

Stocktake of the gender
mainstreaming capacity of
Pacific Island governments
- Tonga -



**Stocktake of the Gender Mainstreaming Capacity
of
Pacific Island Governments**

KINGDOM OF TONGA

Edited by

*Treva Braun, Gender Equality Adviser at the Secretariat of the Pacific
Community*

Secretariat of the Pacific Community

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Secretariat of the Pacific Community

List of abbreviations and acronyms

ADB	Asian Development Bank
APH	Ante Partum Haemorrhage
AUSAID	Australian Agency for International Development
BPA	Beijing Platform for Action
CSO	Civil society organisation
CEDAW	Convention for the Elimination of all Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
DWA	Department of Women's Affairs
GoT	Government of Tonga
MDG	Millennium Development Goals
MEWAC	Ministry of Education Women Affairs and Culture
MOE	Ministry of Education
MOH	Ministry of Health
NACGAD	National Advisory Committee on Gender and Development
NGO	Non-governmental organisation
NSPF	National strategic planning framework
NWM	National women's machineries
NZAID	New Zealand Agency for International Development
PSC	Public Service Commission
SDP8	Strategic Development Plan 8
SPC	Secretariat of the Pacific Community
TOR	Terms of reference
TNCWC	Tonga National Centre for Women and Children
UNIFEM	UN Development Fund for Women
WHO	World Health Organisation

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 needs, issues, perspectives and contributions continue in many cases to be on the periphery of development and governance dialogue.

'Mainstreaming' a gender perspective across all multi-sectoral development and governance work was universally recognised in 1995 at the Fourth World Conference on Women 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 BPA as key to addressing the enjoyment of human rights (*ibid.* para 229), and the overarching objective of gender mainstreaming should thus be to ensure that all multi-sectoral development processes — which might otherwise be acting, advertently or inadvertently, to perpetuate gender stereotypes and inequalities — are instead actively contributing to the realisation of gender equality in all spheres of life.

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 (CEDAW) — which is the principle 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 percent 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.¹ Linked with this are the committee's recommendations to strengthen the government machinery for gender equality (national women's machineries – NWMs) with adequate human, financial and technical resources and the authority and decision-making power 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, perceptions are that the momentum was not maintained and that national governments do not have the necessary capacity to systematically integrate gender perspectives, including the provisions of CEDAW, into multi-sectoral development processes as part of their strategy to achieve 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 Asian Development Bank (ADB) and the UN Development Fund for Women (UNIFEM).² It is being carried out in phases throughout the Pacific region in response to a call from Pacific Island ministries responsible for gender equality and the advancement of women for support to strengthen the institutional capacity of governments to meet their stated commitments to gender equality.

The underlying premise of the stocktake is that 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 need both strong internal capacity and a wider government structure that is supportive of gender equality and mainstreaming. That wider structure must 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. 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 stocktake process involved desk research combined with in-country structured interviews and focus group discussions. The in-country research was undertaken from 21 September to 3 October 2009. Structured interviews were conducted with personnel of 12 ministries/departments, including a representative range of both central and line ministries. Informants were senior government

¹ See Concluding Observations of the CEDAW Committee on Fiji Islands (2002), Papua New Guinea (2010), Samoa (2005), Tuvalu (2009), Vanuatu (2007). Available at <http://tb.ohchr.org/default.aspx>.

² Now UN Women.



officials, ranging from Chief Executive Officers to Deputy Directors with direct responsibility for policy development and programme implementation in their respective departments. In total, 7 men and 6 women were interviewed. Planned focus group discussions were not held due to the tsunami that struck Tonga during the stocktake period. However, individual interviews were held with representatives from seven civil society organisations. Finally, individual interviews were conducted with two key development partners, AusAID and NZAID. A list of organisations interviewed or consulted is in the appendix to this report.

Enabling environment requirements for gender mainstreaming

- 1. 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
- 2. 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
- 3. Organisational culture:** The extent to which the attitudes of staff and institutional systems, policies and structures support or marginalise gender equality as an issue
- 4. 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
- 5. 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
- 6. Adequate resources:** The allocation and application of human and financial resources in relation to the scope of the task of mainstreaming

2. Country overview

a. Facts and figures

		TONGA 
Population* & Urban/Rural %	101,991 23%/77%	
Land area	747 km ²	
EEZ	700,000 km ²	
Geography	Its 176 islands, 36 of them inhabited, are divided into three main groups--Vava'u, Ha'apai, and Tongatapu.	
Political System	Constitutional monarchy	
Economy	Agriculture Fishing Tourism	
Ethnic composition*	Tongan 96.5% Part-Tongan 1.6% European 0.5% Chinese 0.4% Other Pacific Islands 0.2% Fijian 0.2% Other Asian 0.2% Fijian Indian 0.1%	
Main languages	Tongan, English	
Life expectancy M/F**	67.3/73	
Labour Force Participation Rate M/F**	64.2%/49%	
Human Development Index	<ul style="list-style-type: none"> ♦ Value:0.677 (rank 85) in 2010 ♦ Value: 0.745 (no rank) in 2008 (MDG Tracking Report 2010) ♦ Value: 0.768 (rank 99) in 2007 ♦ Value: 0.819 (rank 55) in 2005 ♦ Value: 0.815 (rank 55) in 2004 ♦ Value: 0.810 (rank 54) in 2003 	
Gender Development Index	<ul style="list-style-type: none"> ♦ Value: 0.765 (rank 78) in 2007 ♦ Value: 0.814 (rank 53) in 2005 ♦ Value: 0.809 (rank 46) in 2004 	
Gender Empowerment Measure	Value: 0.363 (rank 102) in 2007	

* TDoS 2006 ** TDoS 2004–2005

b. Key gender issues

The following is a brief overview of some of the key manifestations of gender inequality in Tonga. This overview is not exhaustive; it is meant to provide the contextual basis for a proper understanding and appreciation of the need for gender and women's human rights to be thoroughly and systematically integrated across all government law and policy making, programming, planning, budgeting and monitoring. More detailed information on the status of gender equality in Tonga can be obtained from a range of resources including those listed in the bibliography.

