



Stocktake of the gender mainstreaming capacity of Pacific Island governments

- Niue -



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of Pacific Island governments
NIUE**

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Secretariat of the Pacific Community

ABBREVIATIONS

BPA	Beijing Platform for Action
CEDAW	<i>Convention on the Elimination of All Forms of Discrimination against Women</i>
CERD	<i>Convention on the Elimination of All Forms of Racial Discrimination</i>
CRC	<i>Convention on the Rights of the Child</i>
CBD	<i>Convention on Biodiversity</i>
DAFF	Department of Agriculture Fisheries and Forestry
FAO	Food and Agriculture Organization (UN)
ICCPR	<i>International Covenant on Civil and Political Rights</i>
ICESCR	<i>International Covenant on Economic, Social and Cultural Rights</i>
IFAD	International Fund for Agriculture Development
MDGs	Millennium Development Goals
NWM	national women's machinery
NCW	Niue Council of Women
NGO	non-governmental organisation
NZAID	New Zealand Aid Programme
NZD	New Zealand dollars
PIFS	Pacific Islands Forum Secretariat
RRRT	Regional Rights Resource Team (SPC)
SDA	Seventh Day Adventist
SIDS	small island developing states
SPC	Secretariat of the Pacific Community
UNESCO	United Nations Education, Scientific and Cultural Organization
UNDP	United Nations Development Programme
UNFCCC	<i>United Nations Framework Convention on Climate Change</i>

INTRODUCTION

It is now widely recognised that development and governance processes will not be effective or sustainable until women and men participate in and benefit from such processes on a basis of both formal and substantive equality. Despite this, women continue to be significantly under-represented in governance and development processes, and experience discrimination and diminished opportunity in virtually all development sectors. Contrary to a wide range of commitments that Pacific Island governments have made to achieving equality between men and women, women's perspectives and contributions continue in many cases to be on the periphery of development and governance dialogue.

'Mainstreaming' a gender perspective across all development sectors and integrating gender equality into governance initiatives was universally recognised in 1995 at the Fourth World Conference on Women held in Beijing, China as a critical strategy for achieving government commitments to gender equality and sustainable development. The Beijing Platform for Action (BPA) states that:

Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, respectively (UN Women 1995: para 202).

Gender mainstreaming was also recognised in the BPA as key to ensuring the enjoyment of human rights (ibid. para 229). The overarching objective of gender mainstreaming should thus be to ensure that all development processes proactively contribute to achieving gender equality.

Definition of gender mainstreaming

...the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

(ECOSOC 1997)

The Committee tasked with monitoring implementation of the *United Nations Convention on the Elimination of All forms of Discrimination against Women* (UNCEDAW), which is the principal international human rights treaty that defines and firmly embeds equality of women and men as a core element of the international legal order, and which has been ratified by 97 per cent of UN member countries, has explicitly called on States Parties to adopt a policy of gender mainstreaming as a strategy for achieving gender equality. For all Pacific Island countries and territories

that have undergone an examination before the CEDAW Committee, the committee has either commended existing efforts at gender mainstreaming (where such efforts were actively in place) or, more commonly, urged the State Party to develop or strengthen its gender mainstreaming policies and capacity where they were absent or insufficient (UNCEDAW 2007). Linked with this are the committee's recommendations to strengthen the government machinery for gender equality (national women's machinery – NWM) with adequate human, financial and technical resources and the authority and decision-making powers that are necessary for them to coordinate and work effectively for the promotion of gender equality and gender mainstreaming.

1. Objectives and methodology

While gender mainstreaming gained significant momentum in the Pacific in the lead up to and early years following the Beijing Conference, evidence indicates that the momentum was not maintained and that national governments have limited capacity to systematically integrate gender perspectives, including the provisions of CEDAW, into development processes. Without this capacity, Pacific Island countries and territories (PICTs) will have difficulty achieving national, regional and international commitments to gender equality.

This stocktake was designed to determine the extent to which capacity for effective gender mainstreaming exists in national governments, and to identify potential areas of strategic intervention to strengthen such capacity. It is an initiative of the Secretariat of the Pacific Community (SPC), in collaboration with national governments and with support from the Government of Australia. It is being carried out in phases throughout the Pacific region in response to a call from Pacific Island ministers responsible for gender equality and the advancement of women. It is their hope that the stocktake will provide guidance to strategically strengthen the institutional capacity of governments to mainstream gender and realise their international commitments to equality between women and men.

The underlying premise of the stocktake is that national women's machineries (NWMs) are key catalysts for the mainstreaming of gender and women's human rights but they are not the sole agency responsible for achieving it. To be effective, NWMs will require both strong internal capacity and a wider government structure that is supportive of gender equality and mainstreaming. That wider structure would include a strong legal and policy framework supportive of gender equality and mainstreaming, genuine government commitment, a supportive organisational culture, clear accountability mechanisms, strong technical capacity, and adequate resources – in short, an enabling environment (see Box 1). SPC's initiative is thus designed firstly to take stock of that enabling environment, and secondly to collaborate with national governments and other development partners in the design and implementation of concrete, evidence-based strategies for enhancing it.

The stocktake does not review or assess the work of government or specific efforts at mainstreaming; rather it simply analyses the degree to which there is an enabling environment for such mainstreaming to take place.

The Niue stocktake process involved desk research combined with in-country structured interviews and focus group discussions. The in-country research was undertaken in July 2013. Semi-structured interviews were conducted with eight

departments, including a representative range of both central and line ministries, and shorter discussions were held with an additional seven people from six offices. Informants were senior government officials – heads of departments or their representatives – with direct responsibility for policy development and programme implementation in their respective departments. In total, ten men and fourteen women were interviewed. In addition, a focus group discussion was held with seven civil society representatives and the Community Affairs Department. Appendix 1 contains a list of departments and organisations interviewed or consulted.

Box 1

Enabling environment requirements for gender mainstreaming

1. **Political will:** Demonstrated political will means that action is taken on stated gender equality commitments and action is formalised within systems and mechanisms to ensure mainstreaming is sustainable
2. **Organisational culture:** The extent to which the attitudes of staff and institutional systems, policies and structures support or marginalise gender equality as an issue
3. **Legal and policy framework:** The extent to which gender equality and mainstreaming commitments are in place by virtue of ratification of relevant international human rights treaties, existence of constitutional and legislative provisions, and existence of government policy mandates
4. **Technical capacity:** The extent of skills and experience that organisations can draw on to support gender and human rights mainstreaming initiatives across and within their operations and programmes
5. **Adequate resources:** The allocation and application of human and financial resources in relation to the scope of the task of mainstreaming
6. **Accountability and responsibility:** The ways in which action on commitments to gender mainstreaming can be traced and monitored within organisations, and the mechanisms through which individuals at different levels demonstrate gender equality related results

2. Country overview

a. Facts and figures

Niue	
Population	1,500 802 men / 809 women
Land area	260 km
EEZ	390,000 km
Geography	1 raised coral atoll
Political system	Parliamentary democracy
Women's representation in Parliament	2 seats out of 20 (as of April 2014)
Economy	Tourism Fisheries Agriculture
GDP per capita	USD 10,358
Main languages	Vagahau Niue, English
Life expectancy	70.1 years/76.3 years*
M/F	
Labour force participation	38.5% men / 30.5% women*
Human Development Index	Value: 823 **
Gender Development Index	N/A
Gender Empowerment Measure	N/A

*SPC pocket statistical summary mid-year population estimate 2013

** UNDP 2009

b. Key gender issues

The draft national policy on gender equality identifies four priority outcome areas for promoting gender equality. These clarify where and how unequal gender stereotypes and power dynamics can be addressed to ensure that women and men have equal opportunities to participate in and benefit from the development process.

- *Priority Area 1:* Enabling factors for healthy, safe and harmonious families and gender equality are in place.

Domestic violence and violence between intimate partners in adolescence has not been fully surveyed in Niue but data from the Police and Health Department indicate that it is a problem. International experience also shows that, in general, only a small percentage of domestic violence cases are reported to police or health authorities. Reports from the stocktake civil society consultations and discussions with government staff confirmed that both physical and psychological abuses are present in Niue and that most cases are not formally reported. The costs of domestic and intimate partner violence are often not considered as a matter of public policy but research shows that they are significant in terms of social capital, physical and mental health impacts, lost working days, and the psychological well-being of children.¹

While there are currently no time-use surveys for Niue, anecdotal reports highlight that in the majority of families women spend more time than men caring for children, the sick and the elderly, and that they also spend more hours cooking and cleaning than men do. This is the case whether or not both partners work outside the home and/or in unpaid agricultural work. Women therefore have less free time to enjoy leisure activities, engage in community and national decision-making processes and look after their own health.

