

**PACIFIC PREVENTION OF DOMESTIC
VIOLENCE PROGRAMME**

TONGA REPORT

PREPARED FOR NEW ZEALAND POLICE

BY

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EXECUTIVE SUMMARY

PART 1: THE FOUR COUNTRY STUDY

This research was part of the wider *Pacific Prevention of Domestic Violence Programme* (PPDVP) which is an initiative of the New Zealand Agency for International Development (NZAID), New Zealand Police (NZPOL) and the Pacific Islands Chiefs of Police (PICP). The programme builds on earlier NZAID and NZPOL support for domestic violence prevention in the Pacific.

The long-term goal of the PPDVP is “a safer Pacific free from domestic violence”. Its primary focus is building the capacity of Pacific Police services to prevent and respond effectively to domestic violence. The programme involves both regional and national level components. At the regional level, all Pacific countries participate in a range of training, networking and information sharing activities. At national level, the programme is working more intensively with four Pacific countries – Samoa, Tonga, Cook Islands and Kiribati – providing on-the-ground sustained support for the development of national Police domestic violence policy, strategy, action plans, systems and training programmes. A New Zealand Police mentor has been assigned to each of the four countries to support these efforts.

This Tonga Report on domestic violence is one of four national studies carried out under the PPDVP, the others being for the Cook Islands, Kiribati and Samoa. The research adopted the definition of domestic violence used by the PPDVP: that is, “violence against women by a partner or spouse”. It had two main components. The first centred broadly on Police understandings of and responses to domestic violence. The second component had multiple strands, covering government, NGO and community understandings and responses.

The broad aims of the research were to:

- establish what data were available in each country;
- try to assess the extent of domestic violence and people’s responses to it; and
- engage agencies and communities in reflection on domestic violence.

The research was also expected to provide a key awareness-raising tool for politicians, community leaders and communities. Furthermore, because the studies were conducted in the first year of the PPDVP programme, that the findings should serve as a benchmark to measure the performance and effectiveness of the PPDVP.

The research team worked closely with the New Zealand Police mentor in each project country to develop the research approach and timeframes. We also saw it as important to employ a Pacific research framework. To achieve maximum involvement and sharing of ideas, we partnered a national NGO throughout the planning and implementation of research activities. This had the dual aim of empowering Pacific communities by fostering enquiry and debate on domestic violence, and consolidating on-going partnerships for future PPDVP activities. The in-country research activities were carried out over a two week period. The research was conducted predominantly in urban areas although in each case a group meeting was held in a rural village to gain a rural perspective on these issues. Even so, the team acknowledges that report findings may not be applicable to rural regions or outer islands.

PART 2: THE TONGA STUDY

The Tonga study was carried out November 5 to 17, 2006. The reviewer was based with the Tonga Police and the NGO in-country partner was the Centre for Women and Children in Tonga (CWCT). The CEO of the Women's Department also provided valuable insights and information, as did members of the Catholic Women's League (CWL). Data collection comprised a review of the literature; interviews with members of the police, government agencies, NGOs and church representatives; participant observation and group meetings with members of the police; a national stakeholder meeting; and an evening meeting in the rural community of Nukuleta.

Tonga: The country background

The Kingdom of Tonga is a constitutional monarchy with very clearly delineated places for nobles and commoners. Social roles and behaviours are also influenced by a consideration for seniority and gender. Extended families are the key organisational unit in Tonga and reports show that traditionally, disputes such as domestic violence were seen to be a family matter to be resolved by the family and subject to customary reconciliation processes. Today, Town and District Officers are playing a greater role in village governance: they are legislated to carry out administrative duties such as record keeping of births and deaths and organising village meetings. These officers also play a key role in the newly formed Community Policing Committees. Be that as it may, the extended family support systems still play a major role in ensuring family security, especially in the more rural and isolated of the 36 inhabited islands which make up the Kingdom.

Recent years have been marked by civil unrest including the Public Service strike (2005) and associated calls for democratic reform. High levels of migration, an increase in the number of deportees returning to Tonga who 'have problems fitting into the Tongan social fabric' and, some antagonism towards Chinese traders has contributed to feelings of uncertainty in these times of rapid change, as did the death of a much revered monarch in 2006.

In terms of domestic violence related agreements, Tonga has not ratified CEDAW, however she is party to and reports back on commitments such as The Beijing Declaration (1996); the Millennium Development Goals (MDG); The Convention on the Rights of the Child (CRC); and at regional level, The Pacific Plan and Pacific Women's Platform of Action (PPA). The PPA sets out specific policy and programme level domestic violence aims, activities and indicators. The national level commitment is the National Policy on Gender and Development. The inclusion of domestic violence as a development issue in The Tonga Strategic Development Plan 8 (2005-10) has been a major achievement. It suggests also that the Central Planning Department now has the responsibility to facilitate a cross-ministry/community based drive to address these issues.

Section 1: Police attitudes, policies and practice

A comprehensive national strategy is developing to address domestic violence and the Ministry of Police is playing a key role in these efforts to address domestic violence in a cross cutting and holistic way. Under the leadership of the Police Commander and senior staff, domestic violence is being systematically mainstreamed into police policies and programmes. For example, the Police Strategic Plan highlights domestic violence under the Community Policy Act; and domestic violence is included in the Recruit Training curriculum, which also contains role plays of how to deal with sensitive cases, as for example, when police colleagues or nobles may be the alleged perpetrators. Domestic violence concepts are being translated into the vernacular for this training – a strategy which could be considered for other PPDVP activities. Community Policing Committees are being established and the Assistant Commissioner sits on the Board of the National Centre for Women and Children – so ensuring strong networks with this and other community programmes. Her chairing of the PPDVP national stakeholder meeting reinforced that

police are giving priority to domestic violence issues. Under the PPDVP also, staff have been recruited for the newly formed Domestic Violence Unit and rooms to house this section were being renovated at the time of the review.

Now that policy level steps are in place, considerable education and training in domestic violence and police reporting procedures will be essential to realize the police vision. The review found that many police (and members of the public) still saw domestic violence to be a family matter, to be solved within the family rather than through police and legal processes. There were signs of a growing understanding of the wider and multiple impacts of domestic violence including how this affected relationships, family life, and physical, emotional and spiritual development. However, there was lesser understanding of a rights perspective, including women's right not to be hit. Changing these attitudes will be a long term process, requiring a systematic and multi-levelled police education and training programme to: a) increase police awareness and understanding about domestic violence and other related development issues; and b) institute effective and efficient management routines, processes and tracking systems which will ensure domestic violence complaints are dealt with in an ethical, just and, in the words of a victim, 'a serious way.' The focus could include discussions about how complaints should be treated at the reception desk, tracking systems from reporting through to the documentation of outcomes, and agreement as to how the no-drop policy should be applied. Computerised systems would be of considerable benefit in tracking levels of case withdrawal, prosecution and number of offenders being held accountable for their actions.

Attention to developing robust police relations with Court and Justice systems is another measure which would assist police ensure accountable processes in dealing with domestic violence cases. Recent statements by the Honourable Attorney General, stressing accountability to legal processes and the rule of law, are extremely timely here. Police could also draw even more on government, NGO, community and religious organisations with training expertise so as to address domestic violence in a coordinated and coherent manner. For example, NGOs such as the CWCT and the CWL already carry out counselling, legal literacy and gender equity training for police. However, this is quite spasmodic and of a 'once off nature', rather than a steady building up of police skills, expertise and knowledge resource base. Community partnerships are vital, especially given the spread-out nature of the Tongan Islands. The CWCT NGO request to formalise their relationship with the Police through a MOU was noted.

Section 2: Government, NGO and community attitudes and responses

Much credit for increased community awareness and education about domestic violence as a development issue lies with NGOs and community groups, especially the CWCT and the CWL. Through networking into the RRRT and the FWCC regional programmes, these and other NGOs are building considerable knowledge, skills and experience in human rights and gender equity, legal literacy, counselling, training of trainers and 'teaching women how the legal and justice systems work and supporting them through these systems'. These NGOs have adopted a predominantly human rights and preventative stand. Two recent powerful interventions are the high school programme carried out by the CWCT and the Mobile community education service. Both strategies could be supported by the police and/or the PPDVP, in rural areas especially.

NGO data indicates a growing demand for domestic violence services by women and also males. That people appear to be turning a little more to the NGOs and described the community policing committees as a 'natural' development. This suggests there may be a developing need for community level capacity building in how to address domestic violence in an objective way. NGOs said the severe resource constraints they faced (human and financial) prevented them from carrying out and/or expanding their programmes. The severe shortage of trained counsellors

reinforces that people are starting to discuss their concerns ‘outside the family’ and probably coming to rely more on legal processes. If so, this would need to be factored into national decision-making processes. NGO support is largely voluntary: they did this ‘because we know this must be done’. The request for a formal relationship with the Police Ministry included for consideration the idea that the CWCT meet regularly with senior police staff and be consulted on changes to legal processes.

The Tonga review activity of the PPDVP was timely. Each interview and group meeting was a valuable time for information sharing and debate. The PPDVP stakeholder meeting especially brought together members of government agencies, NGOs and donors working in domestic violence, including the media. Participants discussed what they were doing, what needed to be done and which agencies were best placed to do this, and forged partnerships in preventing and addressing domestic violence. For the Tonga Police, which chaired this event, the meeting indicated police commitment to addressing domestic violence and police openness to looking at domestic violence issues in a more holistic and community based way. All told, there was strong evidence that the PPDVP and the Domestic Violence Team are already making a significant contribution to the national domestic violence movement. At the same time, the civil unrest which took place on the final day of the review may influence the nature and pace of PPDVP and domestic violence initiatives as priority turns to national protection.

PART 1: PACIFIC PREVENTION OF DOMESTIC VIOLENCE PROGRAMME - THE FOUR COUNTRY STUDY

This research was part of the wider *Pacific Prevention of Domestic Violence Programme* (PPDVP). The PPDVP is an initiative of the New Zealand Agency for International Development (NZAID), New Zealand Police (NZPOL) and the Pacific Islands Chiefs of Police (PICP). The programme builds on earlier NZAID and NZPOL support for domestic violence prevention in the Pacific. Feedback from earlier programmes indicates that while the assistance was well received, there was a need for more consistent and on-going support. The initial programme duration is five years.

