



2021 RWG Annual Meeting

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23 - 25 August 2021 (Cook Islands)

Discussion paper on the data collection and monitoring and evaluation of DV legislation

INTRODUCTION AND BACKGROUND

The Pacific region has made progress in passing legislation that responds and addresses domestic violence (DV). The key focus is the implementation of these legislations to ensure that survivors of DV can access services and information. Data collection and analysis is key to ensure there is effective monitoring and evaluation being carried out and informs the decision making of the lead government ministry on the impacts of the domestic violence/family protection (DV/FP) legislation.

This discussion paper has been prepared by the Data Collection and Monitoring & Evaluation sub-committee, with the support of the Secretariat (Human Rights and Social Development Division (HRSD)). The members of the sub-committee included representatives from the Cook Islands, Federated States of Micronesia (FSM), Marshall Islands, Samoa, Solomon Islands and Tuvalu.

This paper was informed by the contributions provided by members of the sub-committee and research undertaken by the Secretariat.

PURPOSE

The purpose of this paper is to inform and guide the discussions of the RWG of the current scope of collection and analysis of DV data in the region and monitoring and evaluation of the implementation of the respective DV/FP legislation. The discussion paper will also provide recommendations to the RWG on how this priority area may be strengthened to support informed decision making by governments.

Key objectives include:

1. To examine current practices in the region to collect and analyse data to support the implementation of DV/FP legislation.
2. To discuss strategies to improve the monitoring and evaluation (M&E) of the implementation of DV/FP legislation.
3. To provide recommendations to the RWG to stimulate further discussions on strategies to improve data collection and M&E of DV/FP legislation at the national level and at the regional level.

It is intended that the RWG will use the discussions arising from this discussion paper to establish its strategy to address the challenges and gaps in relation to the availability of data on implementation of DV/FP legislation to support stronger decision making and to assist in the effectiveness of the legislation as a response mechanism.

STATUS OF COLLECTION AND ANALYSIS OF DV DATA IN THE REGION

Providing Update Reports on DV Legislation.

Strengthening data collection and ensuring the monitoring and evaluation of the implementation of the DV/FP legislation is key for countries to be able to reflect on the effectiveness of the legislative provisions in the respective DV/FP legislation. Some of the countries in the region specifically provide for the lead Ministry to provide an update report in the law. These include:

Kiribati: Provides a duty on Ministry of Women, Youth, Sports and Social Affairs to prepare a report with statistics annually¹.

Pohnpei State (FSM): The Department of Public Safety have a duty to maintain a complete and systematic record of all DV protection orders².

Solomon Islands: The Minister must set up public awareness programmes and report on these³.

These provisions explicitly provide for the lead Ministry to provide an update and collate data on the legislation. In other countries this role is implied on the lead Ministry to provide this update on the implementation of the law. However, implementation is carried out by various government ministries and civil society organisations. These include the police, hospital, courts, women's organisations and they collect information on the clients they support and the type of support that a person receives, and they may also refer them other services for further assistance. The information is highly relevant for the lead Ministry as it coordinates the wholistic implementation of the legislation. The on-going challenge continues to be the lack of DV data being collected or the available data is not shared with the lead coordinating Ministry. Additionally, the level of expertise, lack of training and knowledge of officials or data collection officers in efficiently collecting and gathering genuine data is lacking, hence, the need for improvements in this area.

Current Data Sources.

Various stakeholders in both government and civil society organisations continue to provide support for survivors of domestic violence. Through this work they collect data on the support that is provided, these include:

- » Lead Coordinating Government Ministries – data on their services provided to assist a survivor, includes also the awareness support.
- » Police – Data on the report received and support that has been provided.
- » Judiciary – protection orders that are issued.
- » Health – patients that are assisted, including counselling support that is provided.
- » Education – children that are assisted as a result of the impacts of DV.
- » Civil Society Organisations – various CSOs collate data on the support that they provided, including awareness programs.
- » Attorney General and Prosecutions Offices – collate data on the cases that are filed.
- » Correction Services – collating information on perpetrators that may come through the system.

There are various organisations that collect data to track and to support the on-going work that they each carry out. It primarily is utilised to track service delivery and operations and not necessarily as data source for implementation of DV legislation. However, with the challenges of reliable data pools, the administrative

1 Kiribati Family Peace Act.

2 Pohnpei State Domestic Violence Act.

3 Solomon Islands Family Protection Act.

data that is collected by these organisations become an important source that is relied upon to understand the effectiveness of the implementation of the law. In addition, it is often not being brought together to better understand the wholistic effectiveness of having a legislative framework. There needs to be better understanding of:

- » The rates of domestic violence that is being reported and where people are most comfortable to report.
- » The types of assistance being sought.
- » The effectiveness of the support and protection that is being provided. Are these addressing the violence or is it continuing?
- » What types of awareness programs are being carried out? Where are the programs and information being provided? What messaging is being provided?

