

Research briefing: Violence against women in Samoa

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Abstract

This research briefing provides information about the context of violence against women (VAW) in Samoa. It explores the social, cultural, and religious systems that serve to sustain the nation's high rates of VAW, including local governance structures and the gender roles inherent within them. There is particular focus on the role of the Christian church in Samoa, and the authors note that, while it can be complicit in perpetuating gender inequalities which sustain VAW, it also has undeniable potential as a source of positive change.

Key words

Violence against women, Samoa, church, Bible, fono, CEDAW

Introduction

The purpose of this research briefing is to provide information about the context of violence against women (VAW) in Samoa, including the role of Samoan churches in both perpetuating and tackling VAW.¹

The problem of VAW is not unique to Samoa. Yet its manifestations, and the potential for change, are shaped by social systems, the two most influential of which are local governance hierarchies and the church. Together these systems reinforce conservative gender values, and are deeply influential in shaping local responses to VAW. Almost the whole population of Samoa is affiliated with the Christian faith and participation in church activities is an integral part of Samoan life. Pastors are highly regarded in their communities, with teachings from the pulpit influencing the thinking of local governance mechanisms. As has been documented in local family safety studies, the church can therefore play a significant role in responding to VAW in Samoa.

This research report will provide a broad overview of the landscape of Samoa's responses to VAW, including statistical data, the services available for survivors of VAW, and the traditional and state governance structures that deal with incidents of VAW. The report recognises VAW as a form of gender-based violence (violence perpetrated against a person on account of their gender), and considers different types of gender-based violence, including physical, sexual, and emotional violence. While not excluding discussion of VAW directed against girls, this research briefing primarily focuses on the experiences of adult women.

Samoa: An overview

Samoa is an independent Polynesian nation located in the South Pacific, midway between Hawai'i and New Zealand. It is comprised of two larger islands, Upolu and Savaii, where the majority of the population reside, with several smaller islands, Namua, Apolima, and Manono, being occupied by a few families and villages. There are also several small unoccupied islands.

The main drivers of the Samoan economy are remittances, tourism, foreign aid, and agriculture and it is classified as a lower-middle economy by the United Nations (Fantom & Serajuddin, 2016).

Occupied for approximately 3,000 years, the population remains almost entirely Samoan and was estimated to be 187,820 at the last population census conducted in 2011 (Samoa Bureau of Statistics [SBS], 2012a). Approximately 80 percent of the population reside in rural areas (SBS, 2012a). Samoa's population is almost equitably distributed by sex and is relatively young; only five percent of the population are above 65 years old and approximate 40 percent are younger than 15 (SBS, 2012a). Since gaining independence in 1962, Samoa utilises a unicameral parliamentary system based on Westminster principles. As of 1990, all citizens aged 21 years and older are eligible to vote in elections, which are held every five years.

In Samoa, the traditional governance structure of the village fono (council) is inextricably linked to the composition of the parliament, as a person must be recognised as a matai (chief) by their village to be able to run for election for one of the 50 parliamentary seats. Between 1962 (when Samoa gained independence from New Zealand) and 2013, no more than four women have been members of parliament at the same time, and most sat for one term only. This is likely due to the fact that few women living in villages hold matai (chiefly) titles, so their ability to run for parliamentary election are seriously restricted. To meet Millennium Development Goal 3 (to promote gender equality and empower women) and in accordance with the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) Article 4 (which provides for temporary measures if they facilitate equality), the Constitution Amendment Act was passed in 2013; this Act introduced a 10 percent quota of women representatives into the national Legislative Assembly, thereby ensuring that a minimum of five parliamentary seats will always be filled by women. If fewer than five seats are won by women, the non-elected women candidates with the highest number of votes will be appointed to make up the five seats. This happened for the first time after the March 2016 election, when a fifth woman was added to the four elected women under the special measures provision.

The gender disparity in parliament is also apparent in economic participation. While 72.6 percent of men are economically active, only a minority (27.4%) of women participate in the workforce (World Health Organisation, 2014). However, women are more likely than men to complete their higher education (SBS, 2012a). As such, the jobs that women tend to hold include managerial positions, associate professions, and technical occupations. A number of women are thus in the difficult position of being better-educated than men and occupying important positions within the workplace but still having relatively little access to power in governance.

In its religious landscape, almost the entire population of Samoa is Christian, with the largest denominations being the Congregational Christian Church of Samoa (known as the EFKS),² the Roman Catholic Church, the Methodist Church, and the Church of Jesus Christ of Latter-day Saints. A small percentage of the population belong to other churches such as the Anglican Church, Assemblies of God, the Seventh-day Adventists, and a number of independent evangelical churches. The only non-Christian faiths with congregations that meet regularly are Baha'i and Islam.

Most Samoan villages have maintained the traditional governance system of the village fono, as well as a number of other traditional roles associated with different village groups. These traditional roles, and the expectations surrounding them, have been intermingled with Christian ideologies and teachings that were adopted from missionaries in the nineteenth century, making it difficult if not impossible to separate traditional Samoan principles of governance from associated Christian principles.

Violence against women in Samoa: Intersections with local governance

Despite the progress made by women in academic and professional achievements, they continue to experience limited opportunities to hold positions of authority in three of Samoa's key decision-making institutions: the village fono (council), the parliament, and the church. This section will focus on the fono, illustrating that the limited presence of women in key decision making roles within local governance systems has a perceptible impact on women's ability to access justice if they have experienced gender-based violence.

Samoa became a party to CEDAW in 1992. This Convention, while not defining violence against women or girls explicitly, contains two general recommendations which pertain to such violence (UN Women, n.d.). Countries that have ratified or acceded to the Convention are legally obliged to put its provisions into practice, and must submit national reports at least every four years, detailing the steps they have taken to comply with their treaty obligations. In their responses to Samoa's fourth and fifth CEDAW reports, the UN Committee to End Discrimination Against Women (2012) identified several challenges, such as disaggregated data, rural women's limited knowledge about their rights under the Convention, the perpetuation of social and cultural norms which sanction violence against women and girls, and women's limited access to matai titles (affecting their participation in decision-making in the village, as well as their potential presence in government). An independent UN Human Rights group which was recently invited to Samoa noted that while there has been progress in the acceptability of discussions about gender-based violence, initiatives to combat this national problem remain scattered and under-resourced, while women still face challenges in accessing decision-making roles at village and state governance levels ('What UN Human Rights mission found about Samoa', 2017). However, as will be discussed in more detail below, some progress has been made, including the introduction of the 'no drop' policy (that requires police to investigate all reports of domestic violence) and the creation of both a Domestic Violence Unit in the Police Service and a Family Violence Court. These changes signify the growing importance placed on addressing domestic and family violence in Samoa.

The village governance system

To understand the context in which VAW occurs in Samoa, it is important to consider the structures and cultural ideologies inherent to Samoa's traditional governance system. There are 275 local government areas of which 240 are traditional villages (Meleisea et al., 2015). Almost 80 percent of the population reside in rural areas and the majority are governed under traditional village fono. Fono are comprised of the matai (chiefs) of the families who reside in the village; matai represent their families in the fono meetings (which occur monthly or more often if necessary).³ Fono set and enforce bylaws governing the conduct of people living in the village; they also make decisions related to economic development and government services.

To facilitate communication between the village and the Samoan government, most villages also have two government representatives, the village representative and the women's representative. The village representative, known as the *sui o le nu'u* (previously called the *pulenu'u*, or village mayor) is a matai from the village and is paid by the government for performing this role. Newer non-traditional suburbs and settlements do not have a village fono, but many have village representatives who are chosen by the congregations of local churches (Meleisea et al., 2015). Women's representatives (*sui o tama'ita'i o nu'u*) are chosen

by the village Women's Committee (known as the komiti; see below for further details), and are often older, educated women who are married to matai. Their responsibilities include recording births and deaths in the village, liaising between the komiti and the government, and providing a point of contact for government agencies wishing to communicate with village-based women. Women's representatives report to the Women's Division in the Ministry of Women, Community, and Social Development (MWCSO) and are responsible for organising the Ministry's village-level programmes for women (Meleisea et al., 2015).