The extent to which this reality reflects unequal or discriminatory power relations in the household has yet to be studied. However, in discussions during the stocktake, stress related to unequal roles and relationships in the home were linked as a potential causal factor for women seeking both physical and mental health services more frequently than men. It was also mentioned that stereotypes of masculinity may: a) contribute to a climate of impunity around violence against women; b) inhibit men from sharing in domestic work; and c) affect men's own health-seeking behaviour.

Stereotypes of women and men need to be addressed as an immediate socio-economic concern and also addressed within the school system and youth organisations to ensure sustainable promotion of gender equality. Respecting women's and men's rights to choose their areas of work and how they engage in family life – without stigmatising their choices – will support boys and girls to envision their futures without restrictions and will support Niue to become a more equal place with attractive options for the next generation.

- *Priority Area 2:* The full potential of women and men for economic development and food security is developed.

¹ <http://www.icrw.org/publications/costs-intimate-partner-violence-household-and-community-levels>
http://www.cdc.gov/violenceprevention/pub/ipv_cost.html

The *Niue National Strategic Plan 2009–2013* includes a pillar for support and promotion of economic development and this is articulated from a gender perspective in the draft gender equality policy. This is linked to the previous points about making families safe in secure environments and the elimination of gender stereotypes.

Women and men need to share more equally in family responsibilities to enable more active and equitable participation in the labour force and food production. This includes encouraging men and women to seek education and employment in non-traditional occupations and to attract them back to Niue after study abroad. There is currently a shortage of male nurses and primary school teachers in Niue. Likewise, women are under-represented in some professions and some trades, which may be due to stereotyping, stigmatisation, and constraints on their time linked to family, caregiving and community obligations.

In addition, women and men need more support to raise families in Niue. Provision of improved and more equitable parental leave and subsidisation of childcare – while imposing an initial up-front cost – will benefit Niue in the long run. Families will be better able to plan and support their children and stay in the country, while at the same time contributing to the economy.

Traditionally in Niue, there has been a clear division of labour in agriculture and fisheries. With modern technology and educational opportunities, the rationale for this division of labour no longer applies. To promote food security and import substitution, and to ensure that families can afford to stay in Niue, the draft gender equality policy stresses the importance of both men and women participating in all aspects of subsistence food production. As an example, encouraging niche markets for food and aquaculture products – linked to tourism and trade – as well as development of entrepreneurial skills for women will support economic empowerment.

- *Priority Area 3:* Women and men participate equitably in decision-making bodies and leadership positions in all sectors.

The objective of increasing women's participation in decision-making in Niue is in line with the national strategic plan's good governance pillar to ensure participation and inclusiveness in Niue. While women have been represented in parliament since the Niue Legislative Assembly was first established in 1974, they have never held more than four of the 20 seats available. Most frequently, they hold village council roles as opposed to common roll seats, indicating that there is less country-wide support for women in national office. In addition, women are under-represented on national boards, in church hierarchies and in senior public service posts.

Women have demonstrated, however, that they can be effective in leadership roles in all sectors of society. Analysis of what constraints exist and how barriers such as stereotypes, stigmatisation and time poverty affect women's representation in parliament need to be done. The findings will support government's work to redress these gender imbalances and take advantage of women's skills and interest in leadership.

- *Priority Area 4:* Gender-responsive government policies and programmes are implemented in all sectors.

The objective of mainstreaming gender into government policies and programmes is a key priority in the draft gender policy. Recommended actions relate to the enabling environment issues that are being documented for this stocktake document. The policy identifies specific constraints related to a lack of awareness, lack of technical capacity, limited availability of sex-disaggregated data, absence of systems to coordinate and monitor mainstreaming efforts, and inadequate funding.

SUMMARY OF FINDINGS

1. National women's machinery

This section describes the Niue legislative, policy and budget environment related to gender equality, as well as the current organisation of the national government department responsible for the promotion of gender equality.

A. Policy framework and structure of national women's machinery

Government commitment to gender equality

New Zealand ratified CEDAW in 1985 and through this process Niue acceded to the convention; however, Niue has not yet ratified CEDAW in its own right. In 2001, it was recommended that Niue undergo a CEDAW compliance assessment to identify the extent to which Niue meets CEDAW indicators, with a focus on legislative compliance and non-discrimination. The report was not completed, but the draft highlighted significant shortcomings in existing legislation. For example, the draft report stressed that there are currently no constitutional protections against discrimination on the grounds of sex. Moreover, some legislation established during colonial times has not been updated and needs to be reviewed to ensure it is aligned with international norms and standards, as well as with Niue's current policy commitments on gender equality.² These gaps and challenges are also noted in the draft national policy on gender equality. In addition to the compliance assessment, Niue participated in a 2005 UN workshop to move forward full ratification and implementation of CEDAW by Polynesian countries. The participating countries agreed that there was a need to develop more concrete and measurable performance indicators for CEDAW.

Government policy

The Government of Niue developed its first national sustainable development plan in 2003. That plan, the *National Integrated Strategic Plan 2003–2008*, included no reference to gender or the empowerment of women. The next national plan, the *Niue National Strategic Plan 2009–2013* has six pillars: financial stability, governance, economic development, social, environment, taoga niue. One of the strategies under the implementation of the 2009–2013 plan is to encourage increased participation of women in the development of Niue. The indicator for this was to develop and implement a national gender equality policy by 2013 to promote the increased participation of women and support Niue to meet its international commitments to gender equality. In response, the Community Affairs Department drafted a national

² See additional detail in Appendix 2

policy on gender equality and plan of action and also developed a national action plan on women's political participation. Prior to the development of the new gender equality policy there was the *Niue National Plan of Action for Women 2005–2008*, which focused more specifically on supporting women's practical needs at the community level.

Niue's draft gender policy identifies the four priority areas for gender equality (detailed in the previous section) to ensure that:

- families are safe harmonious places where men and women and girls and boys share responsibilities and opportunities in an equal way;
- the full potential of women and men for economic development and food security is developed;
- there is equitable participation of women and men in decision-making bodies and leadership positions in all sectors; and
- there are gender-responsive government policies and programmes in all sectors.

With regard to responsibilities for implementation and as a rationalisation for gender mainstreaming across government, the draft policy notes that:

The objective of achieving gender equality is the responsibility of the whole Government and each sector has to play an active role in line with the national values and international commitments in partnership with non-governmental organisations, civil society and all Niueans.

The Department of Community Affairs is playing a leading role of coordination, monitoring and advisory; but the implementation of the Policy requires the engagement of all sectors and all government agencies at both national level and through the village councils. Each sector and agency concerned by the outcomes of the Policy must dedicate appropriate human, financial and material resources and are expected to play a leading role in achieving the outcomes in relation to their sector.

The policy proposes two types of approaches to reach out the goal of gender equality:

- *A targeted approach for correcting gender inequalities/reducing gender gaps*
- *A mainstreaming approach where gender analyses are used for identifying the respective needs of women and men in relation to the sectors and plan interventions to address those respective needs and eliminate gender inequalities.³*

Budget support

The total budget allocated to the Community Affairs Department for programmes on gender equality and women's issues for 2013 was NZD 12,000. This represents 0.026 per cent of the total government budget (Table 1). The percentage does not include the portion of salary and benefits of the manager and officer responsible for managing the activities related to empowerment of women within the portfolios for women, youth and sports. NZD 5,000 of the programme funding is earmarked for the Niue

³ Niue National Policy on Gender Equality and Strategic Plan of Action 2013–2017. Draft 2013.

Council of Women and the remaining NZD 7,000 is available to other women's groups to implement projects that support women's empowerment or gender equality. Other government small grant funds also provide some support to women's groups, but there are no data to identify how extensive this support is. In total, the Community Affairs Department had a budget of NZD 1.8 million (2013) but most of this was earmarked for pension payments to the elderly, disabled and destitute. None of the budget is allocated for work internal to government. This constrains the department from implementing its responsibilities to mainstream gender in government, particularly from undertaking initiatives to do gender analysis of government programmes and develop human resource capacity so that government staff can integrate gender into policy and programmes across sectors.

Table 1. Budget information: Niue Government, Department of Community Affairs and Women's Section (NZD)

FINANCIAL YEAR	2010/2011	2011/2012	2012/2013	2013/2014
NIUE GOVERNMENT BUDGET				
Recurrent Budget	\$ 25,270,000.00	\$ 23,804,000.00	\$ 25,279,000.00	\$ 25,279,000.00
Development Aid Budget	\$ 19,387,000.00	\$ 31,112,000.00	\$ 25,553,000.00	\$ 21,200,000.00
Total	\$ 44,657,000.00	\$ 54,916,000.00	\$ 50,832,000.00	\$ 46,479,000.00
COMMUNITY AFFAIRS BUDGET				
Recurrent Budget	\$ 1,641,400.00	\$ 1,772,300.00	\$ 1,839,000.00	\$ 1,839,000.00
Development Aid Budget	\$ -	\$ -	\$ -	\$ -
Total	\$ 1,641,400.00	\$ 1,772,300.00	\$ 1,839,000.00	\$ 1,839,000.00
WOMEN'S SECTION BUDGET				
Recurrent Budget	\$ 10,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00
Development Aid Budget	\$ -	\$ -	\$ -	\$ -
Total	\$ 10,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00

For the past three years the Community Affairs Department has received no donor funds to work on women's empowerment and gender equality. At the moment Niue does not have an aid coordination office, which means that all departments have to do their own outreach, assessment, proposal preparation and follow-up to seek funds. This is time-consuming and requires specific skills, which are limited within in the departments.

