



**FIJI WOMEN'S CRISIS
CENTRE SUBMISSION:
NATIONAL DISASTER RISK
MANAGEMENT BILL 2024 (BILL
NO.6 OF 2024).**

Acronyms

CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CSO	Civil Society Organisation
FWCC	Fiji Women's Crisis Centre
VAWG	Violence Against Women and Girls
DRM	Disaster Risk Management
NAP	The Fiji National Action Plan to Prevent Violence Against Women and Girls 2023 – 2028
SGBV	Sexual Gender Based Violence
SOGIESC	Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics.

1. BRIEF ON FIJI WOMEN'S CRISIS CENTRE

The Fiji Women's Crisis Centre (**FWCC**) is a human rights organisation, based on the principles of human rights, democracy and the rule of law, which has been in existence for over 39 years.

The goal of FWCC is to eliminate all forms of violence, in all spheres of life, against women and girls in Fiji and the Pacific. FWCC implements this vision through an integrated and comprehensive program designed to prevent and respond to violence, by reducing individual and institutional tolerance of violence against women, and increasing available and appropriate services for survivors.

FWCC addresses the problem of violence against women using a human rights and development framework. This focus on human rights includes a feminist analysis of the problem and permeates all aspects of FWCC's work, recognising that the root causes of violence against women are unequal gender power relations, imbedded in Patriarchy.

2. INTRODUCTION

Fiji ranges among one of the countries with very high rates of violence against women in the Pacific. Violence against women is the most obvious and brutal manifestation of gender inequality. The Fiji Women's Crisis Centre National Research on Women's Health and Life Experiences in Fiji (2010/2011) shows that "64% of women (almost 2 in 3) who have ever been in an intimate relationship experienced physical and/or sexual violence or both by a husband or intimate partner in their lifetime. Overall, 7 in 10 women (71%) have been subjected to physical and/or sexual violence by either a partner or non-partner since they turned 15".¹ Existing gender and power inequalities and sexual and gender-based violence (SGBV) are among the 'invisible' risks that increase during and after disasters. To address entrenched structural inequalities, Fiji (2023) became the first Pacific Island Country and second of its kind in the world alongside Australia, to develop and launch a whole-of-government, whole-of-population, inclusive, costed, and evidence-based National Action Plan (NAP) that explicitly focuses on the prevention of violence against all women and girls². The NAP expressly recognises patriarchy as the root cause of VAWG with its associated entrenched beliefs that give men more power and status than women. Patriarchy manifests as beliefs, attitudes and actions that privilege men over women and therefore widen inequalities in power, opportunities and resources between men and

¹ Somebody's Life, Everybody's Business: A National Research on Women's Health and Life Experiences in Fiji, 2013, p 35,59

² <https://asiapacific.unwomen.org/en/stories/news/2023/08/fiji-first-in-the-pacific-to-launch-national-action-plan-to-prevent-violence-against-all-women-and-girls> Accessed 26.06.2024

women. Data analysed by the Fiji Bureau of Statistics in its 2019-2020 Household Income and Expenditure Survey (HIES) Fiji remains a patriarchal society with 81 per cent of households headed by males³. Patriarchy disproportionately harms women and girls at the intersections of multiple identities, including those with disabilities, living in rural and maritime areas and those with diverse SOGIESC, among others. The NAP recognises that crises and disasters; economic insecurity, including in relation to food, shelter, and unemployment; poverty; and alcohol/ kava consumption exacerbate the conditions that contribute to VAWG. Together, these factors create an environment and social context of gender inequality within which VAWG is normalised, accepted, and justified and in which women and girls lack control and autonomy of their own bodies and decisions⁴.