In addition to fono, Samoan villages have two further traditional structures: the aumaga (untitled men who provide much of the manual labour for the village, such as farming and fishing) and the aualuma (daughters of the village). The title of aualuma serves as a birthright, so that women who leave their birth village when they marry still retain their rank as a daughter of the village if they later return. Historically, it was not acceptable for a woman and man to marry within the same village, although this practice has become increasingly tolerated over time. Women enjoy a higher social rank in the village and family of their birth than if they move to their husband's village after marriage. In other words, a woman's rank is considered higher as a sister than as a wife; a wife is understood to take her status from her husband and is not expected to have a higher status than his. When a woman is married and moves to her husband's village, she is called a nofotane (daughter-in-law) and is expected to live in service to her husband's family. The nofotane's vulnerability to violence was highlighted by the Samoa Victim Support Group in their submission to the 2015 *State of human rights report*, where they noted that nofotane make up much of their caseload (Office of the Ombudsman and National Human Rights Institute [OONHRI], 2015). Married women do retain their status as sisters in their own families, and when they are older may play a leading role in their family's decision making. As wives, however, they are subordinate to their in-laws, including their husband's mother, sisters, and other female relatives.

Samoan villages also incorporate two non-traditional governance structures: the Women's Committee (komiti) and the church. Women's Committees were created in the 1930s by the colonial government to ensure that there were good standards of hygiene and sanitation in the village, to support family welfare, and to conduct household inspections to check that families were able to maintain an acceptable standard of living. The Women's Division at the MWCSO serves as the Government unit in charge of managing the komiti. The komiti is comprised of three status groups: the aualuma, the wives of the village matai, and the wives of the aumaga. Despite a history which includes the presence of colonial powers and the influence of on-going globalisation, Samoa's traditional structures have endured. Families are close knit, with extended families including cousins, aunts, and uncles sharing the same household. Support for family members is illustrated through informal, customary adoptions where a child may go to live with another relative to reduce the financial burden on the biological parent or to allow them access to a better education. This closeness remains even when family members migrate overseas for employment or educational opportunities and send remittances to support family obligations. Fa'alavelave, or family obligations, require contributions from family members on occasions such as weddings and funerals, and pressures around these obligations have been identified as a potential contributing factor in VAW (see below).

The degree of protection available to women who have experienced violence can differ according to the location of their village. Cribb and Barnett (1999) found that women who lived in a traditional household in Papa village (on the Samoan island of Savai'i) were more confident about being able to return to their own families should they wish to do so. In Vaivase Tai, a more urban area of Samoa's capital Apia, families were more reliant on cash incomes instead of shared, communal subsistence agriculture or fishing. When they were unable to

contribute to the household economy, women had to negotiate with their partners and the family matai for money, and were thus restricted by extra layers of social control. Similarly, Samoan women living in Hawai'i felt that, in Samoa, they were afforded some protection when they lived in open houses (fales), where others could easily intervene if they were threatened with family violence. Such protection was diminished in Hawai'i, however, where the women lived in enclosed, single family dwellings. Findings such as these suggest that the urbanisation process has led to a weakening of the extended family and social support mechanisms, which in turn reduces the opportunities for women to escape family violence (Cribb & Barnett, 1999; Magnussen, Shoultz, Hansen, Sapolu, & Samifua, 2008). Compared to the past, when people lived in nucleated villages of open-walled houses, many houses are now closed structures, and located further apart from one another, with the result that violence against women is more easily hidden within the family (SBS, 2012a).

The village fono

Prior to the introduction of the village representative, matters could only be brought to the village fono by the family's matai. Now, however, the village representative can also bring matters to the attention of the fono. The village fono has the power to decide penalties for a number of transgressions, including instances of VAW, as well as more minor misdemeanours. Penalties can include fines of money, goods, or animals payable by the offender or their family. The collection and distribution of fines are likewise at the discretion of fono members. In some cases, the offender may be banished from the village, sometimes along with their family. Shared understandings of what does and does not constitute acceptable conduct differ from village to village and are often unwritten, as are the decisions made about the penalties imposed for behaviour that is considered unacceptable. Few villages have written bylaws, and instead, community knowledge about offences and penalties (such as stealing, disruptive behaviour, assault, and breaking curfew) is shared verbally and through the fono's decision-making practices. In the case of severe offences, such as rape, serious injury, or insult, the offender's family may also perform a traditional ifoga (apology) ceremony to mend the relationship between themselves and the family of the victim of the offence.

Gender disparities in the fono

Despite programmes which have encouraged women to run for parliament, a study by Meleisea et al. (2015) found that the lack of women in parliament mirrors a low representation of women in the village fono; moreover, women face impediments to holding these decision-making roles. According to the 2011 census (SBS, 2012a), nine percent of the population aged fifteen and older were holders of matai titles; of this number, only 11 percent were women. At the time of this study, only six percent of matai in traditional villages were women (Meleisea et al., 2015). Moreover, approximately 26 percent (9) of non-traditional villages (including new settlements, large residential compounds, and suburban areas) and 78 percent (188) of traditional villages recognised female title holders who resided in the village. This closely mirrors the statistics around female matai participation in village fono meetings. Only four non-traditional villages were found to have female village representatives participating in the fono.

There is no law prohibiting a woman from being bestowed a matai title; however, a number of reasons are often used to justify why women ought not to hold matai titles or sit in the fono, including issues pertaining to their rank, the coarse language used by men during the fono, and appeals to certain biblical passages that are read as injunctions against women's

participation in local governance (Percival, 2013; Meleisea et al., 2015). Even when women do have a recognised matai title, they may choose not to attend fono meetings, as their attendance would go against accepted local custom (Meleisea et al., 2015). And, while Article 15 of the Constitution of Samoa forbids discrimination on the grounds of sex, Article 100 provides that a matai title shall be held in accordance with ‘Samoan custom and usage’ (Constitution of the Independent State of Samoa, 1960). This provision is not defined further in the Constitution or any legal act, yet Samoan ‘custom’ may include the exclusion of female matai from governance roles. Indeed, the 2015 *State of human rights report* noted that many girls and women interviewed for the report believed that ‘men are the only ones fit to make decisions at both the village and central government levels’ (OONHRI, 2015, p. 23).

The fono and violence against women

While the village fono clearly plays a significant role in handling disputes *between* families, it rarely passes judgement on offenses committed *within* families. As a result, matters involving family violence are not always brought to the fono, especially because ‘the belief is still widely held that family differences, such as domestic violence, should be settled within the family. These are not a matter for public discussion given the “shame” this could bring’ (Fairbairn-Dunlop & Lievore, 2007, p. ii). If a case is brought, the fono can provide immediate access to justice, although there is variability in penalties between fono and the outcomes of these cases are not documented. On some occasions, the village fono may also prohibit the victim of VAW from reporting the matter to the police, making it impossible for them to seek justice through more official state channels.

Additionally, decisions made by the fono about episodes of VAW are not always in accordance with human rights principles, as illustrated by a case reported in the local media in 2013. A thirteen-year-old girl had been sexually abused by at least two young men in the village of Eva. According to custom, the girl was not allowed to address the fono, but the men involved were given the opportunity to speak. After deliberating, the fono decided to banish the young girl from her village, to ‘protect the young men of the village from becoming involved in this kind of behaviour again’ (Ale, 2013). The offenders were, however, subsequently arrested by the police and charged with sexual assault. Although the fono appeared to attribute to the victim some culpability for her own assault, the state legal system placed the responsibility firmly at the feet of the offenders.

