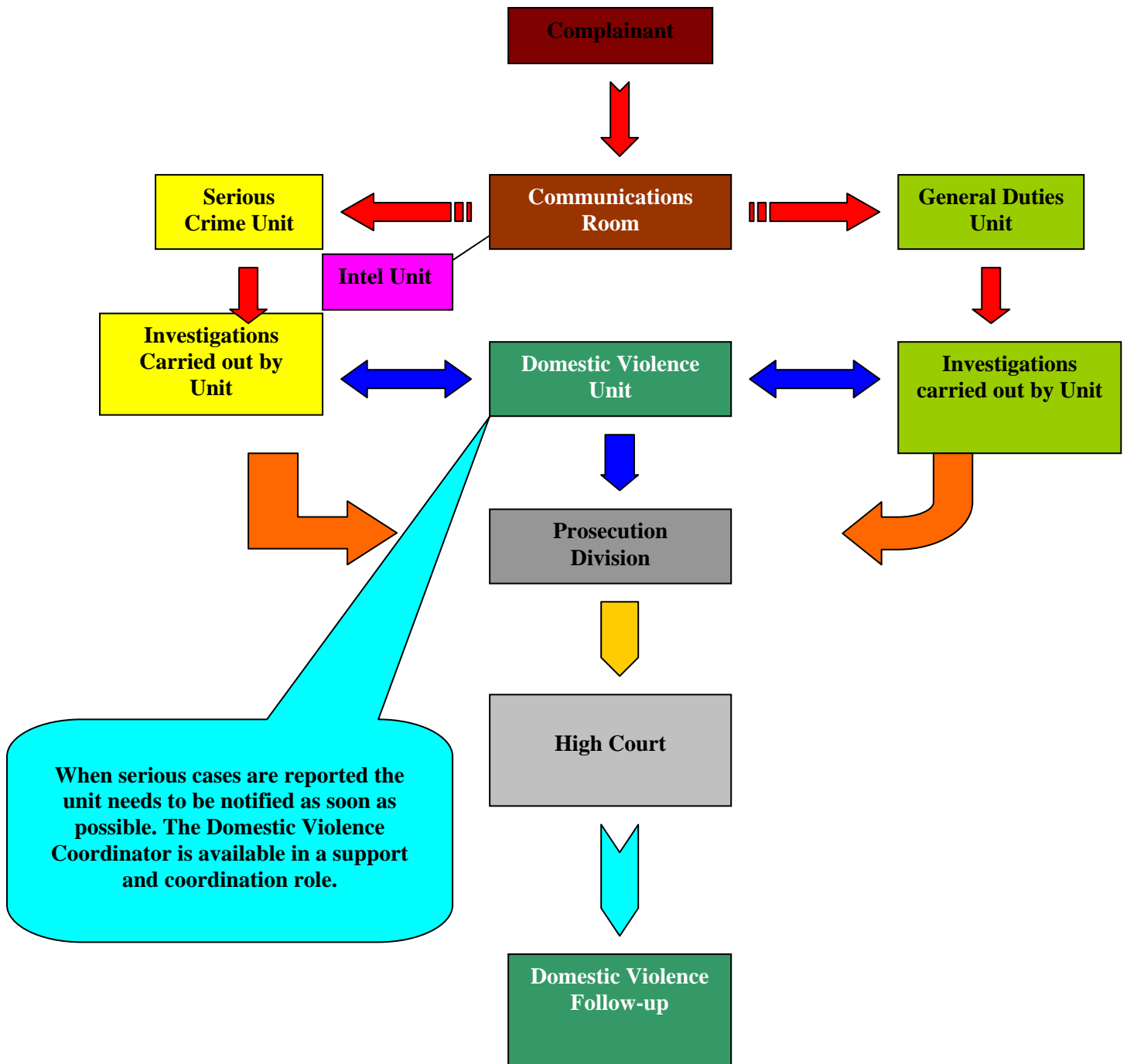
*If she hit first and she wakes up in a pulp, well then she hit first – there have been incidents of prosecution of women – a new thing where men are taking women to Court.*

Although I was not able to verify the source or accuracy of CMIS statistics, the interviews suggested the completion of Domestic Violence reports has improved since the baseline review and information in CMIS is kept up-to-date. This has the potential to improve the accuracy and usefulness of the database, particularly in respect of identifying and monitoring repeat or serious offenders.

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

A written protocol for domestic violence has been developed since the baseline review. The CIPS's *Family Violence Manual of Best Practice Follow-ups* sets out best practice processes for responding to domestic violence incidents. It also provides a flowchart of the pathway a complaint takes from the receipt of the report by Communications through to the follow-up instigated by the DVU (Cook Islands Police, 2008).

Figure 4 Flow chart of actions concerning domestic violence complaints made to CIPS



Source: CIPS Family Violence Best Practice Manual



The Cook Islands Police Domestic Violence Policy included in the *Best Practice Manual* clearly states that:

*Domestic Violence is a crime. Domestic Violence is also a major social problem. Many victims of domestic violence suffer ongoing abuse. Repeat victims of Domestic Violence are at risk of being murdered. Domestic Violence will be taken seriously by the Cook Islands Police (Appendix One).*

#### Police procedures for dealing with domestic violence

When a domestic violence call is received by the Communication Centre they enter the incident into the CMIS database. They then refer the call to the Officer in Charge on duty, and General Duties Officers attend the incident if this is warranted. Ninety-nine percent of cases are attended by frontline police. The Police decide at the scene what the appropriate next steps are. These should be guided by the following principles, which predominately focus on the no drop policy.

#### **Box 1 Principles in dealing with domestic violence**

Police will apply the following principles in dealing with Domestic Violence:

- Police will remove the responsibility for prosecution from the victim. Endeavour to prove the charges with or without the victim's participation.
- Domestic Violence must be treated seriously.
- Offender must be held accountable.
- Action taken must focus on protection of victims (including children).
- When investigating Domestic Violence, Police will not rely on the victim to 'make a complaint'.
- Action must focus on investigating offences and arresting offenders.
- Police will work with partner agencies to build strong relationships focused on reducing Domestic Violence.

*Source: CIPS Family Violence Best Practice Manual*

The Police speak to the victim and offender at the scene and if an assault has taken place they will be taken back to the police station and interviewed further. The baseline review noted the desirability of having a female officer attend domestic violence incidents; this still does not always happen, if there are no women Police Officers on duty when a complaint is received. However, there is awareness that this is an issue, one officer commented:

*Most women prefer to speak to a female officer instead of a male.*

A stakeholder commented on the inappropriateness of sending a male officer to deal with sexual cases and the attitudes accompanying such decisions.

*We had a rape case from the outer islands no female police officer went across, there's already a male officer there – male went across and came back the excuse is there's not enough ...*

Despite the clear guidelines around the no drop policy there is evidence that some Police are still focusing on reconciliation rather than arrest, resulting in victims complaining to other stakeholders.

*Attending officers go and if the offender knows them they tend to take him away and go back and calm both down and say "Oh it's fine" and according to the victim it's not. And when other stakeholders come they complain to them – complaints are treated seriously by CIPS they go up to the Commissioner ...*

Others commented on the entrenched behaviour of some officers, who were still relying on the victim to lay a complaint instead of making an arrest based solely on evidence of an offence having been committed.

*We still have some officers who ask the victim "Do you want to press charges?" or "Do you want to take the person to Court?" that's the kind of attitude that we need to get out of. Because we shouldn't be asking those kinds of questions, if we have a no-drop policy we just go ahead with the charges and arrest.*

*Sometimes because the husband is the breadwinner of the family and wives don't want to take it to Court, we still take it to Court and ask them to come in Court if they want to withdraw the case. They still have to write a letter to withdraw the case but we don't withdraw it here at the Police station it goes to Court.*

There is a domestic violence form that should be completed by the officer attending the incident. In the past, these have not been consistently completed by frontline staff. This is a simple form to complete, but the main issue is that officers rely on memory or their notebooks to complete the form instead of taking it to the incident with them. This results in incomplete forms where the requisite data was not collected at the scene. However, this is being addressed.

*We are supposed to take those forms with us when we attend a domestic but what we do is we use our note books fill it in and then we come back and fill in the domestic violence form – some are still doing that but most in my unit are taking forms and it's filled in.*

*A lot of the staff especially in the comment part right at the bottom of the form they just say 'please refer to job sheet or to statement' before they used to do that but now they're filling in what's supposed to be in there.*

I was informed that the investigation of 'serious' domestic violence complaints is carried out by the CIB. However, no-one could explain to me the definition of 'serious' – it could be visible injuries, the extent of injuries, the use of a weapon or the maximum term of imprisonment for the charge laid. Some agreed that a written definition would provide useful guidelines.

*Serious cases – maybe if used weapon, injuries requiring medical treatment – people are deciding what is serious maybe we should have definition to make it clear cut what goes to CIB and what shouldn't.*

All reported domestic violence incidents go to the DVU for follow-up and monitoring. This can happen at two points in time: either after prosecution or at the time of the incident, e.g. in the case of those resolved on the spot (i.e. no offence committed).

## Discussion

When a complaint is made and the call comes to the Communication Centre, staff are required to note that this is a domestic violence-related incident in the CMIS database. This would appear to be straightforward but during the time I was in Rarotonga there was some confusion amongst Communications staff around how to identify these calls. If this is not done correctly it can cause problems.

*Domestic violence is different from all the other complaints we receive it has a different protocol there's a procedure they have to follow – you take the call from the phone you refer it to the unit and the unit attend to the domestic violence ensuring that the form has been filled in. If the person that received the call is not sure that it's domestic violence they send the police officer to go to the scene and that officer is the one to come back and confirm that it's domestic violence or not. They're doing that.*

This appeared to be the result of new staff in the Centre as a consequence of staff rotation practices and was resolved at the time by means of the PPDVP mentor holding a short workshop. However, this indicates the importance of refresher courses around domestic violence training, as discussed elsewhere in this report.