Health

The total fertility rate (TFR) remains high in Tonga. Over a ten-year period (1996–2006) the TFR dropped only marginally, from 4.3 to 4.2 children per woman (TDoS and SPC 2006:15). The MOH policy requires a husband's written and signed consent if his wife wants sterilisation, while the husband does not need his wife's consent if he wants a vasectomy. This policy is clearly discriminatory, denying women the right to make their own informed decision about their body.

According to the MOH Annual Report 2007, 4.5 per cent of all deliveries were to mothers between 15 and 19 years old, while 24.2 per cent were to mothers between the ages of 16 and 24 years old. Of the 113 confirmed cases of gonorrhoea, over half (69: 67 males and two females) were between the ages of 15 and 25 years old. (MOH, 2007: 155³)

Cervical cancer is considered a leading gynaecological problem among women in Tonga. However, tests such as PAP smears are not available nation-wide, meaning critical early detection is not possible for many women.

Employment

In 2006, the labour force participation rate for women was 49 per cent compared with 64.2 per cent for men. Only 9,165 women compared with 14,273 men were wage or salary earners, and 39.1 per cent of women compared with 27.6 per cent of men were subsistence workers.

Land

In accordance with the Constitution of Tonga and the traditional principles of inheritance through the legitimate male lineage, Tongan men are guaranteed land rights to an '*api kolo* (town allotment) and an '*api 'uta* (tax or country allotment), and inheritance passes through the male heirs. Women are excluded from land holding unless there is no male in the lineage, and even then they have mere occupancy rights. Access to land for women is thus temporary, limited by the social controls of their sexuality and kinship relationships. Women are subject to the good will and continuance of the traditional *fahu*⁴ system, where the brother is obligated to take care of his sister and her children — a system that is fast eroding with the transition to a commercial and cash-based society. The leasing of land has provided some respite and women now hold the highest number of leases (70%) in Tonga.⁵

³ Ministry of Health. Report of the minister for health for the year 2007. Government of Tonga.
<http://health.gov.to/sites/default/files/AR2007.pdf>

⁴ Where the eldest sister is regarded as having authority over others within her kin group, including the right to demand goods and services from her brothers, mother's brothers (maternal uncles) and other kin over whom she had *fahu* status.

⁵ Interview, Tonga Ministry of Lands, 22 September 2009.

Decision making

Women in Tonga continue to be largely excluded from political participation and institutions, and from most public decision-making levels of the country. Since 1951 when women became eligible to vote and stand for the Legislative Assembly, only five women have held parliamentary positions and two women have been voted into local government, reflecting the extremely slow process of acceptance of gender equality in the political arena. Of the five women parliamentarians, two were appointed ministers, with one currently holding a ministerial position.

The parliamentary and electoral systems continue to disadvantage women. Until 2010, of the 32 parliamentary seats, 14 were reserved for cabinet ministers appointed by the King, nine for nobles selected by the country's 29 nobles, and nine were elected by popular vote. Only men can be nobles, which means that women are excluded from participating in both the selection process and in the holding of these nine seats. Women wishing to take part in a national election could contest only the nine seats elected by popular vote. In 2010, new electoral laws increased the number of people's representatives from nine to 17. Although this change will increase the proportion of parliamentary seats open to women candidates, these members of parliament will come from single-seat electorates rather than the current multi-member electorates, which may reduce women's chances of getting elected. A constitutional and electoral reform commission set up in 2008 to enquire, report and make recommendations on constitutional and electoral reform was provided with a submission on addressing the under-representation of women in Parliament by allocating a quota of reserved seats to women as a temporary special measure. In its report, the commission did not include the proposal (GoT 2009). In the election of 2010, no woman was elected but one woman was appointed by the Prime Minister as Minister of Education, Women's Affairs and Culture (MEWAC).

The lack of participation by women in decision making is arguably inconsistent with the culture of the *fahu* system in which sisters are held in the highest regard. This traditional status is commonly used to justify the marginalised political status of women today. Gender stereotypes are also widespread in Tonga, including the notion that politics is the domain of men.

Men still dominate chief executive positions within the government. There is, however, a changing trend with an increasing number of women occupying second and third level management positions. In some ministries/departments there is an overwhelming number of women employed as compared to men at every level of the organisation, including the Ministry of Environment, the Solicitor General's Office and the Ministry of Labour, Commerce and Industries. This is attributed to the increasing number of women entering the workforce and the current policy of the Public Service Commission (PSC) to award more scholarships to female applicants.

Violence against women

Although there has been no survey to assess the prevalence, causes and consequences of domestic violence, it is seen as an increasing problem in Tonga. In 2008–2009, 202 women sought refuge at the Tonga National Centre for Women and Children (TNCWC).⁶ With financial assistance from NZAID and government, TNCWC provides counselling and safe houses for women and children who are victims of domestic violence. The Solicitor General's Office is also linked to TNCWC through provision of free legal counselling services for victims. The Ministry of Health works in close collaboration with the Centre but is currently not empowered by law to report suspected cases of sexual violence that are treated at the hospitals directly to the police.

⁶ Ofa-Ki-Levuka Guttenbeil, interview by author, Tonga Ministry of Lands, Survey, Natural Resources, October 1, 2009.

In recognition of these issues, MEWAC is developing a system, in collaboration with the Ministry of Health, the police and other stakeholders, to provide assistance and support to victims of domestic violence. A Domestic Violence Unit has been set up within the Ministry of Police, Fire Services and prisons and a Domestic Violence Advisory Group is responsible for overall policy development, legislation and police practice. A 'no drop policy' was adopted in 2009 by the police force, supported by the Solicitor General's Office.