The long-term goal of the PPDVP is “a safer Pacific free from domestic violence”. Its primary focus is building the capacity of Pacific Police services to prevent and respond effectively to domestic violence. The programme involves components at both the regional and national level. At the regional level, all Pacific countries are invited to participate in a range of training, networking and information sharing activities. At the national level, the programme is working more intensively with four Pacific countries - Samoa, Tonga, Cook Islands and Kiribati. Here it is providing on-the-ground sustained support for the development of Police domestic violence policy, strategy, action plans, systems and training programmes. Specific objectives are:

- i) To increase Pacific Police capacity across the region to prevent/respond effectively to domestic violence and to develop and maintain effective partnerships through regionally coordinated programmes.
- ii) To increase Police capacity in Samoa, Tonga, Cook Islands and Kiribati to prevent/respond effectively to domestic violence through national level programmes.
- iii) To develop and maintain effective partnerships between Police and relevant government agencies, non-governmental organisations (NGOs), churches, community leaders/organisations to prevent/respond effectively to domestic violence in Samoa, Tonga, Cook Islands and Kiribati.
- iv) To support the development of appropriate legislation on domestic violence and training for the judiciary/legal profession in Samoa, Tonga, Cook Islands and Kiribati.
- v) To support development of appropriate national policy on domestic violence and incorporation of appropriate actions in national development plans, in Samoa, Tonga, Cook Islands and Kiribati.

To a large extent, programme aims at the national level are addressed through the work of part-time country mentors. The mentors, who were appointed from within NZ Police, were each assigned one country and are deployed twice-yearly.

Research aims and terms of reference

The research adopted the definition of domestic violence used by the PPDVP: that is, “violence against women by a partner or spouse”. The study had two main components. The first centred broadly on Police understandings of and responses to domestic violence. The second component had multiple strands, covering government, NGO and community understandings and responses. The terms of reference (TORs) for each component are set out in Table 1.

Table 1. Terms of reference for the research

POLICE ATTITUDES, POLICY, PRACTICE	GOVERNMENT, NGO AND COMMUNITY ATTITUDES AND RESPONSES
Current specific levels of domestic violence reported to police	Current and historical levels of domestic violence reported to the key non-government agencies (women's crisis/refuge organisations)
Current policy, protocols and general processes and procedures (including record keeping) for dealing with domestic violence	Some assessment of the prevalence of domestic violence using the available Police and non-government agency data, and data available from other agencies, including the United Nations
The current state of Police prosecution of Domestic Violence including levels of case withdrawal, levels of prosecution against reporting and the overall number of offenders being held accountable for their actions	Broad trends in victim attitudes towards domestic violence and reporting to the Police
Any history of change around Police domestic violence practice	The policy and other contribution of key non-government agencies to dealing with and reducing domestic violence
Current Police leadership practice around domestic violence	A general assessment of levels of social acceptance and cultural tolerance towards domestic violence
Police attitudes and perceptions of domestic violence, including attitudes to dealing with complaints, prosecutions, offenders, and holding offenders to account. Police views on traditional cultural attitudes towards domestic violence and views of Officers regarding traditional local or village approaches towards dealing with domestic violence.	Current government policy and practice arrangements directed or associated with domestic violence
Police attitudes and perceptions towards Police Officers as domestic violence offenders	The current state of legislative arrangements in relation to domestic violence, including compliance with international covenants and conventions (CEDAW)
Current policy and practice arrangements for dealing with Police Officers as domestic violence offenders	The current state of any alternative approaches (village justice) to domestic violence
The current state of Police domestic violence training	Provide brief overview of nature and extent of systems in place for (a) reporting and (b) sharing information on medical and death records relating to domestic violence
The state and recent history of Police partner relations	The attitudes of key religious organisations towards domestic violence

The broad aims of the research were to:

- establish what data were available in each country;
- try to assess the extent of domestic violence and people's responses to it; and
- engage agencies and communities in reflection on domestic violence.

The research was also expected to provide a key awareness-raising tool for politicians, community leaders and communities. Because it was conducted in the first year of the programme, the findings should serve as a benchmark to measure the performance and effectiveness of the PPDVP.

Our approach and methodological framework

We saw it as important to employ a Pacific research framework (see Anae, et al 2003; The Health Research Council, 2005). This gives priority to relationships and informed community participation to ensure ‘meaningful engagement’, relevance, validity and ownership of the research process and outcomes.

The first feature of the team strategy was its emphasis on partnerships. To achieve maximum involvement and sharing of ideas, we partnered one national NGO throughout the planning and implementation of research activities. This had the dual aim of empowering Pacific communities by fostering enquiry and debate on domestic violence, and consolidating on-going partnerships for future PPDVP activities. Partner NGOs were given an honorarium in acknowledgement of their expertise and support.

- In the Cook Islands the NGO partner was Punanga Tauturu Inc; in Kiribati it was the Kiribati Association of Non-Governmental Organisations; in Samoa it was Mapusaga o Aiga; and in Tonga the NGO partner was the Centre for Women and Children. These partnerships proved an invaluable strategy, ensuring knowledge sharing, ‘open doors’, relevance and ownership of the information, as well as downstream sustainability gains.
- The team also built on the work done by the PPVDP mentors. We worked closely with the mentors to develop the research approach and timeframes. This included, where possible, coinciding the fieldwork with the mentors’ in-country deployment. Again there were wonderful mutual benefits in this strategy. In Kiribati, the researcher worked with the mentor for the duration of the fieldwork. In the Cook Islands, the researcher worked with the mentor for one of the two weeks of fieldwork. For Samoa, the mentor provided key documents and information for the review. On-line support was received from the Tonga mentor.

Secondly, our approach was premised on the understanding that no single research strategy would fit the four countries: that, although there might be commonalities of experience, local domestic violence-related perceptions and practices would be influenced by factors such as physical, economic, social and cultural norms, and the nature of colonial and post-colonial influences, including access to education, IT, increasing aspirations and new recreations, poverty related factors and integration into global networks. There were likely to be differences in:

- customary views of domestic violence and ways this should be addressed;
- the strength and capacity of domestic violence local movements, such as NGOs;
- police capacity and policing, law and justice systems;
- physical constraints, including the way in which the spread of the islands which make up Kiribati, Cook Islands and Tonga influences people’s knowledge of laws and access to policing systems and/or justice; and
- national commitments and understandings of regional and international agreements such as CEDAW and the Pacific Platform of Action.

Thirdly, it was important to keep in mind that findings were set against a context of rapidly changing times. Clearly, the interplay of different views on domestic violence – both traditional and legal, for the police and the community – would feature strongly in this review.

Finally, we saw the review as both a data collection and an education and advocacy exercise for domestic violence and related issues and this proved accurate. Each interview was almost an awareness raising exercise on domestic violence, CEDAW and related issues.

Preliminary findings were that each country had a significant resource base of knowledge and expertise. For example, each had participated in training provided by agencies such as the Fiji Women's Crisis Centre or the United Nations Pacific Regional Rights Resource Team (RRRT) project. This meant that domestic violence was likely perceived under a 'human rights framework' in addition to the 'Safer Pacific Free from Domestic Violence' framework of the PPDVP. Table 2 shows the main global and regional gender equity commitments and national responses to these. Samoa's draft Domestic Violence Bill was in circulation at the time of the review.

Table 2. Global and regional gender equity commitments

	CEDAW*	Pacific Platform of Action for Women (PPA) SPC**	Pacific Plan Pacific Islands Forum Secretariat (PIFS)***	Millennium Development Goals (UN)
Cook Islands	1 st report (2006)	X	X	X
Kiribati	1 st report overdue	X	X	X
Samoa	1 st & 2 nd report (2005)	X	X	X
Tonga	Not yet ratified In discussion	X	X	X

*Focus on gender equity and human rights.

**See especially: Goals 2.1 (Elimination of all forms of discrimination against women) and 2.3 (To eliminate sexual and family violence).

*** Initiative 12.5 of the Pacific Plan emphasises a commitment to ratify international and regional human rights conventions, covenants and agreements such as CEDAW.

The fieldwork was carried out in two-week blocks, in October and November 2006.¹ Each researcher visited two countries.² Because of the geographical spread and remoteness of many islands in each country, the research was conducted predominantly in urban locations or a central island. The findings may not be applicable to rural regions or outer islands.

The research required a multi-method strategy. Briefly, the main methods were:

- Literature review of published and unpublished research.
- Collection and analysis of data recorded by Police, NGOs and other agencies.
- Overview of government legislation, policies and practices.
- Analysis of media reports of domestic violence (e.g., newspaper reports).
- Qualitative methods such as focus groups and in-depth interviews with key informants.
- National stakeholder meetings, including review of materials collected.

Although we aimed to collect statistical data wherever possible, we anticipated that the information would vary greatly in accessibility, coverage and quality. Qualitative methods were also appropriate, given that a major research focus was identifying attitudes to domestic violence. We recognized that the topic had only recently been acknowledged as a Pacific development issue and that understanding the cultural and social underpinnings of domestic violence in the four countries required extensive discussions with a broad group of actors. Pacific research

1 Ethics approval was given by the Victoria University Human Ethics Committee: No 120/2006.

2 The project leader, Peggy Fairbairn-Dunlop, went to Samoa and Tonga. Denise Lievore went to the Cook Islands and Kiribati.

highlights that face to face communication is more appropriate and yields richer data than paper and pencil instruments or survey methodology.

While we established general guidelines for the research process, data collection methods varied somewhat across the four countries. The methods were finalised after the researchers arrived in the country and based on the advice of local Police and NGO partners. Tables A1 and A2 in Annex A set out the general framework.

The four country reports

We believed that the term ‘domestic violence’ would be recognised in the four project countries. However, we anticipated that we might find different understandings of what it comprises, and how it should be dealt with, according to differences in the four countries’ socio-cultural values, beliefs and attitudes to do with roles and place, and post-colonial and recent history. We felt that women’s vulnerability to violence in a given country might also vary in terms of factors such as age or urban/rural living. Similarly, we felt that while there were likely to be some commonalities in legislation, policy and practice responses to domestic violence, there would probably also be differences. Given these and other socio-cultural and structural differences among the project countries, we concluded that it would be challenging to draw the data together in a reliable and rounded assessment of the extent and nature of domestic violence across the four countries, and the policies and programmes to address it.