It is clear that there are still some Police Officers who at times default to past methods of dealing with domestic violence as a 'private matter' best dealt with by reconciliation and counselling. However, there is ample evidence that good systems have been put in place to acknowledge the seriousness of domestic violence and for CIPS to respond appropriately.

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

At the time of the baseline review there was no easy way of tracking case progress or attrition within the Police, let alone across the various criminal justice agencies. This was still the situation during my time in Rarotonga.

#### Case withdrawal

CIPS introduced a no drop policy several years ago. This policy is included in the Best Practice Manual (CIPS, 2008) and sets out what is expected in unambiguous terms – where domestic violence criminal offences are established, offenders will be **arrested and prosecuted**; no investigations will be 'dropped'; no charges will be 'dropped'.

Although CMIS records (see Table 4) indicate that few, if any, cases are withdrawn, this does not tally with anecdotal evidence that points to significant levels of case withdrawal, usually at Court due to Magistrates agreeing to victims' requests.

*There are a still lot withdrawals in Court – they give us a letter but all officers aware no drop policy – so victims have to stand up in Court.*

If significant numbers of cases are withdrawn at Court this raises questions around the efficacy of the no drop policy, as also noted in the baseline review.

#### Levels of prosecution

Available CMIS data on domestic violence prosecutions indicates that over the last two and three-quarter years (i.e. January 2008 to August 2010) most domestic violence complaints received by Police were addressed by giving advice and that prosecution occurred in 10–20 percent of cases. However, the data for 2010 should be interpreted with caution as this relates to only part of the year.

**Table 4 Action taken on cases reported, 2008-2010 (n=416)**

Action Taken	Year					
	2008 n=119		2009 n=178		2010 n=119	
	n	%	n	%	n	%
Advice given	44	37%	27	15%	19	16%
Reported*	24	20%	76	43%	65	55%
Arrest – Prosecution	21	18%	21	12%	12	10%
Attendance sufficient	13	11%	25	14%	9	8%
Counselling	13	11%	18	10%	6	5%
No complaint made	2	2%	6	3%	2	2%
Complaint withdrawn	1	1%	5	3%	1	1%
Referred to NGO	1	1%	0	0%	2	2%
Not yet known	0	0%	0	0%	3	3%

Source: CIPS CMIS

\* These are cases that have been reported and attended and no further action is taken.

The data in Table 4 refer to all domestic violence incidents (n=416) reported to the Police over this period. As discussed elsewhere in this report, records indicated that an offence had taken place in only one-third of reported incidents (n=137). If we look at action taken by whether or not an offence had been committed we can see that arrest and prosecution occurred in around one-third of cases. However, it is not clear why the rest of these cases are not resulting in arrest and prosecution of offenders in line with the no drop policy.

**Table 5 Action taken on violent offences versus domestic disputes**

Action taken	1000 Violence n=137	1D Domestic dispute n=279
Reported	63	102
Arrest – prosecution	43	11
Advice given	15	75
Attendance sufficient	5	42
Counselling	4	33
Complaint withdrawn	3	4
Referred to NGO	2	1
No complaint made	2	8
Not yet known	0	3

Source: CIPS CMIS

Another item of interest is the 11 cases classified 1D (non-offence) that have resulted in arrest and prosecution. There is no indication whether this is because a further charge was laid as a result of the incident attended by Police.

There were indications that poor Police practice often resulted in cases being delayed through poor investigation practices or failing due to insufficient evidence. A JP remarked:

*I did one the other day where I said “Are you looking for reparation?” And the cop said, “Yes we want \$20 for the medical report.” – I said, “You haven’t filed one.” He said, “But we’ve got one.” ... The presentation of Police cases is still an issue.*

*For instance the Police turn up to the incident and the question might be, "Did you assault your wife?" If the response is, "Yes," – that's it, even if there are other people present. They say "He admitted it so I don't need to get any further evidence." That sort of insufficiency – we're trying to encourage them to get more information in the first instance.*

One stakeholder commented on how lax investigations and the resultant poor quality of evidence presented to the Court could actually work in favour of offenders, if they could afford legal representation.

*There are a couple of cases sitting on the books now that will go to trial (presided over by a JP) with the Police prosecuting. If I was a criminal I'd plead not guilty all the time, you'd get off due to the poor quality of evidence.*

A comment made by a stakeholder related to the lack of communication between the Officer in charge of investigating the case and Police Prosecutions and how this could unwittingly contribute to inappropriate withdrawal of cases at Court.

*Because prosecutors do not follow up with complainants they have no idea of what the family situation is. They go to Court and defence lawyer says, "They made up they're back together again." These prosecutors have no idea to say. And no they haven't actually, she's still living at her aunties and she's still living in fear! It's almost as if there's this divide between the person who's prosecuting the case and the victim and the person who did the investigation.*

Low numbers of prosecutions also had the effect of reducing the confidence of NGOs and the community in the criminal justice system as a deterrent to domestic violence. The following comment is illustrative.

*But just look at the statistics – complaints received and offences charged. You've got a huge gap in prosecution and the complaints received. So assault on a female all that kind of stuff, what happened? Where did the others all get lost given we've got a no drop policy? Why is there no prosecution?*

#### Number of offenders being held accountable for their actions

I was unable to access statistics on conviction rates and sentencing during my visit. Anecdotal evidence was ambiguous. On the one hand, most interviewees stated that offenders were being made accountable, whilst on the other, there were examples of lenient sentencing, which clearly result in reduced offender accountability. As in the baseline review, interviewees referred to the leniency of the Court in relation to the imprisonment of the sole source of income for a family.

*Courts are too soft – I think they should go to jail but a lot of the women they beg the Court because the husband is the breadwinner. They feel so insecure that their husbands going to go to jail – a lot of them just need some encouragement ...but they're too afraid how are they going to eat, and a lot of men use that as their bullet ... but I say you can do it ...*

*Offenders should get imprisonment – or probation for lesser crimes – I think justice system takes into account the conditions of the family if the husband is the breadwinner – offenders rarely go to prison because they're breadwinners.*

However, some felt that sentencing had, over time, become more proportionate to the circumstances of the offending.

*Yes, it's a lot better than what they used to get. It used to be \$50 fine and \$10 Court Costs, now it's probation and if alcohol is a contributing factor they are banned from licensed premises, and from drinking.*

## Discussion

Anecdotal evidence indicates that levels of case withdrawal are high and prosecutions are low. Overall, the notion of offender accountability was underdeveloped. This is not solely attributable to Police actions, but it does have wider implications, e.g. in respect of community perceptions of whether the criminal justice system is an effective means of dealing with domestic violence. One way of addressing the issue of withdrawal at Court could be for the Ministry of Justice to develop a formal policy on victim requests to withdraw domestic violence cases rather than leaving this to the discretion of individual magistrates. The views of a magistrate and community stakeholders on case attrition and sentencing are summarised in Box 2.

### Box 2 Stakeholders' views on case attrition and sentencing

#### A magistrate commented

*There needs to be upskilling in the Prosecutions Division of the Police – generally it's either a guilty plea or the woman says I want to withdraw. Police say we won't withdraw but we can't prosecute because she won't give evidence so it falls.*

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

*Yes – some repeated offenders end up in jail – first time offenders Court gives lighter sentence – I'm glad there are some JPs up there they give a light sentence but they warn them if you come back it will not be the same ... some don't say it – But warning is another deterrent and I like it when they warn really hard, it's the only plus I give them ... it stops them in some cases but others still come back. And there are also some women who a second time don't want their husbands to go to jail so they go into Court and withdraw it – that frustrates all of us ... it doesn't affect how we respond but I think it does affect the Police it gets them frustrated too. But for us we do understand the situation of the women – even if they come back again, come back again we'll still see them – they just want their husbands to change.*

*Most of sentences are light they should go to jail once they abuse their wives or their girl friends. If they give them black eyes and bruises on their body they should be penalised more. Just being convicted and discharged is not enough, then they laugh at you ... "See I went to Court and they just charge me \$20 and then I'm home" and they do the same thing again.*

*The reality is the JPs have not changed they're still looking at the 'breadwinner' argument. A couple of weeks ago we sent a letter of complaint to the newspaper about JP's attitudes to assault on a female – firstly in judgements from the bench and also in discharging without conviction no censure nothing.*

*If abusers are allowed to be back on the street because they're the breadwinner, the cycle's going to continue. I have compassion for that issue and I think what needs to be put in place is some kind of maybe public welfare support during the time that a guy is doing time. There has to be something in place where women feel secure that if he gets sentenced and if he goes to prison then I have something that is going to bring an income into me so that I can care for my kids – otherwise they're just not going to follow through ...*

<h3>Any history of change around Police domestic violence practice</h3>
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There is evidence that Police are now attending all domestic violence incidents reported and that the practice of counselling those involved over the phone is no longer used.

#### Domestic Violence Unit – PPDVP

The DVU has a staff of one female officer – the Coordinator. This is the second Coordinator since the inception of the unit. There has been some debate around where the unit is best located within CIPS, resulting in a number of changes in reporting lines. The unit currently sits in the Community Relations Division and works closely with the CIB Division.

The Coordinator of the Unit was making concerted efforts to ensure that all staff followed reporting and recording procedures. The Coordinator is not involved in attending domestic violence incidents or the investigation process. Her main role is to follow up in domestic violence cases, either where the victim needs assistance or after sentencing. The Coordinator also has a major role to play in community awareness around domestic violence, working in collaboration with the Community Relations staff and NGOs.

