



2021 RWG Annual Meeting

24 - 26 August, 2021

23 - 25 August 2021 (Cook Islands)

Discussion paper on domestic violence counselling to inform the RWG on the impact of COVID-19 and Tropical Cyclones Harold, Yasa and Ana on gender-based violence (GBV)/ domestic violence (DV) counselling work in the region.

1. INTRODUCTION AND BACKGROUND

Counselling is an essential service for survivors of GBV (including violence against women and girls and DV) and can play an invaluable role in helping survivors deal with abusive situations. Counselling provides a safe space to discuss, explore and share experiences of abuse and violence, thus accessing mechanisms of safety planning. Additionally, counselling is confidential and non-judgemental. The support and information survivors gain through counselling play an important role in a survivor's journey towards healing from the impact of domestic and family violence.

This discussion paper has been prepared by the counselling sub-committee of the RWG with the support of the Secretariat (HRSD). Members of the counselling sub-committee include Cook Islands, Fiji, Marshall Islands, Solomon Islands and Tuvalu.

This paper has been informed by a desk review and a questionnaire. The questionnaire was provided to members of the sub-committee to collect data from government on domestic violence counselling services during Tropical Cyclone Harold, Yasa and Ana, as well as the current COVID-19 pandemic.

2. PURPOSE

The purpose of the discussion paper is to inform the RWG on the impact of COVID-19 and Tropical Cyclones Harold, Yasa and Ana on GBV/domestic violence counselling work in the region and provide recommendations to address challenges experienced. The discussion paper intends to:

- a. provide a brief status update on country and regional DV counselling initiatives in the Pacific;
- b. provide an overview of gaps in legislative frameworks in relation to DV counselling services, and
- c. provide recommendations to address these gaps and challenges.

The RWG intends to use this paper as a basis to inform its strategy to address gaps and challenges in relation to available and accessible domestic violence counselling services during emergencies.

3. GBV/DV COUNSELLING IN THE PACIFIC

The DFAT funded Pacific Women Shaping Pacific Development's Review of Counselling Services in the Pacific Final Report published in 2017 and conducted across 14 Pacific Island countries¹ identified 85 counselling service providers spread across the Pacific, with more than one-third (1/3) of these based in only two countries – Fiji and Papua New Guinea. Only limited counselling services were available in most other Pacific Island countries. The review by Pacific Women also included a self-assessment questionnaire survey with organisations providing counselling services. Forty-two percent (42%) of the 43 organisations which responded to the survey reported providing services to perpetrators as well.² The review, identified, that in all fourteen countries counselling services were inadequate and inaccessible to remote areas and outer islands. The geography of most PICs, coupled with transport, communication difficulties, and small dispersed populations make access to counselling difficult in terms of reach and coverage.

In responding to GBV/DV, it is imperative that counselling takes a rights-based, survivor-centred approach and building and maintaining quality and a high standard of counselling services is essential. Since its establishment, the Pacific Womens Network to End Violence Against Women (PWNEVAW) who is the recognized leading network on EVAWG in the region, has been bringing its collective decades of expertise, networks and knowledge on EVAWG in the region to support the efforts of Pacific governments, national, regional and international CSO and NGO networks and development partners to lift, build and maintain the quality and standards for GBV and counselling services across the Pacific region. In 1992 the Fiji Womens Crisis Centre (FWCC) facilitated and hosted the First Pacific Regional Meeting on Violence Against Women in Suva comprising women from 15 Pacific Island countries. The inaugural meeting led to the establishment of the Pacific Women's Network Against Violence Against Women. Since then, it has served as a support mechanism for women in the Pacific who are working in the area of gender-based violence and human rights. This, in turn, is reflected in the emergence of several counselling centres in the Pacific region including in Kiribati, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

The Governments of Kiribati and the Solomon Islands, with the support of UN Women, have standardized counselling provision through the development of guidelines for DV Counselling Registers as mandated in the FPAs in each country. The national guidelines strengthen the governance of and accountability for DV counselling in the country and at organizational level. They include a complaints mechanism outlining the process for making and dealing with complaints by clients. A system for applying to the register and assessing the skills of applicants to the register has been developed in synchronization with the guidelines and will be implemented during the first call for applicants. As a result of these guidelines, DV Counselling Providing Organizations will be required to provide evidence of supervision of all counsellor staff and volunteers, regular monitoring of counselling services, Child Protection Policies, and service alignment with Minimum Standards for all GBV service providers.

