



2nd ANNUAL MEETING OF THE REGIONAL WORKING GROUP ON THE IMPLEMENTATION OF FAMILY PROTECTION/DOMESTIC VIOLENCE LEGISLATION

Theme: Impacts of COVID-19 and other national crises on the implementation of DV legislation in the Pacific

24 - 26 August, 2021

23 - 25 August 2021 (Cook Islands)

OUTCOMES DOCUMENT

A. INTRODUCTION

Background

1. The 2nd Annual Meeting of the Regional Working Group on the Implementation of Family Protection/Domestic Violence (FP/DV) Legislation (RWG) was conducted virtually over three days from Tuesday, 24th August 2021 to Thursday, 26th August 2021¹.
2. The meeting was attended by representatives from the National Governments of the Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.
3. The meeting was chaired by Fiji, with Samoa in the role of deputy chair, and the SPC Human Rights and Social Development Division (SPC HRSD) in the role of RWG secretariat.

Objectives

1. The objectives of the meeting were to:
 - a. Reflect on the impacts of COVID-19 and recurring natural disasters, such as tropical cyclones, on the implementation of domestic violence legislation in the Pacific region.
 - b. Identify best practises and discuss innovative ways of working, in the RWG's priority areas, during crises such as the global COVID-19 pandemic and recurring natural disasters.
 - c. Develop recommendations for Pacific Island Country (PIC) governments, to take on board to ensure that DV legislation can adequately respond during similar emergency situations.

¹ Cook Islands dates – Monday 23rd – Wednesday 25th August.

B. SUMMARY OF MEETING KEY ISSUES AND AGREEMENTS

The Regional Working Group:

1. Acknowledges and thanks Fiji and Samoa for their work as Chair and Deputy Chair, respectively, of the RWG since the inception of the RWG in 2018.
2. Notes and congratulates the election of Samoa as the new Chair and Nauru as the Deputy Chair, respectively, of the RWG, effective 26th August 2021.
3. Acknowledges and thanks the European Union and United Nations funded Spotlight Initiative for direct funding support to the 2nd Annual Meeting of the RWG, and the Governments of Australia, New Zealand and Sweden, for funding support for the work of the RWG.
4. Acknowledges that, in addition to COVID-19 and tropical cyclones, other natural disasters¹ and human-induced crises situations (hereinafter referred to as 'crises') also affect the implementation of FP/DV legislation.
5. Acknowledges that crises affect resourcing (financial and human), availability, access, delivery and efficiency of coordinated multi-sectoral GBV/DV essential services² heightening the challenge of implementing of FP/DV legislation.
6. Acknowledges the discussion papers from sub-committees³, and presentations from partners⁴ that contributed immensely to ongoing discussions during the 2nd Annual Meeting and provided invaluable insights into strengthening the work on implementing of FP/DV legislation during normal and times of crises.
7. Acknowledges resourcing challenges (both human and financial) to implement national FP/DV Legislation at the national, sub-national, and community levels during crises, and committed to advocating for the provision of adequate resourcing to meet the current challenges in the implementation of FP/DV legislation.
8. Acknowledges that adaptations must be taken into consideration, in line with the broader GBV/DV prevention and response policy and programming at the regional and national levels, in order to better respond to women, children, and families affected by GBV/DV, and marginalised groups in the national context, ensuring efficient access to justice and social services for survivors during crises.
9. Acknowledges the alignment, and complimentary nature, of the RWG priorities and the broader network of regional and national CSOs⁵ networks and regional End Violence Against Women and Girls (EVAWG) programmes⁶. All agreed on the importance of on-going collaboration and partnership amongst RWG members, CSOs and development partners to ensure continuity of access to high quality care and the provision of appropriate and timely multi-sectorial support services for survivors of DV before, during and after crises.
10. Recognises the need to prioritise the amendment of existing legislation to provide recognition for justice and social service providers as essential services during disaster response, lockdowns and when restrictions on movement are imposed, such as during States of Emergencies and other public health related restrictions.
11. Recognises the continued support and commitment of development partners, reaffirming the need for equitable support for countries in the implementation of FP/DV legislation in time of crises.
12. Commits to ensuring that implementation plans for the DV/FP legislation are developed, resourced and operationalized.
13. Commits to progressing regional gender equality commitments, relating to GBV/DV.⁷

¹ Such as floods, droughts and tsunamis.

² Including access to justice (protection orders, and policing), access social services, including counselling, rehabilitation and reintegration and health.

³ Counselling, advisory committee/councils and data collection.

⁴ Presentations at the 2nd Annual Meeting of the RWG were from the Fiji Government's Ministry of Women, Children and Poverty Affairs (MWCPA), UN Women (Pacific Partnership), Pacific Women Shaping Pacific Development (Pacific Women), SPC Human Rights and Social Development, Pacific Judicial Strengthening Initiative (PJSI), and the Fiji Women's Crisis Centre (FWCC),

⁵ Including women's rights and faith-based organisations.