#### No drop policy

In essence the no drop policy means that where there is evidence of an offence regardless of whether there is a complaint, an arrest will be made and charges will be put before the Court. These charges will not be dropped despite the complainant's wishes. There is no evidence that the level of prosecutions has increased since the introduction of the no drop policy by CIPS. In addition it has been noted that some officers are not strictly enforcing this in the first instance. One Police Officer commented:

*No-drop policy – you find officers have gone to speak to the complainant and asked, “Do you want to lay a complaint?” The practice is, if they commit offence against the state you must arrest. It’s mainly older police at fault those over 25 – it’s hard to change attitudes.*

One stakeholder voiced criticism of the Police practice around the policy:

*Yes, there is a Police no-drop policy but it has shortcomings. We can say we have one but if you can’t proceed with the prosecution you have to drop it ... What the Police are trying to do is say we’ve got a no-drop policy – Courts, if you want to do it you have to, we’re not going to take responsibility.*

#### Victim impact statements

Under s8 of the Victims of Offences Act 1999, Police are required to complete Victim Impact Statements for the sentencing Court. The baseline review noted that these were not always complete on presentation to the Court, which could delay sentencing. This is still an issue and was commented on by stakeholders.

*We don’t get victim impact reports ... we’re still not getting a complete file at Court.*

Some Officers did not think a Victim Impact Statement was needed if the offender had pled guilty. There was no acknowledgement of the effect of the incident on the victim; the DVU Coordinator felt that this indicated a general lack of awareness of gender-related issues across CIPS.

## Reporting procedure

There appears to have been some progress made in relation to the non-completion of Domestic Violence Report Forms by officers attending domestic violence incidents referred to in the baseline review. The problems arose from the fact that frontline officers were not following reporting procedures and taking these forms to incidents with them. This meant that they were relying on the information in their notebooks to complete the form on their return. And what they had was not always adequate, resulting in their inability to fully complete forms. I was told that this does not happen as much as it had previously and that it could be as the result of internal monitoring and work assessments for individual officers now carried out in relation to promotions.

## CMIS domestic violence database

The PPDVP CMIS database was rolled out in the Cook Islands in 2007 and the PPDVP has provided training for CMIS operators. The Cook Islands is the only PPDVP site that has networked CMIS and all operations manuals have also been loaded onto the system. At the time of the baseline review it was noted that the database was not kept up-to-date. This does not appear to be an issue currently since it is now the role of the dedicated unit Coordinator to complete this. Entries into CMIS are also monitored regularly by the Commissioner and the Inspector in charge of the General Duties Branch.

## Community role

Since the baseline review Police have been actively involved in community awareness around domestic violence. In 2009 they were involved in organising the White Ribbon Day celebrations which were held in front of the Police Station. They have also been involved in media awareness programmes with PTI related to domestic violence and have their own TV and radio crime watch and crime update programmes. This change has been noted by other government stakeholders.

*There has been change in attitude in the Police towards domestic violence – they are very vocal. They're on the radio every morning talking about the day's crimes – there's crime watch on TV twice week. They take part in the PTI radio talk-back explaining the law in regards to domestic violence, what happens when you go to Court and the no-drop policy ...*

The PPDVP mentor has also recently secured the support of Cook Islands Telecom in the 'Break the Silence – End the Violence' domestic violence awareness campaign. They will display this slogan, with the addition of 'Make the Call – 999', on their corporate products, including premises, vehicles and accounts. This is a groundbreaking initiative, as the telephone can be a lifeline to an isolated victim of domestic violence.

There was also a feeling that community respect for and confidence in the Police had improved since the Robinson Review and that this had a flow-on effect in that more victims and community members were reporting domestic violence.

## Discussion

Theoretically the establishment of the DVU should contribute to higher levels of awareness raising and moves towards improved responses by Police to domestic violence. However, the unit does not currently have a high profile, possibly due to the fact that there is only one staff member who is a new Coordinator and who was not well known by all stakeholders. The unit was seen to be:



*Lacking in direction – you have to have people with a passion for the work – a big role of the co-ordinator should be trying to identify at-risk family not waiting until it happens – step in early.*

The DVU was seen to be marginalised due to its physical placement at the back of the Police Station on the upper floor and most staff commented on the fact that the current Coordinator was not fully engaged in training and community awareness. Consequently, at the present time there would appear to be a lost opportunity in terms of maximising the potential of the Unit, raising community awareness around domestic violence issues and cementing community relationships.

The goal should be to sustain any changes in Police domestic violence practice driven by the PPDVP and to maintain the current levels of increased community confidence in CIPS. Therefore, it is important that training around domestic violence and gender issues is ongoing, protocols are updated where necessary and recording practices and Police responses to domestic violence incidents are monitored on an ongoing basis.

#### Current Police leadership practice around domestic violence

The baseline review stated that Police Officers thought that Police leadership's practice around domestic violence, reflected the commitment of commanders. There is no doubt that the current CIPS leadership team is committed to reducing domestic violence and improving Police responses. The current Commissioner of Police, who is the executive sponsor of the PPDVP, leads this campaign and categorically stated:

*I want the domestic violence message out and out constantly.*

In addition, the current CIPS Business Plan includes domestic violence as one of its four areas of key focus and most Officers feel that this message comes through clearly.

*There's a clear message domestic violence is important, they're all on top of that.*

However, some Police interviewees felt that there was not the strength of leadership currently as there had been under the previous Commissioner.

*I think the message needs to be brought up again – clear with [previous Commissioner] but has sort of faded – when he was around he was drumming it into us every week.*

A more visible example of Police leadership is the involvement of CIPS in White Ribbon Day Celebrations in 2009 with PTI. It was held in front of the Police Station and supported by funding from the PPDVP. This was the first time that the Police as an organisation had taken part in such a campaign, which indicated to stakeholders and the community that CIPS viewed domestic violence as a serious crime.

#### Discussion

CIPS leadership clearly articulates the message that domestic violence is a crime and that it needs to be treated seriously. However, the wrong message is sent to both stakeholders and the community when Police Officers do not adhere to best practice when attending domestic violence incidents and there is a lack of accountability around this. However, the new work assessment protocols referred to elsewhere in this report may be useful here.

#### Police attitudes and perceptions of domestic violence

## Police attitudes to domestic violence

There was no overt support from Police interviewees for men who physically disciplined their wives. However, many were aware that although more women were reporting it is difficult to change generations of tradition and culture. And that this is a long-term and slow process.

*We still need to keep educating the community because there are still some out there that say it's none of your business – attitudes haven't changed much, but slowly more women reporting.*

Alcohol, jealousy and financial stress were perceived to be the main causes of domestic violence; this is in line with the baseline review findings. With the availability of more detailed CMIS data we can, for the first time, assess the veracity of these assertions in relation to the link between alcohol use and domestic violence. Available figures for the years 2008, 2009 and part of 2010 indicate that the use of alcohol, usually by offenders, had been involved in 55 percent of cases reported to the Police. In almost half (48%) of those cases both the offender and the victim had been drinking.

Baseline review 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. Although some Police Officers still hold this view, there are indications that attitudes are changing. A key informant commented on the changes she had seen in Police responses to victims of domestic violence.

*And then the awareness programme we've been doing with the Police – going out into the communities and I think some of the Policemen their attitude has now changed towards domestic violence – they are not blaming the women some are looking at it differently. In the past they always blamed the women so they are more tolerant now. I think that's how I see the changes that have come through.*

## Police attitudes to dealing with complaints

All those interviewed were clearly on board with the message that domestic violence was a crime and that all incidents reported were now to be attended. The baseline report noted that some Police thought that the nature of domestic violence incidents was becoming progressively more serious, but this was not a finding of the update. However, although 43 percent of the 137 offences recorded in CMIS were classified as serious assaults (this included one homicide), injuries to the victim were for the most part minor bruising (47 percent). One-fifth of victims did not sustain any injuries and a further fifth (20%) were seriously injured. No weapons of any kind were used.

Officers interviewed talked about how Police processes and attitudes had changed over time, but clearly some old habits remained.

*More reported cases – there's more support for victims now and I think the way the police handle the cases has changed. Before we used to just some officers would not do such a good job in terms of gathering evidence and investigating the matter properly and they normally go with what she says and if she doesn't want him charge he won't be charged but now there's a no-drop policy. We still need to change our attitudes towards it too – us law enforcement officers – because I noticed with the male officers they still have a tendency to ask do you want to press charges – they're still doing that.*

*I've been in the police for 18 years now when I joined it was terrible. It was a big thing about the paper work so they'd go with whatever she says even though she's pretty bashed up. But now the community is fully aware of domestic violence they're reporting it, there's more support for women. But for me I feel there should*

*be some funding to support these women – some of the reported cases their partners are the only breadwinners ...*

*Yes some who still think it's a family issue and should be dealt with within the family – so just their job and there's a procedure to follow – think they might deal with it informally – counselling – would arrest if the physical injury is seriousness when there's a black eye, blood – (if he'd slapped her would they arrest) some do and some just give a warning and you keep reminding them excuse me we have a no drop policy on domestic violence slap, push, you still have to prosecute ...*

On the one hand, some Officers talked about how they would try to encourage women to make a stand against repeated violence, whereas others indicated that the vestiges of a culture of victim blaming still existed, as noted in the baseline review.

*For me I'd tell her if she was a repeat victim – you have to put a stop to it. This is what I'd do I'd do a victim impact statement you have your say in that and let the Court decide but you've done your part.*

*That attitude is still there – victim blaming. I think it's just the male officers. If she didn't do that or didn't say that she wouldn't have got what she got.*

*If it's a repeat victim and she's always consuming alcohol some of the attitude of our staff is that she deserves it. But most of our staff they go out and because everybody knows everybody here and most of our senior officers say oh you deserve it or just take her to another family they won't arrest – but now slowly changing.*

The remark about senior officers in the above quote poses the question of whether or not entrenched attitudes can be changed in long-servicing Police Officers.

When I asked if numbers of men reporting domestic violence to the Police had increased since the raised levels of awareness this invariably caused amusement. Subsequently it is not surprising that responses to the small number of male victims of domestic violence who report to the Police still leave a lot to be desired.

