

Niue's progress towards family law legislation

Niue [Enhancing Agency](#)

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Project partner: The Pacific Community (SPC)

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A second draft of the Niue Family Bill 2016 has been submitted to the Government of Niue. The Pacific Community's Regional Rights Resource Team (RRRT) assisted the Government of Niue to develop the legislation through a participatory process.



Stakeholder consultation for drafting of the Family Law Bill. Photo: Albert Seluka, RRRT.

Funded under the Australian aid program's [Pacific Women Shaping Pacific Development](#) initiative, RRRT provides technical assistance and training to assist Pacific Island countries to increase their observance of international human rights. RRRT has previously worked closely with Niue's Director-General of Social Services, Ms Gaylene Tasmania, as she led discussions with stakeholders to develop a first draft of the Family Law Bill.

In August 2016, Government Ministers, Members of Parliament, and senior Government officials had the opportunity to review the first draft of the bill and explanatory notes, prepared with RRRT's assistance. These stakeholders provided input on which options from the draft to pursue, resulting in a second draft bill being prepared in October 2016.

Mr Albert Seluka is a Senior Human Rights Adviser with RRRT. He explains:

'This work is a culmination of efforts to revisit and review the family laws of Niue in a manner that progresses the implementation of recent developments in the area of family law generally, with due consideration of their linkages to the human rights obligations of Niue under the Convention of the Elimination of Discrimination of All Forms Against Women and the Convention on the Rights of the Child.'

Key outcomes from the consultations that were incorporated into the second draft of the bill include setting the minimum age for marriage at 18 years for both women and men, and the introduction of legal safeguards for de facto partners and their children. The second bill abolishes matrimonial offences and introduces 'irretrievable breakdown of marriage' as the single ground for divorce. The draft also contains enhanced provisions for the care and protection of children. It emphasizes parental responsibilities towards the care of children, promotes improved parental care through the introduction of parenting plans, and provides legislative responses to domestic violence and child abuse.

**This Story of Change was originally published in the [Pacific Women Annual Progress Report 2016 – 2017](#). All values are consistent with that reporting period. For the most up-to-date value of activities, visit our [interactive map](#).*