Although the village fono rarely passes judgment on offenses committed within families, the Samoa Family Safety Study reported that 84 percent of male respondents and 76 percent of female respondents identified the fono as their preferred institution for dealing with family violence (MWCSD, 2017). The study also emphasised the indivisible connection between the village fono and the church, and therefore recommended that the MWCSD

encourage village councils to introduce curfew for evening devotion, to encourage village councils to urge village church ministers to conduct regular visits with families who live on the edges of the village, to deliberate with the village councils to introduce stiffer penalties for family violence offences, to encourage village councils to reintroduce Sunday bans in order for all family members to attend church services on Sundays and to convince village councils and church ministers through advocacy work and through female and male government representatives to promote family safety issues in respective family meetings (MWCSD, 2017, p. 114).

It is clear from the discussion above that the village fono plays a pivotal governance role in traditional villages; discussions about VAW within the male-dominated fono can therefore influence decision-making and planning around this issue. Some matai are also perpetrators

of domestic violence, as evidenced by the data gathered for the 2000 Samoa Family Health and Safety Study, where 35 percent of male respondents who admitted to perpetrating acts of physical domestic abuse held matai titles (Secretariat of the Pacific Community [SPC], 2006). The opinions of several male matai on domestic violence were recorded in a two-part documentary film, *Sisi le la'afa – raise the sennit sail* (2015), directed by film maker Galumalemana Steven Percival. One of the matai interviewed by Percival in the documentary defined acts of domestic violence as 'heavy instruction' (Percival, 2015). Another matai from the village of Sala'ilua explained to Percival that domestic violence occurs when other, less abusive, forms of discipline have failed: 'If a man's hand should reach a woman this means education has become heavy, because no avail have been the light and tender words and a gentle approach – it has not worked' (Percival, 2015). And a matai from the village of Satapuala ma Vailu'utai appeared to suggest that only the most severe forms of physical assault perpetrated against a wife would constitute an act of domestic violence, 'such as being beaten by a man with a basket carrying pole or thrashed with a brush knife blade when he reaches a point of great anger in his heart. That I believe is violence' (Percival, 2015). This implies that less serious forms of violence may not even be recognised as abusive.

Intersecting with these structural roadblocks to tackling violence against women is the fact that many Samoan women and men believe to varying degrees that domestic violence is acceptable under certain circumstances. Focus groups and survey data collected for the 2015 *State of human rights report* showed that 'many participants felt that Fa'asamoa and human rights particularly conflicted in this area, with many citing that Fa'asamoa permits husbands to beat their wives' (OONHRI, 2015, p. 26). This is also echoed by some of the women who appear in Percival's documentary (2015). In the second part of the documentary, community members from several Samoan villages respond to a viewing of the first part, which had introduced some of the issues and attitudes towards VAW in Samoan culture. A number of women who appear in this part of the film expressed their belief that women are supposed to satisfy their husbands and 'cleans the bowl' – bowl being a colloquial reference to the vagina (Percival, 2015). Others suggested that wives may be to blame for the abuse they receive at the hands of their husband, if, for example, they are not submissive enough towards their husbands or do not adequately study the Bible's teachings (see Schoeffel, Boodoosingh, & Percival, 2018). Some of the women also suggested that incest and sexual assault occur because wives neglect their duty to protect their daughters and fail to satisfy the sexual desires of their husbands (Schoeffel et al., 2018).

Statistics and studies of violence against women in Samoa

The majority of data on reported incidents of VAW in Samoa is provided by different police units and the courts. The need to improve the gathering and analysis of data on VAW was noted in 2012 by the UN Committee to End Discrimination against Women. The National Human Rights Institution (NRHI) was created in 2013, within the Office of the Ombudsman, and issued its first *State of human rights report* in 2015.⁴ This report noted the unsatisfactory quality of the available data on VAW, including its limited disaggregation by sex, age group, and the relationship of the victim to the offender (OONHRI, 2015). The OONHRI report was preceded by the SBS's *Strategy for the development of statistics 2011-2021*, which included a recommendation to measure violence against women and girls more effectively (SBS, 2012b). The delivery date of this recommendation was supposed to be 2014, yet a review of the SBS website does not show any statistics of this nature being available. Underhill, Tung, Marsters,

and Pene (2016) recently highlighted the need to strengthen the capacity for gender-responsive and evidence-based research in Pacific Island countries, including research into VAW.

There have been four major studies into the prevalence of VAW in Samoa; these were carried out in 1995, 2000-02, 2017, and 2017-18. The length of time between these studies makes it challenging to identify trends in reporting violence or the potential impact of the introduction of new services. The 1995 study was led by a local non-governmental organisation (NGO), Mapusaga O 'Aiga (Family Haven), which was founded to raise public awareness about sexual abuse and violence against women and children. With funding from the Samoan government, this study involved interviews with 257 women aged 15 years and older from key parts of Samoa. Just over 50 percent of women in the sample expressed knowledge of violence against women occurring in their villages and 25 percent of participants disclosed that they had been victims of violence (cited in SPC, 2006).

This initial study was followed five years later by the first Samoa Family Health and Safety Study (SFHSS), which was a collaborative research endeavour involving SPC and the United Nations Population Fund. The data for the study was initially collected between 2000 and 2002, although the final report was not published until 2006. The measures used in this study had previously been developed for a multi-country research project by the World Health Organisation, and included the creation of separate surveys for male and female participants. Overall, 646 women and 664 men completed the surveys (SPC, 2006). The results indicated that 46.4 percent of women aged 15 to 49 years old had experienced intimate partner violence (physical, sexual, or emotional) by a present or past partner.

A second SFHSS was conducted in 2017, commissioned by MWCSO. This study sought to assess the present rates of gender-based violence in Samoa, and the impact of current interventions. There were variations in the methodology of the 2017 study compared to that of the first; the age range of the women participants in the 2017 study was narrowed to 20-49 years, and the focus was placed on women, children, the elderly, and disabled populations. There were also additional variations in the options presented for questions and the presentation of the final results. This study estimated that 60 percent of the women in the sample had experienced spousal abuse over their lifetime (MWCSO, 2017). It also identified different cultural factors that can lead to family violence, including the belief that the husband is the head of the family, the lack of knowledge about women's cultural status, and differences of opinion on how to discipline children (MWCSO, 2017, p. 95).

These studies also suggest that Samoan women who experience violence at the hands of their husbands rarely report it to the police. Almost three quarters of physically abused women in the 2006 SFHSS sample did not seek any form of help, as they considered spousal abuse as normal and 'not serious' (SPC, 2006, p. 43). Only 1.2 percent of physically abused women in the sample reported their abuse to the police (SPC, 2006). Based on the data provided by the Domestic Violence Unit of the Ministry of Prisons and Police (DVU), it is clear that there is still a high level of under-reporting; approximately two percent of women reported their abuse to the DVU in 2011 (Boodoosingh, 2015).

Other studies have provided key insight into the perceptions of Samoan men and women about spousal abuse. Two Samoa Demographic Health Surveys were carried out in 2009 and 2014, with the results being published in 2010 and 2015 respectively. Both were nationally representative surveys involving a sample of women (aged 15-49 years) and men (aged 15-54 years). The 2009 study was implemented by the Samoa Ministry of Health in collaboration with SBS and with technical assistance from ICF Macro. Information was gathered on fertility, marriage, sexual activity, reproductive health preferences, awareness and use of family planning methods, breastfeeding practices, nutritional status of women and young children, childhood

mortality, maternal and child health, and awareness and behaviour regarding HIV/AIDS and other sexually transmitted infections (Ministry of Health, SBS, & ICF Macro, 2010). The survey included a section on women's empowerment and health, and contained questions about attitudes towards wife beating, a wife's capacity for decision making, her right to refuse sex with her husband, and her agency with regard to contraceptive usage and family planning (Ministry of Health et al., 2010). These questions (also included in the 2014 survey) asked participants to consider if specific domestic events offered adequate justification for a husband to beat his wife, including when a wife burns the food she is cooking, argues with her husband, goes out without telling him, refuses to have sexual intercourse with him, or neglects their children.