⁶ Including the Pacific Partnership to End Violence Against Women and Girls Programme (coordinated by PIFS, SPC and UN Women), EU-UN Spotlight Initiative and the Pacific Women Lead.

⁷ Pacific Leaders Gender Equality Declaration and the 14th Triennial Conference of Pacific Women.

14. Commits to accelerate coordination and strengthen partnership between Government, CSO, development partners and the private sector to ensure inclusivity in the design, implementation and review of legislation, prevention, response and recovery policies and programmes.
15. Requests the support of the ‘Secretariat’ to conduct a legislative review of RWG members’ FP/DV legislation to determine whether existing legislation in countries and states are aligned to model best practices in providing a human rights-based approach and are survivor-centred. The review should also examine whether current legislation is able to respond effectively during crises.
16. Requests the ‘Secretariat’ to continue working towards increasing the visibility and status of the RWG and its corresponding regional and national partnerships and activities.
17. Requests the ‘Secretariat’ to work closely with RWG members to provide technical and funding support for implementing national/sub-national legislation.

C. PRIORITY ISSUES AND AGREEMENTS

The key agreements below share the commitments by the RWG members and recognise that its implementation, monitoring and review will be prioritised within country contexts taking into account national emergencies, social/economic capacities including current legal and policy frameworks.

Information on GBV/DV services provided should be widely disseminated, accessible and understood in local and sign languages.

PRIORITY AREA: Counselling

The Regional Working Group:

1. Recognises the need to prioritise the amendment of existing legislation to provide recognition for GBV/DV counselling as an essential service during crises and other public restrictions on movement⁸.
2. Recognises the resourcing challenges for both governments and CSOs in the roll-out of GBV/DV counselling services at the national, sub-national and community level and recommended careful consideration be given to the resourcing of counselling initiatives.
3. Commits to exploring options that will enable the full range of counselling services necessary for the effective implementation of FP/DV legislation, before, during and after crises. This would include the provision of high quality online, telephone and mobile counselling services.
4. Recognises the need to ensure that the current GBV/DV counselling practices align to relevant standards and opportunities to evaluate and improve current services that are provided. The RWG also commits to establish a Pacific model framework and incorporating key learnings from the region⁹ for providing counselling support before, during and after crises.
5. Commits to advocating for the increase of resources, both human and financial, to establish and strengthen GBV/DV counselling services in countries and states, and to ensure existing counselling services are accountable, culturally appropriate, ethical and have a safe environment to practice in both times of crisis and non-crises.
6. Commits to the full implementation of FP/DV legislation, including working together with existing cultural and faith-based mechanisms to ensure the protection and support of a survivor. Where there is a lack of professional, certified counsellors, consideration be given to train and upskill faith-based and cultural/community leaders in appropriately responding to cases of GBV/DV and survivor-centred approaches.

⁸ Including during States of Emergencies, lockdowns, curfews, and public health-related restrictions.

⁹ Key learnings from the development of counselling guidelines in Fiji, the Solomon Islands and Kiribati that are supported by a suite of public policy measures on gender, GBV including response and referral pathway including standard operating procedures on clinical management of sexual offences and abused should be considered.

PRIORITY AREA: Advisory Committees/Councils

The Regional Working Group:

1. Acknowledges that all multisector coordination be human rights based/survivor centered, aligned to international best practices and informed by Pacific experiences. A multisectoral, coordinated approach to supporting survivors of DV ensures that regardless of when and where a survivor reaches out for assistance, service providers are able to respond to their unique needs, and coordinate referrals across agencies.
2. Recognises the need to establish and/or strengthen existing advisory councils or committees to guide, inform, coordinate, and improve the implementation of FP/DV legislation during crises. These roles and responsibilities must be articulated clearly in their Terms of Reference. Membership to include both government and civil society organization, and may include persons with disabilities, the elderly, those living in rural and remote areas, and marginalised groups in the national context.
3. Recognises the importance of a DV and human rights framework, to ensure full access to justice and social services, for survivors living with disabilities¹⁰, the elderly, those living in remote and rural areas, and marginalised groups in the national context.
4. Recognises the support of development partners and donors¹¹ to support the lead coordinating Ministries to champion these initiatives and to continue to provide technical and financial support for implementation of FP/DV legislation.
5. Commits to establish or commence scoping of the development of a National Action Plan on ERAW to outline the basic coordination framework of prevention and response efforts with a clear mandate that sets out roles and responsibilities. This sets out the framework for the governance structure, national actions and coordination taking into account the various country contexts.
6. Commits to ensure the national coordination bodies, protocols, referral pathways to support survivors of GBV/DV are in place and is responsive to national emergencies and there is a continuous strengthening of these national systems and mechanisms. Additionally, ensure that National Referral Pathways are also localized at urban, rural and maritime centers and Coordination Structures are developed.
7. Commits to support and strengthen existing national service delivery/interagency protocols and referral pathways that outlines overall guidelines adapting interagency response and coordination to GBV before, during and after any crises.