As a result, the analysis and report comprise four national case studies. The case studies provide a snapshot of social and organisational understandings of and responses to domestic violence at the time of the research. The reports attempt to portray as accurately as possible the views and perceptions of those who participated in the research. Due to the exploratory and largely qualitative nature of the research, we cannot be certain that the views of participants are representative of the wider population. However, there were consistent themes emerging from interviews with individuals from different sectors, particularly in relation to issues such as structural gender inequalities and attitudes to dealing with domestic violence. The findings also tend to concur with previous research or reports from international development agencies, where these have been done.

Each country report comprises two main parts with the second part covering two sections. Part 1 has set out the background to the study. Part 2 discusses relevant contextual factors in the specific country. This covers information such as local understandings of gender, family, and community, to the political context at the time of the research.

Section 1 of Part 2 covers Police attitudes, policy and practice in relation to domestic violence. The section is organised around the 10 Terms of Reference (TORs) in Table 1. The sub-sections raise points for discussion or further consideration. The information in this section is mainly derived from interviews with Police Officers. Section 2 follows the same format. It covers the second set of 10 TORs, relating to government, NGO, and community attitudes and responses to domestic violence. The information is mainly drawn from interviews with community stakeholders.

PART 2: THE TONGA STUDY

The Tonga study was carried out November 5 to 17, 2006. The reviewer was based with the Tonga Police and well supported by the Assistant Commissioner Lauaitu Tupouniua (Head, Human Resources) and L Manu, the newly appointed cadet officer for the Domestic Violence Unit. The national NGO partner for the review was the Centre for Women and Children in Tonga (CWCT) and the support of the CEO Lavinia Palei and Angus McLean is acknowledged with great appreciation as is the work of Susana Uhuatafe (community educator) who translated the review questions into Tongan and facilitated the community meeting in the rural village of Nukuleta. Polotu Paunga (CEO Women's Department) and Mrs Betty Blake, the RRRT trainer at the Catholic Women's League, also provided information and valuable insights to the review. As noted, data collection comprised a review of the literature; group and individual interviews with members of the police, government agencies, NGOs and church representatives and group meetings with police, the Nukuleta community and a group of national stakeholders working in the domestic violence field. The TORs for the review are in Annex A. Annex B lists a diary of activities carried out for the review and Annex C the list of people consulted.

This report begins with a brief outline of factors influencing the review. Section one presents Police attitudes, policy and practice relating to domestic violence related issues and Section two Government, NGO and Community attitudes and responses to domestic violence. Both sections follow the TOR outline.

Factors influencing the review

Village systems and justice issues

The Kingdom of Tonga is a constitutional monarchy with clearly delineated places for nobles and commoners, based on rank. As documented, a consideration for seniority and gender also influences behaviour in these family based systems, with sisters customarily accorded a higher status than their brothers. In the Tonga way, disputes, such as domestic violence, are seen to be a family matter, to be solved within the family and subject to the traditional reconciliation practices, which involve gifts of food and other items. Today, Nukualofa, the capital, is administered directly by the central government. For other areas, Town and District officers are elected by villagers and represent government at the local level and may have jurisdiction over a group of villages. Town and District officers are legislated to carry out a variety of administrative duties, including record keeping of births and deaths, organizing village meetings and attending official traditional and ceremonial functions for government (Central Planning Department: 2004). Most villages have a number of women's committees, many of which link into national networks such as the Langafanua (NCW), the Tonga Development Trust (TCD) and the Catholic Women's League (CWL). Town and District Officers play a major role in ensuring law enforcement in the villages as do the more recently established Community Policing Committees.

The spread of islands

Maintaining law and order in the many far flung islands which make up the Kingdom of Tonga is a vast undertaking. Briefly, Tonga comprises over 170 islands covering a territorial boundary of some 360,700 sq km of ocean (Figure 1 overleaf). While there are 36 inhabited islands, the six main islands account for three quarters of the total land area and 90% of the Kingdom's population. These three main island groups are Tongatapu (including Tongatapu and Eua), Haapai and Vavau. The main Police Services are located in Nukualofa, the capital of Tonga, which is known as Police District number 1. Table 3 shows the division of the other four Police

Districts with the furthest island groups of Vavau and the Niuas having the largest number of sub-district posts. As noted also, under the Community Policing Program initiative, Community Police Committees are being set up in every village aimed at encouraging community partnerships with police in the ‘fight against crime’ (see Strategic Development Plan 8: 2006)

Figure 1. Geographical spread of Tonga islands



Source: <http://worldatlas.com/webimage/countrys/oceania/lcolor/tocolor.htm>

Distance from Nukualofa – the centre of government and justice systems – can also impact on people’s knowledge of and access to information about legal laws and processes. The launching of Tonga’s *Legislation on Line* service in February 2007 aims to address this need. In opening this service, the Honourable Attorney General emphasised that it was the fundamental duty of any government to have an orderly society governed by the rule of law and accordingly, to ensure that the laws were available to the public. Making sure people know about and understand Tonga’s laws and compliance systems is vital to the work of the PPDVP.

Table 3. Police District and Sub-District Centres

Police District No.	Sub-Districts
1 Nuku'alofa	No sub-districts
2 Mu'a	Vaini; 'Eua
3 Nukunuku	Houma
4 Ha'apai Group	Pangai; Nomuka
5 Vava'u Group and the Niuas	Neiafu; Falevai; Leimātu'a; Niuafo'ou; Niuatoputapu

Source: Ministry of Police, Prisons and Fire Services Annual Report 2004.

National domestic violence markers

Figure 2 shows there have been a significant number of domestic violence related research, policy and programme achievements in the past ten year period, each of which sets a solid framework for the PPDVP. First, while Tonga has not yet ratified CEDAW, it is fulfilling commitments made under the UN Beijing Forward Looking Strategies (1996) and the regional Pacific Platform of Action for Women (PPA) - more specifically those listed under Theme 2 Women's Legal and Human Rights (Annex D). Second, review comments were that the strategies Tonga is putting in place to meet its obligations under the Convention on the Rights of the Child (CRC) are providing an invaluable entry point for domestic violence discussion, especially from a rights based perspective. The vital role played by NGOs in promoting domestic violence education, training and counselling is a third point of note, side by side with the developing NGO-National Planning Office partnerships seen in the proposal for a national domestic violence survey. Fourth is the inclusion of domestic violence in the National Development Plan (see Tonga Strategic Development Plan 8: 2006 and the Tonga Police Strategic Plan: 2006) (Annex E). Both are a tremendous national policy level action achievement.

Figure 2. Key national domestic violence markers (1996-2006)

	Actions	Comments
WOMEN & DEVELOPMENT UNIT (Formerly within the PM Dept now with the Ed Ministry)	National mandate for Women and gender activities. Responsible for national reporting on Global and regional commitments as, <ul style="list-style-type: none"> the Beijing FLS (UN); the Pacific Platform of Action (SPC): MDGs (UN) and the Pacific Plan (PIFS) 	National Policy on Gender and Development
GLOBAL & REGIONAL NATIONAL COMMITMENTS	Global <ul style="list-style-type: none"> Convention on the Rights of the child (CRC) ratified. (1995) and a National CRC Committee established CEDAW (in progress) Signatory to UN Beijing Forward Looking Strategies (FLS) (1996) MDGs Regional <ul style="list-style-type: none"> Pacific Platform of Action for women (1996) and revised PPA (2004) Goal 2 - Violence Against Women (Goal 2) – Pacific Plan (PIFS) 	
NGO	Catholic Women's League <ul style="list-style-type: none"> Formed 1995, focussing on a rights agenda Centre for Women and Children Tonga (CWCT) <ul style="list-style-type: none"> Established as National DV Unit (2004) CWCT Board comprising Govt and NGOs and chaired by the CEO Women. Assistant Commissioner (Police) is member of this Advisory Board	Legal literacy, human rights training for police and CEDAW, Counselling Training, Counselling, Secondary school DV programmes, Safe House
NATIONAL PLANNING	National Planning Office <ul style="list-style-type: none"> Tongan Strategic Development Plan 8 (2006) Comprehensive Review of social & economic issues Partnership with Centre for Women & Children (CWCT)	Section on domestic violence and police capacity Joint Proposal for Domestic Violence Research. (2006)
TONGA POLICE	<ul style="list-style-type: none"> Tonga Police Strategic Plan(2006) PPDVP (2006) 	DV mainstreamed Domestic Violence Team recruited DV interview rooms in progress.

Changing times

Despite the undoubted endurance of the traditional ways, recent years have seen many changes in aspirations and lifestyle as a result of increased education, travel and technology development. Changes include rapid urbanisation, unemployment, poverty and increasingly visible differences in wealth, the availability of new recreations including alcohol and drugs, and changes in the family and the ways families organise. Each presents new challenges for the police and justice systems. Recent years have also been marked by civil unrest in Tonga, including the Public Service strike (2005) and calls for democratic reform. High levels of migration, an increase in the number of deportees returning to Tonga who 'have problems fitting into the Tongan social fabric' and some antagonism towards Chinese traders has contributed to feelings of uncertainty in these times of rapid change. So too did the death of a much revered monarch in 2006. At the time of the review the police were observing a state of emergency: protesters were meeting each day at the Pangi grounds next to the government buildings and the daily street marches eventually built up to the extreme civil disorder displayed on the final day of the review.