In the 2009 survey (Ministry of Health et al., 2010), 61 percent of female participants affirmed that a husband was justified in beating his wife for at least one of the reasons provided. The participants more likely to give this response tended to share certain demographic characteristics pertaining to their age (early thirties), location (living in a rural area), socio-economic status (in the lower wealth quintiles or unemployed), educational status (having a lower level of education), and family status (having five or more children). Fewer male participants in the survey (46%) responded that one or more of the domestic events listed offered justification for a husband to beat his wife. Those who did were more likely to be younger, living in rural areas, unemployed, unmarried, and childless. In the 2014 Samoa Demographic Health Survey, these figures for both male and female participants were significantly lower, with 37 percent of women and 30 percent of men agreeing that at least one of the domestic scenarios presented could justify a husband's use of physical violence against his wife (SBS & Ministry of Health, 2015).

The most recent and fullest study into VAW in Samoa is the National Public Inquiry into Family Violence in Samoa Report carried out by OONHRI (2018). The report includes several key recommendations related to the village fono and the church. The Commission of Inquiry was Samoa's first national public inquiry and was carried out under section 41 of the Ombudsman Act 2013. The Inquiry was launched and chaired by Ombudsman Maiava Iulai Toma on 8 December 2016, assisted by commissioners from the National University of Samoa and New Zealand. The inquiry involved a lengthy consultation process with public hearings intended to promote a national public conversation. An initial report was made to parliament in November 2017, and the final report was completed in June 2018. The recommendations include:

- The 'development of a National Prevention Strategy founded on the principles of Fa'asamoa, human rights and faith';
- 'The development of a public theology on family violence which addresses Biblical misinterpretations that reinforce gender inequality and violence';
- 'Taking necessary measures to remove barriers affecting the participation of women and other groups in the Village Fono, Parliament and Churches';
- 'The amendment of the Village Fono Act 1990 to specifically list Family Violence as an area of concern for the Village Fono';
- 'Empowering the Village Fono and Village Safety Committee to play a role in bringing perpetrators of family violence to formal justice'; and
- 'Increasing the capacity of the church to protect against family violence and prevent placing victims at risk of further harm' (OONHRI, 2018, pp. 6-25).

These National Public Inquiry recommendations acknowledge the significant role of religion in Samoa, and recognise the vital part that the Christian church can play (alongside governmental and village governance structures) in tackling and preventing violence against women.

Support services in Samoa for people impacted by gender-based violence

In 2013, UN Special Rapporteur Rashida Manjoo stated that the responsibilities of states towards victims of VAW should include ‘due diligence for the obligation of protection, by providing a woman with services such as telephone hotlines, health care, counselling centres, legal assistance, shelters, restraining orders and financial aid’ (Manjoo, 2013, p. 19). Research conducted by Boodoosingh in 2014-15 examined the services available for Samoan victims and perpetrators of VAW from both state and non-state actors in the legal, education, health, and religious sectors (Boodoosingh, 2016). This study included a desk-based review of annual and strategic reports from various agencies and detailed interviews with local NGOs, including advocacy groups, support groups, crisis centres, relief agencies, and health organisations. In the absence of a registry of active NGOs and the services they offer, Boodoosingh sought out and identified the NGOs which could potentially provide support for both victims and perpetrators of VAW. The most prominent NGO operating in this area is the Samoa Victim Support Group. Their services include victim counselling, anger management for perpetrators, and helping victims apply for protection orders. The group also offers temporary shelter to abused women and separate longer term shelter for children of abused women (there are no shelters where abused women can stay with their children). Additionally, they provide care for girls who become pregnant from rape and incest, including nursery facilities for their babies.

Boodoosingh (2016) noted that other NGOs in Samoa provide services that can also be of value to victims and perpetrators of VAW. These include Nuanua O Le Alofa Inc., an organisation that provides training and support in life skills and employment for differently-abled adults, and the Samoa Family Health Association, which is the local International Planned Parenthood affiliate and provides services focusing on sexual and reproductive health. Other organisations also contribute to the country’s efforts to tackle VAW, including the Adventist Development Relief Agency, which runs public awareness campaigns about VAW to stimulate dialogue on the issue. Boodoosingh’s (2016) study found that the most commonly available service for people affected by gender-based violence was counselling, although Samoa currently does not have a recognised standard for counselling services, nor a registration system for local counsellors. The Social Services Unit at the National Hospital in Apia provides counselling support and is staffed by certified social workers, but the unit is understaffed and carries the heavy burden of providing support across the entire country. State ministries therefore rely strongly on the services provided by NGOs, who themselves experience chronic challenges in securing core funding, maintaining staffing through volunteers, and coping with limited managerial knowledge and experience (Boodoosingh, 2016).

Boodoosingh’s research (2016) also highlights that the National Health Service does not have a clear police referral system in place when abused women present with injuries to the National Hospital. Moreover, cultural perceptions around domestic abuse may influence the responses of health workers to women presenting at the hospital with injuries commonly seen in domestic violence cases. For example, in a submission from the Nurses’ Association to the Samoan Law Commission during a consultation on the proposed Crimes Act 2013 (see below for further details), the Association did not support the criminalisation of marital rape proposed in the Act (Samoa Law Reform Commission [SLRC], 2010; Boodoosingh, 2016).

The laws, the police and the courts: Intersections with traditional governance structures

The Samoan Government has passed two pieces of legislation which pertain directly to VAW: the Crimes Act 2013, which repealed the Crimes Ordinance of 1961, and the Family Safety Act 2013.

The Crimes Act 2013

The Crimes Act 2013 introduced the criminalisation of marital rape, which was previously unrecognised under the Crimes Ordinance 1961. The SLRC and other stakeholders also recommended an expansion of the definition of rape to include ‘all forms of sexual penetration including the introduction into a male or female’s genitalia of another part of a person’s body or an object held or manipulated by another person’ (SLRC, 2010, p. 11). Despite these submissions, rape remains narrowly defined in the Act as non-consensual (hetero)sexual intercourse, that is, penetration of the vagina by the penis, and carries a maximum penalty of life imprisonment (Crimes Act 2013, ss 49, 52). It therefore separates rape from other forms of non-consensual sexual conduct, which are classified as ‘unlawful sexual connection’, and which carry a maximum penalty of 14 years imprisonment (Crimes Act 2013, ss 50, 52). The sentence for attempted rape was increased under the Act from 10 to 14 years (Crimes Act 2013, s 53).⁵

The Act also stipulates regulations for other forms of sexual violation, including incest and unlawful sexual connection with a minor. Sexual conduct with a male or female child of 12 years or younger carries a maximum penalty of life imprisonment (Crimes Act 2013, s 58), while sexual conduct (and attempted sexual conduct) with a young person aged between 12 and 16 can incur a maximum 10-year sentence (Crimes Act 2013, s 59). A person found guilty of sexual conduct, attempted sexual conduct, or indecent assault against a dependent family member who is under the age of 21 can face a maximum 14-year prison sentence (Crimes Act 2013, ss 56-57). The Act also has a specific section of laws around incest, which is defined as sexual connection ‘between 2 persons whose relationship is that of parent and child, siblings, half-siblings, or grandparent and grandchild’ (Crimes Act 2013, s 55.1.a); ‘child’ and ‘grandchild’ include illegitimate and (formally or informally) adopted children. The penalty for incest, when perpetrated by a person over the age of 16, is increased under the Act to 20 years (compared to seven years in the Crimes Ordinance 1961; see Crimes Act 2013, s 55).

With regard to sexual harassment in the workplace, the Crimes Act 2013 does not address this specifically. Nevertheless, following an inquiry into complaints of sexual harassment in the Samoan Fire Service, the Ombudsman recognised that the common law of Samoa offers ‘protection of sorts against sexual harassment’ and that, ‘by way of an employment contract, the employer has a duty to provide a safe system of work, safe equipment and competent co-workers’ (Moore, 2013).