In the Solomon Islands, the development of the Guidelines are in accordance with Sections 54 and 55 of the Family Protection Act 2014, which requires the Solomon Island Government to set up a Domestic Violence Counselling Register, call for and approve applications from qualified domestic violence counsellors and de-register a domestic violence counsellor for misconduct. The four mandatory registered requirements include:

1. Successfully completing one hundred and twenty hours of domestic counselling related training;
2. Having a minimum of two years' experience in domestic violence counselling;
3. Successfully passing the Domestic Violence Counselling Skills Assessment; and
4. Successfully being supervised and/or observed while providing domestic violence counselling.

1 Cook Islands, Fiji, Federated States of Micronesia, Kiribati, Marshal Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tuvalu, Tonga and Vanuatu. Niue, Palau and Papua New Guinea also have DV legislation, however, are not currently members of the RWG.

2 Australia's Department of Foreign Affairs and Trade (2017), Review of Counselling Services in the Pacific Final Report, Pacific Women Shaping Pacific Development.

A Code of Ethics and 11 practice standards were developed in each country to standardize the approach to counselling survivors of DV. The DV practice standards outline specific ways in which the values and ethics will be applied and what is expected of all registrants of the registers. They apply to DV counselling practitioners (not for profit and for profit private practitioners) and reflect good practice. Registered counsellors who do not abide by the ethics and standards risk losing their registered status. A competency framework for DV counselling was developed as part of the package of practice standards and to support countries to register their counsellors with appropriate counselling training the FWCC GBV Counselling training manual has been updated in partnership with the PWNEVAW and technical assistance from UN Women to align the FWCC GBV Counselling manual with the competency frameworks of the counselling guidelines.

A regional gender-based counselling curriculum will strengthen the GBV counselling workforce at the regional and national level to sustain the availability and quality of services.

4. PROVISIONS RELATING TO COUNSELLING IN DOMESTIC VIOLENCE LEGISLATION OF RWG MEMBERS

The *Handbook for Legislation on Violence against Women*³ outlines a model framework for legislation on violence against women, including domestic violence. The handbook includes recommendations for providing comprehensive and integrated support services. For example, the framework recommends that legislation should where possible, establish “one women’s advocacy and counselling centre for every 50, 000 women, which provides proactive support and crisis intervention for complainants/survivors, including legal advice and support, as well as long-term support for complainants/survivors, and specialized services for particular groups of women...”. The Handbook also recommends that legislation should also provide that:

- a. protection orders may contain provisions that “order the accused to provide financial assistance to the complainant/survivor, including payment of...counselling fees...”
- b. State actors, family members and relevant professionals to be able to apply for protection orders on behalf of complainant/survivor, while ensuring that the agency of the complainant is respected – a number of PICs provide for counsellors to do this.⁴

There are currently fourteen states/countries in the Pacific region which have domestic violence legislation.⁵ Twelve of these are members of the RWG. All DV legislation from these countries/states with the exception of Cook Islands have counselling provisions. There is also a range of different provisions in the different PIC DV legislation. For example, the Tuvalu DV legislation covers the following:

- S8 (2) - A counsellor may apply for a protection order on behalf of the complainant if she is unable to apply personally
- S14 (3) A emergency protection order may direct the victim or perpetrator or both to attend counselling.
- S19 (2) - The Court may adjourn a hearing for a consent protection order to allow parties to seek legal representation or counselling
- S23 (1) – The Court may adjourn a hearing for an application for a final protection order and order a social enquiry report from a registered counsellor; or direct the complainant or the defendant to attend counselling with a Court appointed counsellor; direct the parties to attend a conciliation conference with the Court Register and a registered counsellor or social welfare worker...
- S24 – Counselling programs must be considered when a conciliation conference is ordered by the Court

3 United Nations Division for the Advancement of Women. Available at <https://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf> Accessed on 30 April 2021

4 Te Rau N Te Mweenga Act (Family Peace Act) 2014; Republic of Marshall Islands Domestic Violence Prevention and Protection Act 2011; Tuvalu Family Protection and Domestic Violence Act 2014

5 Cook Islands, Fiji Islands, Kosrae and Pohnpei States – Federated States of Micronesia, Kiribati, Nauru, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tuvalu, Tonga and Vanuatu.