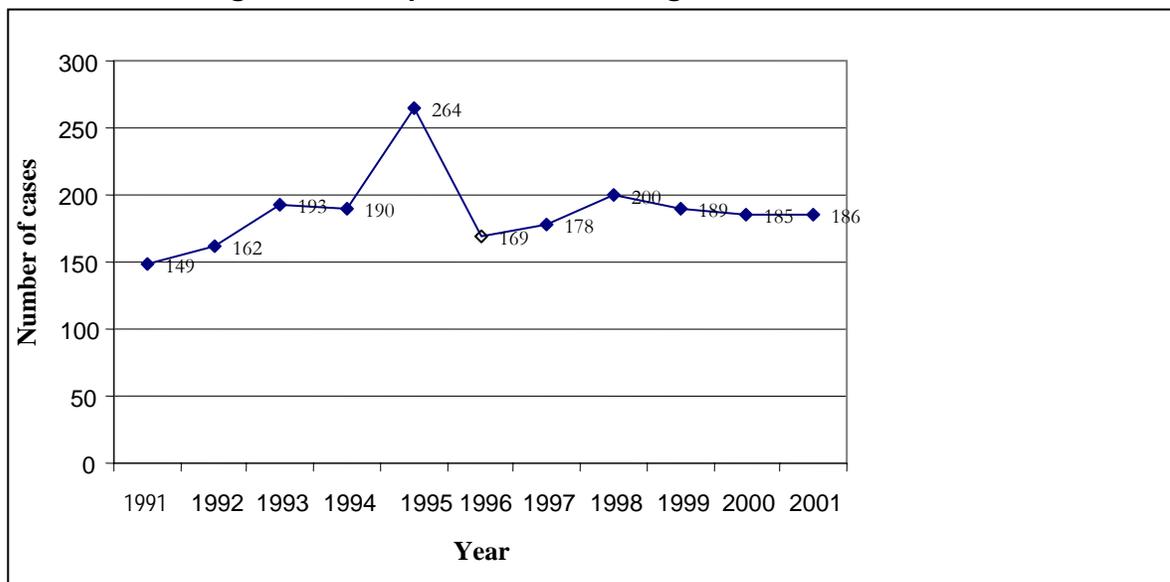
SECTION 1: POLICE ATTITUDES, POLICY AND PRACTICE

Current specific levels of domestic violence reported to Police

There are difficulties determining current specific levels of domestic violence reported to the Police, because domestic violence is not classified as a separate offence: violence against women in the home is included in the general category of common assault in the *Criminal Offences Act* (cap 18). This situation is somewhat problematic, given that police records do include a separate category for women committing assault. Given these constraints, data for 2004¹ indicates that 46.1% of victims of *offences against the person* were female and 16% of these cases (46 women) were victims of domestic violence. The breakdown of offences against women was listed as follows: common assault (80.3%); grievous and bodily harm (9.3%); indecent assault (7.3%); rape/attempted rape (2.8); and carnal knowledge of a child (0.3%).

Figure 3 data shows that reported cases of violence against women during the 1991-2001 period ranged between 150-200 per year with the exception of a high of 264 in 1995. Explanations for this peak were not forthcoming.

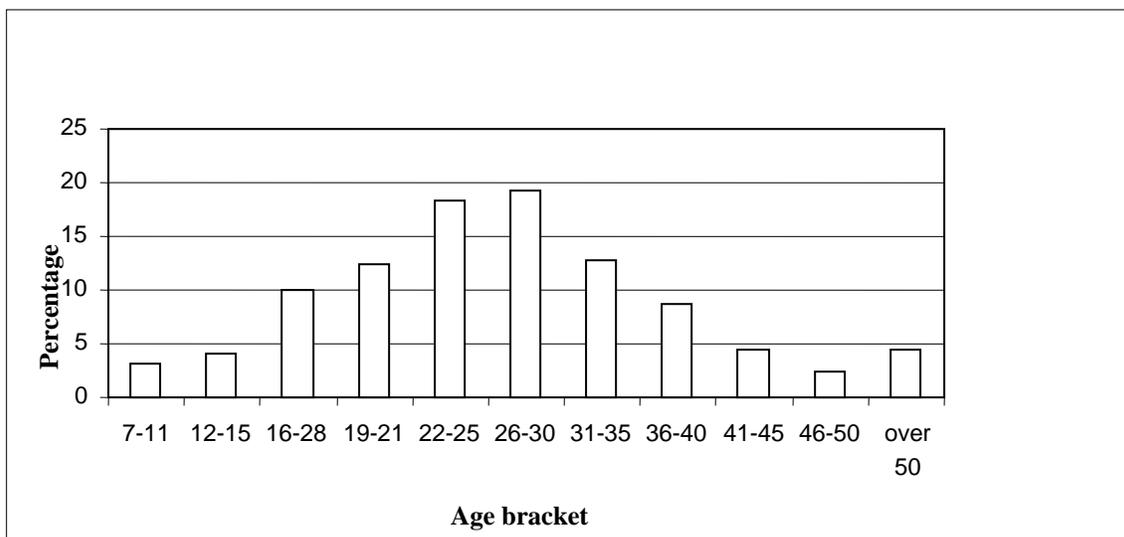
Figure 3. Reported violence against women 1991-2001



Source: Ministry of Police records, 1995-2001, cited in UNICEF draft 2006

As shown in Figure 4, the age distribution of female victims of crime ranged from 7 years to over 50 years. Approximately 7.2% of victims were aged between 7 and 15 years, and almost 50% were aged 25 years or under. The high incidence of youthful female victims of crime fits global data which highlights the vulnerability of young women and girls to physical and sexual abuse. However, when set against findings from the Tonga Police Perceptions Study – that members of the younger age groups are *less likely to report cases* to police compared with those in the older age groups– indications are that the actual number of youthful female victims of crime are would be significantly higher.

¹ Note: this 2004 data and data presented in Fig 3 and 4 were collated manually.

Figure 4. Age distribution of female victims of crime

Source: Ministry of Police, Prisons & Fire Services, Annual Report 2004

In the second week of the review a desk check of domestic violence related cases lodged at the Nukualofa Police Station was carried out. Two complaints fitting this category were lodged. The first was a domestic dispute. The second was a woman found wandering the streets late at night who had 'left her flat because her boyfriend had been abusing her.' Both cases were resolved by police action on the spot.

Discussion

Under-reporting

Police acknowledged that this and other available data is likely to underestimate the extent of domestic violence. In their view many complaints filed were cancelled as a result of a tendency for victims and offenders to reconcile before the complaint was formalised. In the opinion of CWCT staff domestic violence was seriously under-reported. They said this was because police (and community members) continue to encourage women and girls to reconcile so as to minimize any social disruption within the family / community which might result from a complaint. CWCT staff also believed the police encouraged women to reconcile so as to protect the male perpetrators.

For the present, and given that there appears to be little discussion about whether or not to introduce domestic violence legislation, it may be possible to set up a separate category for recording domestic violence cases, similar to the arrangements in place for recording the numbers of women committing assault.

Current Police policy, protocols and general processes and procedures (including record keeping) for dealing with domestic violence

Domestic violence complaints are reported to duty staff at the general policing desk and may then be transferred to another room for further interviewing. As a matter of policy, aims were to have a female staff member on duty at all times. All information is recorded manually on paper. Staff (and NGOs) said it was not unusual for papers to be 'mislaid, misfiled and even lost'. There was

keen interest in the IT systems being piloted by the Samoa Police and the kinds of training which would be needed to operate these record keeping systems.

Community members expressed concern at the public nature of these processes for dealing with domestic violence and the lack of sensitivity shown to victims. There were also concerns at the slowness of these processes (and sometimes it was believed, deliberately slow):

... I sat a whole day waiting with They left me waiting till after eight o'clock at night ... then they announced reconciliation. I think that the 'top people' had been waiting for this to happen and/or for me and the victim to 'get tired of waiting for something. That's what they do (NCWT counsellor).

At the time of the review, PPDVP related changes to enhance police capacity for dealing with reported cases of domestic violence included:

- The renovation of a suite of rooms for domestic violence cases at the rear of the Police Station. Victims will still report to the front desk before proceeding to these rooms.
- The recruitment of staff for the Domestic Violence Unit and the development of reporting systems and processes for domestic violence.

The current state of Police prosecution of domestic violence including levels of case withdrawal, levels of prosecution against reporting, and the overall number of offenders being held accountable for their actions
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Management systems and routines for systematically tracking levels of case withdrawal, prosecution, and the number of offenders being held accountable for their actions are inadequate. That aside, a related issue centres on reports that the Ministry of Police does not document all reports of violence against women and a large proportion of complaints are withdrawn before these matters proceed to court. However, this is not the case for violence causing bodily harm or grievous bodily harm. The 1998 ADB report proposed that the introduction of a no drop policy in Tonga had effectively removed decision-making over domestic assault cases from the police so ensuring that these cases proceeded to courts 'as a matter of course'. This is at odds with the review findings that, while some police had heard about the no-drop policy, many were unsure about what this meant in practical terms.

Various estimates of the proportion of withdrawals of domestic violence complaints before reaching courts have been made – from 27% of all complaints in the 1991-2001 period (see Government of Tonga and UNICEF Situational Analysis of Women and Children Report: 2006) to 90% for the year 1997 (Box 1).

Box 1. Case withdrawals, 1997

Police received approximately 10 complaints of violence per week. Of these 90% were reported withdrawn:

- 50 % withdrawn within two hours;
- 20% withdrawn in court;
- 20% withdrawn before summons issued; and
- 10% of complaints resulted in a conviction.

Deputy Secretary and Head of the Women and Development Centre cited in Commonwealth Secretariat et al. *Strengthening Pacific Partnerships for Eliminating Violence Against Women, A Pacific Regional Workshop Report* (2003) 52

General reasons given for withdrawal included: determining the complaint to be a civil matter; one party voluntarily withdrawing the complaint; lack of evidence to prove the charges; and reluctance by women to prosecute. Another view was that women in the Nukualofa (town area) were more likely to request the help of police to 'deal with' a violent husband. This usually meant asking police to detain husbands overnight (or until he had sobered up) but specifically not to prosecute (McLean: 2007). The views of the CWCT staff were that police encouraged women to resolve domestic disputes before charges were laid because of the social stigma this would bring to all involved. They said police actions mirrored traditional expectations that males were seen to be the head of the household also, that many Tongans (male and female) still believed in the subordinate status of women.

Any history of change around police domestic violence practice

In the past ten years especially, the Tonga Police has been building a solid raft of policy and practices aimed at addressing domestic violence. The effective implementation of these systems will require substantial and ongoing training to ensure police (and the public) understand why domestic violence is a crime and, that police follow the correct procedures for dealing with domestic violence cases as a matter of routine.