SUMMARY OF FINDINGS

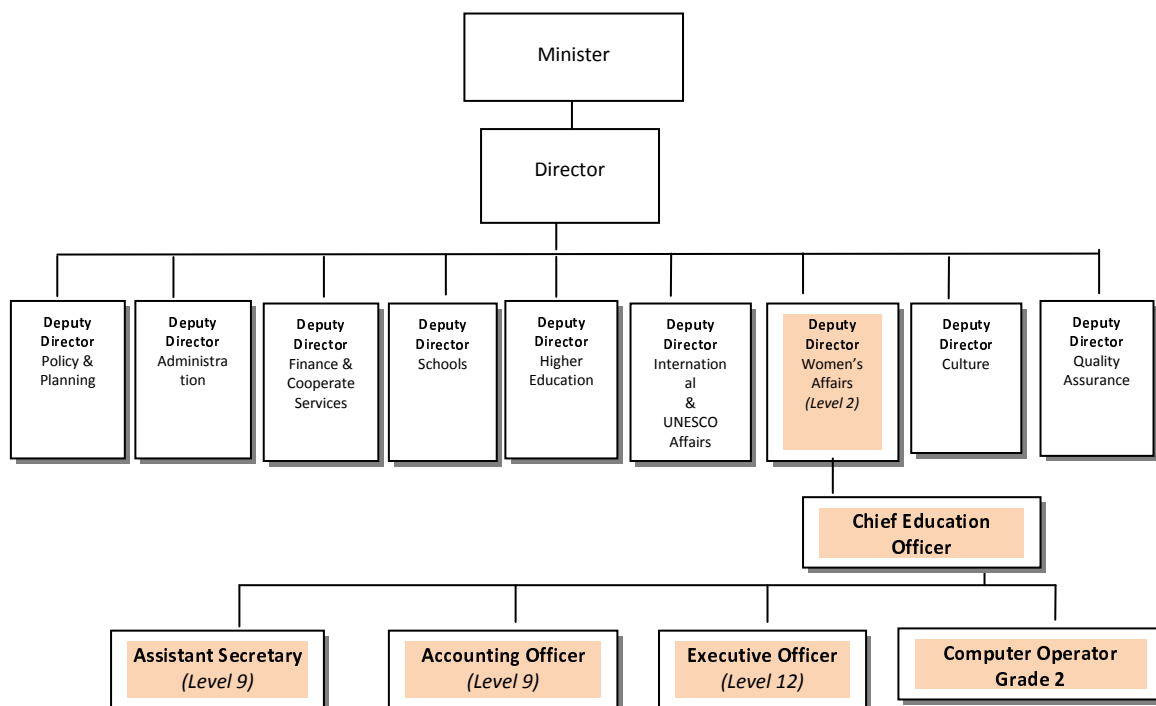
1. National women's machinery

This section describes the history and current organisation of the national government department responsible for gender equality issues, as well as any other main government and non-government machinery that is or can be used to promote equality and mainstreaming.

a. Structure

A Women's Affairs Unit (WAU) was established in 1993 and located within the Prime Minister's Office. The Unit was re-designated the Women and Development Centre (WDC) in 1996, and in 2004 it was transferred to the Deputy Prime Minister's Office. In 2006, WDC was transferred to the Ministry of Education, where it is currently located. Its name was changed to the Department of Women's Affairs (DWA).

Figure 1: Location and structure of the government department responsible for gender, Ministry of Education, Women's Affairs and Culture



DWA has a staff complement of three, headed by a Deputy Director. The two officers are authorised to act on behalf of the Director, conduct training, and liaise and network with NGOs and development partners.

The DWA budget for the most recent three years is outlined in Table 1.

Table 1: Budget of the Department of Women Affairs 2007/2008, 2008/2009, 2009/2010,

	2007–2008	2008–2009	2009–2010
National budget	TOP 52,000,000	TOP 215,000,000	TOP 187,000,000
MEWAC			
Recurrent budget	TOP 21,804,241	TOP 25,570,000	TOP 26,400,000
Total budget Division of Women’s Affairs			
Recurrent budget	TOP 181,059	TOP 168,546	TOP 127,614
DWA % of total national budget	0.1%	0.08%	0.07%
DWA % of total MEWAC budget	0.8%	0.7%	0.5%
Allocation of DWA budget			
Salaries and overheads	TOP 163,260	TOP 144,541	TOP 109,571
Programme costs	TOP 17,799	TOP 24,005	TOP 10,843
Gender mainstreaming	0	0	0

The total budget 2009/2010 for DWA was approximately TOP 127,614 (approx. USD 74,016), representing 0.07 per cent of the government budget. The national women’s machineries have seen a dramatic decrease of their annual budget 24 per cent between the fiscal years 2008/2009 to 2009/2010.

As in many ministries, DWA’s official budget covers only its overhead costs, including staff salaries, office space and office supplies. Programme activities are mainly implemented in partnerships initiated by DWA with other government departments, civil society organisations (CSOs) and non-governmental organisations (NGOs).

DWA is responsible for coordinating and implementing the national policy on gender and development. Its basic mandate is to influence and guide the line ministries and lower-level administration units to advise on issues of special concern for women. To achieve this it has to improve networking and dissemination of information on women’s issues; provide secretariat services to the National Advisory Committee on Gender and Development (NACGAD); coordinate with CSO activities in support of women; and strengthen partnerships with donors and other major stakeholders. In order to ensure implementation of the policy, an Implementation Plan (2003/2004-

2005/2006) was developed. No new implementation plans have been developed since 2006 due to the lack of human resources in DWA. Since its re-designation to MEWAC in Sept 2006, activities were based on the 2006 version and technical assistance was provided as requested. With the addition of three new staff members to DWA in 2011, a new implementation plan has now been developed.

One programme currently under way involves collaborating with the Police, the Solicitor General's Office, the Ministry of Health (MOH) and relevant NGOs in the area of domestic violence, and a second programme involves collaborating with MOH on a breast screening initiative.

Currently, there is no reporting or monitoring undertaken by DWA. Where reporting has happened in the past, it has been the result of donor requirements.

Other government machinery

The National Advisory Committee on Gender and Development (NACGAD)⁷ was established in 1999. As an inter-ministerial body represented at the level of chief executives and deputies as well as by women's interest groups, it is tasked to advise Cabinet on all matters pertaining to gender and development. However, it has not been in operation since the review of its membership late in 2009 due to lack of resource capacity. Since the DWA is taking part of many Committees its purpose and function may be duplicated in other Committees.