Lastly, under the Act, the provision of abortion and attempts to access this service remain tightly restricted. Medical abortion is permitted in exceptional circumstances where, in the view of a registered medical practitioner, the life or physical and/or mental health of the mother will be seriously endangered by continuing the pregnancy (Crimes Act 2013, s 116). In other circumstances, including cases of rape and incest, the woman is required to carry the foetus to term.

The Family Safety Act 2013

The Family Safety Act 2013 introduced a number of new policies and procedures to better deal with domestic violence, application for protection orders, and police responses to complaints about domestic violence. Domestic violence is defined in the Act as a form of violence that occurs between people in a ‘domestic relationship’, be it through marriage (legal, customary, or de facto), romantic relationships, familial relationships, adoption (legal or customary), or shared residency (Family Safety Act 2013, s 2). Domestic violence encompasses physical, sexual, emotional, verbal, and psychological abuse, including intimidation, harassment, stalking, and any other ‘controlling or abusive behaviour which has or may cause harm to the safety, health or wellbeing of the complainant’ (Family Safety Act 2013, s 2).

The Family Safety Act 2013 also introduced what has been called the ‘no drop’ policy, which stipulates that police officers respond to all reports of domestic violence they receive (Family Safety Act 2013, s 16); furthermore, they must ensure that the complainants are made aware of their rights to lodge a criminal complaint, and are assisted to find suitable shelter, medical treatment, and counselling support (Family Safety Act 2013, s 15). When the reported incident involves sexual or physical assault, police officers are instructed to do everything necessary to ensure that the case is prosecuted in court (Family Safety Act 2013, s 16). This no drop policy was recommended by Kingi and Roguski (2011) in their baseline report for the Pacific Prevention of Domestic Violence Programme (PPDVP).⁶ It attempted to counter the continuous reliance of traditional reconciliation techniques in cases related to domestic violence.

As well as their no drop policy relating to incidents of domestic violence that involve physical or sexual assault, the Family Safety Act 2013 also affords a measure of discretion in how police deal with cases of emotional or psychological violence. Under s 16 (‘Duty to Prosecute’), a police officer may refer the matter to an authorised counselling service or can choose to pursue charges in cases of repeated offending. The Act does not, however, offer protection to those who report an occurrence of domestic violence that they have witnessed. This has repercussions for levels of reporting domestic violence. According to the 2015 *State of human rights report*, only 25 percent of adults who witness abuse report it to the police, often because they fear that their report will not remain confidential, and that they will not be offered a protection order to safeguard them from retaliation (OONHRI, 2015).

Police services and courts in Samoa

The Police and Prisons Units operate under the governance of the Ministry of Police and Prisons while the Courts operate under the Ministry of Justice and Court Administration. There are two main police stations in Samoa, one in Upolu and the other in Savaii, and each station has a number of outposts – six on Upolu and three on Savaii. A specialised Domestic Violence Unit (DVU) was created in 2007, and its responsibilities include handling incidents of domestic violence and applications for protection orders. The DVU deals with matters which carry maximum penalties of less than five years; all matters relating to sexual violence, or other incidents of domestic violence that carry maximum sentences of five years or more, are referred to the Criminal Investigation Division and are tried in the Supreme Court. The General Policing Division of the Police Service also handles matters which carry maximum penalties of less than five years imprisonment and also provide police help in domestic violence cases. When discussing domestic violence in Samoa, the media often rely on statistics from the DVU. This leads to an underestimation of the prevalence and extent of domestic violence in Samoa, as these statistics do not include more serious cases dealt with by the Criminal Investigation

Division, or the many other domestic disputes handled by the General Policing Division, which may not involve an offence being committed or result in charges being laid (Boodoosingh, 2016).

Kingi and Roguski's 2011 report to the PPDVP documents that Samoan police may play a role in the underreporting of domestic violence cases. Some of the reasons that these cases go underreported include:

a [complainant's] lack of faith in Police being willing to take a domestic violence complaint seriously; complaints being withdrawn when victims and offenders reconcile; Police, community and family members encouraging women to reconcile [with their abusive partner]; police encouraging women to reconcile to protect the male perpetrators; a lack of awareness about a woman's right to safety; a belief that domestic violence is a family and not a Police matter (Kingi and Roguski, 2011, p. 16).

Some of these issues are well illustrated by a statement made by a Senior Police Officer: 'When we attend [domestic violence] cases, the first thing we have to do is to see if we can reconcile or whether we have to take it up the court. This is the Samoan way' (Kingi and Roguski, 2011, p. 20). Other reasons for low rates of reporting domestic violence incidents were suggested in the 2013 Community Perception Survey of the Samoan Police System, published by SBS: 'From experience, some of the unreported crimes were due to family reconciliations, village protocols, threats by offenders, and, mostly personal matters (SBS, 2013, p. 16).

In some villages, people cannot report a crime directly to the police, but instead must first bring the matter to the village fono, who will then decide whether it ought to be referred to the police. An informant within the Ministry of Police and Prisons (2014) illustrates the challenges faced by some villagers to gain access to the police, using the village of Vaitoomuli as an example:

In Vaitoomuli in Savaii there is an outpost. It is taboo to report a matter to the police directly. The matter must go to the village council who will then take it to the police. Every issue must go to the village council and it has been this way for a very long time (Boodoosingh, 2016, p. 230).

The Family Court and Family Violence Court

The Family Court officially commenced operations in 2014 with the enactment of the Family Court Act, although it began seeing cases towards the end of 2013. The Court, which is the third of its kind in the Pacific Region (the other two being in New Zealand and Australia), hears matters related to protection orders, family law matters, divorce cases, guardianship, adoption, maintenance, and custody under the Divorce and Matrimonial Causes Ordinance 1961. Matrimonial property matters are not within the jurisdiction of the Family Court and are heard by the Supreme Court (Sumner, 2015).

Prior to the establishment of these Courts, cases related to domestic and family matters, including domestic violence, were seen by the District Courts on specific days. The Family Court and the Family Violence Court sit in the same courtroom, each on allocated days of the week (Boodoosingh, 2016). Although the courtroom is based in Mulinu'u on Upolu, people in Savaii can have matters heard at the Tuasivi Court in Savaii when the Family Court travels on circuit (Sumner, 2015).

The Family Court is designed to operate in a friendly, less stressful, and informal atmosphere, where people can raise matters to the judge without the need for legal counsel. Allowance for traditional reconciliation mechanisms are factored into proceedings, such as when the court grants 10-day interim protection orders prior to deciding whether or not to make the order permanent. In accordance with the Community Justice Act 2008, customary apology (ifoga) and penalties imposed by village fono may also be considered by these courts determining the sentence for an offence.

The Samoan church and violence against women

The church in Samoa was established nearly two hundred years ago and continues to be one of the most dominant institutions in village life. Samoa's population is primarily Christian, with the 2011 Census indicating that 99 percent of the population over the age of five years are affiliated with a church (SBS, 2012a). The church is an integral part of Samoan identity, having become indivisibly entwined in the country's culture since contact with missionaries from the 1830s.

In recent decades there has been evidence of shifts in membership rates of different churches. There are some indications of decline in EFKS and Methodist numbers (Thornton, Kerslake, & Binns, 2010, p. 7), alongside an increase in LDS Church membership, and stability in Catholic membership. Despite these denominational fluctuations, the overall position of the churches at the centre of Samoan social and cultural life remains firmly entrenched. Most traditional villages have at least one church and the majority have more than one, usually from one of the three largest denominations (EFKS, Catholic, or Methodist; Meleisea et al., 2015). Churches are typically the most magnificent structures in villages. The preamble to the Samoan Constitution refers to Samoa as a country 'founded on God', and in 2017 it was amended to include mention of the Holy Trinity, stressing again that Samoa was founded on the Christian concept of God. Freedom of religion is protected in the constitution under Part II s 11.