Tonga Police Strategic Plan (2006-2010) Police Motto: to serve and protect our community

The Vision: *'Working in partnerships with our community to create a safer and more secure environment'*.

Every action in the Tonga Police Strategic Plan will enhance police capacity to deal with cases of domestic violence in a professional way. Two major strategies are noted here.

The first is that domestic violence features in two key result areas of the Strategic Plan. The way this section is written serves as a sound educational learning tool in itself (see Box 2). For example, these definitions of domestic violence were repeated to me at the police group meeting.

Second is the Community Policing Programme which recognises the tremendous strengths of the traditional community based systems that worked together to ensure the smooth and peaceful organisation of village communities in the past. Under this programme, Community Police Committees are being formed under the leadership of the Village Leaders. This strategy reinforces the message of community responsibility for 'safer and more secure environments'. Interviews revealed a deep appreciation of the role these committees already play and their value as outreach points for police domestic violence focused measures. Comments also noted that

these committees merged very easily into the existing village structures and that these police-community partnerships were a 'natural' way to do things (Nukuleta meeting participants).

Box 2. National strategy for violence reduction

Purpose:

To provide a safer community by preventing and reducing the incidence and effects of domestic violence (p139).

Programmes/ actions

1. Breaking the Cycle of Violence
2. Developing our definition

The term domestic violence includes any physical, sexual and psychological (emotional) violence or abuse, and includes intimidation or threats of violence. Psychological violence also include any situations where a child sees or hears their parent being subjected to violence or abuse.

The term domestic refers to relationships between people such as parents, children, extended family members or any other persons in existing or previously close relationships. Examples of a close relationship include partners or ex-partners, defacto guardians such as step-parents, boyfriends and girlfriends, boarders but would not include neighbours.

Police evaluations

Police have carried out several evaluations of their organizational systems and behaviours in recent years, with the aim of modernizing and improving police responses in these rapidly changing times. The following reports were cited:

- Avoiding violence between the citizens of Tonga and the police by utilizing good Policing principles (15-08-06).
- Contemporary issues facing policing in the Kingdom (Kolokihakaufisi, S).
- Police Reform – A roadmap to modernization (TSP: 4).
- Community Police Perceptions Study.

The serious focus on police accountability and professional behaviour is seen in questions raised in these studies which include: why has the relationship between the police and the citizens deteriorated?; (are) police a stumbling block in bringing about changes?; (are) police a weak body in terms of experience, training, being ill-equipped and ill-clothed? and should court rulings place more restrictions on police powers of arrest and detention?

Police intend to keep up these review processes, which are undoubtedly opening up a healthy public discussion of police role, place and actions, including accountability, transparency and responsiveness to national and community needs.

Women in the Police force

Nineteen percent of males surveyed in the Police Perception Study and 27% of females thought there should be more women in the Police (respondents 276).

Views that having more women in the Police would assist address 'unsympathetic and traditional attitudes within the police force towards women victims of violence' have proven to be accurate.

Clearly, advocacy for domestic violence education within the police force and the collation of data to prove the urgent need for national action, was driven by a small group of women police officers recruited into the middle-senior ranks through the 1990s. In the year 1998 Tonga had a woman Assistant Police Commissioner (who held a law degree) and approximately 40% of Chief Inspectors and three of the seven Assistant Chief Inspectors were women. Reported also was that the first contingent of Tongan Police to serve in the Solomon Islands was headed by a woman, the present Assistant Commissioner (Human Resources). The AC also coordinated this PPDVP review.

Gender sensitization in Police Training

The Recruits Training programme includes a comprehensive section on Domestic Violence perceptions and practices. Evidence that police leaders have been receptive to NGOs conducting training for police includes the following examples:

- Gender Sensitization programmes, supported by British Aid (Pacific Regional Human Rights Resource Team) and AusAid.
- AusAid funded *Crimes against the Person* training. Reports were that following this training women victims were ‘more likely to meet with police support when requested’.
- Catholic Women’s League (RRRT) training (early 2000s).
- CWCT training in counselling and domestic violence issues (2005-).

Police-NGO partnerships

A prominent police officer summed up the difficulties of police-NGO partnerships with these words: ‘our mandate is to ensure public accountability to legal laws and NGOs don’t always understand our police role’. That aside, it is clear that police are more actively involved in public, NGO and community discussions about domestic violence issues than in the past. The PPDVP Stakeholder meeting, for example, was considered to be a major breakthrough in bringing government, NGO and donor agencies working in the domestic violence-related field of action together. In addition, police staff are engaged in a number of informal but highly strategic partnerships with community agencies. For example, the Assistant Police Commissioner (Human Resources) sits on the CWCT Board in her professional capacity and as a personal commitment. Other members of the CWCT Board are the CEO of the Women and Development Unit, the CEO of the Planning Department, the Chief Paediatrician and the CWCT CEO. All told, the Assistant Police Commissioner is a member of a highly strategically placed and influential team. Police-NGO partnerships are discussed more fully in section two.

Current Police leadership practice around domestic violence

Given the absence of Domestic Violence legislation and the fact that Tonga has not ratified CEDAW, the policy and program related actions/systems the Police are putting in place to address domestic violence are a notable achievement. The Police Commander, supported by senior staff, has played a major leadership role in ensuring domestic violence issues are placed centrally within the police mandate and strategic plan of action. The Tonga Police Strategy Plan (2006-2010) and associated manuals and process sheets were compiled under the direct guidance of the Police Commander, who has been instrumental in the police evaluation exercises.

Clearly, Police leaders have set the direction and parameters for a unified and community based police domestic violence strategy. Policies and procedures are documented and include full

explanations of domestic violence concepts and understandings and police procedures and routines for addressing these. As noted, the effective grass roots implementation of these systems will require considerable training including capacity building for line ministry staff and the public as well. This training need provides a potential intervention gap for the PPDVP.

Police attitudes and perceptions of domestic violence

Information for this section was collected in interviews and a group session with police from rural and urban areas and interviews.¹ This session was conducted largely in the Tongan language and facilitated by the Assistant Commissioner.

Attitudes to domestic violence

Although many police displayed a sympathetic attitude to victims of domestic violence, there was also a view that ‘this is the way things are’ and that in Tonga males were the head of the household and so presumably had a right to hit their wives. Remarks were that women’s actions ‘often drive men to violent acts’. In saying this however, there did not appear to be a view that domestic violence was ‘right’. A small number of police stated that it was not right to hit women. However, there was no evidence of a rights perspective – as in women’s right not to be hit.

Attitudes to dealing with complaints, offenders and holding offenders to account

In the Police Perceptions Study, 41% believed that if they reported a crime the police would definitely do something about this and a further 9% that the police would probably take action. Police are giving priority to raising the 41% level of confidence.

A significant number of police described dealing with domestic violence complaints as ‘outright annoying’. There were two sides to this. On the one hand, police said they lost valuable time and energy pursuing cases that often didn’t go anywhere because ‘we know x is going to withdraw that charge’. At the same time, a small group mentioned their total frustration when, against their better judgment, police had to watch women go back to a relationship which they knew would probably turn violent again. Police said it was very difficult dealing with complaints in Tonga’s small closely knit and family based community. In addition, most police saw their role as being to resolve these incidents (as in a ‘family based’ solution) rather than a duty to ensure compliance with legal laws and processes::

I try to see ‘who’ is responsible for the act. How to be fair to both sides (husband and wife)

I need to know what must I do to be able to be a good domestic violence advisor... What kind of words should I use to solve a domestic violence case?

‘How to deal with nobles’ was another deeply felt issue. Police difficulty when incidents involved nobles highlighted quite compellingly a clear conflict between rank and cultural protocols and police duty.²

Third was the fact that there was not a law on domestic violence, as seen in these comments:

When this (domestic violence) is made a law, then we will know we must deal with this.

¹ Group session comprised 20, male and female combined selected from Nukualofa and outlying stations. When I left for another meeting, the Assistant Police Commissioner continued discussions because the interest was so intense.

² As reported, cultural protocols result in violence committed by men of traditional rank or social standing is less likely to run the risk of police intervention and prosecution (ADB, 1998:41).

The strategic plan says we must do this and, we will. But there is no law.

As noted, however, the majority of those interviewed preferred to try and keep the peace by helping resolve cases within the families. There was little discussion of human rights issues or CEDAW.

Traditional cultural attitudes towards domestic violence

There was no evidence of in-depth or extensive discussion within the police force to examine traditional attitudes about male and female roles, domestic violence issues, gender equity or development issues generally.

Traditional local approaches

The dominant view was that domestic violence was a family matter and more so in rural communities. Further, that it was appropriate for family problems to be decided upon by the family elders who held a respected role in the family and community. Reference was made to the traditional ways of reconciling (*fakamolemole*) and the fact that the observance of these today could in some cases encourage charges to be dropped and/or reduce sentencing. There was general agreement that the Community Police Committees were already playing a significant 'preventative' role in helping to address domestic violence related issues before these escalated.

Discussion

Changing attitudes is a long term process, especially in a highly sensitive and personal area such as domestic violence. A considerable amount of awareness raising and education is necessary to encourage police debate on these and other related development related issues and to teach the skills of how to deal with domestic violence complaints ethically and with a focus on just solutions. Providing an open space for such dialogue could be a PPDVP intervention.

Police attitudes and perceptions towards Police Officers as domestic violence offenders

While not stated, the impression was that police would try to shelter fellow staff members in such an event. However this may not be so. Recognising that police officers may offend, the Recruit Training Manual contains role play exercises outlining appropriate police behaviours in such a situation. That Police are concerned about the attitudes to domestic violence their officers may display is seen in the Assistant Chief Inspector's request to the CWCT to conduct anger management training for a Police staff member because of 'his poor attitude displayed to a female complainant' (CWCT files: 2005).

Current Policy and Practice arrangements for dealing with Police Officers as domestic violence offenders

Regulations state that complaints of domestic violence against police are to be treated in the same way as those against the general public¹ (Section 2, Complaints against Police (pp 74-79), General Instructions, Vol 2 Operations, Tonga Police Force). All complaints against Police are to be recorded by Police on the form *Compliance Against Police, Police ADM/96*. The OCPD oversees and co-ordinates all investigations and maintains these in a file or register of Complaints

¹ See also The Tonga Police Force Code of Conduct and Ethics (2000).