There are no official gender focal points appointed across the whole of government. There are however, some 'informal' arrangements in place such as in the Solicitor General's Office where two legal officers are required to deal with all matters related to gender and women's issues. In theory the representatives of the NACGAD are considered as the gender focal points within their ministries/departments, although this is an informal arrangement that is yet to be institutionalized.

There is no national human rights institution in Tonga or other special mandate for the protection and promotion of women's human rights.

Civil society and private sector

NGOs have played a valuable role as independent advocates and activists, providing training and undertaking research and advocacy. The Langafonua'a Fafine Tonga is recognised by the government as the umbrella NGO for women's issues. In 1999 the Constitution of the Langafonua was endorsed after many consultations. Its 2007–2011 draft work plan identifies five main issues of focus, including decision-making and good governance. Other NGOs include the National Centre for Women, which has contributed significantly to raising awareness on domestic violence; and the Catholic Women's League, which has carried out legal literacy training across the country.

b. Assessment

This section reviews only the main government department responsible for gender issues, namely DWA, including its basic capacity, its working environment and its relationships with other relevant stakeholders and how those factors influence its ability to act as a catalyst for the mainstreaming of gender and women's human rights across the whole of government.

⁷ The NACGAD membership includes the Minister for Education (Chair), the Minister for Communication and Information, the Chief Secretary, the Secretary for Finance, the Directors of Health, Education and Agriculture, the Secretary for Labour and Commerce, the National Council for Women, the National Youth Congress and the Civil Society Forum Tonga.

Not strategically located within the government

DWA faces a number of constraints that limit its effectiveness in mainstreaming gender and women's human rights. Key among these is the lack of a supportive legal and policy framework, and the fact that DWA is not strategically located within the central government structure to influence mainstreaming across the policy, programming and resource allocation spectra. Its location within MEWC perpetuates the marginalisation of women's issues and gender mainstreaming and confines those issues as social issues only. The programmes and activities of DWA are marginalized by education priorities. The location of another department, culture, within the ministry also results in severe competition for resources and a consequent lack of prioritisation afforded to gender issues. This is reflective of the lack of government commitment to gender equality and mainstreaming, and of the government's focus on a welfare and service delivery approach to women's issues.

Role and approach need to be reviewed

Over the years, the role of DWA has not changed significantly and to a large extent it is still focused on direct service provision instead of on becoming a catalyst for systematic change at institutional and policy levels.

Reducing gender inequalities regarded as DWA mandate only

Implementation of the national policy has been dismal, due to the lack of resources and technical expertise within DWA and the whole of government. Despite the current policy being in place since 2001, most ministry representatives interviewed had little or no knowledge of its existence. Work under the policy remains confined within DWA rather than being integrated across specific sectoral policies or plans of action. There is a lack of collaboration and coordination with other sectors by DWA, and the influence of DWA within these sectors is accordingly non-existent.

Lack of technical skills in gender mainstreaming

DWA staff do not have the necessary technical skills in gender and human rights analysis and mainstreaming. The department acknowledges that it does not have the required skills in gender mainstreaming, nor does it have any opportunity to acquire those skills, given its lack of resources. There is a need for sustained support to DWA to up-skill all staff, not only in these areas but also in strategic advocacy. Stronger research capacities are also needed so that DWA can add value to the work of other ministries and departments and gain stronger legitimacy and influence.

Under-funded mechanism

DWA is under-funded and vulnerable to budgetary cuts. The size of the DWA budget reflects the lack of priority and importance that the government accords to gender equality and women's issues. In 2009, none of the government budget was directed towards implementation of programmes or projects. DWA has little ability to influence national planning and budgetary processes. Its work and influence is at the whim of the parent ministry (MEWAC). Implementation of core activities by DWA has been possible largely through strategic partnerships with NGOs.

Over the years, DWA has also had to rely heavily on donor funding to carry out its programmes, resulting in total donor dependency. The dependence on external funding creates 'competition' from line ministries and may also give rise to conditions where there is preference by donors for external visible results, making it difficult for DWA to obtain funds for basic strengthening of its technical capacity.

Gender not a priority of development partners

In addition, donor coordination is seen by DWA as lacking and in some cases there has been a lack of direct collaboration with the department. Gender equality is not seen as prioritised by donors and development partners. As a result of both the national and regional marginalisation of gender equality, DWA is never invited to participate in policy discussions with other ministries/departments where it could have an influence. This demands better proactivity on the part of DWA to understand what policy discussions are under way that are key to its strategic objectives, and to get itself on the agenda, backed by strong research and policy briefs.

Good collaboration with CSOs that could be further strengthened

While there have been useful interactions and collaborations in the past between DWA and NGOs such as Langafonua'a, in some cases this has compromised the independence of the organisations involved. A case in point is the Tonga Centre for Women and Children, where management considered that the Centre's independence had been compromised, resulting in a 'walk out' of the staff and the establishment of a separate organisation to deal with victims of domestic violence. The lack of interaction with the Consumer Trade of Tonga and the Tongan Women's Congress may also indicate the lack of pro-activeness on the part of DWA to harness support from various interest groups to implement its mandate. What is clear is that there is considerable scope for better collaboration between government and NGO, given that NGOs can play a vitally supportive role to the NWM in mainstreaming gender and women's human rights, particularly when the overall government environment is not supportive of such rights. This requires building capacities within NGOs to provide, amongst other things, monitoring and advocacy roles in relation to the sectoral activities of government.

Need to revitalise the NACGAD

The 1993 cabinet mandated NACGAD to 'advise Cabinet on Women's Issues'. NACGAD could be a strong driver for generating political will and addressing specific priority issues for gender equality. This, however, will require a re-definition of members' roles and the authority and ability of DWA to influence the committee's work.

Need for a proper monitoring and reporting system

Annual appraisals and work plans are in place for staff of DWA but there is no proper monitoring or reporting system in place. There is, therefore, a lack of accountability within DWA to the wider group of stakeholders of gender equality.