- S33 – The Court may recommend parties to an application for a non-emergency protection order to seek counselling or mediation, give counselling and mediation services, information or adjourn the case to allow for counselling or mediation.
- S34 – Registration of counsellors by the Minister and requirements
- S34 (4) – Reporting by the domestic violence counsellor
- s34 (6) – Establishment of a register by the Office of the Attorney General
- s35 – The Court may direct either parties to an application, or both, for a protection order to participate in counselling.

The Kosrae Family Protection Act 2014 in FSM covers the following:

- S16.1332 - The court may make an order recommending either or both parties to participate in counselling.

A summary of counselling provisions in DV legislation of RWG member countries is available at Annex 1.

5. COVID-19 AND TROPICAL CYCLONES HAROLD, YASA AND ANA

On the 11th of March 2020, the World Health Organisation (WHO) declared COVID-19 and global pandemic. As Pacific Island governments responded with various restrictions to curb the virus, Tropical Cyclone Harold, a category 5 tropical cyclone swept through the Solomon Islands, Vanuatu, Fiji and Tonga. The countries were now faced with two national emergencies. Eight months later in December of 2020, a second category 5 tropical cyclone ravished parts of Fiji. This was followed closely by TC Ana in which made landfall on 31 January 2021.

6. IMPACT OF COVID-19 AND TROPICAL CYCLONES ON VAWG/DV

Emergencies have a gendered impact, affecting women and girls in a number of ways including their food security and nutrition, health (including reproductive health), livelihoods, and safety. Rates of violence against women and girls (VAWG) in the Pacific region are among the highest in the world, in some countries twice higher than the global average of 35%.⁶ Anecdotal evidence and a number of studies indicate that intimate partner violence, child abuse and sexual violence are highly prevalent during and after disasters.⁷ The already existing high rates of violence can be further exacerbated during emergencies.

In Vanuatu, a rapid gender analysis conducted by Care International after the TC Harold, found that it could disproportionately affect women and girls in a number of ways including adverse impacts to their food security and nutrition, health, livelihoods, and protection.⁸

With COVID-19 pandemic restrictions, the number of women seeking help for domestic violence support services, in the Pacific region surged.⁹ In Fiji, the Fiji Women’s Crisis Centre reported over a 100% increase

6 World Health Organisation. Violence Against Women – Intimate Partner and Sexual Violence Against Women- Fact Sheet. Retrieved 12 Mar 2021. Violence against women (who.int)

7 https://www.who.int/violence_injury_prevention/publications/violence/violence_disasters.pdf

8 Care International. Tropical Cyclone Harold Rapid Gender Analysis. Available at <https://www.care.org.au/wp-content/uploads/2020/04/TC-Harold-Rapid-Gender-Analysis-14.04.20.pdf> Accessed 20 April 2021

9 UNWomen. Across the Pacific, crisis centres respond to COVID-19 amid natural disasters. Available at Across the Pacific region, crisis centres respond to increased cases of violence against women amid COVID-19 | UN Women – Asia-Pacific Accessed on 20 April 2021

in March and April of 2020, compared to the same months in 2019.¹⁰ There was also a significant increase in calls to the domestic violence national helpline (1560). The helpline recorded 87 calls in February and 187 calls in March 2020. In April this jumped to 527 – approximately 50% of these DV related. Close to 50% of women are reporting a correlation between COVID-19 and an increase of violence, linked directly to the restrictions of movement and economic strains on families.¹¹ In Tonga, a 54% increase in the number of cases was recorded during lockdown.¹² According to the Samoa Victim Support Group (SVSG), Samoa saw a 150 per cent increase in the number of helpline calls¹³, during the restriction measures that were set in Samoa.

7. GAPS IN LEGISLATIVE FRAMEWORKS IN RELATION TO AVAILABILITY OF AND ACCESS TO VAWG/DV COUNSELLING SERVICES DURING NATIONAL CRISES AND EMERGENCIES

The *Impact of COVID-19 on violence against women and girls and service provision: UN Women rapid assessment and findings* report¹⁴ establishes that the pandemic has an impact on VAWG service provision. The assessments states that the pandemic and responses to it affect the availability of and accessibility to essential services for women and girls who experience violence. There are a number of different impacts, however, the two outlined below is of significance for the RWG, particularly in relation to the DV legislation