Against Police. Commissioned Officers are initially responsible for investigating complaints against Police under their command and these cases may be classified as Minor or Major complaints. Allegations of a criminal nature are referred to the Crown Law through OCPD/ Legal Officer for an opinion and certification that the investigation was complete.

The current state of Police domestic violence training

Table 4 shows that domestic violence training is included in all levels of police training. While training manuals are in English, a police trainer said that he translated concepts into the vernacular for the training sessions. The language of instruction used in domestic violence training/materials produced warrants a more in-depth review aimed at ensuring the messages are uniform, accurate and capture the meanings adequately. Again this aspect could be a focus for the PPDVP. As noted, the Police Strategic Plan and regulatory manuals are valuable learning tools in themselves as noted in the police notes on domestic violence in Box 2 above.

Table 4. Police domestic violence training

Level	Domestic Violence
Recruit Training	Domestic violence is one of the six units in the <i>Community Awareness</i> training booklet. Domestic violence case studies and issues also feature prominently in the other five components of the unit namely, Customer Service, Community Policing Strategies, Crime Victims and the Social Responsibility of Police, Child Abuse and Paedophilia and Suicide, Drugs and Youth Issues. Themes covered include; the responsibilities of police; attitudes and values clarification; police perceptions of victims, discrimination and equity issues, being non-judgmental and showing respect to the victims. <i>As noted Key concepts in these training units have been translated into the Tongan language by the instructor.</i>
Trainers	Police Trainers are taking part in the PRPI training in Fiji
Other training	Gender Sensitization programmes conducted with support from British Aid (Pacific Regional Human Rights Resource Team) and AusAid. AusAid funded <i>Crimes against the Person</i> training. Focus is on women victims of spousal abuse, ensuring that they get police support when requested. Training in counselling, legal literacy and domestic violence training run by the Catholic Women's League (RRRT) and the CWCT.
University Study	Police are undertaking USP Certificate of Policing study. Numbers were not determined.

Domestic violence and counselling training carried out by NGOs had been well received and instrumental in 'changing police behaviours' (see Box 3). While this may be so, few courses were run. Providing regular training programs in gender equity, domestic violence and development issues is a must. Furthermore, where possible these trainings should be carried out by 'outside' agencies which have expertise in these fields and so can bring a fresh perspective to these discussions. Again, the preparation of training materials in the vernacular also warrants attention.

Box 3. Police counselling management skills workshop, March 2005¹

The CWCT carried out this training for middle management police staff.

Participant said:

We wish this workshop had been run when we first became police officers and we hope the workshop will continue for other police.

CWCT staff reported:

- a huge change in the working relationship between the CWCT staff and Police staff;
- an increase in the numbers of clients referred by the police to the CWCT;
- a police participant had promoted the work of the CWCT on the Tonga radio; and
- that since the training CWCT had found middle management to be very supportive.

The state and recent history of Police partner relations

Police partnerships are vital because: a) domestic violence a multi-faceted and cross-cutting issue; and b) domestic violence influences the quality of life of all members of society – males and females, young and the elderly, women living in rural as well as urban areas and particularly, but not only, groups vulnerable to poverty. At the time of the review Police relations with other government ministries were in a state of flux as a result of government restructuring measures. However, in line with the national priority to strategic partnerships, police are reinforcing both informal and more formal partnerships with other government ministries and community groups.

Justice and Courts Systems

Police relations with the Justice Department could be more robust, given the specific and mutually reinforcing roles each plays in ensuring that justice is done and seen to be done. Strong statements by Tonga's Minister of Justice emphasise that priority must be given to: a) making sure people have access to information and learn about legal laws and processes; and b) ensuring accountability for criminal actions (Box 4). Clearly, robust communicating systems between these two departments are necessary for an effective and efficient police domestic violence strategy and national domestic violence strategy.

¹ See National Centre for Women and Children Newsletter Jan-April 2005).

Box 4. Tonga's Attorney General speaks

February 7 2007

In launching Tonga's Legislation on Line service, the Minister of Justice, the Honourable Attorney General Alisi Taumoepeau stated:

It is a fundamental duty of any government to have an orderly society governed by the rule of law. Accordingly the laws must be available to the nation as follows: the government officials who administer the law; the courts which enforce the law; the parliament which makes new laws and changes the existing laws; the lawyers who advise and help people work within the law and also the public who should be able to know what the law says.

February 8 2007

On Radio Australia, the Minister of Justice, the Honorable Attorney General Alisi Taumoepeau rejected claims that the arrest and prosecution of several MPs associated with the November 2006 disorder was a strategy to close down debate on political reform. She argued that the actions were criminal and her role was to carry out criminal investigations and follow ups with criminal prosecutions before the courts in Tonga. She said that the Attorney-General was mandated by law to prosecute and ensure that there was an 'independent investigation of criminal matters, so that it's brought before the court' Further, that like any other prosecution, these cases were dependent on the evidence that a crime had been committed or not. She said 'when we have a case, we take it to court'.

Partnerships with other Ministries

Women and Development

The Women and Development Department has the mandate to address current legislation, policy frameworks and laws on violence against women and prepare a national action plan on violence against women and challenges faced in eliminating violence against women in Tonga (CEO WDC 2003:52). Presently, the Assistant Commissioner Police meets regularly with the CEO of the Women and Development Unit and they both sit on the CWCT Board.

Central Planning

The Central Planning Department coordinates the National Strategic plan and is responsible for national research such as research related to the CRC and the MDG reports. Central Planning has already played a part in ensuring domestic violence and other social issues are in Tonga's Development Plan 8 (2005). Not only that, Central Planning Department is presently working with the CWCT on the joint proposal for a national domestic violence study. This proposal was tabled and discussed at the PPDVP Stakeholder meeting for this review.

The Police have a formal relationship with Planning. Furthermore, the Assistant Commissioner and the CEO Central Planning are members of the CWCT Board.

Health

The CEO Health acknowledged the urgency of better reporting and communication procedures with the Police. The Health Department fulfilled its reporting obligations with regard to assault and sexual abuse very professionally. However, it does not have standard procedures for data collection on these issues, nor for identifying/ dealing with suspected cases of abuse which present at the hospital for treatment. The lack of communication was glaringly highlighted when a medical doctor informed the PPDVP Stakeholder meeting that three children had died recently as a result of physical violence. Most participants said this was the first time they had heard this information, highlighting the importance of public access to information such as this. Similarly, the Police Commander was not aware of this. He said this issue will be pursued further. There is

room for establishing a reporting and communicating regime between the Police and the Health Department.

NGOS

Government and the Police Department rely on NGOs to support and counsel victims of domestic violence. As reported, victims are advised by police to seek assistance from the National Centre for Women and Children, which provides counselling and a safe house service. Other NGO assistance is provided by the Catholic Women's League, the Salvation Army Drug and Alcohol Centre and the Free Wesleyan Church's Langikapo 'a Hēvani & Counselling Service.

By way of contrast, NGOs felt that police did not really understand or appreciate their role and contribution to addressing domestic violence. Nor were NGOs treated as full and proper partners in this task. NGOs described their relations with police as tenuous and dependent on friendship networks:

We didn't have much to do with the police before. They never supported us or called on us. Some magistrates did. One in particular always called on us when there was a case that needed some attention. (Salvation Army)

They never called on us. But last year we ran a course for the commissioned officers... since then, there is a much better relationships. (CWCT, Sister Malia)

NGOs wanted the police and courts to 'use us more!' The CWCT reported that courts did not formally recognise the CWCT as a support/referral service. Further, that CWCT requests to the Minister of Police and other sectors requesting that NGOs be consulted in the preparation of draft legislation before these were submitted to the Crown Law for consideration 'are still ignored. On the positive side, Police support to the operation of the CWCTs safe house was greatly appreciated.

Building Police Partnerships

The benefits of police partnerships with other government, NGOs and agencies were well realised in the Pacific Police Domestic Violence Stakeholder meeting, the first meeting of this nature in Tonga (Box 5). The meeting was co-hosted by the Ministry of Police and the Centre for Women. Participants to this meeting are listed in Annex C and a media release in Annex F.

Box 5. PPDVP domestic violence stakeholder meeting

The PPDVP Stakeholder meeting was an historic event - reportedly the first time a group of Government and NGOs working in domestic violence/abuse issues had met together and with the Police. This event was described by one participant as the 'first stage in building national domestic violence partnerships' and was widely reported in the television broadcasts and print. The attendance of the NZ High Commissioner, Dr Michael McBryde, brought added importance to the meeting of over 22 participants as did the contribution of the WHO representative based at the Ministry of Health. Unfortunately, church representatives invited were not available for this meeting.

Briefly, Assistant Commissioner Lauaitu Tupounia chaired the meeting. Mrs Lavinia Palei (CEO, CWCT) opened the meeting and welcomed participants to the CWCT and Mrs Polotu Paunga, the CEO of the Women and Development Unit (Ministry of Education) closed the deliberations. The agenda comprised:

- a) individual presentations of what groups were already doing in domestic violence
- b) presentation on the PPDVP police project including the new Domestic Violence unit
- c) presentation of a proposal for a national Domestic Violence Research project (Planning Department and CWCT)

The economic argument for addressing domestic violence – which is the basis of the proposal – was widely debated with questions such as 'does the economic argument make this a more 'saleable' proposal (for donors, the government); what about a human rights perspective or quality of life arguments? The WHO representative stressed emphatically that human rights should be the focus of any domestic violence strategy.

Discussions were moving, especially the contribution of a man recently returned from the US whose sister had been a victim. Main discussions centred on 'what needed doing, 'who was doing what' and 'ways groups could work together better or at least be informed of each others' efforts.

As noted, this PPDVP meeting was considered to be a major breakthrough in visioning the issue and what needs to be done and recognition of police participation and place in national domestic violence processes. (See Annex C for list of participants.)