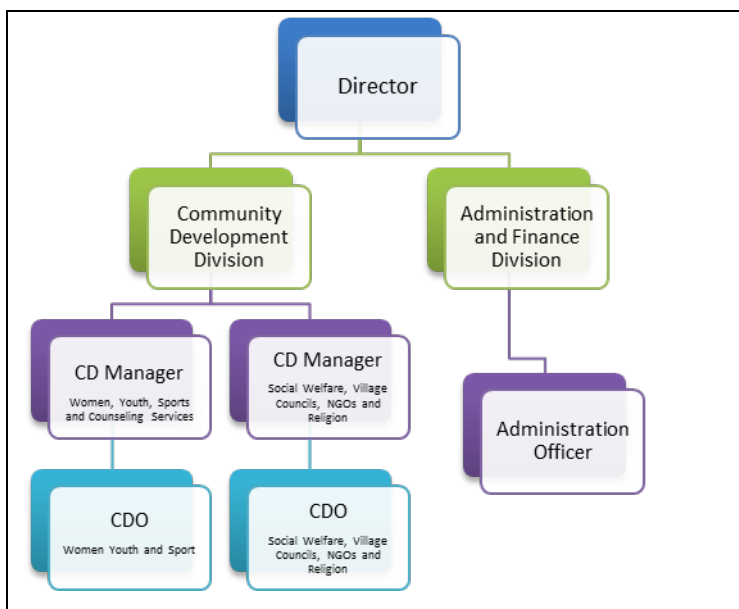
Department of Community Affairs mandate and structure

The Department of Community Affairs is responsible for issues related to women's empowerment and the promotion of gender equality, including reporting on the *Convention on the Rights of the Child* (CRC). The department's mandate is wide ranging and includes portfolios for social welfare, religion, NGOs, village councils, youth, sports, and women and counseling services. Three professional staff manage these seven areas with assistance from two support staff. There is currently one vacant officer level position.

Through the women's programme, the department supports women's community groups with small grant funds. The initiatives funded are primarily related to livelihoods – flower growing, raising poultry, small market gardens and crafts. They empower women to engage in micro-enterprises, contribute to village livelihoods and cohesion, and increase food security.

The Director of the Department of Community Affairs reports weekly to two ministers: the Niue Premier, who is the minister responsible for the youth and sports development portfolios, and the Minister for Community Affairs, who is responsible for the portfolios for village councils, NGOs, religion, social welfare, and women and counselling. The Director also reports monthly to the Secretary to Government on all aspects of the department's mandate.

Box 2. Organisational structure: Department of Community Affairs



Other government machinery

The Niue Council of Women (NCW) has historically been the civil society organisation identified by government to address women's issues at a local level. Until 2010, the NCW was the sole implementing agency for government grant funds for women. These grant funds are the only government mechanism targeted to support women's empowerment and gender equality. In the past two years, funding distribution has been changed to allow any civil society/non-governmental organisation working with women, or for gender equality, to apply for funds. A specific amount of NZD 5,000.00 is earmarked for the NCW and the remainder is distributed according to proposals received. Proposals from other groups are generally limited to a maximum of NZD 500.00. A number of other sectoral government departments have similar funding pools for small projects, and women's organisations can apply for them to undertake sector-related work or, in some cases, to facilitate women's organisations to celebrate 'international days' for women and other similar events. However, as noted above, information on funding to women's organisations from other government departments has not been collected.

There are currently no other specific mechanisms in government to address gender equality or women's empowerment. In the past, the Department of Agriculture Fisheries and Forestry had a Women in Fisheries Officer associated with an SPC programme, but this is no longer in existence and currently there is no specific women and fisheries work being done. The Meteorology Office also noted that at one point they had a gender and climate change focal point, who attended the UNFCCC

Conference of Parties in Mexico, but that person has now left and the responsibility is no longer highlighted in anyone's job description.

Civil society and the private sector

As noted above, community level women's organisations applying for small grants from the Department of Community Affairs are primarily for start-up or maintaining micro-enterprise and livelihood projects. These initiatives provide practical support to women and small returns that are used for village management, food security and to promote community cohesion. More research needs to be done to explore the links between these projects and a strategic change in women's position and status in society.

The NCW, as the civil society organisation for women, has always had a strong focus on culture and traditional crafts. It is now primarily made up of older women and is not engaged in social change activities. Constraints to updating the NCW mandate were discussed during the stocktake. They are linked to issues of custom and respect for elders, and it is felt that young women could not actively engage and assist in shifting NCW mandate into line with national and regional framework.

There are also a number of small non-government groups based in Alofi that are focused on emerging issues and who want to increase their work on gender equality and human rights. These groups also work with village communities and are trying to link gender equality into issues such as private sector development, climate change and disaster preparedness, and political representation. These groups are made up of a small number of individuals and their work is limited to a few key issues. Representatives from these groups met with the stocktake team and the Department of Community Affairs to discuss gender equality issues. Their feedback has been incorporated into the following sections on an enabling environment for gender mainstreaming in Niue.

B. Analysis of supports and constraints for national women's machinery

This section reviews the Department of Community Affairs as the only arm of government specifically responsible for promoting gender equality and women's empowerment. The analysis considers basic human resources and financial capacity, working environments, and relationships with relevant stakeholders. The analysis also looks at how these factors influence the department's ability to act as a catalyst for the mainstreaming of gender and women's human rights across the whole of government.

Mandate

As detailed above, the Department of Community Affairs has a large mandate but this has not to-date focused on promoting awareness and understanding of gender and development issues in the work of government. The resulting lack of awareness creates a significant constraint to gender mainstreaming. The department is now working to update its mandate, and the rationale for shifting government's focus from women's empowerment to gender equality is clearly articulated in the new draft national policy on gender equality. While government approval of the policy is positive, the structure of the department and resources to implement the policy remain an outstanding issue.

Location within government

The Department of Community Affairs functions as a line department and not as part of the central government structure, which is a constraint to its effectiveness as a catalyst for gender mainstreaming. Because the ‘women’s desk’ is a subsection of a line department, it lacks the authority to effectively influence policy, programming and resource allocation across other government departments. The title of the section also reinforces the impression that the department’s work is only about women. This is a barrier to conceptual understanding of the links between: i) gender-based disadvantages; ii) women’s historically lower level of access to resources and decision-making; and iii) how these issues relate to government’s responsibilities for equitable development.

The various sections of the department report to two different ministers. The youth and sports sections report to the Premier’s office, while the sections for women, religion, NGOs, social welfare and village councils report to the Minister for Community Affairs. The current reporting relationship can be perceived as restricting the mandate on ‘women’ to social issues, making the multi-sector and economic aspects of gender equality invisible, and keeping the responsibility for gender mainstreaming from the rest of government.

Including the Women’s Section under the purview of the Premier and changing the emphasis of the section from women to gender equality would support more accurate targeting of the mandate and increase the section’s ability to be a catalyst for gender mainstreaming.

It should also be noted that the small size of the Niue government and the fact that most departments are physically located in one building is a support to sharing information and maintaining the influence of the Department of Community Affairs and its work to support gender mainstreaming.

Resources and capacity

As noted above, there are no government allocated resources for gender mainstreaming in government. One staff person has responsibility for the Women’s Section and she also manages the youth and sport portfolios. Consequently, the department director also does some of the work on gender, particularly profiling issues in heads of department meetings and networking with other senior managers and regional agencies. Grants for the NCW and community groups that come from the Women’s Section are the sole means of implementing development initiatives for women’s empowerment and gender mainstreaming. As noted, these grants are heavily used to support livelihood and cultural initiatives at the village level and have not to date been used for advocacy for human rights-focused activities, such as ending domestic violence, improving the balance of political participation or promoting more equal sharing of roles and responsibilities in the home. These issues are highlighted as key indicators in the draft gender equality policy but there are currently no mechanisms or trained staff in government to implement the policy and monitor and report on that implementation.

An implementation budget for the draft gender equality policy – establishing realistic milestones and detailing human, financial and time resources – is needed to clarify the level of resources required to move the policy from words to action. Cabinet endorsement of the policy implies provision of financial and human resources for

implementation; so year-to-year monitoring will be important to assess and fine-tune budget allocations.