Counselling service providers lack necessary authorisation to operate

In a number of PICs, lockdowns and curfews were imposed to control the movement of people in order to control spread of the COVID-19 virus. During the lockdowns, many counselling service providers could not continue to provide face-to-face services because they were not considered “essential services” (the degree of this differed across the region). A number continued with counselling online and through telephone. However, the ability for women to access online and telephone counselling was hampered due to limited awareness about availability and limited access to mobile technology. In low-income settings, women are less likely than men to own a phone. Even if survivors have access to a phone, they may find using them, in a situation of confinement and close monitoring by abusers at home, challenging and very unsafe. Women and girls with hearing disabilities may also find telephone counselling challenging given their disability. Face-to-face counselling provides a safe space to share experiences in an environment that is confidential and where empathy is practised by the counsellors. However, telephone counselling can be challenging for survivors given their space may not be safe and confidential and the challenges of building rapport and trust over the phone where callers cannot see counsellors. VAWG/DV service providers provide an essential and life-saving service that must continue throughout the course of the pandemic.

Lack of specific provisions in emergency regulations/orders or DV legislation to ensure availability of and access to counselling services during emergencies/disasters

None of the PICs DV legislation have specific provisions to ensure the availability of and access to counselling service providers during national emergencies (e.g., natural disasters or the pandemics), or which allow DV survivors exemptions during difficult circumstances such as lockdowns/curfews to leave their homes for safety and protection. This restricts access to and availability to this important service for survivors, especially during times when numbers of VAWG/DV cases have been proven to increase.

10 ABC Radio Australia. Fiji records spike in COVID-19 domestic violence cases. Available at <https://www.abc.net.au/radio-australia/programs/pacificbeat/spike-in-covid-19-domestic-violence-in-fiji/12218510> Accessed on 29 April 2021

11 <https://www.fiji.gov.fj/Media-Centre/Speeches/English/STATEMENT-BY-MINISTER-MERESEINI-VUNIWAQA-ON-THE-PA>

12 <https://asiapacific.unwomen.org/en/news-and-events/stories/2020/06/early-preparations-and-data-gathering-mark-responses-to-covid-19-in-fiji-and-tonga>

13 UN Women. Across the Pacific region, crisis centres respond to increased cases of violence against women amid COVID-19. Available at <https://asiapacific.unwomen.org/en/news-and-events/stories/2020/06/across-the-pacific-region-crisis-centres-respond-to-increased-cases-of-violence> Accessed on 20 April 2021.

14 UN Women. Impact of COVID-19 on violence against women and girls and service provision: UN Women Rapid Assessment findings. Available at <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/impact-of-covid-19-on-violence-against-women-and-girls-and-service-provision-en.pdf?la=en&vs=0> Accessed on 30 Apr 2021

NATIONAL AND REGIONAL COUNSELLING INITIATIVES TO RESPOND TO VAWG/DV DURING COVID-19

Despite challenges brought by the COVID-19 pandemic, countries are taking action to respond to the urgent needs of survivors. The following are counselling initiatives conducted to respond to VAWG/DV in the Pacific during the COVID-19 restrictions in PICs. It does not include initiatives responding to VAWG/DV in the aftermath of TC Harold, Yasa and Ana. Information on these were difficult to obtain and so is not included below. The following list is not exhaustive and covers only information from countries which the sub-committee was able to access online from reputable websites, and from feedback from the questionnaire conducted by the sub-committee members.

Disseminating information on VAWG/DV counselling

Counselling service providers as well as government also carried out extensive awareness raising by providing information on helplines and what survivors can do if they experienced violence during COVID-19 restrictions.

In the Cook Islands, text messages were disseminated to inform the public on counselling services which would be available during the restrictions.

In Fiji, the Ministry for Women, Children and Poverty Alleviation (MWCPA) established a strong multi-sector GBViE COVID-19 prevention and response plan, which included adapted referral pathways, an emergency phone tree, a national communications and IEC campaign, a resource kit for community workers, guidance for frontline workers (including a tip sheet on how to obtain a DV restraining order online) and a training package on responding to GBV & CP during COVID-19 for frontline and community workers. During the first wave of COVID-19 the MWCPA launched a Nationwide domestic violence awareness campaign that included 18 television adverts and 27 radio adverts (featuring 9 national and community leaders) were produced and aired for three months, promoting the national domestic violence helpline and child helpline, in English, in the three main languages. This was complimented by the development, printing and dissemination of close to 200,000 IEC materials promoting the national helplines, national and community referral guidance for women and children, gender and protection emergency phone tree, and again in the three main languages. In response to TC Harold and COVID-19, almost 800 IEC Stay Informed Booklets, containing essential support numbers and services to 15 Red Cross branches across the country, ultimately contributing to enhancing access for women and girls to essential, potentially lifesaving services during a double emergency.