3. VIOLENCE AGAINST WOMEN AND GIRLS IN EMERGENCIES

In Fiji, pre-existing, structural gender inequalities mean that women and girls bear a disproportionate burden of the adverse impacts of disasters than men and boys⁵. VAWG prevention and response is life saving and not optional, whether before, during or after emergencies. The context of disaster and displacement increases the vulnerability of women and girls and therefore increases the risks of VAWG. For example in the aftermath of TC Yasa, risks of violence for women, girls and persons with disability increased due to factors such as lack of adequate lighting and safety measures in evacuation centers/temporary accommodation⁶. During the COVID-19, pandemic emergency and restrictions, domestic violence also spiked⁷. Transitional gender roles of women means that their burdens are increased in emergencies and as survivors they may delay reporting or seeking support because their priorities are to provide security, food, water and shelter for their children before attending to their own needs and safety. This makes women and girls more vulnerable especially as they are at the forefront of facilitating recovery, including securing food and water, rebuilding homes; ensuring children can return to school and seeking health services.

In 2021, a landslide caused 37 families of Nabavatu Village, Macuata to lose their homes causing them to live in tents intended as temporary shelters. This year, 2024, women of that village have raised

³ <https://www.fijitimes.com.fj/patriarchal-society/>

⁴ <https://sites.google.com/view/fijinap/home> Accessed 26.08.2024

⁵ <https://wrds.unwomen.org/sites/default/files/2022-02/Snet%20Intersectionality%20of%20Women%20Led%20DRR.pdf> Accessed 26.08.2024

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https://drive.google.com/file/d/1TgJlWag6zPlzeUkzb3A2jleEahfUVu9/view?fbclid=IwY2xjawE6E61leHRuA2FibQIxMAABHSJwL3t3Mbuj-kmeQbLlqjPO9riovjav54jhAnThj79-kOaV9cXFOkmjw_aem_FfUJSzn9AIGxUN7Bs-92mw Accessed 26.04.2024

⁷ <https://www.ohchr.org/sites/default/files/2022-01/fijis-womens-crisis-centre.pdf> Accessed 27.08.2024

serious concerns on their tent – living conditions, which increases their workload and has become a hazard due to delay in transition to permanent housing.

The formation of GBV working groups during times of emergencies such as in TC Yasa and COVID-19, has been effective in ensuring crisis response to VAWG and safe referrals of survivors to places of assistance. Such coordinated responses in emergencies is vital and ensures that there are less gaps and overlaps, coherence and complementary approach in service delivery and working together for better collective results. FWCC welcomes the legislated cluster system in the new DRM Bill however, the current provisions on the cluster system is insufficient as there is no identification of the different clusters to be included and there is no guideline to be adopted for each cluster. There is a need for a comprehensive bill to ensure that there is uniformity in principle on delivery of essential services in line with existing policies and commitments. There are presently eight clusters; the FWCC is part of the Protection and Safety Cluster and the GBV working group, which is led by the Ministry of Women, Children and Protection.

Fiji has committed to national, regional and international laws and conventions that articulate an accountability framework towards the issue of VAWG and gender equality more broadly. The National Action Plan progresses and supports Fiji's gender equality commitments, including the CEDAW Committee's 2018 recommendation to develop a national prevention plan, utilising a whole of government and whole of society approach. The integration of gender issues is also key to the effectiveness and accountability in disaster risk management and to the local ownership and legitimacy of disaster law reform. People with vulnerabilities during 'normal times' are at risk of being left behind in disaster preparedness and response and left out of decision-making that affects them⁸. VAWG is perhaps one of the most obvious manifestations of the need for different approaches to the delivery of disaster relief and response. A comprehensive DRM policy takes into account the differential impacts and needs of women, men, girls and boys, including threats such as VAWG during disasters and the burdens on women's work. Critical to this is the need for transformation of those cultural attitudes that endorse and promote VAWG.