SECTION 2: GOVERNMENT, NGO AND COMMUNITY ATTITUDES AND RESPONSES

Current and historical levels of domestic violence reported to the key non-government agencies (women's crisis/refuge organisations)

Current levels of domestic violence by type reported to the CWCT are listed in Table 5 and Table 6. The data shows women are accessing these services. In addition, the large number of 're-contacts' confirms that domestic violence issues are not usually 'settled' in one meeting. The need for on-going support for domestic violence victims (and families) is not often appreciated or captured in domestic violence data. Providing on-going support has resource implications, not only for NGOs, but for policing strategies as well.

Table 5. Statistical profile of counselling clients at the NCWC (six month periods) 2005 and 2006

	2005				2006	
	JAN-JUNE		JULY –DEC		JUNE-JULY	
Case Type	Cases reported N	N x contacts	Cases reported N	N x contacts	Cases reported N	N x contacts
Domestic Violence	19	36	20	47	16	16
Sexual Assault	2	5	2	3	13	13
Conflict	1	3	8	8	16	16
Relationship programs	3	3	3	4	29	29
Family problems	4	4	9	17	3	3
Legal	5	5	11	25	15	15
Grieving	5	5	1	3	1	1
Attempted suicide	1	15	1	8	18	18
Incest	1	7	2	7	6	6
Child Abuse	14	40	9	16	4	4
Immigration service	5	16	5	17	1	1
Mental health	1	2	5	16	7	22
Rape	1	4	0	0	5	5
Maintenance	3	15	8	19	2	2
Poverty/ need	9	13	5	8	5	5
Disability/ physical abuse	1	2	5	5	3	3
TOTAL	77	175	94	203	136	138

Source: TNCWC reports

The marked increase in cases in June and July (2006) almost matches the total numbers reported in the whole of the previous six month period (see Table 6). These increases are directly related to the popularity of the new community outreach programme – the Mobile Unit. In this programme, CWCT community educators contact local church leaders and women's groups asking their permission to park the CWCT mobile van in the village at an agreed time. Open invitations were they given for all those who would like to 'come and talk'. Community Educators were extremely voluble in their praise of this service and were humbled by the women's huge appreciation of 'just having someone to talk to' about these and other development related issues. Table 6 also shows that males are using the CWCT services.

Table 6. 2006 data showing increases in the June-July period

	Jan-July 2006	June-July 2006
Total Clients at Centre	52	19
Total Mobile Counselling	38	38
Total Cases Follow up	628	475
Male	21	17
Female	69	57

Source: TNCWC reports

During the two week review period an average of two women came to the centre each day. In addition, telephone counselling was carried out continuously; however accurate data on the number, nature and length of calls was not available. Neither was data available on how many women were using the CWCT Safe House. Indications were that on average 4 to 5 women and children were accommodated at the Safe House per week. The CWCT is putting in place routine administrative and management procedures for the oversight of this facility and PPDVP capacity building here 'would be wonderful.'. CWCT were extremely appreciative of the police assistance provided to the operation of the Safe House.

Discussion

Access

The mobile unit van is providing a much needed service for women living in the rural areas of Nukualofa. Support to such a mobile service could be an intervention for PPDVP.

Domestic Violence Counsellors

Comments were made that it was not common for Tongans to 'talk through' personal issues. Also, that because everyone in Tonga knew everybody else (as in other small communities) it was extra hard for women to confide or discuss family and marital problems, even with a trained counsellor. The lack of trained counsellors was raised as a major problem by many of those interviewed. In fact the CWCT saw this to be the main constraint to them extending their programme.¹ They also said that the shortage of trained counsellors meant doctors, teachers, pastors and police officers were expected to provide counselling support 'which they are not really trained to do'. While many people volunteered to be counsellors, the CWCT expressed reluctance at accepting these offers because there was a risk that untrained counsellors might give advice 'from their own perspective' of moral issues, gender and social roles, rather than base their advice on an analysis of client needs. There were also confidentiality issues.

The Catholic Women's League carries out para-legal training for locals and Training of Trainers type workshops. Counselling training for police and others could again be an intervention point for the PPDVP.

¹ CWCT staff qualifications included a Bachelors degree in Social Work (NZ) School teaching certificates, experience in the Catholic ministry, RRRT training and placement/s in Domestic Violence NGOs in Australia.

Some assessment of the prevalence of domestic violence using the available Police and non-government agency data, and data available from other agencies, including the United Nations

The model used by the National Planning Office and the CWCT to estimate the prevalence of domestic violence could be replicated in other PPDVP countries. The writers warn that estimates are conditional upon assumptions made and that a considerable margin of uncertainty surrounds these estimates.

Box 6. Prevalence of domestic violence in Tonga

Prevalence

Using indicators and trends present in international research to extrapolate local data, it is estimated that between **5,000 and 10,000 women are victims** of violence by an intimate partner every year in Tonga. This range represents a **prevalence of between 31% and 62%** of women being victims of violence by an intimate partner every year.

The rationale

No data is currently available on the prevalence of violence against women in Tonga. However, anecdotal evidence suggests that domestic violence is widespread.

To estimate the prevalence of violence against women in Tonga, reported incidents must be extrapolated using a variable representing the assumed extent of underreporting. On average, 10% of women internationally report incidents of violence against them to the Police. In Samoa only 5% of women were found to report incidents of violence to the Police.

Assuming there are approximately 500 reports of violence against women each year in Tonga and applying the aforementioned range of assumed underreporting, it is possible to estimate that between 5,000 and 10,000 women are the victims of violence by an intimate partner each year.

Assuming there are approximately 16,011 women in Tonga in an intimate relationship, this range represents a prevalence of between 31% and 62% of women being victims of violence by an intimate partner.

This compares with the identified prevalence of violence against women by an intimate partner in other Pacific Island countries such as Samoa, where 40.5% of women and Fiji where 66% of women reported being the victims of violence by an intimate partner.

Broad trends in victim attitudes towards domestic violence and reporting to the Police

Impressions gained from discussions with NGOs and observation of victims attending the CWCT were that victims did not really expect to get a just or a fair hearing when they reported complaints - from the police or the justice systems. A common comment was 'police don't take women victims seriously'. While the case study in Box 7 is fictional, victims and NGOs who read this said this was a 'pretty true-to-life scenario'

Box 7. Victim case study

Sefania has been married to Sione for more than 20 years and as a result of bad beatings from her husband has been to the local police stations approximately 10 times to try and make an official complaint. Sefania finds that going to the police station has resulted in basically nothing positive. What has come out of it is ridicule for her husband's family and negative talk amongst the villagers that she deserved most of her beatings: (a) she has a big mouth; (b) she is not on good terms with her mother in law; (c) she has a problem with her husband going out to fai kava most of the time and is jealous that he might like the tou'a (the girl serving the kava).

Sefania has had beatings by her husband from her head area right down to her feet. Once, he grabbed her by her hair and slammed her face against the wall, kicked her several times in the face as she fell and stood on her leg until he was satisfied with her screams for mercy. Another time, he had tried to put her head in the toilet bowl and was cramming it in with his foot placed against her neck. He has also tried to strangle her several times and has caused several bruises to her body over the years. The majority of these beatings have been witnessed by their children.

In her attempts at the police stations, which required huge amounts of courage on her behalf, the policemen, although they appeared to have been taking record of what she was saying, in all cases convinced Sefania to reconcile with her husband and upon visiting her husband the police encouraged him to reconcile with Sefania quickly so that she would forgive him and forget about the charges.

It has been difficult for Sefania because she says that now the community call her the 'joke' of the police station and that if she was really serious about her attempted complaints that she would have left him several years ago, or perhaps following the first beating.

Sefania says that this is unrealistic as she would have nowhere to go and the question of leaving her children behind is not at all an option. Therefore, she has 'held her stomach in' over the past years and is praying to God to give her the strength to pull through. Sefania is not aware of the No-Drop Policy and says that the Police have never informed her of this.

Source: Recruit Training Manual, Tonga Police

General confidence in police

In the Police Perception Study, 88 of the 493 cases surveyed (18%) said they had been a victim of crime in the last 5 years and 80% had reported this to the police. Of this group, 77% said the police had treated them politely, and 61% that action had been taken by the police on these matters.

Forty nine percent believed the police were willing or very willing to help people. Women's level of confidence matched males except in the 'great deal' category, where 11 of the 13 responses were female. Women in the 45-54 age group had greater confidence reporting to the police than younger women.

The policy and other contribution of key non-government agencies to dealing with and reducing domestic violence

Tonga's main domestic violence NGOs are the Centre for Women and Children (CWCT), which is the designated national agency and the Catholic Women's League (CWL). The Salvation Army and the Methodist Church also provide social and counselling services (see Table 7). The CWL is Tonga's pioneer domestic violence NGO. Through its links with the Fiji Women's Crisis Centre (FWCC) and the RRRT programme especially, the CWL has built a solid reputation for its counselling and rights training programmes. The decision to set up the CWCT as the national NGO was based on the belief that women would be more likely to consult an NGO which was not

affiliated to a religious organisation. Many of the CWL staff moved to the CWCT as part of the changeover and the selection of a group of highly articulate, well placed people for the CWCT Board – each with a commitment to gender equity – helped consolidate the CWCT programme and direction. The CWCT located was another advantage - the CWCT was located on the bottom level of what was coming to be known as ‘NGO house’ – ‘...it’s like a one stop shop for women needing help!’¹

Table 7. NGO contribution to dealing with domestic violence

NGO	Domestic violence policies and programmes
Catholic Women’s League (est 1999) CWL	Welfare and counselling services for victims of domestic violence and abuse. Newsletters and media releases on domestic violence Training for police officers on domestic violence and related issues RIGHTS BASED ACTION **Rights based training **Regional Rights Resource Training (RRRT) project located here **CEDAW translated into Tongan (2005)
Centre for Women and Children (CWC) Established 2000 Bilateral funding Aims: Address domestic violence and provide support for victims of domestic violence	Assistance and counselling services to women Data base of clients by type of complaint. Operates a Safe House Targets rural women through its Mobile Unit Produces Newsletters and prepares media releases on domestic violence Provides training for police officers on domestic violence- related issues Targets high school students and teachers Preparation of Domestic Violence Proposal with the National Planning office (2006)
Salvation Army	The Salvation Army focus is on alcohol and drug abuse. As noted by the Counsellor, ‘these issues are often associated with some kind of domestic violence’ Court support Counselling services
Methodist Church	Programme targetting teenage unmarried mothers Counselling services

Each NGO said their programme was constrained by a lack of resources (human and financial).