Research and Surveys.

Family Health and Safety Surveys⁴ – these surveys utilise the WHO methodology for GBV prevalence including qualitative ‘focus group’ insights into key findings in the respective countries provided a baseline on the DV statistics in countries. It was an effective tool to support the advocacy campaigns in the countries to pass the respective legislation. It portrayed the various forms of domestic violence that were being experienced by women and girls.

In some cases, government offices that are responsible for gender lead in the FHSS surveys with technical support from CSOs, in other cases it is led by CSOs. In Fiji the Women’s Crisis Centre led the national research that set out the domestic violence statistics. This has been a key research that has been tool for advocacy and assisted in decision making. Fiji’s rates of violence against women are among the highest in the world. According to the Fiji Women’s Crisis Centre’s National Survey, 64% of women who have ever been in an intimate relationship have experienced physical and/or sexual violence by a husband or intimate partner in their lifetime. This compares to 30% of the estimated global prevalence for physical and/or sexual intimate partner violence. The national survey called *Somebody’s Life, Everybody’s Business* shows 24% of women suffer from physical and/or sexual violence each day⁵.

Given the alarming rates of violence against women revealed by the Survey and the disturbingly high number of reported cases of heinous crimes being committed against women, girls and children, it is therefore important for the legislature to take sensitive approaches recognising the gendered nature of domestic violence when making laws.

MULTIPLE INDICATOR CLUSTER SURVEY (MICS)

This is a standardised household survey tool that helps in monitoring data gaps to monitor the status of national development plans and global Sustainable Development Goals (SDGs). The key objectives of MICS are:

1. Collect social development data on health, nutrition, education, child protection, water and sanitation, human capital and well-being of children, women and men
2. Build capacity of national partners in data collection, compilation, processing, analysis and reporting on the situation of children, women and men; and

4 Countries included: Federated States of Micronesia, Samoa, Solomon Islands, Kiribati.

5 Fiji Women’s Crisis Center (2013), *Somebody’s Life, Everybody’s Business! National Research on Women’s Health and Life Experiences in Fiji (2010/2011): A Summary exploring the prevalence, incidence and attitudes to intimate partner violence in Fiji*, Available at : <http://www.fijiwomen.com/wp-content/uploads/2017/11/National-Survey-Summary.pdf>

3. Provide decision makers with evidence on the situation of children's and women's rights and other vulnerable groups in the Pacific.

The 14 countries and territories included in this initiative are: Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Palau, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu⁶.

Demographic Health Surveys (DHS)⁷ – Other countries utilised these surveys to assist them in obtaining similar data on domestic violence. It is key to note that the Domestic Violence module from the DHS is now part of the MICS and the DV module is optional for countries to include

The various sources of information highlighted above provides a scope of the various data that is being collected for various purposes. However, it is often difficult for the lead coordinating ministry to access and be able to reflect on the implementation of the law.

KEY IMPACTS OF COVID-19 AND CRISIS (INCLUSIVE OF THE COVID-19 PANDEMIC AND TROPICAL CYCLONES), DATA COLLECTION AND MONITORING THE EFFECTIVENESS OF THE DV/FP LEGISLATION.

A key impact of the COVID-19 pandemic globally has been the increase in statistics of domestic violence. This has been a ripple effect of the prolonged closed borders, the increased unemployment rates, the reduced working hours, prolonged periods of schools being closed, increase in working from home and home school hours, increased in stress levels as families grapple with the challenges of the pandemic. All these challenges have magnified an already high rate of domestic violence that had already existed. It also brought to the fore the on-going discrimination that women and girls face daily.

In the Pacific, countries swiftly responded to the global pandemic and closed its borders. The region experienced the detrimental impacts that this pandemic inflicted on families. In Fiji as the second wave of the pandemic hit in April 2021 it quickly saw a connecting impact with the high rates of calls to the toll-free number that was supported by the Ministry of Women, Children and Poverty Alleviation and run by the counsellors of the Fiji Women's Crisis Centre. In May they received a total of 800 calls, of which 75% were domestic violence related⁸. There was a range of assistance being requested from financial support, to medical assistance and advice for other support. The trends in numbers of those survivors experiencing violence continued to increase and this was observed through the constant increase in numbers of people that continued to seek assistance through the toll-free number (Domestic Violence Helpline Number: **1560**).