PRIORITY AREA: Data Collection and Monitoring and Evaluation

The Regional Working Group:

1. Acknowledges the need of member countries to strengthen disaggregated data collection and monitoring and evaluation frameworks for the effective monitoring and implementation of FP/DV legislation during crises and non-crisis times. This will assist in strengthening services and referral pathways for women, children and families that will provide crucial data to inform policy development and changes.
2. Recognises the need to ensure the collection, analysis and sharing of qualitative and quantitative data that acknowledges the importance of tracking change in behaviour by perpetrators, help-seekers, service providers and those that have specific roles in the legislation.¹²
3. Recognises the need for data to be centralised to support the decision making for key government policies relating to GBV/DV, particularly during times of crises. This also ensures the integrity of data is protected and data is accurately captured, analysed, and stored, and eliminates duplication. The RWG also committed to establish ethical data sharing protocols that allow for this to happen and embedding this within the existing service delivery networks.
4. Acknowledges the need to have updated prevalence data on the status of VAWG in the countries and states, and committed to exploring available opportunities to conduct an update of the prevalence studies undertaken previously.

¹⁰ Including those complex support needs, survivors with psychosocial or intellectual disabilities and survivors with communication disabilities are properly assisted in the FP/DV system.

¹¹ Inclusive of SPC, Pacific Islands Forum Secretariat (PIFS), and other CROP agencies, and UN agencies.

¹² Including the courts, education, police, social welfare, health, etc.

5. Commits to undertake national capacity assessments that identify statistical and data gaps and challenges which will strengthen the collection of baseline DV data and increase the technical capacity in data collection in different sectors.
6. Commits to prioritise the collection of comprehensive, quality and appropriate data on the gendered impacts of COVID-19, including disaggregated data on the sex, gender, age, persons with disabilities and location in order to inform FP/DV legislation implementation, contribute to strengthening its implementation, and inform future policy development and changes. Data will need to be continuously analysed to ensure its continued integrity and relevance for these purposes.
7. Commits to invest in the collection, analysis and use of safe, ethical, culturally sound and survivor-centred data, including prevalence of violence against women and administrative data, to inform legal frameworks, policies and strategies, and for assessments of emergency events.
8. Commits to invest in the training and education of human resources to collect, compile, analyse and report on gender and GBV/DV data. Furthermore, they must be sensitised in collecting and reporting on gender issues, including GBV/DV.
9. Commits to prioritize through planning and budgeting processes the strengthening of statistical capacity and functions by identifying clear sustainable funding sources from within government and development partners.
10. Commits to undertake integrated statistical surveys that incorporate the collection of new DV baseline data that is disaggregated by sex, gender, age, disability, location and related to gender and human rights outcomes and cover the most vulnerable and marginalised women.
11. Commits to developing simple data collection tools that aligns to existing reporting templates and processes.

Building Capacity

The Regional Working Group:

1. Recognises the need to develop capacity building programs for service delivery providers that encourages on-going learning and maintaining of currency of industry knowledge. This would ensure that the service delivery providers are gender sensitised and would exhaust best approaches that are careful, confidential, and safe for survivors.
2. Commits to strengthen collaborations with CSOs, academic institutions and other national stakeholders that can assist with the necessary certification/training courses on counselling and data collection and monitoring and evaluation.

Access to Social Services

The Regional Working Group:

1. Acknowledges the need to ensure that social services be recognized as essential services, during crises to ensure that DV survivors can access these services (e.g., safe accommodation, food, material and financial aid) before, during and after crises.
2. Recognises the need to ensure that key support services that may be required by a DV survivor (e.g., health) be made free of charge during times of national crises to ensure accessibility for all.

Access to Justice Services

The Regional Working Group:

1. Recognises the challenges that courts face during the COVID-19 pandemic and disasters and the need to ensure that cases are addressed in a timely manner.
2. Acknowledges the need to develop innovative methods to ensure continuation access of legal documents (e.g., protection orders) and provision of service during emergencies and crises
3. Recognises the steps that have been undertaken by justice service providers to adapt their ways of working to respond to survivors during times of crises.
4. Recognises the need to legally acknowledge justice service providers (e.g., legal aid and courts) as an essential service which will in turn allow mechanisms to provide support for survivors to access justice services during crises and other public restrictions on movement.