*I spoke to a man and he said he did try and report once and a couple of our men cops laughed at him – he was so embarrassed. That is wrong that is not the attitude. There are men on this island being beaten by their women they have no support I feel for them. People call them cowards, it's that macho thing.*

In small communities, Police Officers may be called to attend incidents involving family members. Some said they preferred not to deal with these and passed the call on to a colleague. This has not changed since the baseline review. However, others indicated that their professional duty to enforce the law would come first, and that they had made their friends and family aware of this.

*What we normally do is if it's your family we pass it on to the next one in the unit – I'm old school if my brother or my cousin plays up I'll arrest them ...*

*Policy is for everyone when it's family or not family – I had a case it's my first cousin he assaulted his wife but it wasn't the first time and he thought I won't arrest him and I did I arrested him and told him he was going to jail. And when we left the offices, it was our old offices and we didn't have a cell, we drove out of the driveway and he said "Oh are you dropping me off?" I said, "No, didn't you hear me you're going in," and he never spoke to me for months and months.*

*For me, I've pre-warned my family and friends that if I'm working and I get a call-out to a domestic or any problem I will attend ... it's up to the officer really if you're uncomfortable you can ask another officer but it doesn't matter to me.*

There was an indication that some officers might be responding to domestic violence callouts because they are required to do so, not because they are treating the offending seriously.

*Some need to change their attitude – like this person keeps ringing and they say, “Oh it’s her again.” But they still go because it’s in CMIS (How do they respond?) A few say “What now?”*

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

There has been no marked change in Police attitudes to prosecutions and holding offenders to account since the baseline review. Although the results of prosecutions were theoretically in CMIS one Officer remarked somewhat humorously on the frustration experienced when these were not readily available.

*Sometimes it comes in the media, that’s how we find out results of prosecutions – sometimes prosecution don’t up date it on our CMIS database because that’s their job – it takes a long time for them to send back the file. But this week oh I got all my prosecution files for last month back it surprised me usually don’t see them any more and they’re supposed to come back to us at the end of the case.*

There is still some support for reconciliation and problem solving, rather than arrest and prosecution for domestic violence from individual Officers. However, it is acknowledged that domestic violence should not be considered to be a normal part of life.

*They still think it is a private issue ... It’s a problem there are times when they try to counsel and resolve things on the spot.*

*It should be dealt with in the family. The family needs to be taught what domestic violence is. What the outcome is. Target the main problem so they are able to try and solve their own little problems at home. Right now they think domestic violence is okay just part of life.*

As stated elsewhere in this report, overall, the concept of offender accountability was underdeveloped among the officers interviewed, in line with the baseline review findings. However, all interviewees acknowledged that domestic violence is a serious crime; they wanted to see offenders held accountable and were constantly expressing frustration about the number of cases withdrawn before the Court.

*Sentences are too lenient. Offenders aren’t really made accountable they should get like probation for six months. There are still a lot of withdrawals in Court.*

*Instead of suspended sentences they should get probation if there is alcohol involved.*

*Talking about our offenders, I don’t know if they’re being made accountable it still comes back to attitude they do something and then afterwards as if nothing had happened ... and they think it’s just the norm what they just did .... Sentences can cause bigger problems at home. They should get one week in prison rather than fining them when probably they don’t have any money to pay their fines. Then they’ll have to use the money to buy the food for the family to pay for his fine and then there’s another issue for them to get angry again.*

There is still little evidence that Police Officers are aware of the wider dynamics of power and control that underpin violence against women and children, as stated in the baseline review. Although they talk about the reasons why women may withdraw complaints and the effect that culture has on the perpetration of domestic violence there is little discussion around the complicated nature of abuse other than the effects of physical violence. Whether this means that they are not aware of these issues or do not talk about them unless asked specifically is another matter.

This does not mean that there is no place for traditional approaches in the Cook Islands today. As stated in the baseline review locally grown solutions may have greater success than ideas imposed from outside the culture. This means that Police have an opportunity to collaborate with community groups that are equipped to provide counselling and other services.

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

No Police Officers interviewed supported traditional cultural attitudes towards domestic violence, or thought that this was a private matter. However, some male officers admitted that they had been violent towards female partners in the past, although they had changed.

*Violence – I've been there and done that. You sometimes get pressured to do things you don't want to do. It broke up my marriage.*

Moreover, some female officers reported that there were still a few of their male colleagues who held the view that women are responsible for their own victimisation, through their inappropriate behaviour or drunkenness.

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

In the baseline review, it was noted that most Police Officers endorsed the view that domestic violence was best dealt with through traditional processes of consultation and dialogue. This was not the case for the update; no-one considered that traditional processes were the best. However, some officers remarked that a combination of traditional methods for less serious incidents and involving the Police in serious or ongoing domestic violence could be a more appropriate way of dealing with domestic violence. And yet others said that the most appropriate method depended on the family but that, to ensure victim safety, the Police should be involved.

*It depends on the family itself if they are spiritually guided – Christianity is big here. But it would be good if all cases are reported to the police – it acts as a deterrent – if we are seen to deal with all cases it ensures the victim's safety ...*

#### Commentary on linkages between attitudes and behaviour

The comments made in the baseline review around the relationship between attitudes and behaviour still hold true. Police Officers agree that Cook Islanders, themselves included, know that domestic violence is a crime and that more people are reporting this to the Police. However, it is widely acknowledged that although attitudes may change this is not necessarily accompanied by an associated change in behaviour.

There has traditionally and historically been a high level of acceptance of male violence against women in the Cook Islands. This is accompanied by the view that this is a private matter, and not to be interfered in. This causes a tension for Police Officers between their professional duty as officers of the law and expectations around their behaviours as part of small traditional communities. As noted previously it is standard behaviour for most to hand on incidents involving family members to other colleagues. The following quote gives an illustration of a situation where there was clearly conflict between professional and private roles.

*There are problems because everybody knows you. Staff who are pastors have conflict – one of our staff is a pastor but he doesn't attend to these cases. However, he goes and visits them and counsels them in his role as a pastor in God.*

The baseline review noted that given the entrenched nature of domestic violence and that it is firmly rooted in culture and tradition, it may be preferable for Police to work with the community to find local solutions to gender-based violence. The examples given previously in relation to men's violence being learned through childhood experiences rather than being attributable to culture provide evidence for the utility of working collaboratively in the community. One informant commented on how traditions and culture varied between the outer islands so collaborative approaches enable the development of unique solutions for individual communities.

We concur with the baseline review authors in their conclusion that some CIPS Officers are strongly committed to reducing domestic violence and their efforts should be praised and encouraged – not understated. There is evidence that good systems and processes have been put into place under the PPDVP so it remains for CIPS to continue to drive the campaign against domestic violence. The restructuring of CIPS may result in a new energised force which will take ownership of the problem, particularly since this is taking place within a current Pacific culture of promoting work around gender-based issues.

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

None of the CIPS interviewees expressed sympathy or support for colleagues who were domestic violence offenders. All said they would follow standard procedures and treat fellow Officers as they would any other perpetrator. The Commissioner delivered a clear message about what he expected from his staff.

*My officers need to walk the talk I will not tolerate any officer being involved in domestic violence it will result in termination and prosecution like any other offender.*

Some commented that there had been no incidents involving Police Officers as domestic violence offenders since the dismissal of a small number of their colleagues for this during the tenure of the previous Commissioner. Respondents speculated that it could be due to either a change in behaviour or the fact that incidents were not being reported. However, it was apparent that Police Officers generally knew of colleagues who were either perpetrators or victims of domestic violence and that those involved resisted counselling or advice around the issue.

*Last time an officer was charged was during [previous Commissioner's] time – one of the staff was charged with assaulting his partner and he got dismissed ... it's been very quiet since then but people still know.*

*Sometimes the partners or wives don't report it a close friend or someone does – if you go and say to them that's not right you shouldn't be doing it they will say, "Shush – mind your own business."*

*They just gossip about it ... if no complaint is laid it's not your business to go and talk to them and find out ...*

Clearly, as illustrated by the last quote, some parts of the Police still demonstrate vestiges of the view that domestic violence is a 'private matter'. This is interesting, as no Police Officer thought that it was acceptable to discipline your wife through the use of violence, and all agreed that domestic violence was a crime.

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

CIPS's *Family Violence Manual of Best Practice Follow-ups* contains a section on how to proceed in relation to Police Staff and domestic violence. It is stated clearly that this is viewed as an extremely serious issue.

### **Box 3 Police Staff as domestic violence offenders**

#### **Police Staff and Domestic Violence**

- No members of staff should be required to investigate matters involving a more senior office or member of Police.
- Domestic violence involving Police Officers is a very serious matter. All incidents coming to the attention of Police will be reported as soon as possible to the Commissioner.
- The Commissioner will appoint a senior officer to investigate or supervise the investigation of any report of Police involvement in domestic violence.
- In all cases where a prima facie case is established against a police officer criminal charges will follow.
- Investigations into report of Police officers involved in domestic violence will be completed as soon as possible and reported to the Commissioner.

*Source: CIPS's Family Violence Best Practice Manual*

Since the development of these protocols a Professional Standards Branch has been established in CIPS and they will now deal with all domestic violence incidents involving Police Officers as offenders.

I was informed that any Police Officer who had committed domestic violence would be treated no differently from any other offender and that conviction would result in dismissal from CIPS. This had happened to a small number of Officers during the tenure of the previous Commissioner.

#### **The current state of Police domestic violence training**

All staff had received some form of domestic violence training, although for some this had been several years ago. This has resulted in more recent recruits having undergone updated versions of PPDVP domestic violence training packages and possibly being better informed than their commanding officers. This raises a range of issues, particularly since it is considered disrespectful to offer advice to someone older or of a higher rank.

*Staff are ignorant and stubborn and won't allow a constable to tell them this is how you fill in forms ...*

There had been an intake of recruits shortly before I arrived on Rarotonga – only the second since the PPDVP started in 2006. Their training had been undertaken by the New Zealand Police Advisor to the Commissioner and the domestic violence section of the syllabus was delivered by the PPDVP mentor. They were considered to be a particularly well-trained group of young constables but unfortunately I was unable to interview any due to time constraints and conflicts with duty rosters.