Technical capacity

An additional resource constraint faced by the Department of Community Affairs is the lack of technical capacity of government staff to do gender mainstreaming. The department itself lacks technical capacity for work on gender and for catalysing the rest of government to become more gender responsive. During the stocktake, detailed profiles were collected for the staff of the department. The results show that one staff person has formal training in gender and development but that person is the manager for social welfare, village councils, religion and NGOs – not the Women’s Section. The staff person for the Women’s Section has learned on the job but has not had significant training on gender analysis, planning, programming and monitoring. The stocktake also asked all government staff interviewed whether they or staff in their departments had participated in gender training. More information on this is provided in the following sections.

Reporting mechanisms

The reporting from the Women’s Section of the Department of Community Affairs is mainly focused on the management of funds that are distributed to community organisations. The department submits proposals to cabinet on behalf of organisations seeking small grants and then reports back to cabinet at the end of each organisation’s initiative. In addition, the Director of the Department of Community Affairs meets weekly with her two ministers and monthly with the Secretary to Government to report on departmental business.

There is a results-related planning and performance system in the department but there are no gender equality-related indicators for staff or the department as a whole. The draft gender equality policy has the potential to provide increased focus and improved accountability on gender, as it includes internationally recognised indicators of equality linked to non-discriminatory legislation, decision-making, domestic violence, and economic empowerment.

The Niue government has maintained ties to regional and UN organisations to report on higher level progress related to gender equality, e.g. through the SPC Pacific ministers for women meetings, reporting on Millennium Development Goal 3 (MDG 3), CRC and attending the Commission on the Status of Women. Working on these larger issues has been constrained by the existing job descriptions and the limited time the department staff have. Consequently, Niue has been unable to focus pro-actively on CEDAW ratification and related human rights and gender equality commitments.

Sex disaggregated data

The Department of Community Affairs accesses data from the Statistics Office which collects them primarily from administrative sources and also intermittent collection exercises, such as the census and socio-economic and health surveys.⁴ The department does not have the human resources or technical capacity to conduct surveys or analyses on its own behalf and has not had donor support in this area. This is a

⁴ Most recent surveys providing sex-disaggregated data include the Household Income and Expenditure Survey, 2004 and the WHO sponsored 2011 STEPS report on non-communicable disease in Niue.

constraint to the creation of evidence on gender equality in Niue and undermines gender-mainstreaming advocacy with other departments.

The role of civil society

The National Council of Women, as the main civil society partner of the Women's Section of the Community Affairs Department, is not active in promoting gender equality. This is a constraint to gender mainstreaming in government, as it means the NCW cannot implement equality-oriented outreach programmes. To address this gap, government needs to develop new civil society relationships and mechanisms for collaboration beyond the current small grant system.

The role of development partners

The Department of Community Affairs has had limited engagement with development partners. Technical assistance from SPC has supported the development of the draft gender equality policy and this gender mainstreaming stocktake. In order to implement the policy the department will need concerted donor support to fund research and implement priority actions.

2. Enabling environment overview

This overview of Niue's enabling environment for gender mainstreaming looks at the factors required to successfully integrate gender equality considerations into the work of government. An explanation of these categories has been provided above in Box 1 and definitions are restated at the beginning of each section below. Of the factors that enable gender mainstreaming, political will and organisational culture are less tangible and more difficult to measure, but they can have significant influence on how government staff behave and make decisions, and whether they are aware and supportive of gender mainstreaming. Other factors that contribute to the enabling environment – including legal frameworks, technical capacity, financial resources and accountability mechanisms – are more concrete. For these factors, defined targets can be set and tracked to measure progress toward international norms and standards. Each of the enabling environment factors cuts across and influences the others and shapes the way a government approaches its duty to fulfill women's and men's human rights and thereby promote gender equality. The sections below look first at the perceptual issues related to political will and organisational culture and then at the more tangible aspects of Niue's enabling environment for gender mainstreaming.

A. Perceptions about political will

Demonstrated political will means that action is taken on stated gender equality commitments and action is formalised within systems and mechanisms to ensure mainstreaming is sustainable.

Perceptions about the level of political will for gender mainstreaming in Niue varied widely but the majority of department representatives interviewed (75%) felt that there was a moderate level of commitment. In a number of interviews there was some initial confusion about what gender mainstreaming means in the context of government. Most people interviewed had the misconception that balanced male/female staffing levels indicated that gender mainstreaming was being done adequately. After more discussion to clarify that mainstreaming refers primarily to explicitly analysing and incorporating men's and women's needs and development

aspirations into policy and programmes, those being interviewed still felt that people would be willing to do mainstreaming if they had training on how to do it and if it was articulated as a government priority and/or linked to achievement of their mandates.

Those who felt there was low political will reflected on the fact that gender equality is not visible in government policies and directives and they hear about it only from the Department of Community Affairs or regional and international meetings. In fact, throughout the stocktake process, people indicated that gender mainstreaming could be done more proactively and with no opposition if the government identified it as a priority and made resources available either through recurrent or donor funding. This also links to findings in the next section on organisational culture.

Individuals were also asked to rationalise their statements about levels of political will by elaborating on how that commitment is demonstrated. Examples were linked to staff balance in government, availability of sex-disaggregated data in some areas, and the fact that a number of development partners (IFAD, FAO, NZAID, UNESCO, SPC, PIFS) include gender in their discussions with government and in some cases integrate it into planning for initiatives that they fund. Constraints to political will were primarily linked to lack of knowledge about what gender mainstreaming is, the fact that gender issues are not articulated in the context of national priorities, and related lack of incentives or directives to incorporate it into departmental work. It was also noted that if public awareness on gender issues was raised so people understand how it would improve the lives of both men and women, more churches and NGOs would become involved in promoting gender equality. This would both support gender mainstreaming in government and increase demand for gender responsive services.

B. Perceptions about organisational culture of government

The extent to which the attitudes of staff and institutional systems, policies and structures support or marginalise gender equality as an issue

Representatives from government departments were asked to rate the amount of attention given to gender equality and gender mainstreaming in their departments. Initial responses were split across the range of high (25%), moderate (38%) and low (37%). Individuals provided the rationale that linked low levels of attention to gender mainstreaming with the perception that men and women in Niue have already achieved equality. A number of respondents noted that if there is no problem there is no need to work on the issue. A number of people also reported that in most areas of work women and men can do the same jobs and that there is no discrimination in hiring because the guiding principle of candidate selection is merit. Others felt there was no discrimination because government extension work – in health or resource management – is targeted to inclusive groups such as communities and families. To date, departments have not explicitly analysed how men and women in communities and families might have different needs for different types of services or different capacity to access the services due to gender-related work loads, time constraints or household power dynamics.

Some respondents felt that attention to mainstreaming was high and this was linked to perceptions and assumptions that if there are women working in a department then gender must already be looked after. However, other government staff and some NGO representatives who were interviewed emphasised an opposite perspective, accurately noting that: a) gender is not only about women; and b) building gender analysis into planning and programming is a learned skill and women do not automatically know how to do it because they are female.

Some respondents noted that cultural patterns and norms influence organisational culture. They stated that people think it is ‘normal’ for more women to be in lower level positions in government and for men to hold more of the senior posts. They also pointed out that cultural norms about women being primary caregivers for children, the elderly and the sick may also be linked to a lack of men teaching in primary education and working in the nursing profession.

Table 2 shows that there are in fact more men in higher-level director positions and that women hold a slim majority at the second level and a significant majority at the third level of staffing.

Table 2. Staffing balance in nine departments involved in full interviews⁵

<i>Post</i>	<i>Position or majority of positions filled by women</i>	<i>Balance staffing between men and women</i>	<i>Position or majority of positions filled by men</i>
<i>Highest post</i>	3		6
<i>2nd highest level posts</i>	5	2	2
<i>3rd highest level posts</i>	7		2

Organisational culture also influences the extent to which people value and understand the usefulness of specific information. For example, the collection and analysis of information on the different needs of men and women and subsequent analysis and incorporation of that information into development planning. When asked about data collection and data use in their departments, respondents from the social sectors of health and education said they did collect some sex disaggregated information to meet requirements for MDGs and other reports.

It was noted that collecting sex-disaggregated information is costly and that there is little gender analysis of the information outside the Department of Community Affairs. While no one provided examples of using data analysis to increase gender responsiveness of programmes or services, individuals did stress that they are not opposed to doing gender analysis; they just do not know how to use it as a tool for improving the quality and results of their work.

⁵ Community Affairs, Education, Public Service Secretariat, Meteorology Office, Statistics Office, Environment, DAFF, Health, Treasury

Further discussions on organisational culture explored how often gender or gender mainstreaming comes up in discussions at government meetings or meetings with donors, and in what contexts. Most respondents noted that they had heard the issue raised by the Director for Community Affairs in the meetings of heads of department. In addition, a number of sector ministries noted that donors – especially those supporting education, climate change, food security and natural resource management – had identified gender as a development consideration. Additionally, respondents noted that gender is sometimes the topic of specific workshop sessions at regional or international meetings.