In Tuvalu a COVID-19 Rapid Assessment was carried out. There was recognition to fully understand the impacts of DV on the island with the already limited DV support services that were already available. Data was collected through complaints that were received with the police. While the numbers for 2020 was still lower than 2019 there was recognition that overall people would not feel comfortable to report the matter to the police. It was also noted that as a preventive measure for COVID-19 government encouraged the relocation of people on Funafuti to their home island⁹. This may also impact the ability of people to seek assistance through the limited services.

In other countries there were similar trends from key services like the courts, counselling and safe accommodation that were limited in their support during the COVID-19 pandemic. Ways of working had to change to be able to better support and protect survivors. This included counselling services having to be provided through calls, in some countries relooking at options of safe accommodation as the current ones were all occupied. However, it continues to be a challenge to fully understand the effectiveness of the law during times of crisis if there is limited data being collected or shared with the lead coordinating government ministry.

6 Multiple Indicator Cluster Survey, UNICEF, Available at : <https://www.unicef.org/pacificislands/stories/multiple-indicator-cluster-survey-pacific>

7 Countries included: Tuvalu and RMI.

8 Danford, I., *Fiji Women's Crisis Center receives more than 800 calls in May*, Available: <https://www.fijivillage.com/news/Fiji-Womens-Crisis-Centre-receives-more-than-800-calls-in-May-rx854f/>

9 Gender Affairs Department, *Rapid Assessment of the Socioeconomic Impacts of the Global COVID-19 Pandemic*, Ministry of Health, Social Welfare and Gender Affairs, Available at : https://pacificwomen.org/wp-content/uploads/2020/09/Tuvalu-COVID19-Rapid-Assessment-Report_Leaflet.pdf

KEY LESSONS OF APPLYING THE DV/FP LEGISLATION

1. Coordination of data.

There is progress being undertaken in the respective countries to ensure there is better coordination or services/support for survivors. This is through the SAFENET, service delivery protocol and the respective Domestic Violence taskforces that are being established in the countries. These mechanisms also provide an opportunity to ensure that data is being coordinated to be able to reflect the effectiveness of the legislative framework. Recognising that the law is one part of the puzzle of support services that a survivor can access, it is key to therefore understand whether the law addresses DV and whether it is responsive during times of crisis. There is also a need to have clear guidelines on the ethical procedures of sharing and usage of the data that partners share with the lead ministry.

2. In addition, regional programs like UNFPA kNOW VAWdata have developed a data collection protocol and decision tree for collecting GBV data and COVID. There may be opportunities in connecting these programs and with the lead Ministry to track *Review of the Legislation*.

Few countries in the region have had their DV/FP legislation for over 5 years. It becomes a key time for a country to reflect on the law and whether it can respond to the high rates of DV in a country. However, a review process and advice for this can only be guided by genuine and reliable data and analysis of effectiveness or usage of the law.

3. Up-to-date data


In difficult times like the COVID-19 pandemic we know that the trends of violence increases. However, there is a need to ensure that up-to-date data is collected in order to establish whether there was a spike (or drop) across the service providers, and to understand the respective responses services that is required. The delay or the lack of accurate data makes it difficult to analyse the trends, makes it challenging to ensure that there are adequate resources that may be required to support the current situation. The law may provide for flexible protection, however without the up-to-date information on the DV trends it will continue to be a challenge to be able to understand the responsiveness of the law.

CONCLUSION

The COVID-19 pandemic has added an additional layer for implementation of the DV/FP legislation in our region. Both COVID-19 and domestic violence are global pandemics. It has highlighted the gaps that need to be addressed to ensure that a survivor receives wholistic support. It has also provided key lessons for service providers in the way that they provide their service. While the Pacific has not been spared with the continued increase in DV cases, the magnitude of the problem and the ability of the law to respond to these cases continue to be a challenge because we do not have the relevant information to be able to see the whole picture of implementation.

RECOMMENDATIONS

1. Prioritise the collection of comprehensive data on the gendered impacts of COVID-19, including disaggregated data on the sex, age and persons with disabilities. Data will need to be continuously analysed to ensure meet immediate needs and inform future policy development and changes.
2. 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. Data collectors must be well-trained and gender, human rights and disability sensitised, and respondents fully informed.
3. Establish data sharing and ethical protocols that allow for DV data to be streamlined with the lead coordination ministry. Embedding this within the existing service delivery networks that exist in the countries.

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4. Prioritize through planning and budgeting processes the strengthening of statistical capacity and functions by:
 - i. Identifying clear sustainable funding sources from within government and development partners to undertake integrated statistical surveys that incorporate the collection of new DV baseline data that is disaggregated by sex, age, disability, location and related to gender and human rights outcomes and cover the most vulnerable groups
 - ii. undertaking national capacity assessments that identify statistical and data gaps and challenges which will strengthen the collection of baseline DV data;