2. Enabling environment overview

a. Legal and policy framework

Tonga has a weak legal and policy framework to support the mainstreaming of gender and women's human rights across the whole of government. Only one human rights treaty is in force, constitutional provisions expressly discriminate against women, there is no anti-discrimination legislation and there is no gender mainstreaming policy in place. To achieve a stronger framework, greater attention is urgently needed in all of these areas.

International and regional commitments

Tonga has ratified one core international human rights convention of particular significance for the human rights of women and girls. It has endorsed a number of key international and regional policy frameworks containing commitments to gender equality, including the 1995 Beijing Platform for Action (BPA), the 2000 Millennium Development Goals (MDGs), the Commonwealth Plan of Action for Gender Equality 2005–2015, the Revised Pacific Platform for Action on Advancement of Women and Gender Equality 2005–2015 (RPPA) and the Pacific Plan (2005, revised 2007).

Importantly, Tonga has not ratified CEDAW. In September 2009 the Tongan Legislative Assembly overwhelmingly voted against ratification of CEDAW, stating that it goes against the Tongan way of life. Tonga has never complied with its reporting obligations under the Convention on the Rights of the Child (CRC).

There is no national human rights action plan in place.

Constitution sanctions some gender-based discrimination practices

Part I of the Constitution of Tonga (GOT 1988) contains the Declaration of Rights. Clause 4 provides: 'There shall be but one law in Tonga for chiefs and commoners for non-Tongans and Tongans. No laws shall be enacted for one class and not for another class but the law shall be the same for all the people of this land.' While this could be interpreted as guaranteeing women, as people, equal legal rights, the Constitution itself is replete with sex discrimination. Clause 28 on 'Qualifications for jurors' provides that '[e]very male Tongan who has arrived at the age of twenty-one years and can read and write and is not disabled by the twenty-third clause of this Constitution shall be liable to serve on juries...'. Clause 32 on 'Succession to the Throne' provides that such succession shall be to the eldest male child and his heirs, and if he should have no children to the second male child and his heirs and so on until the male line has ended. Only in the case of there being no male heir can the eldest female child and her heirs succeed to the throne. Under Clause 60, there are nine reserved seats in the Legislative Assembly for nobles, a position that women cannot hold. Land and inheritance law, provisions for which are contained in Part III ('The Land'), are highly discriminatory against women.

Slow establishment of legislature measures to promote women's human rights

There is no stand-alone anti-discrimination legislation in Tonga. Legislative measures to ensure women's enjoyment of human rights have been very slow in Tonga. Positive examples of equality-friendly legislative action include:

- the Education Act 1974 which provides for free and compulsory primary education for all female and male students;
- recent changes under the Nationality (Amendment) Act 2007 which allow Tongan women who marry non-Tongan citizens, and their children, to retain their Tongan nationality;
- recent changes to the leave entitlements of Tongan civil servants which became effective 1 January 2010 include three months maternity leave and five days paternity leave;
- and amendments under the Criminal Offences Amendment Act (17/1999) which removed the exclusion of marital rape from rape laws.

Ongoing legislative gaps include:

- highly discriminatory land and succession laws;
- the lack of maternity leave for the private sector;

- criminal provisions which limit rape to penile penetration;
- lack of specific legislation on domestic violence;
- family laws that provide for a mixed fault and no-fault divorce system and for unequal division of property and maintenance;⁸
- and conflicts between customary law and women's human rights (Corrin and Paterson 2007).

Existence of a gender and development policy to address gender inequities

The Cabinet in 1993 endorsed the formulation of a national policy on women in development. In 2001, a new *National Policy on Gender and Development: towards gender equity, harmonious society and a better future for all* was developed and endorsed. It identified ten areas of focus: gender and the family; gender and religion; gender culture and society; gender and health; gender and education; gender and politics; gender and the economy; gender and regional, outer islands and rural development; gender and the public sector; and gender and the private sector. A review of the policy is currently being conducted.

Little awareness about the legal and policy frameworks

Out of the twelve government institutions whose staff were interviewed, five were aware of at least one international, regional or national legal or policy framework that is supportive of gender mainstreaming, while six informants were unaware of any specific enabling instruments or they cited instruments that have no relevance to gender mainstreaming. Of the five who were aware, three identified the MDGs, the Ministry of Labour, Commerce and Industries identified the Commonwealth Plan of Action, the MOH identified the BPA and the Ministry of Environment and Climate Change mentioned the Pacific Plan. Only the Ministry of Police, Fire Services and Prisons mentioned CRC. Overall, there is very little awareness across sectors of the legal and policy framework for mainstreaming gender and women's human rights in the work of government.

a. Political will

Demonstrated political will towards mainstreaming of gender and women's human rights is low in Tonga. The government has adopted a minimalist approach towards gender equality. Perhaps the strongest statement in opposition to women's human rights came in 2009, when parliament overwhelmingly voted against the ratification of CEDAW.

Commitment to mainstream gender

A measure of a government's political will for gender equality and mainstreaming is the extent to which national and sectoral policies recognise, prioritise and seek to address gender imbalances. The Strategic Development Plan 8 (SDP8) 2006/7 – 2008/9 (CPD 2008) is short on gender equality issues, which are confined under 'Promoting Cultural Development', where the role of the Women's Development Centre (WDC) was discussed, namely to promote the role of women, children and the family to achieve equal access in the social, economic, political and religious sectors, and the on-going support to NGOs to address domestic violence issues. Gender was not mainstreamed into the seven other goals identified under the SDP8. A new national strategic planning framework (NSPF) was recently endorsed by the cabinet, and this, too, is silent on gender equality across the seven key

⁸ Maintenance orders under the Divorce Act, Cap 29, s 18 allow the court to consider the 'conduct of the parties', and a 'deserted wife' applying for a maintenance order under the Maintenance of Deserted Wives Act, Cap 31 can be denied maintenance if it is proven that the woman has committed adultery, thereby tying her claim to maintenance to her sexuality rather than her equality.

outcomes.⁹ A senior officer within the Ministry of Finance and Planning considered that gender issues could be facilitated under the 'Community Development' objective, adding that this would require gender to first be prioritised by the Ministry concerned.