Under Fiji's National Disaster Risk Reduction Policy 2018–2030 (NDRRP) gender is one of eight sets of policy guiding principles. "Human rights and gender-based approaches" are identified as a priority and the policy refers to obligations under CEDAW for: gender provisions in the NDP 2017, women as the most vulnerable groups, and the challenges of GBV in evacuations⁹. Integrating a gender

⁸ https://disasterlaw.ifrc.org/sites/default/files/media/disaster_law/2022-11/20221026_IntroductionDisasterLaw.pdf Accessed 26.8.2024

⁹ <https://www.adb.org/sites/default/files/publication/817201/women-resilience-fiji-gender-equality-climate-change.pdf>

perspective into the legislative framework of disaster risk management is vital to the protection and wellbeing of women and girls in disaster preparedness, response, mitigation and recovery. Women

Mainstreaming gender into disaster legal reform is not only in line with international best practise but ensures the implementation of Fiji's national laws and international commitments.

Global commitments

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), United Nations Security Council Resolution 1325 and the Women, Peace and Security Agenda (2000), Sustainable Development Goals, Beijing Platform for Action, C190 - Violence and Harassment Convention 2019, Convention on the Rights of Persons with Disabilities, Hyogo Framework for Action, Sendai Framework for Disaster Risk Reduction 2015-2030 (Sendai Framework) and Gender Action Plan to Support Implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030.

Pacific regional commitments

Pacific Leaders Gender Equality Declaration, 2050 Strategy for the Blue Pacific Continent, 14th Triennial Conference of the Pacific Women and 7th Meeting of Pacific Ministers for Women Outcomes and Recommendations.

National laws/policies/protocols to address VAWG

Fiji National Service Delivery Protocol to Respond to Cases of Gender-Based Violence, Fiji Inter-Agency Guidelines on Child Abuse and Neglect.

Selection of Legislation and Policies

Constitution of the Republic of Fiji (2013), Family Law Act (2003), Domestic Violence Act (2009), Crimes Act (2009), Sentencing and Penalties Act (2009), Child Welfare Act (2010) Human Rights Commission Act (2009), National Policy on Sexual Harassment in the Workplace (2008), Employment Relations Act (2007), and the No Drop Policy (1995) Fiji National Disability Policy (2008 – 2018) Fiji Workplace Harassment, Discrimination and Anti Bullying Policy (2024) National Disaster Risk Reduction Policy 2018–2030 (NDRRP), Fiji National Climate Change Policy 2018 – 2030, Fiji Climate Change Act 2021.

National commitments and gender infrastructure

Fiji 5-Year (2017-2021) and 20-Year (2017- 2036) National Development Plan, Fiji National Gender Policy, Women's Plan of Action (2022-2026), Ministry of Economy Gender Equality & Social Inclusion Policy (2021 – 2024, Gender Transformative Institutional Capacity Development Initiative (gender-responsive budgeting), Fiji Country Gender Assessment 2022.

4. RECOMMENDATIONS

1. FWCC calls on the government to adhere to its obligations by initiating gender mainstreaming of the National Disaster Management Bill. The Hyogo Framework states “a gender perspective should be integrated into all disaster risk management policies, plans and decision-making processes, including those related to risk assessment, early warning, information management, and education and training.” The Sendai Framework recognizes the importance of integrating a gender perspective into all DRR policies and practices, and the need to empower women to publicly lead and promote gender equitable and universally accessible response, recovery, rehabilitation and reconstruction¹⁰. A recent review of Australian Government-funded programmes, initiatives and case studies on Gender Equality and Social Inclusion in Disaster Risk Reduction in the Pacific identified four key themes and trends in integrating GESI perspectives into Pacific DRR approaches. These are¹¹:
 - a. Women are leaders in reducing risk.
 - b. Women are building disaster and climate resilience at community levels.
 - c. Women are advocates and communicators of DRR and climate action from global to local contexts.
 - d. Women in leadership roles enable shifts in mindsets and gender norms, normalizing GESI in DRR and paving the way for transformative change.

Fiji has made a commitment to eliminate all forms of discrimination against women and girls through ratification of the Convention on the Elimination of Discrimination Against Women and Girls (CEDAW), the Sendai Framework which mandates gender responsive disaster risk management, its various gender policies and the Fiji National Action Plan on VAWG.