In the area of education, organisational culture seems to be changing and having a tangible impact on gender roles. Niue uses the New Zealand curriculum – which has been updated to eliminate discrimination – and at secondary level technical and home management courses have been opened up to both boys and girls for several years. Previously girls and boys were streamed into stereotyped activities – where boys did carpentry and mechanics and girls did cooking and sewing. Now, after gradual annual increases, both sexes participate in all courses. This type of change can have a generational effect on roles and sharing of responsibility in the household and can lead to more opportunities for men to experience the positive aspects of caring for families and for women to be more engaged in paid employment in trades.

In contrast to this, it was reported that the primary education system is still using very old homework handouts that perpetuate stereotypes. Examples are images of women as the only people doing domestic work and looking after children or the only people working in female dominated professions such as nursing. Images of men show them as the financial breadwinner with employment outside the home in professional jobs or trades. This reflects a lack of gender awareness on the part of teachers and indicates an area where standards and awareness training are needed.

C. Legal and policy framework

The extent to which gender equality and mainstreaming commitments are in place by virtue of ratification of relevant international human rights treaties, existence of constitutional and legislative provisions, and existence of government policy mandates

The stocktake did not have a specific section of questions on legal and policy frameworks but questions on guiding international agreements, law and policy were included in discussions of other enabling environment factors. In addition, meetings were held with the Department of Justice and the Police to discuss gender issues related to their mandates.

Guiding international conventions and agreements

Niue has ratified or acceded to a number of guiding international conventions that are relevant to gender mainstreaming at the national level (see Table 3). Conventions ratified by Niue are: the *Convention on the Rights of the Child* (CRC) and two of the three Rio Conventions – the *Convention on Biodiversity* and the *UN Framework Convention on Climate Change*. Conventions acceded to by virtue of New Zealand's ratification, are the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), the *International Covenant on Civil and Political Rights*,

the *International Covenant on Economic, Social and Cultural Rights*, and the *Convention on the Elimination of All Forms of Racial Discrimination*. Niue is also actively seeking to meet the MDGs as an international development agreement. While CEDAW and CRC are the primary human rights conventions to prevent discrimination against women and girls, each of the other conventions and all the MDGs will be more effectively implemented with equal participation of men and women.

Table 3. International conventions relevant to gender mainstreaming in Niue

Commitment	Date of ratification/ signing	Gender-related guidance in convention	Comments
Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)	October 1985 Niue acceded through NZ ratification	All articles related to gender equality and non-discrimination	Niue has not ratified CEDAW in its own right and hence has never reported against this commitment. (See discussion on CEDAW for more detail)
International Covenant on Civil and Political Rights	28 December 1978 Niue acceded through NZ ratification	Specifies non-discrimination on the basis of sex and gender roles and provides guidance through general comments	
International Covenant on Economic, Social and Cultural Rights (ICESCR)	28 December 1978 Niue acceded through NZ ratification	Specifies non-discrimination on the basis of sex and gender roles and provides guidance through general comments	
Convention on the Elimination of All Forms of Racial Discrimination (CERD)	22 November 1972 Niue acceded through NZ ratification	Specifies non-discrimination on the basis of sex and gender roles and provides guidance through general comments	
Convention on the Rights of the Child	Ratified 19 th January, 1996	Addresses gender equality directly and addresses issues of non-discrimination	Latest report submitted 23 November 2010; appeared before CRC Committee January 2013; 2nd periodic report due on 18 January 2015
Convention on Biodiversity	Ratified 1996	Provides interpretation of gender issues, gender strategies and action plans related to the convention	4 th Report submitted
Framework Convention on Climate Change	Ratified 1996	Provides interpretation of gender issues, gender strategies and action plans related to the convention	Initial communication submitted 2000; work on 2 nd communication in progress for submission

Niue has acceded to CEDAW through New Zealand but has not ratified the convention in its own right, although it has ratified CRC and appeared before the Committee with its initial report in January 2013. Niue's new draft policy on gender equality recommends that a CEDAW compliance assessment be done to clarify 'the benefits and implications of ratification in reference to the reporting processes, financial contribution, financial assistance and potential support'. The policy further recommends that: 'In the meantime, Niue can still use CEDAW as a framework of reference to promote gender equality and review laws and policies'.

Niue is preparing to examine and set priorities in relation to the CRC Committee's concluding comments; as there are many connections between CRC and CEDAW, it will be useful to also analyse the concluding comments in the context of CEDAW.⁶

The biodiversity and climate change conventions that Niue has ratified have gender commitments and action plans, and there are many existing tools to support countries to do gender analysis in the context of the conventions.⁷ Niue has reported four times to the Committee on Biodiversity and is preparing its second report to the UNFCCC, but to date the national reports have not integrated a gender analysis and do not mention either gender or women's and men's distinct roles in environmental management. However the Niue government did send a woman representative to the climate change conference of parties in Mexico as a gender and climate change contact.

Millennium Development Goals

As noted in the 2012 Pacific Regional MDG Tracking Report, Niue is doing well in its attempt to meet the MDGs by 2015.⁸ The areas where Niue has not yet reached its targets are non-communicable diseases (NCDs), waste management, population growth and sustainable development. In each of these areas there are gender issues.⁹ Women and men have different life styles and health-seeking behaviour related to NCDs that need to be incorporated in prevention strategies. In addition women and men have different roles and responsibilities in the household and society that affect their response to sustainable development, family planning, migration, and waste and water management.

Regional agreements

There are a number of regional agreements on gender equality that Niue has signed in recent years that also reflect regional commitment to international norms and standards. The regional agreements reinforce the relevance of gender issues for Pacific states such as Niue and support analysis and action on Pacific development priorities in the context of gender issues. In 2012, Forum leaders made a comprehensive agreement to:

⁶ The document 'CRC and CEDAW Connections' provides guidance on the connections between the two conventions.

http://www.unicef.org/gender/files/Women_Children_Rights_UNFPA_UNICEF_final.pdf

⁷ The Rio Conventions: Action on Gender brochure

http://unfccc.int/resource/docs/publications/roi_20_gender_brochure.pdf

CBD Gender and Biodiversity Fact Sheet

<http://www.cbd.int/iyb/doc/prints/factsheets/iyb-cbd-factsheet-gender-en.pdf>

Gender Plan of Action <http://www.cbd.int/gender/decisions/planofaction.shtml>

UNFCCC Gender and Climate Change

http://unfccc.int/gender_and_climate_change/items/7516.php

⁸<http://www.forumsec.org/resources/uploads/attachments/documents/MDG%20Track%20Rp%20web%2020122.pdf>

⁹ <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/6006.pdf>

commit with renewed energy to implement the gender equality actions of :

- the *Convention for the Elimination of All Forms of Discrimination against Women* (CEDAW),
- the Millennium Development Goals (MDGs),
- the Revised Pacific Platform for Action on the Advancement of Women and Gender Equality (2005–2015);
- the Pacific Plan;
- 42nd Pacific Islands Forum commitment to increase the representation of women in legislatures and decision making; and the
- 40th Pacific Islands Forum commitment to eradicate sexual and gender based violence.¹⁰

Constitution and legal framework

The *Niue Constitution Act 1974* established an elected assembly of 20 members, 14 representing the 14 villages of Niue and six members elected by the whole population of the country. This assembly has full law making powers and Niue has full constitutional capacity to conduct external affairs and enter into treaties. There are six primary sources of Niue law including:

1. laws made by the Niue Assembly;
2. subordinate legislation made under the constitution;
3. New Zealand statutes and regulations since 1974 that have been applied to Niue at the request of and with the consent of the Niue Assembly of Cabinet Ministers;
4. all other laws in force in Niue before 1974;
5. case law created through decisions of the High Court of Niue; and
6. customary law interpreted as ‘Niuean custom so far as it has the force of law.’ This law applies on issues such as land title and interests but does not apply in other areas such as adoption.

This complex history and combination of legal structures explains in part why the Niue Constitution and specific laws are not fully in compliance with some international norms and standards – including those in CEDAW. Point number 4 above shows that Niue still has archaic laws in place, which have been updated in New Zealand but not in Niue. This includes the fact that “there are no specific protections in the constitution recognizing the equal status of men and women, nor are there any provisions prohibiting sex discrimination”.¹¹

Understanding the historical make up and complexity of legal structures also clarifies the purpose and usefulness of a CEDAW compliance assessment that would identify which laws are outdated and discriminatory or do not provide adequate protection to men and women, boys and girls. An example is related to the law on child sexual abuse included under the 1966 Niue Act. The law addresses only the rights of girls under 15 years of age and does not address the rights of abused male children. A compliance assessment would also support clarification of customary law – such as land law – and the rights of women and men to hold title to land in the context of

¹⁰ <http://www.pina.com.fj/?p=pacnews&m=read&o=4535371750416152240ff11f10ecf5> The full text of this link is provided in Appendix 3.