The Reproductive Health Policy developed in 2008, with the assistance of UNFPA, is focused on attaining and providing a 'high standard of health and quality living through improved reproductive health care services for all the people of the Kingdom of Tonga, at all levels, irrespective of status, sex, age or creed' (MOH 2008).

The Education Policy Framework 2004–2019 (MOE 2004) provides that a core value of the policy is the respect for human rights and the well-being and development of the people. The policy emphasises the right of every individual to be given the opportunity to be involved in decision-making in relation to themselves and their work and should have the opportunity to use their individual talents for the benefit of the people as a whole.

The Ministry of Labour, Commerce and Industries through the support and direction of the Minister developed a National Strategy on 'Women in Business'.

Similarly, the Minister and CEO of the MOH are seen as proactive in advocating specific programmes and projects for women. The corporate plans and annual management/business plans reviewed¹⁰ were quite short on women's or gender equality issues, putting the emphasis instead on family and community.

In the plans of the Ministry of Agriculture, Food, Fisheries and Forestry, women's issues were confined to 'Home Industries and Women's Development' and 'Home Economics and Women's Development' sections.

With assistance of ADB and AusAID, work is under way to review ministry and department corporate plans, which are expected to be linked to the budget process, aligning the national and ministry/department objectives and resource allocation. This provides a critical window of opportunity to better integrate gender equality concerns into the organisational work programmes of every ministry and department.

Political will perceived as medium-high

Perceptions of the political will for gender equality and mainstreaming is another, albeit less concrete, measure of actual political will. Of the ministries and departments interviewed, five rated commitment to gender mainstreaming as high, five rated it as medium to high or medium, and one rated it as low to medium. Of the ten ministries and departments that rated commitment as medium to high, seven identified specific results or actions to justify their rating. Specific examples cited include the development of policies and strategies such as the Women in Business Strategy,

⁹ NSPF key outcomes include (i) community development that meets service needs; (ii) private sector growth (through better engagement with the government, appropriate incentives and streamlining of rules and regulations); (iii) constitutional reform; (iv) improved provision and maintenance of infrastructure; (v) increased performance of technical and vocational education and training to meet the challenges of maintaining and developing services and infrastructure; (vi) improved health of the people by minimising the impact of non-communicable diseases, and (vii) environmental sustainability and climate change integrated into all planning and execution of programmes.

¹⁰ Ministry of Agriculture, Food, Fisheries and Forestry; the Ministry of Education, Women's Affairs and Culture; the Ministry of Health; the Ministry of Lands, Survey, Natural Resources and Environment.

the adoption of a 'No drop' policy on domestic violence cases and the development of the immunisation and reproductive health policies.

Lack of awareness and capacities are barrier to political will

The main barrier to higher political will identified by the staff of eight of the ministries and departments interviewed was the lack of awareness of gender as a development issue and mainstreaming as a strategy. Three ministries identified the lack of capacity at both the individual and institutional levels to understand and conduct gender analysis. Also cited was lack of coordination within ministries/departments, with other ministries/departments, with development partners and with NGOs; the lack of financial resources; competing priorities in government, resulting in gender not being prioritised; and the lack of support at the political level. One informant also mentioned the lack of accountability mechanisms in place as a barrier to greater political attention to gender mainstreaming.

Gender awareness training was suggested by eight ministries and departments interviewed as a key strategy for increasing political will.

NGOs' role seen important for increasing political will

NGOs were the most frequently cited supportive factor for generating higher political will for gender mainstreaming. Only four informants mentioned DWA, three identified individuals and two cited development partners. Strengthening the networking and capacity of DWA was the most frequently cited action needed to help generate increased political will and commitment to gender mainstreaming. Strengthening collaboration and coordination with NGOs was the second most frequently cited action.

c. Organisational culture

Organisational culture refers to the extent to which the attitudes of staff and institutional systems and structures support or marginalise gender equality as an issue across sectors. A supportive organisational culture encourages a gender lens during all policy dialogues, establishes good lines of communication with the national women's machinery, ensures sex disaggregated data collection and analysis, has organisational systems in place to guide and inform staff on integrating gender within their technical area, strives for gender balance at all levels of the organisation's staffing, and has gender-sensitive human resource management policies in place. Analysed against these factors, the organisational culture in Tonga is undeveloped.

Gender inequality rarely discussed as a development issue

Policy dialogues between government and donors do not prioritise gender. Gender-related initiatives in ministries, where they have been carried out, have been driven by donors and individuals, with little ownership by the executing ministry. Except for the statistics and land surveys, all other departments and ministries reported having been involved in donor meetings or meetings with other ministries or NGOs where gender was discussed. These mainly involved AusAID, NZAID, WHO, UNFPA, SPC and meetings with the DWA and NGOs. This did not necessarily mean that gender was raised as a development issue or priority, however. Five ministries considered that such discussions had minimal or no impact, while four indicated increased awareness of gender equality issues and two were not sure. The Ministry of Finance and Planning did not consider gender equality had any relevance to its economic division; it was more the responsibility of the social sector division. This view is reflected in the isolation of gender issues in SDP 8 within the goal on 'Promoting Cultural Development' and again under the NSPF it is identified as best placed under the 'community

development’ focus area. This reinforces the stereotyped roles of women and the perception that women and gender issues are ‘soft issues’ best dealt with under the social sectors.

Few interactions between DWA and the sectors

Of those interviewed, five ministries/departments had engaged in planning and discussions with DWA, NGOs and other ministries active in gender programmes, three interacted more closely with NGOs than DWA and three had never interacted with DWA. The Department of Statistics, since the 2006 census, and the Ministry of Labour, after the departure of the officer responsible for gender, ceased interaction with DWA. Where meetings did not take place for ministries and departments, lack of awareness, resources and capacity was cited as reasons for non-participation.

Little production and use of sex disaggregated data

Collection and analysis of sex disaggregated data are to a large extent confined to the census and household income and expenditure survey carried out by the Bureau of Statistics, which does not see gender as a development issue. Only the Department of Statistics, the Ministry of Health, Environment and Climate Change, The Ministry of Finance and Planning and the Ministry of Labour, Commerce and Industries reported collecting and analysing sex disaggregated data as a matter of government policy and to inform national and sectoral development plans.