As frontline Police Officers attend domestic violence incidents it is crucial that they should have updated training. Relying on life experience, knowledge of their community and their time as a Police Officer is not sufficient.

A new training DVD for Police in Pacific regions was produced in Kiribati for the PPDVP by the Nei Tabera Ni Kai Video Unit in 2008. This was funded by NZAID and supported by the Commissioner of Police. The DVD tells the story of a Kiribati family – Miriam, her husband Ioane and their two daughters. Ioane is violent towards his wife, fuelled by alcohol and jealousy. Miriam reports the violence to the Police and the DVD gives examples of good and bad practice in how the Police respond to the call. The areas covered are:

- first contact with Police and dispatch
- journey to the incident and approach used
- first contact with victim and handling the suspect
- interviewing the victim and the outcome.

This resource is used for advanced domestic violence training across PPDVP sites, i.e. Investigation of Domestic Violence, which is an additional three-day course run after basic recruit training. In some cases these two courses have been joined, with the basic awareness (e.g. cycle of violence, myths, human rights) taking the first 2.5 days and the investigative skills component (where the DVD is a key) taking place over the next 2.5 days. The DVD has also been aired on the national television network in the Cook Islands, where it received positive feedback from those who saw it.

#### Police interviewees' recommendations for improving recruit training

The interviewees put forward a number of suggestions for improved or ongoing training:

- regular refresher courses
- more practical training involving role plays
- gender awareness training
- training in correct policy and procedures around domestic violence
- training in file preparation evidential requirements.

One extremely positive event related to the training and up-skilling of CIPS Officers was that all had undergone training delivered by the New Zealand Police in Investigative Interviewing Techniques.

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

Historically, there has been little in the way of formal relationships between Police, government and NGOs. This does not appear to have changed since the baseline review, although there continues to be a good working relationship between CIPS and partners such as the Probation Service and the Gender and Development Division (GADD) of the Ministry of Internal Affairs. The most significant advances made have been the signing of an MOU in 2007 between PTI and CIPS and the involvement of CIPS in the organisation of White Ribbon Day.

#### Criminal justice sector, including the Ministry of Justice

I was unable to make appointments with some agencies within the criminal justice sector, e.g. the Crown Law Office. This also happened in the baseline review and was attributed to poor relationships. In my case, key informants identified were either off island or unavailable due to other commitments.



I met with two representatives of the Probation Service within the Ministry of Justice. The nature of their working relationship with CIPS remained the same as at the time of the baseline review. There was 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, or medical reports that are required for sentencing or reparation.

#### 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

Working relationships between CIPS and NGOs have been mainly facilitated through the DVU. These relationships were seen to be working well under the previous Coordinator but had fallen off under the current Coordinator, who did not have a visible presence in the community.

The relationship between PTI and the Police has been formalised through the signing of an MOU (referred to in the baseline review), in 2007. This agreement recognises that both parties need to support each other in the reduction of domestic violence and acknowledges the role of the PPDVP in providing support for CIPS in addressing domestic violence. Representatives of the NGO acknowledged a much closer reciprocal working relationship with CIPS.

*Yes, the relationship has changed but there's also been a change of personnel – general awareness but also the manner by which we have been dealing with the police predecessors. Things would go on and on and nothing would be done so we'd go to the newspaper. Even the style of accountability has changed so we actually talk a lot more to the police as well – it's not just them we're making an effort to be a little bit more understanding of their restrictions ...*

*We work closely with the Domestic Violence Unit at Police – we seem to be working well together – when we ask them for info they tend to give it to us. If the Coordinator can't answer we try and get in touch with the other officers, whoever is connected with the case – the working relationship has improved over time – but there's still room for improvement ...*

The Police are also working in collaboration with PTI by taking part in their radio programme on the last Tuesday of every month to talk about domestic violence issues. Another project being worked on is the development of an information pamphlet for victims describing what happens when they phone the Police.

*What happens when they phone the Police – we've been working with [Police Officer] I got him on our radio programme last week talking about the steps Police take when domestic violence is reported. – We're working with the Police to develop that. PTI will fund it but we need Police to make sure that what is in the leaflet is correct that these are the steps they take.*

In 2009 the Police were actively involved in the organisation of White Ribbon Day with PTI and the commemoration celebration was held in the area in front of the Police Station. This worked well and, at the time of my visit, plans were being made for the 2010 celebration. The Police Commissioner is keen to extend the involvement of CIPS in these celebrations to the outer islands.

## Discussion

To some extent, the establishment of the DVU has created an ideal opportunity for CIPS to set up strong partnerships with government agencies and NGOs. However, the current Coordinator of the unit has a low community profile, as mentioned elsewhere in this report, which works against forging strong partnerships.

Nevertheless, there are indications that the partnerships that CIPS currently has with government agencies and NGOs are working well and even expanding in the case of PTI. However, it is important to note that forging or maintaining relationships is a two-way process and as such could be viewed as not solely the responsibility of CIPS.

## 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 and, as such, the sole source of non-government statistics on the levels of reported domestic violence. The baseline review noted that PTI had begun systematically recording client statistics in late 2004. However, at the time of fieldwork for this update they had recently moved to a new database system and the only statistics readily available were those for 2006, 2007 and the first six months of 2010. These are presented in Table 6.

**Table 6 PTI client statistics**

Year	Domestic violence	Rape	Child abuse	Other	Total
2006	20	3	7	197	227
2007	36	1	5	270	312
2010	15	1	1	60	77

Source: Te Punanga Tauturu Inc.

'Domestic Violence' includes both physical and emotional abuse, as does the 'Child Abuse' category, along with neglect. The 'Other' category covers miscellaneous 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. However, of interest it also contains cases of 'assault on a female'. It was not clear why this was not included in the domestic violence category.

From January to June 2010, PTI had 38 new clients and 10 repeat clients. The majority (n=33) were women and 15 were men. PTI received increased funding from NZAID in 2010 in acknowledgement of increased client numbers and workload.

### Discussion

The issues around the safety and protection of women and children discussed in the baseline review are still of relevance. As awareness continues to be raised around domestic violence it is likely that even more women will access PTI's services. There is still no women's refuge in the Cook Islands and during the time I was there the need for a safe house of some kind was frequently discussed. Women and children seeking refuge were still being housed in the homes of PTI staff or other members of the community, in the absence of any available family members to assist them. The following quote is illustrative:

*We'd take her home or we'd call up an Aunt and ask who she can talk to. Right now we've got – it's not actually a shelter – it's somebody's home, someone's mother's house, she lives in NZ and her husband happens to be a Police Officer who lives next door so that's security ... so we have an arrangement.*

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 – even with the improved Police CMIS data there are still no reliable data available. Anecdotal evidence continues to point to the endemic nature of domestic violence supported by the entrenched attitudes of some men in the Cook Islands.

Similarly, I could not gain an accurate picture of the incidence of domestic violence or trends in rates. Information gleaned from interviews still tends to contain personal opinion and anecdote rather than hard facts. When asked about repeat offending some interviewees said that this had significantly decreased, whereas others said that it had never been a problem. It appears that this has changed little since the baseline review.

#### Discussion

A national survey would provide some insight into the prevalence of gender-based violence. In some Pacific countries where this has happened, in particular Kiribati, the results have not only provided the first research-based estimate of gender-based violence but have also galvanised the government and other groups into action to address the issues. However, at present in the Cook Islands 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, CMIS data will provide the best prevalence and incidence estimates.

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

Victim attitudes towards reporting to the Police were identified primarily through interviews with NGOs, although interviews with Police provided comparable data.

#### Victim attitudes towards domestic violence

The baseline review noted that some women were no longer prepared to accept being ill-treated by their partners. This would seem to be increasing, as women are talking to and seeking help from friends and NGOs such as PTI. Such organisations provide a safe haven and source of support for women who are not yet ready to report to the Police or have had a negative experience when doing so.

*Women come to us because they've had enough, they've been referred by other women who've come to see us but really they're at the end of their tether they've got no idea what to do any more ... they want to stay in the r/ship they want the violence to stop but I'm not sure whether they want to stay in the r/ship because they still love their partner or because of the children or because out of habit because they've been living together so long that they think, "What else am I going to do?" But a lot of the women earn more than the men here, there more women working outside of the home – more breadwinners. It increases violence and also with the increase in the public persona of the women comes jealousy ...*

*The women who come to us are not the ones who go to the Police they're hoping that we can actually sort it out through some counselling. Or the ones who come to us have been frustrated with the Police and don't want to go back there ....we sort of tend to say we'll deal with.*

*There are those who think they can try and sort it out and sometimes after six months they come back and we talk again and then they go back and they come back again. I have to keep it private because she doesn't want to report to the police but I have a recent case that she finally did want to. Sometimes they just*

*keep it to themselves they just want to come and talk to me about it have somebody to talk to. Sometimes they don't want to tell their own families that things have gone wrong ...*

The baseline review cautions that 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 talked about men's violence as more a matter of learned behaviour: that Cook Islands culture did not endorse violence, but men use their dominant position in the family and society as an excuse to hit. The following quote is illustrative.

*Our men don't acknowledge their actions. They're not owning it so we need to take them there. It's very interesting I asked a question one night I said to them, If there's a person that you hate the most who would that be?" And they said, 80% of them, my father. I said why is that – said ever since I was growing up all I saw was my father drunk or beating my mother. And I was relating this to [government official] and he said to me, "You know what it took me back to when I was 14 years old and I came home and I saw my father really beating my mother up. And I was drunk and so I pushed and of course in his drunken stupor he fell and couldn't get up and I bent down and I said to my father, If I ever see you do that again to my mother I will kill you." And of the 80% who put their hand up that's been very much a common story they've grown up with their father's behaviour, drunkenness and so on.*

*I've seen women report to PTI and I've seen them going down to the beach crying with their children and I think, hell we're just patching up the wound and that wound is going to open up again. There's nothing done for the ones that are causing the problem and that's men – so we need to rise up, own our actions, take ownership of our behaviour and start dealing with it and maybe we can see a change in our young ones coming up boys. The cycle continues, it's role modelling in my case my father because of his own upbringing very much a macho type culture – I was really left to bumble my way through life I needed to understand what a man is because if I don't make it there I won't make it as a husband.*

The challenges that women in the outer islands face were noted in the baseline review, where it stated that not only are social structures hierarchical and traditional but domestic violence is still to some extent viewed as 'normal'. The following example is illustrative.