Teachings from the pulpit have great influence on gender role development and perception of acceptable behaviour and conduct. The major churches in Samoa promote a conservative, patriarchal, and heteronormative view of Christianity. A woman is considered the helpmate of her husband and is expected to be obedient to him. Husbands, meanwhile, are assumed to be the head of the household. In the mainstream churches, a man cannot be appointed as a village pastor or a Roman Catholic catechist (teacher) unless he is married, and the pastor and his wife are perceived to be exemplars of a husband-wife relationship. And, although a pastor is not permitted to hold a matai title and cannot sit as a member of the village fono, many matai are deacons within their churches (Meleisea et al., 2015) and the fono is expected to protect church interests. For example, the fono holds authority to impose penalties for villagers who do not partake in mandated church activities or choose not to attend church. Conservative teachings on gender roles broadcast from the pulpit readily permeate the outlook of matai in the fono and shape their decision making and support for church values. Thus, while there is an official separation of church and state, in practice the church heavily influences village leadership and governance.

Research conducted by Meleisea et al. (2015) provides information on the roles women play in the church. In Samoa, the Methodist and Congregational Churches choose not to ordain women as ministers on the basis of Samoan custom, despite these denominations ordaining female ministers in other countries.⁷ The Catholic the LDS churches are governed by central authorities external to Samoa. While the Catholic Church does not ordain female priests, there is no doctrine which specifies a gender restriction for becoming a catechist in the church. A catechist provides leadership and religious instruction in parishes, but in Samoa this role is held only by men. There are prescribed roles for men and women in the LDS church and only men may be elders, priests, and bishops. The EFKS permits women to be deacons, usually women who are single or widowed, in keeping with the norm that a woman takes her status from her husband; however, the majority of deacons are male matai. The Methodist Church has permitted women to be lay preachers in the past, but a recent change to the church constitution has stopped this. The conventional role for women in the village EFKS and Methodist churches is to be a member of the women's fellowship group. This group is led by the pastor's wife

along with deacons' wives, and is responsible for keeping the church clean and attractive and running church fundraising and hospitality events.

Potential within the churches

The social position and influence of churches in Samoa means that they have enormous potential to address VAW, but this potential has yet to be implemented. In their report for the PPDVP, Fairbairn-Dunlop and Lievore (2007) note that, despite rich opportunities for religious leadership in Samoa to respond to VAW, the church has failed to give this matter precedence:

Domestic violence was not a priority on the agenda of the mainstream churches. Comments were made that the church and the church ministry needed to look to their own practices first. At the same time, churches were seen to be the agencies which should be playing a lead role in addressing domestic violence and abuse issues (Fairbairn-Dunlop and Lievore, 2007, p. 37).

In recent years, a number of reports and policy initiatives have stated the importance of church action on this issue. The Samoan Government Second Progress Report (2010) highlighted the contribution that churches might make to VAW prevention:

The churches should be heavily involved in addressing violence against women. It is proposed that a special taskforce be established with all the relevant authorities to adequately analyse and determine strategic interventions at all levels that would address violence against women effectively. The involvement of key NGOs such as Samoa Victim Support as well as the National Council of Churches would play a key role in consolidating appropriate interventions that would reduce violence against women (Government of Samoa, 2010, p. 30).

The report recommends advocacy campaigns at village, church, and community levels which would raise awareness of the key challenges Samoan women face (Government of Samoa, 2010). The PPDVP Nadi Symposium Accord (April 2014) also reinforced this message when it called upon religious leaders in the Pacific to show leadership on this issue: 'We urge religious leaders to champion the elimination of SGBV [sexual and gender-based violence] and to act with strong leadership in this regard. Religion or culture or tradition never justifies the use of sexual and gender based violence' (PPDVP, 2014).

The Nadi Accord was subsequently endorsed at the forty-fifth Pacific Islands Forum Leaders meeting in Palau 2014, where it was declared that culture, religion, and tradition can never be used as an excuse for abuse.

Opportunities for church involvement in responding to family violence were also documented in the recommendations shared by respondents and authors of the 2017 SFSS. A total of 68 percent of male respondents and 63 percent of female respondents chose the church as one of the preferred organisations to respond to VAW (MWCSO, 2017). Yet despite this, only 5 percent of respondents were aware of services provided by the church (MWCSO, 2017). In the 2006 SFHSS, of the minority of women who reported their abuse, only 1.2 percent disclosed to clergy. Yet the key role of the church in addressing family violence was identified in Recommendation 2 of the SFSS. The report also notes:

Failing to live and follow Christian and cultural values is perceived as another cause of family violence. *Le o i lotu* (not being church members) is a commonly cited factor associated with families involved in violence. Family members and in particular the perpetrators are charged with failing to connect with their Christian and cultural values acquired from the church and family when dealing with problems at home (MWCSO, 2017, p. 101).

The MWCSO is identified as the key government implementing ministry which provides support and assistance to these efforts. Its responsibilities include:

To work closely with the National Council of Churches (NCC) to promote matters of family safety from the Christian perspective, to work with the NCC to work with village councils to encourage church ministers to visit with families who live on the peripheries of the village on a regular basis, for the NCC to liaise with village councils to encourage church ministers to take part in village initiatives to counter family violence and to promote family safety, for the NCC to dedicate one Sunday of the year to discuss and conduct activities related to the theme of 'family safety' using children's White Sunday as a model and the NCC to encourage all faiths to join in the effort to address domestic violence in the country (MWCSO, 2017, p. 115).

Aspects of church teaching and practice which contribute to VAW

Alongside the obvious positive potential of churches to tackle VAW, there are some elements of church teaching which can be damaging and may contribute to perpetuating VAW. As Boodoosingh notes:

It is unlikely that a church leader would preach a sermon that advocates the use of violence, yet conservative teachings may inadvertently imply that violence can sometimes be acceptable. Conservative thinking may justify the use of physical dominance to maintain control of a wife who is perceived to be out of line or seen to be insubordinate to her husband. A woman who is abused within this construct may be advised by church leadership to be more submissive and to self-reflect as to how her actions have resulted in a beating (Boodoosingh, 2016, p. 340).

Most commentators view the overall impact of churches in Samoa as part of the problem rather than the solution to tackling this issue. Furthermore, most argue that unless there is a radical change in some areas of church teaching it is unlikely that the churches will make a positive contribution. For example, when women were asked why they stayed in violent relationships, 31 percent of respondents cited reasons connected with Christian teaching, including the sanctity of marriage and the Christian emphasis on forgiveness (SPC, 2006).

Church teachings also play a part in influencing men's views on gender roles. All of the men in the SFHSS self-identified as church members (SPC, 2006). According to 10 percent of all male respondents and 20 percent of abusive male respondents, having a close relationship with God was regarded as a preventative mechanism against beating their wives (SPC, 2006). However, the significance of conservative teachings about wives being their husbands' helpmates and being subservient to them was evidenced by the fact that 77 percent of male respondents stated that women should show some form of obedience to their husband in order to avoid being beaten by him (SPC, 2006).

Boodoosingh (2016, p. 341) identifies a number of texts that are commonly given to justify the subordinate position of women and wives, including 1 Corinthians 11.3-9 and 14.34-35, Ephesians 5.22-24, and 1 Timothy 2:11-14. In addition to church teachings on gender roles, there are other ways that churches can contribute to the problem. This includes church responsibility for financial, cultural, and interpersonal factors which contribute to Samoa's high rates of VAW. In a 2014 presentation to the Pacific Judicial Conference, Family Court Judge Leilani Tuala Warren pointed out that the universally identified causes of family violence such as jealousy, financial pressures, intoxication, and anger also apply to Samoa (Warren, 2014). However, in Samoa these wider factors may be linked to the church in ways that do not apply elsewhere. For example, the SPSS noted that the practice of *fa'alavelave* (giving) can be a contributing factor for VAW, because of the financial pressures it creates within the family, and 'differences of opinion' on how much to give (MWCD, 2017, p. 95). Macpherson and Macpherson (2011) cite data derived from the 2002 Household Income and Expenditure Survey that on average, the Samoan population spend about SAT\$1 million a week on both cultural and church obligations. The pressure to give generously is further reinforced through the practice of *folafola*, when the name of the gift giver and material gifts are called out for

the crowd at traditional events. While some believe that the practice of folafola pays homage to Samoan culture, it may also bring public shame on those who cannot contribute as much. A similar pressure extends when giving to churches. There is constant competition between different churches to have the most opulent church, and within churches there is competition among matai around who contributes more (Ernst, 1994, p. 168). Thornton et al. (2010, pp. 2-6) report that according to their survey, approximately 63 percent of Samoan households use remittances for social purposes, while 41 percent of remittances are typically given to the church. They cite the 1997 Housing Income Expenditure Survey, which showed expenditure of WST\$5.7 million per year on church obligations and WST\$ 34.⁸ million per year on traditional ceremonials (such as funerals).