FWCC recommends that the Bill should set out objectives or principles relating to women, gender equality, or nondiscrimination. It must address the differential impacts of gender norms, roles or stereotypes, or preexisting gender inequalities, and provide for the empowerment of all women in emergencies. The Bill needs to be gender mainstreamed. Fiji must legislate for gender-responsive disaster risk management.

¹⁰ <https://www.undrr.org/implementing-sendai-framework/sendai-framework-action/gender>
Accessed 26.4.2024

¹¹ <https://wrd.unwomen.org/sites/default/files/2023-12/gender-equality-and-social-inclusion-in-disaster-risk-reduction-in-the-pacific-thematic-midterm-review-report.pdf> Accessed 26.4.2024

The Bill should include:

2. Gender equality or nondiscrimination in its principles or objectives; human rights and gender-based approaches as a policy guiding principle, and also mainstream the principles into guidance on implementation;
3. Specific provision for representation of women's organizations or a minimum percentage of women in the National Disaster Risk Management Council;
4. Guaranteed representation of women in Disaster Risk Management Councils at divisional, provincial, district, municipal, and communal levels.
5. Gender equality in the staffing of the NDRMO; and
6. Gender sensitization training and Awareness for all stakeholders including volunteers to ensure a gender sensitive approach to disaster risk management, inclusive at communal level for disaster preparedness;
7. Specified cluster representation to ensure a holistic approach to disaster risk management and response. Criteria for the inclusion of service delivery actors into the clusters to ensure sufficient safeguards are in place.
8. A gender-inclusive DRM law is essential to implementation. The categorization of women as a vulnerable group undermines women's lived realities of VAWG in times of emergencies and that the root cause of VAWG in emergencies is patriarchy. The terminology reinforces the gender stereotypical view of women as weak. The Bill must identify gender inequality, discrimination, and its impacts on women and girls in emergencies. To this, the provision of safe emergency accommodation including the provision of posters/pamphlets or information kits at evacuation centres to create public awareness on Sexual Violence and VAWG.
9. Resilient infrastructure and "Building Back Better" is essential to lessening the adverse impacts of disasters on women and girls this also includes timeliness in the transition to normalcy after disasters. There is no specific timelines in place to ensure that victims of disasters can resume normalcy such as the examples from Vanua Levu and some parts of Ra, who are still occupying tents four years after the disaster. Ensuring a human rights and gender sensitive and gender responsive approach to resource mobilisation is essential.

10. Accountability mechanisms needs to be built into the legislative provisions for reporting and audit to safeguard against fraud and corruption.

5. CONCLUSION

Human rights, protection, gender and inclusion is a key crosscutting theme for all aspects of disaster risk management because women, children, older people, people with disabilities and many other groups may be disproportionately impacted by disasters. Taking a collaborative approach to national disaster response policy process is an opportunity for Fiji to have an inclusive, whole of society approach to disaster risk management. Ensuring a human rights based and gender sensitive approach to DRM means that Fiji will be able to developing a robust framework and structure. A transformative approach to disaster risk management is essential to ensure that our country takes into account the diversity of its population and its specific needs. A gender responsive law will serve to ensure that mechanisms are in place to accommodate gender analysis and guidance for mainstreaming the principles into action plans and implementation, to ensure this will occur systematically and result in gender-responsive disaster risk management. Continuous monitoring and review is essential to identifying gaps, enforcement and finding solutions so that no one is left behind in emergencies. Having a legal framework that is based on the principles of respect for the rule of law, good governance, democracy, local ownership, gender equality and women's empowerment with institutional transformation and reform will ensure accountability and the maintenance of trust in disaster management response. The contribution of women and Civil Society organisations such as FWCC is vital to the assessment, design, implementation and evaluation of the national DRM laws and policies to ensure that it remains relevant and inclusive.

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