In Kiribati, SafeNet members and the MWYSSA developed 28 IEC materials addressing COVID-19 impacts on GBV and Child Protection highlighting how women and girls are negatively affected by COVID-19; MHPSS community messaging; and how service providers can better support GBV survivors during COVID-19. Furthermore, GBV services and helpline numbers were widely disseminated ensuring women and girls were aware of how and where to access services in the event of a COVID-19 lockdown. Additionally, the Orange Door initiative was set up and led by the Kiribati Women and Children Support Centre (KWCS) in response to the closure of Our Lady of the Sacred Heart Crisis Centre (the only shelter for women fleeing violence in Kiribati) due to COVID-19 risks. Recognising the significant gap in domestic violence essential shelter services KWCS mobilised resources to set up the temporary shelter complete with counselling services.

In Samoa, the Ministry of Women, Children and Social Development (MWCS) developed in response to COVID-19, the Community Response and Referral Guidelines for responding to GBV and child welfare. This guideline fits within the Interagency Essential Services Guidelines (IESG) and acts as a referral pathway for community workers who are not formally trained or working in GBV and CP spaces. The guideline outlines confidentiality and a do no harm approach. The document is available in English and Samoan. The guidelines consulted with disabled people's organisation to ensure inclusion.

In the Solomon Islands, community members across the Solomon Islands received MWYCFCA messaging in English and Pidgin on SAFENET services, the 132 DV Hotline, self-care and violence prevention via national radio. Two press releases were released by SAFENET that raised DV awareness and informed the public about how to access GBV services.

In Tonga, the Tonga Women and Children's Crisis Centre (WCCC) worked in partnership with mobile companies to actively promote their helpline numbers and the National Safety and Protection Cluster negotiated fee waivers for organisations providing toll-free DV hotlines, text blasts, radio blasts and talk-back television slots to promote access to available GBV counselling services.

In Tuvalu, the Social Welfare Department conducted face-to-face awareness informing the public of telephone numbers and services available, including counselling, for those experiencing domestic violence during the COVID-19 pandemic restrictions. TV animations on DV safety planning and COVID-19 as well as the availability of counsellors, in both English and Tuvaluan languages, were also developed with the assistance of Pacific Women.

In Vanuatu, thanks to the Vanuatu Womens Centre behavioural change programming in development and humanitarian emergencies, women and girls were able to continue to access domestic violence counselling throughout COVID-19 emergency. In response to Tropical Cyclone Harold, COVID 19 and Tanna Ashfall; VWC implemented 70 mobile counselling visits from March – June 2020. An additional 4 mobile counselling visits were implemented throughout the rest of the year. During the mobile counselling, awareness raising sessions were held on VWC services, domestic violence during disasters and COVID 19. VWC distributed information on their 24-hour counselling line, their violence against women in disasters brochure and other information education and communication materials. Clients were also referred to VWC for further support when required. Women's stories of their leadership and experiences of violence during the cyclone were documented. Awareness sessions were often held in tents or makeshift temporary shelters, as community spaces had often been destroyed. Due to COVID 19 and social distancing requirements, VWC staff had to innovate through approaches such as setting up tables/tents that enabled small groups and individuals to come to them to collect information and receive help versus the large public gatherings and age targeted community events that were used previously. Mobile counselling visits were also conducted in collaboration with National Women's Day celebrations in May to boost morale in the affected communities. Through immediate response to the humanitarian emergencies, VWC reached 3498 people during mobile counselling visits across the Provinces of Penama, Tafea, Sanma and during the recovery period were able to reach a further 235 people in Penama during mobile counselling sessions.

Strengthening service providers capacity to respond to and manage the crisis or emergency

Federated States of Micronesia (FSM), Fiji, Tonga, Solomon Islands, Vanuatu and the Republic of Marshall Islands (RMI) counselling service providers participated in a telephone counselling training and exchange conducted in 2020, provided by Pacific Women Shaping Pacific Development (Pacific Women). The exchange sought to build on the counsellors and caseworkers existing knowledge and skills to provide safe and quality counselling to survivors of violence, including remote crisis support that is increasing in demand during the COVID-19 response period. In Tuvalu, the head office of the Tuvalu Christian Church also led a one-week training on counselling to all its pastors in Funafuti as well as others on the outer islands. Members of the Protection Committee in Solomon Islands underwent a series of gender-based violence in emergencies training since 2020.