No guidelines and mechanisms for mainstreaming gender

No ministry/department interviewed had tools or systems in place to guide and inform staff on how to integrate gender and women’s human rights into their technical area of work.

Decision making levels in the government are monopolised by men

The male/female breakdown at the top three levels within the ministries interviewed is summarised in Table 3.

Table 3: Men/Women breakdown in top two positions of ministries interviewed

Post	Men	Women
Highest	9	1
2 nd Level	29	12

Table 3 shows that the top two levels across the public service continue to be dominated by men. Men are particularly concentrated in agriculture, fisheries, lands and the police force, and women are better represented in health, statistics and the justice sector. There are few specific programmes in place, either formally or informally, to encourage more women in decision-making positions; the Police is the only ministry that reported having a formal programme in place for that purpose. This lack of institutionalised programmes is attributed to a lack of awareness, and an assumption that selection and appointment processes are gender neutral. All ministries interviewed emphasised that recruitment is merit-based and, with the exception of the Department of Fisheries, all other departments/ministries considered that there are no barriers to prevent women entering into senior, technical or operational positions.

d. Accountability mechanisms

No individual or institutional accountability mechanism for mainstreaming gender

Accountability mechanisms ensure that action on commitments to gender mainstreaming can be traced and monitored within organisations, and that individuals are held to account for gender equality-related results in their area of work. There are virtually no national accountability mechanisms in place for mainstreaming gender in Tonga.

The Public Service Commission is responsible for human resource management policies for the whole of government. Except for the Police, which indicated that its domestic violence and investigation units have gender responsibilities in their position descriptions, none of the ministries or departments reported having positions with gender related terms of reference (TORs) or job descriptions (JDs), either at the executive or technical/operational levels. The Solicitor General's Office has two legal officers charged with gender responsibilities, but this is not factored into their JDs. There are no performance management systems in place to monitor gender mainstreaming actions.

Of the ministries/departments interviewed, six cited sectoral corporate plans as a key entry point to help ensure that gender accountabilities get reflected in the JDs of the staff of each ministry. Aside from the Department of Agriculture citing lack of awareness as a constraint, there were no specific constraints identified by other ministries and departments to incorporating gender responsibilities into the JDs or TORs.

e. Technical capacity

Gender and women's human rights cannot be properly mainstreamed without a pool of technically qualified experts in these areas, whose skills and experience line and central ministries can systematically draw upon.

No technical capacities to mainstream gender in the line and central departments

No line or central ministries interviewed have staff with the necessary technical qualifications or capacity to properly understand gender equality issues and how to mainstream them into their work. Four ministries/departments considered technical capacity within their ministry to be low while five rated it low to medium or medium. Only two ministries ranked technical expertise as medium to high, although it was apparent that this was because their staff are technical experts in their specific fields, not necessarily in gender and human rights analysis and mainstreaming.

With the exception of the Department of Statistics (which did not consider gender as an issue within the department) all those interviewed expressed the view that the non-attention to gender equality issues is due to the lack of technical expertise and awareness of gender, and they expressed the need to be trained at a functional level of expertise, including specific training in gender-related analysis, budgeting and planning. Except for the Departments of Agriculture and Public Health where some staff had undertaken some form of gender awareness, and the Solicitor General's Office and the Police, which have worked on human rights with SPC, all the other department/ministries reported no training on gender at all.

With the exception of the Police which has hired consultants to review police investigation systems and procedures and incorporate gender, there has been little use of gender consultants to fill technical skills gaps — a possible reflection of the lack of priority given to gender equality work in Tonga.

Sectoral specific capacity building is required

To increase technical expertise, eight of the informants suggested in-country training and capacity building. Some departments indicated specific gender training, such as agriculture and gender, and fisheries and gender.

Gender equality need to be prioritised

Constraints included attitudes of indifference to gender equality, the lack of funding support for gender-related work and the lack of political prioritising of women's human rights. Seven informants identified senior decision-making levels, including politicians, for targeted capacity building. This was considered critical to the prioritising of gender as a development issue and allocation of the necessary resources for implementation.

Better coordination and the integration of gender equality results into corporate plans were suggested by the ministries of Environment and Climate Change, Finance and Planning and Labour and Commerce and Industries as avenues for improving how technical capacity in gender and women's human rights gets prioritised in government.

f. Adequacy of financing for gender equality

Ensuring reliable financing requires that gender mainstreaming across the whole of government be built into the government's budgeting processes. The national budget should allocate specific and sufficient resources to both DWA and individual agencies to engage in systematic results-based gender analysis, planning, implementation and monitoring.

Inadequate funding for addressing gender issues and mainstream gender equality

The Tongan government does not provide adequate resources for mainstreaming gender and women's human rights. In 2009–2010, only 0.007 per cent of the total government budget was allocated to DWA and no sectoral budgets include allocations for gender and human rights mainstreaming. There is no functional mechanism within the government to ensure that relevant sectoral gender issues are incorporated into the national budgetary process or, if identified in planning, are appropriately funded. No ministries interviewed were able to identify any specific or general budgets that target or could positively influence gender equality. While there must be improvements in demonstrated national level ownership, there is also a need for more resourcing from and coordination amongst donors if gender equality and mainstreaming goals are to be achieved.

Lack of awareness and lack of funding were the two most frequently cited constraints to allocating more financial resources to gender mainstreaming. This was followed by the lack of prioritisation of gender equality as a development issue by decision makers, including politicians. Raising awareness was most commonly mentioned as a necessary starting point to enable funding both by donors and government.

g. Additional factors

The need to contextualise the promotion of gender equality within the Tongan culture

Some traditional practices are considered as an important backdrop to any meaningful intervention in gender mainstreaming. The society is hierarchical in nature, with very strongly defined roles for each member of a family and the larger society. The eldest son and the eldest daughter in a family share the duties and responsibilities of leading the extended family. Women as sisters are ranked

higher than their brothers — a point that was consistently made when it was claimed that gender equality is not an issue in Tonga. Understanding these systems and how advocacy on women's unique human rights issues can best be integrated will be important to the success and national ownership of interventions.