*Domestic violence is in the outer islands as well but never reported. When you go over there they will tell us what they did, "We went to the Police and nothing happened." So what we've done for some of the issues there we've asked them if nothing has been done to give us a direct call to here to PTI and then we'll contact the Police here. The ones here are really good, they respond (Would they have done in the past?) No don't think so. We contact Police and ask what has happened?*

#### Victim attitudes towards reporting domestic violence to Police

There are indications that more victims are reporting domestic violence to the Police. All those interviewed attributed this to awareness and women knowing their rights. Some informants gave examples of women's changing attitudes and the sorts of reasons why they now reported their abuse to the police.

*They can't take it anymore or the husband is now violent towards the children. It's okay being violent to her, she can put up with it – but not to the children.*

*They've had enough and have awareness from others that there is help.*

*Women have had enough, their parents don't do that to them their siblings don't do that, for their husband to do that it's not on. Some say the first hit was all right, if it*

*was just the first hit it won't happen again. Second hit maybe just another one, it won't happen again. Then maybe fourth, fifth time say "No this is not on!"*

However, there is longstanding evidence that many women are still 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. One key informant talked about how it was often the families of perpetrators who discouraged women from reporting.

*The men's families are still some hiding the violence in their homes because most of the violence is also reported by others – it's a new thing, reported by neighbours because in the past they don't see it as their business.*

Community stakeholders who took part in the baseline review thought that more victims would come forward if they understood that invoking the criminal law would stop the violence. Ironically, when Police tried to encourage women to report by explaining the no drop policy to them this sometimes had the opposite effect to that intended and signalled the importance of having a female officer attend domestic violence incidents.

*Here's an interesting thing that I heard the other day in preparing to come to you I just thought I would talk to people on the street and this person was upset because they felt like the male police officer who was interviewing a lady ... he was trying to put across this is going to be a no-drop policy; but the woman who was telling me who had heard it from someone else – felt like he was coming across strong. And the victim was really fearful, "What am I going to do he's the breadwinner?" And the other woman felt like there could be more sensitivity in terms of speaking to her. I'm guessing he was trying to be confident – this is going to be a no drop policy – but the woman was scared about how she would feed her kid. The comment that was made to me was could that have been a female officer interviewing the lady? The person who was talking to me was maybe assuming that the female officer might put the message across ... could explain the no drop policy but in a way that is empathetic for this "What do I do with my kids?"*

Lack of confidence in some Police was another reason cited for victims not wanting to report, particularly if they had had previous negative experiences or if it was rumoured that the Officers were domestic violence offenders themselves. Rumours spread fast in small communities.

*The question even with the Police is that are they also clear with that? You need to walk the talk. I think some women talk to the Police but it's a small place some of them are relations and I'm not sure if that confidence is really strong. We have what we call a coconut wireless and how sure are the people that the police are also not doing that with their girlfriends or partners? If there is a whiff of talk that gets around – how would that build confidence if that same thing is going on? – People would know because it's a small place.*

A female Police officer added:

*There are levels of distrust around the Police because they've probably reported it on one occasion and the officer has probably made some comments that have put them off. I've had a number of domestic violence incidents reported during my shift and women have told me that they've reported before and other officers have treated them badly ... there's always a bad egg it just takes one to ruin it for the lot of us.*

Some women also fear that the Police will side with their husband, which aligns with the victim-blaming attitude still displayed by some Police Officers, as discussed elsewhere in this report.

*Only a few have this not having confidence in the Police because they believe that the police will help their partner not them – a few of them no confidence at all and they don't want to go and see the police.*

*We have victims who come and say, "My partner always gives me a hiding but this is the first time I've come to the police." We've got a lot of that now so it's showing that our public awareness is raised. Some of the reasons why people don't report to the police is that they don't have confidence in the police they keep using this: "Because I know that my partner has a lot of friends in the police and they won't do anything." I get a lot of that.*

As indicated in the baseline review, women who report violence to the Police do not always want their husband to go to jail or indeed to be arrested and prosecuted. They sometimes want help to calm a violent situation, want a mediator or are concerned about the safety of the family or others involved.

*She is scared that the husband will leave her especially with a lot of children. Most probably she still loves her husband although he hits her – you come across women like that, she wants him to stop but she doesn't want him to leave her.*

*We explain to them what the options are and what happens and a lot of them don't want to go to the Police because the husbands will go to jail. So the first thing I say is they're not going to go to jail they're going to go and get rapped on the knuckles. I think it's not so much about the money but "Oh my goodness. I don't want the father of my children to go to jail."*

Even when women do report to the Police they are not always happy with the outcomes for a variety of reasons. This makes some wonder whether it might be more appropriate to tap in to traditional social norms.

*People do know that if the police come in and intervene they cannot withdraw because there's a lot of stories about women wanting to withdraw they say, "I don't really want him to go to prison, I just want him to know it's not good to do that." ... And whereas the police would say, "Well he's done this he needs to go to prison." But the women think – he goes to prison then he comes back and he gets drunk and he gets angry about me sending him to prison and he hits me again so what's the point? It's like a circle because there are a lot of factors and you're really walking on a very fine line. So that's why I was thinking maybe it's time to dig into social norms that have been in place and to bring those on board. Because surely in the old days they probably know each other – not living next to each other but because they're all related in some way or another thing is everybody knows what's happening.*

*The Police will do something there is increased confidence, but when the system gets into the Court it lets us down with light sentence.*

As discussed in the baseline review and elsewhere in this report, there are still problems with victims wanting to withdraw complaints. One of the most often mentioned reasons is centred on the husband as breadwinner and the lack of any alternative means of support for women whose husbands go to prison. The following quote encapsulates this conundrum perfectly.

*In order to get to the systemic problem there has to be something in place where women feel secure that if he gets sentenced and if he goes to prison then I have something that is going to bring an income into me so that I can care for my kids – otherwise they're just not going to follow through.*

The baseline review referred to the lack of private interview rooms acting as a possible deterrent to reporting. The new Police Headquarters has these interview facilities.

## Discussion

Views on whether victim and community confidence in the Police has increased are ambiguous – some say it has and others disagree. It is crucial that victims have confidence in the Police if CIPS is to address domestic violence in the Cook Islands. The baseline study remarked on the need for a study of victim attitudes to inform policy and practice. Elsewhere in this report I have commented on the importance of conducting a national survey around gender-based violence, as has happened in other Pacific countries.<sup>13</sup> These studies have resulted in a wealth of information which has proved invaluable in both informing policy and providing the impetus for government to step up to the mark around issues related to gender-based violence.

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

The baseline review reported that PTI is the key NGO dealing with domestic violence, in both 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 Kainga o Pa Tau'nga, a mental health agency. The work of PTI is supported by the Cook Islands Association of Non-Governmental Organisations (CIANGO). The roles and contribution of these agencies have not changed markedly since the fieldwork was undertaken for the baseline review. However, there is now an additional NGO, Rotianga Men's Centre, whose focus is on the support and mentoring of released male prisoners.

#### PTI

PTI's objectives are based on three programmes:

- Domestic violence against women and children
- Legal literacy and access to justice
- Human rights.

*(Te Punanga Tauturu Inc.2010, PPDVP Regional Conference)*

An MOU was signed between PTI and CIPS in 2007. This recognises the need for both parties to support each other in the reduction of domestic violence in the Cook Islands. It also acknowledges the role of the PPDVP in providing support for CIPS in addressing domestic violence.

PTI have recently been involved in the consultation process around the draft Family Law Bill, with the Ministry of Internal Affairs and the UNDP Pacific Centre. They have also lobbied the Crown Law Office to include domestic violence in an amendment to the Crimes Act. They continue to play an integral role in the commemoration of White Ribbon Day, in which the Police were involved for the first time as an organisation in 2009. There is a hope that this working partnership will continue.

A key informant from the NGO described how the role played by PTI was continually expanding:

*We are working more in collaboration with Police and with the government ministries like Health and Education. We're now going into the schools they are allowing us to go into the schools to do our awareness programmes on domestic violence. And the Justice Ministry are also calling for us to help out with counselling for people in the probation service ... In the past they don't normally do that ...*

<sup>13</sup> See, for example, The Kiribati Family Health and Safety Survey (Secretariat of the Pacific Community (SPC), 2010a).



## CINCW

In July 2008 the National Council of Women signed an MOU with the Ministry of Internal Affairs to achieve goals related to promoting gender awareness, advocating for women and eliminating discrimination against women. This is discussed further elsewhere in the report.

CINCW has women and family incorporated into its strategy plan up to 2015. This includes the area of domestic violence. Involvement in the shadow report for CEDAW is also part their remit.

## CIMAVA

This men's group still works in partnership with PTI to raise awareness about gender-based violence, attend callouts with female PTI staff and counsel offenders.

## Rotaianga Men's Support Centre

This men's group has existed for around three years but has recently secured funding from the Community Initiative Scheme which has enabled them to register as an NGO. The aim of the group is to work with male prisoners, readying them for release into the community where they will continue as mentors.

There is an acknowledgement that violence, and family violence in particular, has played a part in the offending of these men and so one of the aims of the group is to counsel around these issues. Members of the group acknowledge their own histories as perpetrators of domestic violence and feel that this will enable them to help others. There are plans to work in partnership with PTI and CIMAVA.