In Fiji, frontline service providers undertook training to strengthen understanding of COVID-19 and the impact on women and girls. This included awareness of the updated referral pathways in COVID-19, knowledge on the use of the community referral guidelines and emergency phone tree to refer survivors of violence to services.

Coordinating responses with other actors/ stakeholders

Coordination in a crisis or emergency is crucial. Effective coordination saves efforts, resources, time and, more importantly, lives. In the PICs, government and CSOs, including counselling service providers, sought to coordinate responses to support survivors of violence more effectively.

In Kiribati SafeNet produced an updated referral pathway and emergency phone tree in response to COVID-19 to ensure enhanced coordination and continued access to essential services for women and girls.

In the Solomon Islands, the SAFENET under MWYCFA developed a National and provincial specific COVID-19 referral pathway, emergency phone tree and key messages. These resources clearly articulate the COVID-19 referral standard guidelines for all SAFENET members during COVID-19 preparedness and lockdown stages. The referral pathway was adapted to suit the provinces and established communication trees ensuring that women and girls in rural provinces could continue to access services despite COVID-19 measures. Furthermore all 7 SAFENET partners implemented COVID-19 preparedness plans and victims/survivors are now accessing GBV services that integrate COVID-19 safety measures (i.e., hand sanitizing, social distancing in SAFENET offices).

In Tonga, to address the COVID-19 pandemic and TC Harold, the Government activated the National Safety and Protection cluster, which brings together eight government ministries, 15 CSOs and 1 international NGO in the coordination of emergency. With advocacy at the highest levels of Government, the cluster led by the Ministry of Internal Affairs were able to ensure that the government included addressing GBViE based on the National Emergency Response Plan that was endorsed by Cabinet in April 2020. The plan included adaptation of referral pathways, building the capacities of emergency first responders on recognizing and addressing GBV cases as well as increasing awareness on existing help and support from GBV service providers during and immediately after an emergency.

Advocacy and lobbying to ensure VAWG/DV service providers, including counselling service providers are recognised as essential services during COVID-19 restrictions

The COVID-19 restrictions meant that the majority of VAWG/DV service providers in the PICs, with the exception of the police, were not considered essential services, therefore, could not continue to operate on normal business or operating hours. In Tonga and Fiji, the Tonga Women and Children's Crisis Centre (WCCC) and the Fiji Women's Crisis Centre (FWCC) successfully advocated for and were recognised as essential services, hence being able to continue opening their doors for survivors. In the Solomon Islands the SAFENET coordination group were successful in obtaining mobility exemptions for all 7 SAFENET members to allow members to respond to GBV incidences during lockdown.

Utilising technology to provide counselling services

Due to restrictions on social distancing, lockdowns and curfews imposed, counselling service providers adapted their mode of service provision, capitalising on available technology, in order to continue to provide counselling to survivors. In Fiji, the FWCC directed more resources towards providing phone counselling from home and in Tonga the Women, Children Crisis Centre (WCCC) developed an online version of the Fanguna Counselling Program to enable women and girls who experience violence to have easier access to information, particularly those underserved in the outer islands. The online platform was piloted with different audiences in Tonga, and the Fanguna Counselling radio and online officially launched on 25 November 2020 to kick start the 16 Days of Activism Against Gender Based Violence. Making counselling services available online responds to COVID-19 restrictions and is also notably a direct response to how community members in Tonga access information.

Rapid Assessments to establish Socioeconomic Impacts of COVID-19

Various countries also conducted rapid assessments on the socioeconomic impacts of COVID-19 and established the need to support and support counselling services. The Tuvalu Rapid assessment of Socio-Economic Impacts of COVID- 19 Report by Ministry of Health, Social Welfare and Gender 2020, strongly recommend the support and establishment of safe spaces and counselling services available to all islands and populated islets

8. CONCLUSION

To conclude, in national emergencies and crises like the current COVID-19 pandemic and recurring natural disasters such as tropical cyclones, numbers of VAWG and DV rise. Availability of and access to services for survivors, including counselling, are being impacted. Current laws do not guarantee the availability of and access to these important services for women and girls affected by violence. The RWG must seek to address this.

9. RECOMMENDATIONS

The counselling sub-committee puts forward the following recommendations for the RWG:

- Conduct a legislative review of RWG members' Family Protection / Domestic Violence legislation to determine whether existing DV legislation in PICs are aligned to the latest model best practices in providing a human rights-based approach and is survivor-centred. The review should also examine whether current legislation is able to respond effectively during national emergencies such as the current pandemic and natural disasters. The review must provide recommendations for PICs.
- Develop a model framework for counselling for the Pacific region, which is also aligned to best practices for responding during emergencies. The framework will guide national counselling work and standards, using a human rights and survivor centred approach, and aligned to international best practices suitable to the Pacific context.