¹¹ Draft Niue policy on gender equality, 2013. p 6.

international norms and standards. Such an assessment could also incorporate interpretation of recent judicial rulings vis-à-vis the articulation of custom law and influence future case law.

Family law bill

A new family law bill is proposed to address issues of family well-being, including domestic violence. Development of this bill is a priority of the Department of Community Affairs and is linked to the new gender policy. Development and consultation on the bill will raise awareness about issues such as domestic violence and associated policies, including the 'no drop policy'. A 'no drop policy' is a widely used legal mechanism that allows the police to pursue cases of domestic violence once they have been reported. One of the main purposes of this type of policy is to support victims against being coerced into withdrawing charges once a violation has occurred and to reduce the culture of impunity for assault on intimate partners.

Gender responsive government/private sector law and policy

As indicated throughout this document, the most significant emerging policy related to gender mainstreaming is the new national policy on gender equality and the associated strategic plan of action. It will be the primary source of guidance for government action to meet international and national commitments for non-discrimination on the basis of sex and to promote beneficial and balanced development for the men and women, boys and girls of Niue.

There are few other policies in Niue that have gender specific elements. The Niue public service has parental leave policies under which women and men receive time off for the birth of a child. Currently, women receive 12 weeks paid maternity leave and can take up to six months off work; men receive one week of paid parental leave and do not have the option to take off additional time. There are no legally defined employment regulations for maternity or parental leave rights in the private sector. During the stocktake there was discussion about whether men would use or benefit from increased parental leave to take a greater role in caring for and bonding with infants. Emerging international research is now highlighting connections between men sharing responsibilities for infants with more stable families and reduced rates of domestic violence. The research examines masculinities as part of gender equality and it is aligned with the draft Niue gender equality policy objective of addressing negative gender stereotypes.¹²

In Niue neither the public nor private sector has any regulations or policies on sexual harassment. A revised Code of Conduct for the public service is currently in draft and Niue has requested SPC to review it and make recommendations for addressing the issue to ensure Niue complies with international norms and standards for sexual harassment policy and regulations.

D. Technical capacity

The extent of skills and experience that organisations can draw on to support gender and human rights mainstreaming initiatives across and within their operations and programmes

¹² <http://www.un.org/esa/socdev/family/docs/men-in-families.pdf>

Of the 18 people from nine departments interviewed in semi-structured interviews, only one man and one woman had any formal workshop or degree-level training on gender issues. A number of people said they had been exposed to gender as a development concept in the context of a workshop session or during international meeting presentations but that this was not adequate to give them a clear understanding of what it is about or how to incorporate it in their work.

Despite this lack of formal training and confidence about the topic, a number of informants described activities or projects that demonstrated gender responsiveness. In some cases these were programme designs introduced by donors and in others the department staff developed them. This indicates that, with reinforcement and coaching, the number and quality of gender responsive programmes can be increased without large expenditure of staff time and money. Currently, there are skill gaps related to the ability to do gender analysis and translate findings into basic programme/project cycle development. Improved skills for gender analysis and planning can lead to progressive improvements in programme design and delivery that can also be harmonised with indicators identified in the draft gender policy.

With regard to increasing technical capacity for gender mainstreaming, most informants reported that they needed both awareness and technical training and some specified that the training needed to be in the context of their work. The Secretariat to the Public Service Commission (SPSC) organises government-wide and targeted skills training for staff but has not so far provided any gender-related training. In addition, individual departments also develop and run their own training and workshops. Respondents indicated that there is no centralised source of information about which staff have been trained in which skills. Moreover, departments do not always keep the SPSC informed of planned training or overseas workshops their staff participate in. This is a constraint to building staff capacity. A staff skill and training log or database would support gender mainstreaming by clarifying which government staff have some training or who has expressed an interest in learning more about gender analysis, planning or programming.

The SPSC has not carried out assessment of training needs due to a lack of human and financial resources and many staff across government noted that their main source of new skills was learning on the job. In this context it may be useful for government to consider a coaching and mentoring approach to improve the skill base for gender mainstreaming. A set number of staff could receive training and then function for a small, specified amount of their working time as coaches to their colleagues. To be successful, this approach requires support from senior managers to: a) hold all staff accountable to begin, track and report on mainstreaming; and b) allow those designated as coaches to free up enough time to work with colleagues.

E. Adequacy of financing for gender mainstreaming

The allocation and application of human and financial resources in relation to the scope of the task of mainstreaming

When asked if they thought the government was providing adequate financial support to gender mainstreaming, 88% of respondents said no. Most government departments have strictly limited recurrent funding, and most of this is allocated to operations and

staffing. The investment and development budget, and targeted donor funding, support the majority of programmes across government. The Department of Community Affairs receives one of the larger allocations of recurrent government funds but almost all of this is paid out in pensions, benefits from the social welfare section, and small grants to community groups. The remainder is allocated to salaries, capital equipment maintenance and a small expense fund.

For the past three years, the department has received no donor funds for programmes and the small grants cannot be used internally to fund research, analysis or training activities. During discussions on financing gender mainstreaming, some informants stressed that there is a need for clear evidence to rationalise funding requests to government and donors; for example, currently there is a lack of evidence about gender equality and domestic violence in Niue and this constrains development of clearly rationalised proposals. Several respondents noted that the Department of Community Affairs needs to: i) facilitate research on gender issues to rationalise priorities for implementation of the new policy on gender equality; and b) build technical capacity to initiate analysis, create baseline information and build evidence. However, as there are no programming funds or training budgets allocated for mainstreaming activities, this work is constrained.

Current work on gender mainstreaming and gender equality is being done as an ‘add-on’ to existing terms of reference, which is not sustainable, or in line with international norms and standards. It should be noted, however, that building gender mainstreaming into departmental responsibilities and using existing mechanisms to improve the gender responsiveness of programmes is not necessarily expensive or time intensive. It needs to be done strategically, building on existing initiatives and promising practices, and complementing existing national priorities.

As highlighted in the sections on political will and organisational culture, if people do not perceive gender relations as a problem and do not understand what benefits gender mainstreaming will bring to the development process, they are unlikely to invest in it. This reinforces the call to develop more clear evidence and identify indicators of change in gender equality. Stocktake discussions also stressed that there may be external funding options – but accessing them requires time and skill.

It was pointed out through several examples in different departments that donors are interested in gender as a component of sector-focused development, and that there are opportunities to access financing through external sources. If this is done collaboratively between the Department of Community Affairs and other departments, it could demonstrate a promising practice for financing gender mainstreaming.

F. Accountability mechanisms

The ways in which action on commitments to gender mainstreaming can be traced and monitored within organisations, and the mechanisms through which individuals at different levels demonstrate gender equality-related results

During the stocktake, questions were asked about different types of accountability mechanisms that support gender mainstreaming across government. These included

whether or not government sectors have gender focal points, knowledge about which staff have skills related to gender mainstreaming, reporting processes on internal mainstreaming initiatives, reporting on international commitments related to gender equality, what data collection priorities exist, information management on past gender-related projects, and financial tracking of funds allocated to gender.

Niue has few systems in place to account for its efforts on mainstreaming because to date this has not been a priority and because the government department responsible has not had a clear mandate to undertake mainstreaming.

No government department – aside from the Department of Community Affairs – has staff whose terms of reference mention women’s empowerment or gender mainstreaming, and there are no gender focal points. The Small Island Developing States focal point for government anticipates she will have some responsibilities in this area once regional priorities are clarified and training is provided. In the past DAFF and the Meteorology Office had positions with some gender-related responsibilities – but both initiatives have ended and the government did not continue the functions. The individuals who worked in these positions have left the departments. One is currently active on the same issues, working in a non-government capacity on climate change, and the other has changed sectors and is no longer working on gender or women’s empowerment issues.

Niue collects sex-disaggregated data for the census and some recent surveys also provide data on how men’s and women’s lives differ in terms of health and economics.¹³ However, a considerable amount of this information is still aggregated at the household or family level and it is not possible to collect evidence on the dynamics that underpin gendered power dynamics. Niue has yet to undertake a family health and safety study to document the extent of domestic violence, rape and child abuse but anecdotal reports from the police, health and education departments demonstrate that the problems exists and that laws, policy frameworks and departmental protocols need to be harmonised and strengthened to enhance prevention, deal with offenders and support survivors.

Stocktake interviews highlighted that Niue has engaged in gender-related initiatives with donors but respondents were not always clear on exactly what had been done, who had benefited, or not benefited, and where the reports on projects were kept. Most felt that the donors would have some information on their websites. These findings reflect information management gaps that create constraints to Niue’s accountability for its own development, which undermines sustainability of development results.