## Te Kainga o Pa Tau'nga

Te Kainga o Pa Tau'nga (formerly Te Pa Tau'nga) is a mental health NGO that has a reciprocal referral process with PTI. This group runs Alcoholics Anonymous meetings, which is the only programme for those with alcohol-related problems on Rarotonga.

## Discussion

NGOs provide vital services throughout the Pacific and this is no different in the Cook Islands. They support and supplement the work of legal and government agencies and are proactive in community development, implementing international conventions and advocating for change. 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, have increased over the period of time since the baseline review.

It is commendable that there are two men's groups working with PTI to address gender-based violence in the community. This indicates that some men are acknowledging and working to address gender-based violence. The value of having men involved in addressing issues related to domestic violence cannot be stressed too highly, as some men still have reservations around moves for gender equity especially when advocated for by women.

*PTI goes out to groups and islands and we talk about the rights of women and children and tell them this is what should be the case and even telling men about it. Some men always fight for their rights – what about men? I say you are also in the rights, gender issues and equality; the rights of everyone are the same. But then because of the power thing, men think they are above everybody else.*

<p>A general assessment of levels of social acceptance and cultural tolerance towards domestic violence</p>
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The majority of interviewees agreed that there was more awareness in the community around domestic violence and that most people knew it was a crime. Some respondents felt that it was no longer accepted as a private issue due to the demise of the extended family and exposure to western ideologies, particularly on Rarotonga.

*I haven't really checked but I think people are more aware quick to bring it up – I don't know about sexual abuse. The family is getting smaller we used to be able to deal with those things within the family we had extended families and the family was bigger. Now population is going down the family is getting more nuclear – mum and dad and the kids – especially here – not so much in outer islands but younger people are leaving there too and coming here – maybe over half of the population of CI is in Raro now... We're more exposed to western ideas here.*

Yet there is still evidence that traditional methods of reconciliation are favoured for most disputes.

*If it's a big problem I think the police should be involved in it if it's just a minor one the family should, or the man and wife deal with it themselves ... the church is always there to help. It depends entirely on the people concerned they can go to the pastor and report the matter – he plays a big part in it too. In some families they still got big families around them can run to Mum and Dad or to Grandma, Great Grandma. If it's bad violence I would pressurise her to leave that guy. Now people are more clever would want that marriage to be broken – but if not serious they tell them to work at it, mend it, go to church, workshops, things that will change. There's a lot of help in the community – a family wouldn't leave someone to be treated like that, say well you married this guy ...*

Views were divided on most issues, as was the case with the baseline review – nothing is clear cut. Links between alcohol, jealousy and cultural tolerance of domestic violence referred to in the baseline review were still very much an issue for some, yet others thought things had changed for the better.

*I think every person on the island knows about domestic violence and that it's not all right to hit your wife/partner but as I say when you have more alcohol than should be in your blood system you start to lose it ... and then jealousy comes in and so on ...*

*When I first came here 40 years ago you got drunk on a Saturday night and gave the missus a bang that attitude has changed ...*

The following story was similar to others told to me about growing up in the Cook Islands and learning about the use of violence.

*For me where did I learn that it was all right or not all right to do that. Maybe I should tell you I learnt off my father I was still a young thing wild and went to a party took my wife to a party hit her and came home after the weekend and went to work. I was at home with dad fixing the mower and my wife came home he looks at her and said what happened– she said ask him – as soon as she said that I was just walking away and dad picked up a big spanner and threw it – it went boom over my head just missed me and he said come back here. So I went back and sat down and I really thought I was going to get my beans ... he said go and get a camera, take a picture of your wife and then make it really big and put it on your bedroom wall so you can see it every morning when you wake up – and remember that's how you saw her and how pretty she is – if you are jealous or whatever just get up and walk away, go for a drive and then come back, sit down and talk – so in 26 years of marriage I've never touched her again.*

Although attitudes towards domestic violence are slowly changing, an associated change of behaviour takes much longer. However, it is significant that domestic violence is being talked about and reporting this to the Police at least being considered, with support from families, rather than remaining hidden as a private matter. One informant commented on the nature of attitude change and how complex this was.

*I think attitudes have changed but I'm not sure whether it's because we're noticing women are becoming more non tolerant or whether it's men changing their behaviour or women saying 'no more'.*

However, another informant felt that, despite raised awareness around domestic violence, traditional views of marriage and the respective roles of husbands and wives continued to support its prevalence.

*One pastor wrote in the paper and explained it doesn't mean that you're the head of the house and you bash your woman up – but it's like a men thing they want to be superior ... it's amazing how they want their wife to stay in their place.*

#### Media as an indicator of social acceptance and cultural tolerance

I was not able to undertake a media analysis to compare with that included in the baseline review. There was only one relevant article in the *Cook Islands Herald* newspaper during my time in the Cook Islands, and it related to the rise in family violence in Christchurch, New Zealand, in the aftermath of a significant earthquake that occurred on 4 September 2010.

One reason for the lack of media coverage may have been due to the fact that the print media, and indeed the local television station, were focused on the upcoming election and electioneering by candidates for parliament.

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

As far as I could ascertain there have been few if any changes in government policy and practice in relation to domestic violence since the time of the baseline review. It was noted in 2007 that the challenge of mobilising a coherent national gender equality programme is exacerbated in widely scattered island states such as the Cook Islands. Thus implementation largely depends on political will and commitment and not on enforceable rights (SPC, 2007: p. 2).

The Gender and Development Division (GADD) of the Ministry of Internal Affairs is primarily responsible for Government policy directed towards domestic violence. GADD encourages dissemination of information about domestic violence through its NGO partnerships. It has strong links with PTI, CIANGO and church and other women's organisations.

In the Cook Islands, GADD has established a group of gender trainers which provides training for government ministries and agencies, heads of ministries and managers. The gender trainers' team comprises more men than women. The team uses a buddy system (one male and one female). Gender-based methodologies have also been developed for training workshops conducted in the outer islands to raise awareness and understanding in relation to the consequences of violence (SPC, 2009).

Similarly, in 2008 a gender awareness training workshop was conducted by the Ministry of Justice in collaboration with PTI for all law enforcement officials, including judicial officers, JPs, lawyers and prosecutors. The aim of the workshop was to

establish a legal culture supportive of women's equality and non-discrimination (Cook Islands Government, 2009).

In July 2008 an MOU was signed between the Ministry of Internal Affairs and the National Council of Women (GADD, 2009). Under the MOU both will work together to:

- eliminate all forms of discrimination against women in line with CEDAW
- advocate for governance on all issues affecting the lives of women and their families
- promote gender awareness, in order to improve the status of women.

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

The Cook Islands Government approved the 2008/09 CEDAW Law Reform Programme. However, in a recent report for the United Nations GADD, who is responsible for considering law reform in relation to CEDAW, commented on the slow nature of this process in the Cook Islands (Cook Islands Government, 2009).

However, some progress has been made with the new Family Law Bill. The preparation process included some initial research and the production of a policy paper that drew on both Pacific and global experience, which was disseminated for discussion. In early 2010 GADD organised consultations on family law reform focusing on: marriage, divorce, the care of children, spousal and child support, domestic violence, property division upon relationship breakdown as well as Uipaanga Koputangata or Family Group Conferencing.

Recognising the impact of domestic violence on families and the broader society, the draft Bill includes a comprehensive definition of domestic violence. Protection from domestic violence was extended to cover many contexts and a range of personal relationships where there are power imbalances. Civil law aspects of domestic violence protection are included in the draft Family Law Bill, while it is proposed that domestic violence be separately incorporated into the criminal law. The draft legislation has been reviewed by the Cook Islands Law Reform and the redrafted Bill is expected to be finished in early 2011. UNDP is providing financial support to the government for this process. (*Voxy News 2010 [www.voxy.co.nz/users/voxy-news-engine](http://www.voxy.co.nz/users/voxy-news-engine)*)

The update of legislation was noted as priority by the 2006 Police Review (C&M Associates, 2006) but to date, no changes have eventuated. The Police are in the process of redrafting the Police Act and the Australian Attorney General's Office has offered to help scope the Crimes Act to bring it up-to-date and to include the definition of domestic violence. No-one I spoke to seemed to know what stage this was at. One key informant summed up the current state of Police and Criminal Justice legislation in the Cook Islands.

*It is badly outdated and when it came in it was just basically copy and pasted from New Zealand and there was nobody saying, does this fit? What do we need to change for the Cook Islands?*

*In some respects the lack of progress with amendments to the Crimes Act can be understood due to the issues being experienced with Parliament.*

### 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 and the Optional Protocol in 2007. By ratifying the Optional Protocol, a State recognises the competence of CEDAW to receive and consider complaints from individuals or groups within its jurisdiction ([www.un.org/womenwatch/daw/cedaw/protocol](http://www.un.org/womenwatch/daw/cedaw/protocol)).

The Cook Islands States Parties report contained various references to domestic violence, including criminal and civil law provisions (CEDAW, 2006). It acknowledged domestic violence as a problem and noted the need for law reform, consistency in law enforcement, and judicial training. In the associated shadow report written by NGOs a criticism was levelled at government for what was termed 'concealing the magnitude and extent of domestic violence' by discussing this within the social and cultural context of the Cook Islands and thus obscuring the issue (PTI, 2007: p. 5).

### Cairns Communiqué

As noted in the final communiqué of the 40th Pacific Islands Forum, held in Cairns, Australia in 2009 (see Appendix B):

*Sexual and gender-based violence (SGBV) is now widely recognised as a risk to human security and a potential destabilising factor for communities and societies alike. It remains pervasive across the Pacific, and as it is still considered a sensitive issue in most Pacific cultures, its prevalence often goes underreported. There is an urgent need to acknowledge the prevalence of SGBV in the Pacific at all levels of the community, whether occurring in the domestic context or during conflict and post-conflict situations. (PIFS, 2009: para 64)*

In effect, the communiqué placed the onus on all Pacific Island governments to lead the campaign against domestic violence.