ANNEX 1

Table 1: Counselling Provisions in DV legislation of RWG member countries

Legislation	Provisions in relation to counselling
Fiji Family Law (Amendment) Act 2012	<ul style="list-style-type: none"> • S 9-14 – Mechanisms for assistance on marriage counselling • S11 (1) The Director of Counselling must advertise the existence and availability of counselling facilities of the respective Family Division • S11 (2) Director of Counselling to make facilities available when needed.
Fiji Domestic Violence Act 2009	<ul style="list-style-type: none"> • S1 (g) - The Minister may make regulations prescribing counselling programs (for perpetrators), including the criteria to become a counsellor • A safety planning conference must be jointly convened by a Clerk of the Court and a domestic violence counsellor. • S37 (1) - The Court may order the respondent to attend counselling specified by the Court • S37 (2a – 3) - The Court must take into account certain considerations when deliberating to order counselling for the respondent
Kiribati Te Rau N Te Mweenga Act (Family Peace Act) 2014	<ul style="list-style-type: none"> • S7 - Registration and deregistration of counsellors by the Minister • Criteria for becoming a registered counsellor. • S8 - Role/duties of registered counsellors. • S11 (2b) - A counsellor may apply for a protection order on behalf of the complainant • S30 (3b) - Duty of police to obtain counselling services where needed • S32 (1) - Duty of healthcare professional/social service provider to advise complainant of counselling and refer for counselling • S42 (3) - The Advisory council to advise and make recommendations on adequacy of counselling support services and data on referrals to counselling services each year
Kosrae Family Protection Act 2014	<ul style="list-style-type: none"> • S16.1332 - The court may make an order recommending either or both parties to participate in counselling
Pohnpei Domestic Issues Act 2017	<ul style="list-style-type: none"> • s7A-123(1) - Court may order a person to complete a counselling program as a result of being in divers on, entering a deferred plea of guilty to FV, or is adjudged guilty of FV

<p>Republic of Marshall Islands Domestic Violence Prevention and Protection Act 2011</p>	<ul style="list-style-type: none"> • S8 - A court may include a condition in the protection order for one or both parties to attend counselling or to recommend counselling mediation • S12A - counsellor may apply for a protection order on behalf of the complainant • S23 - If a counsellor, in her/his official capacity, believes that DV has occurred to a person or child, or there is evidence that the person is at risk from DV, she/he shall report to the police or apply for a protection order • S25 (2) - A police officer responding to a request for assistance may advise the complainant of where to seek counselling • S23 (1) - The court may adjourn a hearing for a consent protection order to allow parties to seek counselling • S26 (3) - The Domestic Violence Prevention and Protection Fund shall be used to assist domestic violence programs/services, including counselling programs
<p>Samoa Family Safety Act 2013</p>	<ul style="list-style-type: none"> • S2 - “authorised counselling agency” means any organisation, association, incorporated body, person or group of persons or agency with qualified counsellors providing counselling to victims and perpetrators of domestic violence approved by the Minister of Justice and Courts Administration. • S4 (3) Subject to subsection (4), and despite the provisions of any other law, an application [for a protection order] made under this section may be brought on behalf of the complainant by any other person acting on behalf of the complainant and may include a...counsellor...
<p>Solomon Islands Family Protection Act 2014</p>	<ul style="list-style-type: none"> • s28 – Duty of the court to assist an affected person, who has applied for a protection order and wishes to seek mediation with the respondent, to arrange mediation with a registered counsellor. • s46 (b) – Duty of healthcare provider to refer survivor/victim for counselling or further medical treatment, as appropriate. • S47 (1b) – Duty of police officer, who has issued a PSN, to assist the affected person to access counselling • s54 – Registration and deregistration of DV counsellors and requirements to be registered by the Minister responsible for women • s55 – Register of counsellors and responsibility of Permanent Secretary Ministry responsible for women’s affairs to keep the register; register may be inspected free of charge • s60 (1) – offence to obstruct, threaten or intimidate a registered counsellor