POTENTIAL STRATEGIC APPROACHES FOR GENDER MAINSTREAMING

The following are potential starting points for increasing the capacity of the Tongan government to mainstream gender and women's human rights in an effective and sustainable way. These approaches will be discussed in a roundtable dialogue with a range of line and central ministries and SPC at a date to be agreed, as requested by the government at the December 2009 stocktake workshop in Noumea, New Caledonia. Other donors and development partners, particularly those with an interest in supporting mainstreaming efforts, may also be invited by the government to attend.

1. Capacity development for DWA and NACGAD

DWA is severely functionally constrained in acting as a catalyst for gender and women's human rights mainstreaming. Despite having three staff members, their low technical capacity and limited resources, combined with a weak legal and policy structure for gender and women's human rights mainstreaming, have together created a situation where, despite years of existence as a department, there has been virtually no measurable progress made.

NACGAD as a structure has good potential but also needs strengthening to act as a catalyst for mainstreaming. Given the immense barriers, the combined forces of DWA and NACGAD are needed, possibly with a civil society partner, who together could develop a gender and women's human rights mainstreaming alliance. This would allow continued strengthening, not only of DWA but also of NACGAD, which plays a critical role as an advisory body to cabinet. Accompaniment of the alliance by a technical expert through a sustained process of identifying one or two key and concrete gender gaps in targeted priority sectors, analysing them from a gender and human rights perspective, developing legal, policy and administrative responses, and advocating for them across the relevant government sectors and branches with clear process and output indicators for success would provide the necessary hands-on experience and would equip the alliance for similar work in a range of other areas in the future.

Although the legal and policy framework will need to be strengthened over the long term, Tonga's gender equality commitments under the MDGs, BPA, RPPA and Pacific Plan, as well as under CRC when children are concerned, can be leveraged. It will be important for the DWA/NACGAD staff to do the work; the technical expert must simply guide it.

Another critical element will be working closely with the relevant sectors so that, once the DWA/NACGAD acquires the necessary technical skills, it has the capacity to transfer them in whole or in part to sector representatives. This could involve a series of collaborative meetings of DWA/NACGAD, the relevant sector and key central agencies, such as the Ministry of Finance and Planning (led by DWA with the support and guidance of the technical expert) with gender and human rights awareness sessions, hands-on training in analysing a specific development issue from a gender and human rights perspective, and jointly developing and implementing responses that will promote gender equality. Critical to this process is focusing on ministries/departments that reported support for gender equality (see the **Organisational culture** section) and are able to push the agenda

of gender mainstreaming within their ministry and ensure the appropriate level of sustained participation.

2. Tools and systems development

Since there are no existing tools or systems in place to assist the (strengthened) DWA/NACGAD or the various sectors in mainstreaming gender and women's human rights, such tools could be developed either broadly or for specific sectors. These could include user-friendly handbooks, guidelines and analytical tools. The use of these tools should be mandated and monitored, and appropriate record-keeping and reporting systems should be developed accordingly. They should also be used (driven by the DWA/NACGAD alliance and the relevant sector and central agencies and with the assistance and guidance of a technical expert) throughout at least two separate mainstreaming processes, so that the use of the tools is demystified and DWA/NACGAD is comfortable driving similar processes in future. Finally, there should be a clear process established at the outset for reviewing the impact of the tools, including results achieved and feedback from those using them.

3. Gender statistics

There is insufficient collection, compilation and analysis of sex disaggregated data and gender indicators across sectors. Such data are critical to the identification, understanding and addressing of gender inequalities. Building on SPC's ongoing gender statistics initiative, the government could be accompanied through a process of compiling key gender indicators in one comprehensive framework, developing user-friendly 'situation of women' statistical reports, conducting policy analyses based on the priority indicators with relevant government agencies, and collaboratively developing policy responses. This will directly complement and support all other strategic approaches discussed here.

4. National, sectoral and corporate plans

The accompaniment of DWA/NACGAD and one or two targeted sector(s) through a mainstreaming exercise could have as a primary output a fully mainstreamed corporate plan, including key gender indicators to measure performance and impact. This would align with the AusAID/ADB-supported corporate plan review process currently under way and could include the strengthening of related staff performance measures to incorporate gender related outcomes. These processes would involve the DWA/NACGAD alliance, Ministry of Finance and Planning, and the relevant sector(s) and would help increase their awareness, understanding and capacity for mainstreaming gender and women's human rights.

APPENDIX

List of organisations interviewed or consulted

Government

Department of Fisheries

Department of Statistics

Ministry of Agriculture

Ministry of Environment and Climate Change

Ministry of Finance and Planning

Ministry of Health

Ministry of Labour, Commerce & Industries

Ministry of Lands, Survey and Natural Resources

Ministry of Police

Ministry of Education, Women's Affairs and Culture

Department of Public Health

Solicitor General's office

Development Partners

AusAID

NZAID

Civil Society

Centre for Women and Children

Civil Society Forum

Consumer Trade of Tonga

Public Service Association

South Pacific Council of Trade Union

Tonga National Youth Congress

Tongan Women National Congress

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CONTACT DETAILS
Secretariat of the Pacific Community

SPC Headquarters
BP D5,
98848 Noumea Cedex,
New Caledonia
Telephone: +687 26 20 00
Fax: +687 26 38 18

SPC Suva Regional Office
Private Mail Bag,
Suva,
Fiji,
Telephone: +679 337 0733
Fax: +679 337 0021

SPC Pohnpei Regional Office
PO Box Q,
Kolonias, Pohnpei, 96941 FM,
Federated States of
Micronesia
Telephone: +691 3207 523
Fax: +691 3202 725

SPC Solomon Islands
Country Office
PO Box 1468
Honiara, Solomon Islands
Telephone: + 677 25543
+677 25574
Fax: +677 25547

Email: spc@spc.int
Website: www.spc.int