The regional Beijing +15 update (SPC, 2010b) reports that the Cairns Communiqué is generating considerable discussion on domestic violence issues, including the need for more in-depth scrutiny of long overdue legislative and policy changes. In the Cook Islands this has resulted in calls for zero tolerance of violence against women (SPC, 2010b: p. 42).

However, one stakeholder commented on how the current political situation in the Cook Islands had worked to stifle any progress in initiating legislation and policy that aligned with the communiqué. She described the current state of affairs when asked if there had been any changes since the release of the communiqué:

*Definitely no, they should have run with it with the law – but our political situation doesn't help when you don't know who's doing what from one day to the other. Politicians don't want to call parliament so they can protect their current positions. There are no select committees – we have a prime minister and an opposition. The Prime Minister got in by a majority and then decided to sack the Deputy Prime Minister who was the leader of the party, so there's been a split. And there's a split in the opposition party also so no-one's quite sure who's running what. No I think we are really the organisation carrying on with domestic violence – the government hasn't really made any change at all ...*

The current state of any alternative approaches (village justice) to domestic violence
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There was not a lot of discussion around alternative approaches to domestic violence, apart from the fact that this was seen to be more evident in the outer islands.

*The outer islands tend to sort out domestic violence in the old ways lot of support for them – Police second after family and church. Rarotonga is more westernised.*

People on Rarotonga were considered to be more westernised, and this and the demise of the extended family were considered to be the reasons why domestic violence was not addressed within the family to the extent that it once would have been, even if the methods were questionable.

*The traditional extended family that Polynesia prides itself on has now gone – go back 40 or 50 years if I'd beaten up my missus I'd probably have my brother-in-law to contend with but I don't think that happens any more. God knows what happens in the outer islands – they're a snapshot of this place 40 or 50 years ago.*

However, other stakeholders felt that there was strength in traditional ways of dealing with domestic violence by utilising the resources of the family and community rather than imposing a westernised individualist solution.

*My husband who is familiar with the culture would say before, the fathers, the family, would intervene if the woman was beaten and they would get the women back and return them home. But unfortunately I'm not even sure if with all the interventions we're tapping into the cultural norms because currently there is a norm but not necessarily the cultural or traditional norm. We're probably imposing a different norm from outsiders so you're creating havens where women could be safe but the involvement of the family which is supposed to be part of this whole process was not involved so it becomes an individual one. So we haven't actually tapped or looked at what works within this culture. What were the social controls previously – so we haven't had that discussion.*

The view was expressed by some that inhabitants of the outer islands tended to rely more on traditional approaches to dealing with domestic violence.

*In the outer islands they tend to sort out domestic violence in the old ways, there's a lot of support for this there. Police come third after family and church. Rarotonga is more westernised.*

One respondent remarked that in the outer islands village elders were still treated with respect and that this was disappearing on Rarotonga. Such a traditional hierarchical environment guarantees, to some extent, the ongoing use of traditional or cultural methods of justice or problem solving.

## Discussion

There was little if any discussion around alternative approaches to domestic violence to either support the victim or offer redress. Traditionally matters were dealt with within the family, which is seen to acknowledge collectivist cultures of the Pacific. This raises questions of whether westernised practices or interventions work in such an environment unless adapted to acknowledge the culture. However, the issue of where victims can go if not supported by their family still remains a conundrum without resorting to westernised concepts such as safety houses or refuges. A national study on gender-based violence could cast more light on these issues.

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

The Ministry of Health has no policy of mandatory reporting of violence or abuse to Police. There is no sharing of data due to patient confidentiality. Police will be informed if a death results from an assault, although domestic homicides are rare in the Cook Islands. They will also be contacted if a patient indicates they would like to lay a complaint.

Although I was informed that statistics were held at Rarotonga Hospital on domestic violence-related Accident and Emergency consultations and deaths that were domestic violence related, I was unable to access these data due to time constraints. Hospital records are not shared with any other agency due to issues of confidentiality.

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

As in most Pacific countries, the Church is the foundation of family life and the community in the Cook Islands. The baseline review noted that the Churches in the Cook Islands are firmly behind the messages being disseminated around the problem of domestic violence and seemed to have accepted that domestic violence was a problem in their congregations.

*The Church is always behind it that it's not acceptable to beat your wives – have always been against violence.*

*For International Women's Day, they suggest to the pastors to do their message in church on that particular Sunday. And they have been very good in speaking to their congregation that beating up your wife or your children is a no-no; so they've been taking it up ...*

Although Ministers speak out against violence from the pulpit there appears to be no action other than this. One stakeholder commented about the role of the church on the outer islands.

*We went with the Cook Islands Christian Church and they were preaching from the pulpit – you're not allowed to hit your wife – you're still head of the household but you're not allowed to hit your wife – has that made any difference? No I don't think so what they say is still different to what they do.*

Others felt that just speaking out about domestic violence was not enough if not followed by actions.

*They are not involved – I am suggesting that for White Ribbon Day we go to religious councils and ask if all of them that week could focus their religious reflections or homilies on violence against women. [Counsellor from PTI] gets thrown every scripture passage – 'wives obey your husbands' – in her work. And I think this is the opportunity both in the newspaper, there is a spiritual column in the newspaper, and from the pulpit to say this is not on.*

The baseline review commented that churches may not be a strong agent for social change as Christian principles inevitably promote stereotypical gender roles. The following quote illustrates how a minister might approach counselling around domestic violence.

*Domestic violence is a problem here and in outer islands – traditionally because men feel they have the right over their spouses. But we have been telling them, "No this is not the way to go, we are both equal in the eyes of God and we don't have to resort to violence to make a stand we can sit down and talk." But unfortunately it's just that mindset men feeling that they have this power they are*

*the head of the house and all those things. I think there is also a misunderstanding of their role as husband so we also do a lot of teaching, biblical teaching to help them realise, hey [your wife] is part of you – it's your other half, every time you hit her you are hitting yourself, you should be loving her.*

We can see that the focus remains on counselling and reconciliation of couples. This has not changed since the baseline review was undertaken. Most church-related groups were seen as:

*Not vocal, they've been working in the background – in their own congregations and communities ...*

Clearly the Cook Islands Christian Church (CICC) takes the issues of domestic violence seriously. Male members of the church are heavily involved in the men's group CIMAVA. Members of this group work with individual men and in close collaboration with the women's NGO PTI.

*Normally we work with individual men but when we have the workshops we talk both to men and women – we got out into the villages as part of the PTI team. We invite all the leaders of the churches and even the young people and we've been conducting workshops even with the college especially the senior pupils.*

## Discussion

The attitude of the Church towards domestic violence has not changed markedly since the baseline review. Counselling and reconciliation of couples involved in domestic violence is still the preferred method of dealing with this. Biblical texts form the basis of this counselling and these work to reinforce stereotypical views of the roles of men and women. However, it is commendable that the CICC has continued to acknowledge the seriousness of domestic violence and still maintain involvement with CIMAVA.

As one key informant cogently commented, it is important that Church organisations take up the campaign against family violence and that any progress in this direction does not rely solely on committed individuals.

*There was this pastor who was one of CIMAVA I'm just not sure how wide was his influence in the church hierarchy for the other pastors ... you have to be careful that the impetus, the energy around it is not based on the personality of those involved – I'm not sure who is driving that group now.*

Finally, the Church has the potential to be involved to a greater extent in the campaign against gender-based violence even if (as stated in the baseline review) its potential to engender social change is questionable. As stated by a key informant: *The Church is a major power and people always turn up to their meetings.'*



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## APPENDICES

### APPENDIX A

#### PROPOSED METHODOLOGY FOR DATA COLLECTION

<b>TABLE A1: POLICE ATTITUDES, POLICY, PRACTICE</b>	
<b>Term of reference</b>	<b>Method</b>
Current specific levels of domestic violence reported to police	Document review (Police and Ministry of Justice files) Key informant interviews
Current policy and practice arrangements for dealing with Police Officers as domestic violence offenders	Key informant interviews (Police leaders, judges, key partner groups – government and NGOs)  Document research (Police records, policy and training documents)
The state and recent history of Police partner relations	
Current Policy protocols and general processes and procedure (including record keeping) for dealing with domestic violence	
Current Police leadership practice around domestic violence	
The current state of Police domestic violence training	
History of change around Police domestic violence practice	
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.	
Police attitudes and perceptions towards Police Officers as domestic violence offenders	Interviews/focus groups with Police
Current state of Police prosecution of domestic violence	Key informant interviews

<b>TABLE A2: GOVERNMENT &amp; NGO RESPONSES</b>	
<b>Terms of reference</b>	<b>Method</b>
Current and historical levels of domestic violence reported to the key NGOs (women's crisis/refuge organisations)	NGO / stakeholder group meeting Key informant interviews (NGO representatives) File analysis (NGO records)
Assessment of the prevalence of domestic violence using the available Police and NGO data, and data available from other agencies, including the United Nations	Document research (Police and NGO records, previous research)
Policy and other contribution of key NGOs to dealing with and reducing domestic violence	Key informant interviews Analysis of policy documents
General assessment of levels of social acceptance and cultural tolerance towards domestic violence	Analysis of the number and language of reports on domestic violence in newspapers Synthesis and analysis of all information collected
Current Government policy and practice arrangements directed or associated with domestic violence	Consultations with relevant Ministries Stakeholder group meeting (Law Society, Attorney General's Department, Ministries of Justice, Women, Social Development, Health)
Current state of legislative arrangements in relation to domestic violence, including compliance with international covenants and conventions (CEDAW)	
Current state of any alternative approaches (village justice) to domestic violence	Village meeting Key informant interviews
A review of medical / death records indicating levels of domestic violence and reporting of domestic violence	Key informant interviews (Ministry of Health, Accident and Emergency Department, Coroners)
The attitudes of key religious organisations towards domestic violence	Consultation with National Council of Churches/other church groups