Another way churches may contribute to VAW is that members of the clergy are not above participating in VAW themselves. Unfortunately, abusive clergy can use their social influence and relationship with the fono to avoid accountability. This sets a disastrous precedent in terms of providing a role model for other men. Even when a member of clergy is taken to task, he is less likely to be penalised in the same way as other villagers, with responses differing from church to church. In the EFKS church, a pastor (faifeau) may be asked to leave the village. This can occur as EFKS pastors have contracts with the congregation, which may be cancelled or renewed over time. Other churches with more centralised authority may punish their clergy in different ways.

Despite this relative impunity, some clergy have appeared in court on charges of spousal abuse and indecent assault. In one case involving a Catholic catechist (*P v Paulo* [2002] WSSC 1), the defendant had been charged with one count of indecent assault which carried a maximum penalty of seven years. The defendant had come before the court for a similar matter of indecent assault in 1992, but the church had retained him as a catechist despite the case. The fact that the church allowed the offender to continue to have access to vulnerable members of the church community implies a degree of acceptance and tolerance of gender violence by church authorities.

Church members and clergy may also be implicated in VAW by virtue of their complicity in perpetuating certain stereotypes and misperceptions around gender violence. In both the churches and wider society, victim-blaming is a common response to women who experience violence (Schoeffel et al., 2018). Even when the victim is not directly blamed, many women who experience violence fear shame and stigma within their communities and churches (Boodoosingh, 2015). In victim impact statements shared with the courts, church members have been documented as blaming victims of assault and sexual violence, and in some cases, victims are prohibited from participating in church activities. In the case of a 26-year-old male teacher who pled guilty to several charges involving unlawful sexual intercourse, attempted indecent assault, and indecent assault of teenage female students at the school where he taught, one of the victims reported in her victim impact statement that she had ‘suffered the taunts and scolding by her parents and fellow church members’ and felt ‘shame for the conduct’ (*P v Tuiletufuga* [2013] WSSC 126). The Court may also consider character references provided by a defendant’s pastor or priest as mitigating factors in sentencing. The veracity of these statements was questioned recently by participants of an advocacy training programme held by the Family Health Planning Organisation (Taumata, 2017). By providing character references for offenders, the church does not hold offenders culpable and does not support victims.

Opportunities for a faith-based response to violence against women

Despite the difficulties outlined above, the moral authority of churches in Samoa means that they are well placed for leadership on transforming social attitudes to VAW if they strongly commit to this. For example, in the SPC (2006), most respondents accepted that violence was normal (72.5%); those who had suffered abuse cited this as the reason why they did not seek help. If churches offer clear messages that VAW is both unacceptable and illegal – both a sin and a crime – this would help to challenge the social acceptance of VAW in Samoan culture and church life.

Additionally, almost 90 percent of all women respondents in the 2006 SPC considered domestic violence a private matter, but a similar number of respondents thought it was also acceptable to seek external intervention. This apparent contradiction could be due to the fact that the intervention of external agencies (such as the police, courts, and healthcare providers) allows women to continue to appear ‘obedient’ to their husbands, while simultaneously getting the support and help they need. The churches could do more to signal that the shame of VAW belongs with the perpetrator and not the victim and ensure that women who seek help from their pastors are supported instead of being blamed.

Policy discussion of VAW prevention initiatives is usually framed within a rights-based approach, which provides strong support for women’s rights and gender equality. Unfortunately, some church members and leaders view rights-based discourse as unfamiliar and even alien. This has contributed to VAW being marginalised as a church concern and prevention initiatives becoming low priorities. In some cases, churches have mistakenly seen rights-based concern for VAW as opposed to traditional faith-based church teaching. A clearer appreciation of the positive values underlying rights and right-based approaches might help avoid the unnecessary opposition between rights-based and faith-based positions. Likewise, a clearer awareness of faith-based resources to address VAW can also help churches offer a stronger voice alongside rights-based approaches (Ah Siu-Maliko, 2016).

The National Public Inquiry into Family Violence report (OONHRI, 2018) gives attention to the contribution that churches might make to wider prevention initiatives. The Inquiry was chaired by Ombudsman Maiava Iulai Toma, who is an active lay member at Samoa’s sole Anglican church. Two weeks before the launch of the National Human Rights Institution in December 2013, Maiava Iulai Toma had preached a sermon titled ‘Breaking the Silence’ to mark the upcoming ‘16 Days of Activism Against Gender-Based Violence’ campaign.⁸ He called on churches to be more supportive of women experiencing violence and challenged church practices which are likely to sustain violence rather than prevent violence:

The church should be a safe place for women to come and tell their story and to seek comfort. They should not be told to go home to pray more, to submit more and to turn the other cheek. The church should support them in the sure knowledge that it is not God’s will that they and their children should live with constant violence and intimidation in their lives (Toma, 2013).

The sermon stressed that above all ‘the most important task unique to the church is to not allow the Bible to be used to support the inequality of women’ (Toma, 2013). This is crucial because, as mentioned above, some biblical verses are widely used to justify or excuse violence against women (Boodoosingh, 2016). The selective misuse of biblical texts should be questioned and challenged in light of more recent biblical scholarship. Biblical texts which offer a more positive message about gender roles and relationships also need to be given more prominence (Boodoosingh, 2016, pp. 341-42). A positive biblical message promoted by the churches can and should be offered as an effective response to gender-based violence. Biblical texts affirm

the dignity and sacred value of all people, as created in the image of God, and highlight the destructive consequences that violence creates for individuals, families, and communities. Sustained work with biblical texts may therefore make two critical contributions towards a shift in attitudes towards VAW within the churches. First it will address the temptation for churches to dismiss VAW prevention as a purely secular issue of little concern to them. Second, it will offer generative resources that allow church members to recognise ways in which their church may be part of the problem. This can promote open and productive discussions about how churches might participate in prevention initiatives and take leadership on prevention strategies from a faith-based perspective alongside a rights-based approach (Toma, 2013). The National Public Inquiry into Family Violence presents human rights, fa'asamoa, and faith as the three pillars on which a prevention strategy can be effectively developed (OONHRI, 2018). However, it is clear that this will require significant change within churches, since 'the church is currently doing more to propagate views which lead to family violence than play a role in its prevention' (OONHRI, 2018, p. 215).

A number of Pacific approaches to contextual biblical studies are already available to support progress in this area, but there is still much work to be done. Some of the resources which are available are underused or not used at all. For example, *The church and violence against women* theological college coursebook (Weavers, 2006, 2011) illustrates the churches' resistance to change. The coursebook was the result of a collaborative regional project pioneered by Rev. Dr Joan A. Filemoni-Tofaeono as co-ordinator of the Weavers committee on violence against women. The initial steps were a forum in 2003 and a regional workshop in 2004 to raise awareness of the impacts of violence against women and children. Following these meetings, the Weavers committee developed a draft of materials for a regional curriculum consultation of the South Pacific Association of Theological Schools (SPATS) in 2006. SPATS had originated in 1969 as a regional ecumenical organisation in the Pacific with a Secretariat Office in Suva. The intention was that this coursebook would be used in theological institutions affiliated to SPATS. Endorsement by SPATS was important because it is the recognised accrediting body for theological colleges throughout the Pacific and is committed to promoting and maintaining high standards in theological education. The SPATS consultation helped in the final design of this study material and its subsequent publication in November 2006 (Weavers, 2006), edited by Dr Mercy Ah Siu-Maliko, who had succeeded Filemoni-Tofaeono as co-ordinator of the Weavers committee.