3. Additional factors affecting an enabling environment for gender mainstreaming in Niue

A. Additional factors

Three inter-related factors that affect the enabling environment for gender mainstreaming are: a) the small size of civil society and the limited civil society focus

¹³ STEPS, HIES

on social change and human rights advocacy; b) the dominance of one church denomination; and c) a widely held perception in the public and private sectors that gender inequality does not exist in Niue. These combine with traditions of custom and respect – especially those that inhibit younger people from challenging older people and women from challenging men in decision-making contexts – to maintain a status quo and prevent examination of evidence about gender equality and gendered power dynamics.

Stocktake respondents noted that these factors influence, for example, the ongoing priority of government to fund the National Council of Women, despite the fact that it has not kept up to date with issues relevant to younger Niuean women. The dynamics noted in the previous paragraph also undermine support for women standing for election and for women who do get elected to take non-traditional portfolios in government. The small size of the country, and the fact that there is little anonymity, affects initiatives to address issues such as domestic violence, adolescent sexual and reproductive health, and advocacy for change in gender relations by both men and women.

An additional factor that inhibits gender mainstreaming is related to accountability of donors and development partners to their own gender policies. All major donors and regional agencies have comprehensive gender policies and gender is required to be a consideration in their work. However, this is not always initiated, explained or followed up in meetings with government, nor in programme and technical assistance. Also, if the Niue government asks development partners to support increased gender responsiveness in sectoral initiatives – for example in fisheries, agriculture or health – donors should be able to carry out an analysis and identify indicators to measure change on gender issues related to a specific sector or cross-cutting area of work. This is an area where donor coordination can improve gender mainstreaming across the whole of government but it needs to be driven by Niue.

B. Analysis of supports and constraints for gender mainstreaming across the whole of government

Reviewing the information collected in the stocktake, a number of specific supports to gender mainstreaming stand out. There are also some significant constraints that need to be reduced for gender mainstreaming to be an effective development approach in Niue.

Supports

- The willingness of government staff to consider how gender mainstreaming could positively affect the results of their work and their interest in learning more about gender analysis. This openness was not universal, but it was widespread and could create a critical mass of support for change if awareness and skill levels are improved.
- The progress made to date on advancement of women in Niue means that people have an understanding that men and women are capable of doing the same types of work and sharing responsibilities. While this is not reflected in all decision-making arenas yet, women and men do have a sense of precedent for inclusion

and participation. This can be reinforced to support women's increased engagement in all levels of decision-making, from senior management in the public and private sector, to board positions, and in parliament.

- Work has started on legal and policy frameworks to support gender equality and there is some existing analysis and anecdotal evidence to rationalise priorities. This evidence base will support: a) updating archaic legal and constitutional acts and articles; and b) financing initial stages of gender mainstreaming and other policy priorities.
- Generational and attitudinal change allows people to link social change, adaptations of custom, and related evolving gender dynamics with their own lives. In turn, this can support related changes in public policies and development initiatives managed by government and, potentially, with NGO partners.
- Some NGOs and smaller faith-based organisations have expressed interest in supporting government to integrate gender issues into Niue's development. This has the potential to facilitate interpretation of gender issues so they are relevant to communities and congregations. It will also generate both demand and support for programmes and support their implementation and sustainability.

Constraints

There are some significant constraints that need to be removed or reduced if Niue is to take advantage of the support factors listed above.

- Lack of funding is perhaps the major constraint to widening the focus of the work of the Department of Community Affairs so that it includes not only supporting women's projects but also the priorities outlined in the new draft gender equality policy and plan of action.
- Currently there seems to be little coordination on donor assistance in government and the time required to access funds is not available to the Department Community Affairs staff. This creates negative inertia and will limit progress on policy implementation.
- An additional constraint related to donor support is weak information management around development initiatives across departments. While a number of respondents from different departments mentioned examples of donor-supported technical assistance for gender equality, reports and documented details of those initiatives were not available. This constrains government from building on knowledge and experience and inhibits sustainability of development efforts and results.
- A constraint mentioned repeatedly in the stocktake interviews was related to both lack of clear information and complacency. If people do not perceive or acknowledge gender inequalities, they will not see gender mainstreaming as a priority. Without analysis of sector priorities from a gender perspective, gender issues will remain invisible except to those who are disadvantaged by them. Those who are disadvantaged often do not have the ability to analyse the problems

they are experiencing in terms of gender inequality and so root causes are not addressed. Data and data analysis can reduce this constraint, but skills in gender analysis and planning are an equal priority.

- Technical capacity for gender mainstreaming is very low in Niue. This issue was raised repeatedly during the stocktake. Associated barriers are lack of funds and skilled trainers to provide training, coaching and mentoring. There is also a need to identify both centralised and cross-department structures that would be most effective for building and maintaining capacity.
- Accountability for gender mainstreaming is a constraint in most development organisations and national governments and this is the case in Niue. To reduce this constraint requires commitment from senior government – to make gender mainstreaming a point of regular discussion with development partners, to require reporting, and to track progress with a few simple, user-friendly indicators.
- Consultation and monitoring of gender mainstreaming priorities and work on gender equality with civil society partners is currently limited in Niue. This constrains transparency and accountability of government and limits its potential for moving national initiatives forward with strong community momentum. This could be alleviated through increased consultation and involvement of NGO groups working on gender equality issues across sectors and by collaborating with regional NGOs that offer training and advocacy resources. This process could also contribute to a gradual process of modernising traditional civil society organisations and engaging faith-based networks in supporting gender equality, ending domestic violence and increasing women’s participation in decision-making.

4. Summary of preliminary findings and recommended strategic approaches for gender mainstreaming

A. Political will and organisational culture

Preliminary findings indicate that political will and organisational culture in Niue are not specifically resistant to gender mainstreaming, but lack of action is clearly tied to lack of awareness. Senior government officials and ministers need to articulate links between each pillar of the *Niue National Strategic Plan 2009–2013* and the draft gender policy and clarify their support for gender mainstreaming in order to improve development results.

Strategic approaches to strengthen political will and enhance organisational culture can include the following actions.

- Seek and finalise cabinet endorsement of the draft Niue gender equality policy and action plan and use the opportunity to raise awareness of cabinet members about the costs and benefits of gender mainstreaming.
- Support senior officials and ministers to officially launch the Niue gender equality policy and action plan.

- Rename the Women’s Section in the Department of Community Affairs, call it the Gender Equality Section and shift ministerial oversight to the Premier’s portfolio.
- Raise awareness of senior government officials about the links between gender mainstreaming and improved development results as a primary rationale for initiating mainstreaming in planning and programming.
- Include gender as an agenda item in all meetings with development partners.

B. Legal and constitutional frameworks

In line with the proposed action recommended in the draft gender equality policy framework it is recommended that Niue:

- undertake legislative and constitutional reviews for CEDAW compliance and bring archaic laws and constitutional sections up to international norms and standards.

C. Technical capacity

At present there is minimal capacity in Niue to support gender mainstreaming. Without dedicated staff time and skill development, gender mainstreaming will not progress. Capacity is needed across government, including in the Department of Community Affairs. Planning for staff development in the public sector is not coordinated and has not to date assessed existing capacity for gender mainstreaming.

Initial strategies to build capacity include the following.

- Conduct initial training (combined gender and human rights training) with a core, cross-sector group of men and women.
- Support core group of trained staff to identify departmental gender mainstreaming priorities and relate information to their colleagues.
- Establish coaching and mentoring mechanisms internal to government and with regional technical assistance providers (for example SPC, RRRT).
- Improve the capacity of gender statistics to create baselines and support development of evidence about results of mainstreaming.
- Formalise relationships between government and NGOs working on gender issues to support implementation of the draft gender equality policy.
- Hold collaborative awareness and training sessions on gender for government and NGO partners.

D. Financing for gender mainstreaming

Financing of gender mainstreaming is a major constraint for Niue. At present there is no budget to implement the new draft policy or to undertake work on CEDAW or CRC reporting.

Recommended initial actions to address this issue include the follow strategies.

- Develop implementation milestones and an itemised budget for the proposed Niue gender equality policy and action plan.
- Work with SPC to facilitate donor coordination to fund the implementation plan and take advantage of existing initiatives.
- Seek donor support to create a full-time position for a Gender Equality Manager in the Department of Community Affairs.

E. Accountability mechanisms

Holding the whole of government accountable for its duty to promote gender equality is complex. Niue has limited systems in place to support this, so initial strategic actions should build on what exists in terms of reporting relationships, data, and performance management systems.

Recommended strategic actions

- Establish coaching, mentoring and reporting relationships to support a cadre of staff to develop skills and report on gender responsive programming initiatives using gender statistics and gender analyses of departmental mandates.
- Develop a minimum set of progress indicators linked to action plans and department work plans and report on these through the SIDS process and in triennial reporting to SPC.
- Work with donors to strengthen information management systems to ensure that lessons are learned from gender initiatives and that subsequent programme cycles build on those experiences.

Note that, during consultations with civil society, a number of additional potential actions were suggested to support gender equality in Niue. These are included in Appendix 4.