<p>Tonga Family Protection Act 2013</p>	<ul style="list-style-type: none"> • S6 (1) Appointment of counsellors to be done by minister in consultation with family protection advisory council. • S6 (3) - Role of registered counsellors • S6 (4) – A counsellor may seek assistance from any police officer • S7 – Establishment of a register for registered counsellors by the Ministry responsible for internal affairs or Minister assigned responsibility for administration of the Act • S9 (2) – A registered counsellor may apply to the Court for a protection order on behalf of a complainant who is unable to • S21 – The Minister shall promote public awareness campaigns and programs for preventing and reducing prevalence of DV, including for counsellors. • S26 (2) – Duty of police office to, where necessary, make arrangements for complainant for counselling. • S27 (1) - Duty of health practitioner to refer a complainant for counselling as appropriate • S27 (4c) – Duty of social service provider to refer person at risk to counselling if required
<p>Tuvalu Family Protection and Domestic Violence Act 2014</p>	<ul style="list-style-type: none"> • S8 (2) - A counsellor may apply for a protection order on behalf of the complainant if she is unable to apply personally • S14 (3) A emergency protection order may direct the victim or perpetrator or both to attend counselling. • S19 (2) - The Court may adjourn a hearing for a consent protection order to allow parties to seek legal representation or counselling • S23 (1) – The Court may adjourn a hearing for an application for a final protection order and order a social enquiry report from a registered counsellor; or direct the complainant or the defendant to attend counselling with a Court appointed counsellor; direct the parties to attend a conciliation conference with the Court Register and a registered counsellor or social welfare worker... • S24 – Counselling programs must be considered when a conciliation conference is ordered by the Court • S33 – The Court may recommend parties to an application for a non-emergency protection order to seek counselling or mediation, give counselling and mediation services, information or adjourn the case to allow for counselling or mediation. • S34 – Registration of counsellors by the Minister and requirements • S34 (4) – Reporting by the domestic violence counsellor • s34 (6) – Establishment of a register by the Office of the Attorney General • s35 – The Court may direct either parties to an application, or both, for a protection order to participate in counselling

**Vanuatu Family
Protection Act 2008**

- S8 (1) - The Minister may declare persons to be registered counsellors....
- S8 (2) - The Minister may declare a person to be a registered counsellor only if he or she has appropriate qualifications or experience in counselling or mediation in relation to domestic violence.
- S8 (3) - A person who in accordance with the rules of custom conducts counselling or mediation in relation to domestic violence may be considered to have appropriate experience.
- S8 (4) - In making declarations [for a person to be a registered counsellor], the Minister must:
 - (a) consult with the President of the National Council of Chiefs and the Director of the Department of Women's Affairs and the Director General of the Prime Minister's Department; and
 - (b) ensure so far as practicable that there are registered counsellors in each local government region.
- (5) - A declaration must be in writing and a copy of it must be published in the Gazette as soon as practicable after it is made.
- S9 - Establishment of a register of counsellors
- S16 (1) - A court may direct either or both the defendant and the complainant to participate in:
 - (a) counselling; or
 - (b) mediation; or
 - (c) both counselling and mediation;to be conducted by a registered counsellor.
- S16 (2) - A court may make an order for a person who is not a registered counsellor to conduct counselling and/or mediation if the defendant and the complainant agree that he or she conducts the counselling and/or mediation.
- S51 - The Minister may, by Order in writing, make regulations...providing for training programs for...registered counsellors and persons wanting to become registered counsellors

**Nauru Domestic
Violence and Family
Protection Act 2017**

- 19 (1) - On hearing an application, the Court may make a permanent protection order against a respondent if [the Court]

(d) has received a report from a counsellor under Part 5 of the Act that the parties cannot reconcile.
- 26(1) - In granting a protection order, the Court must make a supplementary order for the parties to jointly or severally attend mandatory counselling.
- S26 (2) - Any person who fails to attend counselling without reasonable cause shall be in contempt of Court and may be liable to imprisonment for a period not exceeding 1 month.
- 27 (1) - The Counsellor must take into account [a number of] factors when providing counselling services:
- S27 (2) - The counsellor must submit to the Court reports of counselling in each separate matter on a fortnightly basis or as directed by the Court.
- S28 – Registration and deregistration of counsellors
- S29 - Register of Counsellors
- S30 (1) - If a patient notifies a health practitioner that he or she has been a victim of domestic violence, the health practitioner must: examine and refer him or her for counselling or further medical treatment, as appropriate;
- S35 (1) - A person commits an offence if the person obstructs, threatens or intimidates a registered counsellor...providing services to a victim.