The course book is designed for use in theological colleges and runs to over 150 pages. It includes four teaching units offering a regional perspective on violence against women, human rights and violence, violence against women and the Bible, and the churches and their role in overcoming violence. This is followed by a range of readings to extend each unit. The pedagogical principles behind the approach draw upon the work of Brazilian educator Paulo Freire, and are well suited to a talanoa (dialogue) approach to theological training (Ah Siu-Maliko, 2009). Shaista Shammeen (director of the Fiji Human Rights Commission) welcomed the anticipated contribution of the coursebook in her speech at the launch event held at Pacific Theological College, Suva:

Violence against women which is a reality in all our cultures in the Pacific, has been a taboo subject for far too long. This course book will undoubtedly have the effect of ensuring that violence against women is properly discussed and debated as one of the worst evils of our society, one that undermines women's integrity, independence, self-esteem, and the ability to live as normal human beings (Shameem, 2006).

Ah Siu-Maliko's words in the coursebook foreword, that 'This is Weavers dream come true', reflected the aspirations Weavers originally had for the work (Ah Siu-Maliko, 2006, p. 4). It

was hoped that this training would ‘see the church playing more of a leading role in domestic violence advocacy, training and support’ (Fairbairn-Dunlop & Lievore, 2007, p. 37). However, in practice, despite recognition from SPATS, the resource was not taken up with enthusiasm, and the use of the course book in theological schools has been very limited. A subsequent Weavers initiative translated the work and made it available in Samoan (Weavers, 2011), Fijian, Tahitian, Pidgin, Kiribati, and Tongan. But despite the value and availability of the coursebook, it appears that it is still not deployed in the theological institutions for whom it was developed. Sustained work needs to be done within the churches if such resources are to contribute towards a new approach to VAW (Filemoni-Tofaeono & Johnson, 2006).

The elevated social status accorded to churches in Samoa means that they are very well placed to publicly challenge mistaken attitudes about victim blame, shame, and stigma. As mentioned above, women who experience gender-based violence are more likely to be blamed than supported by both community and church members. Church leadership in this area would be a positive response to the ‘double victimisation’ of women experiencing violence. Churches can offer clear messages that victims of gender violence are not to blame, and are not alone, and that the shame of VAW belongs with perpetrators, not victims. When the church is silent and fails to offer a clear message against VAW it damages its own credibility. The silence of the church and the community on VAW is not neutral; it is experienced by survivors as judgemental and harmful. A failure to speak helps to sustain a culture of impunity for perpetrators and often reinforces the sense of shame for victims.

Conclusion

Samoa is a small island nation with strong church membership and traditional rules and customs that shape life in the islands. These customs have implications for the role of women in family, work, and political life. Women are underrepresented in leadership due to traditional beliefs that prohibit women from obtaining matai titles in most villages. Studies have recorded very high rates of VAW in Samoa, with estimates as high as 60 percent. Very few women seek any support or help when they experience violence. VAW is often accepted within families and communities with most adults agreeing that it is acceptable for a man to beat his wife under certain conditions, including if she is disobedient, refuses sex, or neglects the children.

Recent law and policy changes have attempted to address VAW. Under the Crimes Act 2013, rape carries the maximum sentence of life imprisonment, and recognises the occurrence of rape within marriage. The recent no drop policy requires that all reports of VAW are fully investigated by the police and courts. Despite these advances, difficulties remain in addressing VAW in Samoa. This is due in part to pervasive beliefs that it is a woman’s role to please and obey her husband. Also, while the traditional villages governance structure allows villages to discipline those who commit violence, there are cases where the victim and her family are punished instead, under the belief that she must have provoked the rape. This makes it difficult for victims to feel comfortable or safe when making a complaint.

There are a number of social service organisations that can provide support to women experiencing violence. One service that is dedicated to supporting victims of VAW in Samoa is the Samoa Victim Support Group. They provide some support for women experiencing violence, although their ability to offer shelter, particularly for children, is very limited.

There is a pressing need for more research into the prevalence of VAW in Samoa, as existing research is patchy. Studies have not been conducted with the frequency or consistency of methodology to provide an accurate estimate of the issues involved. Of equal importance is the

development of culturally appropriate interventions to reduce attitudes supportive of VAW and the perpetration of VAW.

Moreover, there is a need for more research into how Samoan churches can respond to VAW along the lines indicated by the National Public Inquiry (OONHRI, 2018). Church leadership and religious teaching have a powerful impact on social values, attitudes, and behaviour. The churches play a central role in Samoan society and have huge potential to be proactively involved in responses to VAW. The importance of this has been increasingly highlighted in recent policy proposals. However, to date, very few churches have sufficiently embraced these opportunities. Some members of the church see VAW as an issue which is distant from church concerns, others deny that the problem really exists, while others seek to shift the blame onto victims. There has been little discussion of how church teachings and church practices may contribute directly and indirectly to the problem of VAW and to perceptions of its acceptability. To complicate the picture further, some inside the church view VAW initiatives as unduly rights-based and therefore as alien, or even hostile, to the churches' faith-based concerns. It is rare for VAW to be openly discussed in church settings and so negative and unhelpful attitudes to VAW are often left unexamined, or accepted by default. The experiences of women need to be heard within the church rather than being silenced or marginalised. A deeper conversation on VAW is therefore urgently needed within Samoan churches. This conversation might offer a clearer recognition of the role of power and control in perpetuating VAW and the need to address VAW as both a sin and a crime.

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Notes

- 1 The briefing was written as background to support the New Zealand Institute for Pacific Research project *Tatala le Ta'ui a le Atua: Rolling Out the Fine Mat of Scripture* on the potential for churches in Samoa to support solutions to reduce VAW. The image suggested in this title is the rolling out of a fine Pacific mat for an honest conversation on an important issue in a respectful manner.
- 2 EFKS is the acronym for the Samoan name *Ekalesia Faapotopotoga Kerisiano Samoa*. The acronym CCCS for the English term (Congregational Christian Church of Samoa) is also sometimes used in academic literature. The *Ekalesia Faapotopotoga Kerisiano Amerika Samoa* (EFKAS), or Congregational Christian Church of American Samoa (CCAS), split from EFKS/CCCS in the 1980s.

- 3 When a family has more than one member with a matai title the decision on who will be the primary matai is made by the matai of the family.
- 4 The National Human Rights Institution in Samoa was launched as an operation within the Office of the Ombudsman on 10 December 2013. The date intentionally coincided with International Human Rights Day, which marks the adoption of the Universal Declaration of Human Rights in 1948.
- 5 There are no minimum penalties stipulated in the Crimes Act 2013, a weakness noted in the legislation by a 2007 report on Samoa's CEDAW Legislative Compliance Review (Forster and Jivan, 2007).
- 6 The Pacific Prevention of Domestic Violence Programme (PPDVP) is an initiative of the New Zealand Agency for International Development, New Zealand Police, and the Pacific Islands Chiefs of Police. The programme builds on earlier support from these agencies for domestic violence prevention in the Pacific. For a regional perspective on VAW in the Pacific, see UN Women (2011).
- 7 In American Samoa the EFKAS/CCAS first ordained a woman minister in 2006. Other women have been ordained since, but the number is still low, and ordained women still face barriers to advancement.
- 8 The Sunday prior to the '16 Days of Activism' campaign has been used as an opportunity for churches to raise awareness of the issues and signal support for activities during the campaign. The churches in Fiji have taken a regional lead on this and Maiava Iulai Toma's sermon drew on a sermon by Rev. Ann Drummond of the Volunteer House of Sarah, Fiji.

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