CONCLUSION

This report provides a snapshot of the Niue enabling environment for gender mainstreaming as of July 2013. In order to make and measure progress, it has identified preliminary findings and recommendations on: a) how to integrate gender issues into the work of the whole of government; and b) how to strengthen the national women's machinery to be a catalyst for the achievement of gender equality. These recommendations are intended as: a) a starting point for discussions internally and with development partners; and b) a support to planning for future actions that will allow the Government of Niue to meet its obligations to all citizens and improve development results.

APPENDICES

Appendix 1: Departments and organisations consulted

Government

Small Island Developing States Section

Department of Agriculture Fisheries and Forestry (DAFF)

Department of Education

Department of Environment

External Affairs Office

Department of Health

Department of Treasury

Niue Tourism Authority

Meteorology Office

National Statistics Office

Niue Public Service Commission

Secretary to Government

Secretary of Justice

Secretariat to the Niue Public Service Commission

Civil society

Alofi South Council of Women (NCW)

GEP Consultants

Niue Chamber of Commerce

Niue National Council of Churches

Niue Tolomaki Auloa Association (disabled people's organization)

Seventh Day Adventist Church (SDA)

Niue Gender and Climate Change Organisation

Appendix 2: Sample of findings on Niue compliance with CEDAW¹⁴

Article 1	Definition of Discrimination Against Women	Niue legislation has no statute that deals with human rights or discrimination generally, or sex discrimination in particular. With no clear definition of discrimination in Niuean law, there is a need to consider the effect of Niue law as well as its purpose when assessing compliance with other articles of the Convention. This situation could be amended in a number of ways, such as the enactment of a specific legislative provision dealing with sex discrimination in Niue law or by the development of Government policies and practices based on this definition.
Article 2	Obligations of State Parties	<p>As there is no specific constitutional embodiment of the principle of equality of women and men in the Niue Constitution or other legislative embodiment of this principle it makes legal sanction for acts of discrimination problematic. There are no tribunals that deal specifically with discrimination and so if brought, would need to be taken up in general Courts. The Public Service as the primary employer of women is best placed to confirm to this article. The Niue Public Sector Regulations Manual provide some assistance for an assessment of whether this obligation is met in practice.</p> <p>Niuean legislation does not fully comply with Article 2 of CEDAW, particularly Articles 2(a) (b) and (c). There may be substantive compliance with Article 2 (d) in practice, although the application of the Public Service Regulations and Manual is not clear.</p> <p>A National Policy on women (including an action plan) could enhance compliance with Article 2 of CEDAW by suggesting where general legislative provisions on non-discrimination should be enacted. In particular legislation to protect the rights of women workers, especially in non-government sector. Any plan of action for specific legislative changes should include changes to the Public Sector Regulations and Manu to ensure protection from and appropriate remedies for acts of discrimination against women.</p>
Article 3	Advancement of Women at all levels	<i>The Department of Community Affairs has a National Gender Equality Policy and Implementation Plan that was approved by Cabinet in March 2014</i>

¹⁴ The findings and recommendations in this table are based on the draft CEDAW compliance report commissioned by the Government of Niue in 2001. The blue italics highlight indicate progress/changes/developments that have occurred since the drafting of this report.

Appendix 3: News release – Pacific Leaders' Gender Equality Declaration 2012

The Leaders of the Pacific Islands Forum met from 27 to 30 August 2012 in Rarotonga and brought new determination and invigorated commitment to efforts to lift the status of women in the Pacific and empower them to be active participants in economic, political and social life.

Leaders expressed their deep concern that, despite gains in girls' education and some positive initiatives to address violence against women, overall progress in the region towards gender equality is slow. In particular, Leaders are concerned that women's representation in Pacific legislature remains the lowest in the world; violence against women is unacceptably high; and women's economic opportunities remain limited.

Leaders understand that gender inequality is imposing a high personal, social and economic cost on Pacific people and nations, and that improved gender equality will make a significant contribution to creating a prosperous, stable and secure Pacific for all current and future generations.

To realise this goal, Leaders commit with renewed energy to implement the gender equality actions of the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), the Millennium Development Goals (MDGs), the Revised Pacific Platform for Action on Advancement of Women and Gender Equality (2005 to 2015); the Pacific Plan; the 42nd Pacific Islands Forum commitment to increase the representation of women in legislatures and decision making; and the 40th Pacific Islands Forum commitment to eradicate sexual and gender-based violence.

To make progress with these commitments, Leaders commit to implement specific national policy actions to accelerate gender equality in the areas of gender responsive government programmes and policies, decision making, economic empowerment, ending violence against women, and health and education.

Gender responsive government programmes and policies

- Incorporate articles from the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) into legislative and statutory reforms and policy initiatives across government.
- Support the production and use of sex disaggregated data and gender analysis to inform government policies and programmes.
- Strengthen consultative mechanisms with civil society groups, including women's advocacy groups, on key budget and policy issues of national and sub-national governments.

Decision making

- Adopt measures, including temporary special measures (such as legislation to establish reserved seats for women and political party reforms), to accelerate women's full and equal participation in governance reform at all levels and women's leadership in all decision making.

- Advocate for increased representation of women in private sector and local level governance boards and committees (e.g. school boards and produce market committees).

Economic empowerment

- Remove barriers to women's employment and participation in the formal and informal sectors, including in relation to legislation that directly or indirectly limits women's access to employment opportunities or contributes to discriminatory pay and conditions for women.
- Implement equal employment opportunity and gender equality measures in public sector employment, including state owned enterprises and statutory boards, to increase the proportion of women employed, including in senior positions, and advocate for a similar approach in private sector agencies.
- Improve the facilities and governance of local produce markets, including fair and transparent local regulation and taxation policies, so that market operations increase profitability and efficiency and encourage women's safe, fair and equal participation in local economies.
- Target support to women entrepreneurs in the formal and informal sectors (e.g. financial services, information and training) and review legislation that limits women's access to finance, assets, land and productive resources.

Ending violence against women

- Implement progressively a package of essential services (protection, health, counseling, legal) for women and girls who are survivors of violence.
- Enact and implement legislation regarding sexual and gender-based violence to protect women from violence and impose appropriate penalties for perpetrators of violence.

Health and education

- Ensure that reproductive health (including family planning) education, awareness and service programmes receive adequate funding support.
- Encourage gender parity in informal, primary, secondary and tertiary education and training opportunities.

Leaders called on development partners to work in a coordinated, consultative and harmonised way to support national efforts to address gender inequality across the region in line with the *Paris Declaration on Aid Effectiveness* and the *Cairns Compact on Strengthening Development Coordination in the Pacific*. Leaders also requested development partners to increase financial and technical support to gender equality and women's empowerment programmes, and to adopt strategies within their programmes to provide employment and consultation opportunities for women in the planning and delivery of development assistance to the region.

Leaders agreed that progress on the economic, political and social positions of women should be reported on at each Forum Leaders meeting. They directed the Forum Secretariat, with the support of the Secretariat of the Pacific Community and development partners, to develop, as part of the Pacific Plan, a performance monitoring framework and annual report to Leaders on country progress in implementing the above commitments and moving towards achieving greater gender equality.

SOURCE: PIFS/PACNEWS By Online Editor
1:13 pm GMT+12, 01/09/2012, Cook Islands

Appendix 4: Civil society recommendations to support increased gender equality in Niue

The stocktake team from SPC met with a group of representatives from civil society, including churches, the private sector and NGO action groups. A presentation was made on the stocktake process and civil society representatives were invited to discuss their views on constraints and supports to gender equality and gender mainstreaming in Niue. Those points have been incorporated into this report. In addition, the group made a range of suggestions about how gender equality can be fostered in Niue through communities and civil society. These suggestions and action items are listed below.

- Create community support for gender responsive government programmes by linking gender equality to the culture and customs of Niue.
- Develop more inclusive and substantive ways for NGOs and civil society to consult on policy development and legislative change.
- Strengthen the advocacy role of women's NGOs.
- Raise the profile and awareness about how culture is changing to be more equitable and inclusive.
- Strategise and find ways to make changes in gender roles and responsibilities comfortable for those who may feel resistant to the idea of gender equality – support them to see the benefits and positive outcomes of equality.
- Undertake empowerment and awareness programmes aimed at families.
- Make improvements in the use of media.
- Currently a lot of time is used by the public service. There is a need to broaden the types of programmes to discuss benefits in the development process that can be advanced by more gender responsive programmes.
- Churches can use the media to broadcast messages that support gender equality.
- Engage men and boys to support gender equality.
- Promote gender mainstreaming in the education system.
- Work to raise awareness with teachers.
- Involve more men in community groups that are currently seen as looking after 'women's interests' and articulate why equality is beneficial to men and women.
- Identify ordinary people as champions of gender equality and shared responsibility – including those who work in different sectors of society.

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