Discussion

Partnerships

Soon after it was established, the CWCT requested the Ministry of Police to consider formalising the CWCT relationship with the Police through an MOU. Excerpts from this correspondence, set out in Box 7, reveal the spirit of mutual obligation, expectations and rights which would be implied in an MOU. A main point is that an MOU would ensure CWCT the right to sit at

¹ Other NGOs included the Salvation Army Drug and Alcohol Programme and Citizen’s Legal assistance and advice service. The building was destroyed in the November fires.

domestic violence decision-making tables (police and justice) and not have to rely on good will and friendship networks for this permission as at the present. ‘

Box 5. NGO-Police partnerships

Request from the CWCT to the Ministry of Police requesting consideration for a MOU to formalise the relationship between the CWC and the Police.

The Centre believes such a formalizing would assist the Tonga community in a number of ways:

- *A united stand against violence especially domestic violence
- *A reduction of criminal activity especially in the areas of sexual offences, domestic violence and other forms of assault
- *Support to victims through referrals to the Centre for counselling and courts support
- *Training for the police in regards to domestic violence conflict resolution and anger management

The CWCT noted that it would like to formalize relationship with the Ministry of Police including:

*Formal referrals from the front line police to the Centre. This should be done through a phone call to the Centre during business hours, with details of the client and the situation. If need be, Centre staff can attend the Police Station if the client is present and needs urgent support. The Centre will endeavour to create an emergency after hours service for victims. ... however, the Centre would appreciate if the front line police officers could record the clients detail and then contact the Centre by phone the following working day, during business hours. It will then be the responsibility of the Centre to follow up with the client for support.

*Formal meetings with the Ministry of Police to discuss policies and procedures between the Ministry of the Police and the CWCT. The Centre believes that in all good professional relationships there are clear policies and procedures

*Formal meetings with Police Prosecutors, Magistrates and Judges. The Centre would like to meet with the above persons to discuss the work of the Centre and encourage referrals to be made and discuss ways to improve the current relationship.

*The establishment of a sexual offences unit and a domestic violence unit.

*(Introduction of) No drop policy

A general assessment of levels of social acceptance and cultural tolerance towards domestic violence

(There is) an increasing awareness that domestic violence is a violation of women’s rights and can affect women in any level of society. At the same time, the traditional family expectation that women should be subordinate role prevents some from complaining or reporting cases of domestic violence. Many Tongans, including some in leadership positions, regard domestic violence as a private and shameful matter that should not be discussed in public. (UNICEF 2006: 65)

Reports indicate the importance of the Tongan family unit and the widely held expectation that women submit to their husbands. Generally speaking then, domestic violence was probably not seen to be an issue in traditional Tongan society. There is still much to be done to create a ‘critical mass’ to support the view that physical abuse of women is not an acceptable behaviour or one to be tolerated.

Indications that a section of the community does not accept or tolerate domestic violence today is seen in the fact that women are reporting these incidents. The fact that NGO advocacy, counselling and training in gender equity issues has become an accepted part of the national landscape also supports a questioning of these issues. Clearly, NGOs have been instrumental in opening up domestic violence issues for public discussion. This public discussion has been fuelled by media reporting of domestic violence cases ‘which did not happen in the past’. Two cases of physical abuse/domestic violence were reported in the Tongan newspapers (English and Tongan language) during the review week. Both involved the sexual abuse of young girls who were in a situation which they could not control:

A young girl was abused by a bus driver and his male friends. They had encouraged her to board the bus and then wouldn't let her get off. When other passengers had left, the men had taken the young girl to an isolated bushy spot where the incidents took place.

A school teacher from a prominent Nukualofa High School was charged with abusing students in his care.

Young girls

CWCT staff were extremely angry about these cases, especially the high school case. They said they had warned the school about this teacher some time ago and that:

We knew that teacher was doing that...girls told us. So we told the principal, and they took no notice of what we were saying. That is one of the reasons we decided to target young girls in our school training. (Girls) have to know about abuse, otherwise it comes as a surprise and they just don't know what to do. Especially if it's a teacher or an adult that they have been taught to respect.

They were pleased that this complaint was proceeding through the court systems: they saw this as a ‘win’ for NGOs’ efforts to ‘break the silence’ and show what is happening in Tonga. This case also proved to them the value of their school education programme in domestic violence and abuse issues and ‘the need for more of this training.’

Rural and urban

Domestic violence was more likely to be tolerated in rural areas, which is a sound argument for extending support services – such as the CWCT Mobile Unit – to rural areas. Informants said:

(Women in town areas) have ‘new’ ideas about male and female roles. Also they can be more independent compared with women in the villages. They probably have a job.

People in towns live differently today. When we go home (to the rural areas) my husband sometimes carries the baby to church and people (and his family) say why are you doing that? X (your wife) should be doing that, not you.

(We went to the village) someone was beating up a women and my husband's mother said ‘just leave it. She deserves it. That's between them.’ There was no feeling that this might be wrong. (This young woman was still amazed at what had happened).

Table 8 findings, from the Police Community Perceptions Study (2006), present another perspective. In this study, ratings of the most common crimes/offences, saw domestic violence at 7%, a long way behind drunkenness (57%), or stealing/burglary (21%). Aggregated scores indicated 676 males and 881 female responses ranked domestic violence as number 5. These findings may indicate that domestic violence is not seen to be a crime or offence or that little

domestic violence is taking place. At the same time, the relationship between alcohol and domestic and other forms of abuse should be taken into account in interpreting this and other data, and in the PPDVP programme planning also. A common saying to the review team was that ‘domestic violence and drunkenness go hand in hand’.

Table 8. Most common crimes/offences (sample size 500, 51% women)

Offence	% cited as the most common in their area
Drunkenness	57
Stealing/ Burglary	21
Domestic violence	7
Driving under the influence	6
Sexual offences	4
Fighting	3
Assault/ wounding	3

Source: Table: 2: Tonga Police Force – Community Perception Study (2006)

The economic argument

The economic costs of domestic violence are outlined in the research proposal prepared by National Planning and CWCT (see Box 8). This economic rationale was hotly debated at the PPDVP meeting and was a perspective many had not thought about. Some saw the economic perspective as strengthening the anti-domestic violence movement. Others saw it as a very ‘male focussed’ way of putting things. The WHO representative stressed emphatically that human rights and equity be the focus of any domestic violence strategy. Questions included:

Is the economic argument being used so as to make this research more ‘saleable’ proposal (for donors, the government)... do governments and donors only see domestic violence as a dollar issue?

What about a human rights perspective or quality of life arguments against domestic violence?

Presenters assured the meeting that the overarching assumption was that violence against women affected the achievement of all MDGs¹ and placed significant costs on the national economy, due to its intimate association with complex social conditions such as poverty, lack of education, gender inequality, child mortality, and maternal ill-health.

¹ See: World Health Organisation *Violence Against Women and Achieving the Millennium Development Goals* (2005).

Box 8. The economic costs of violence against women

The total annual cost of violence against women to the economy of Tonga is TOP\$18.3 million. This includes:

Production related costs (lost wages)

Consumption related costs, (replacement of damaged household items)

Second generation costs (Provision of counselling services and child protection)

Administrative and other costs (legal services, temporary accommodation)

Transfer costs (lost taxes, financial support from friends and family to victim)

The Governor of the Reserve Bank of Fiji estimates that direct and indirect costs of violence against women in Fiji amount to around \$300 million per year, which is equivalent to 7% of GDP.¹

A recent study in Australia estimated the yearly cost of violence against women to the Australian economy of AUD\$8.1 billion per year, or an annual cost per victim of \$4,570.¹

Assuming the prevalence of violence against women in Tonga is similar to the prevalence of violence identified through research in Fiji and applying 7% of GDP as a factor to measure potential economic cost, the estimated yearly cost to the Tongan economy is TOP\$18.3 million.¹

Assuming that the prevalence rate of women being victims of violence by an intimate partner is between 31% and 62%, this total cost would equate to between TOP\$1,834 and \$3,668 per victim per year.

Current government policy and practice arrangements directed or associated with domestic violence

The Government of Tonga does not have a specific action plan on violence against women, though the National Policy on Gender and Development addresses CEDAW obligations and contains the recommendation for further research on women's situation. Government recognises that violence against women affects the achievement of all MDGs¹ and so, domestic violence is seen to be the responsibility of all ministries including Planning. There is no Social Welfare Department in the Government structure: assistance for victims is provided by Government agencies, including the Ministry of Justice, Ministry of Police, and the Ministry of Health.

Recognition of domestic violence

The Kingdom of Tonga is signatory to:

- The Beijing Platform for Action (1996)², which has identified the lack of adequate information on the prevalence, nature, causes, and consequences of violence to be a serious obstacle to the development of effective strategies to address such violence.
- The Millennium Development Goals (see goal 8).
- The Commonwealth Gender and Equity strategy.

¹ See: World Health Organisation *Violence Against Women and Achieving the Millennium Development Goals* (2005).

² Formed out of the Fourth World Conference On Women, 1995, where the Kingdom of Tonga was represented by Her Majesty Queen Halaevalu Mata'aho.

Regional commitments are:

- The Noumea Declaration and the Pacific Platform of Action for women (SPC, Women's Bureau).
- The Pacific Plan. Strategic objective 12.5 of the *Pacific Plan* calls for all PICTS to ratify CEDAW (PIFS).

National commitments are:

- Strategic Development Plan 8 2006/07-2008/09 (SDP8). This presents the Government of Tonga's development vision, its medium-term national development goals, and the strategies for achieving these goals under the framework of the Millennium Development Goals. SDP8 specifically identifies violence against women as impacting on Goal 8 of the MDGs – "Maintaining law and order, social cohesion and cultural identity".¹
- The Police Strategic Development Plan (2005).
- National Policy on Gender and Development (2001). Aims are to achieve Gender Equity by 2025, by which 'all women, children and the family as a whole achieves equal access to economic, social, political and religious opportunities and benefits.'²

The Women and Development Centre coordinates women's activities and government's commitments to regional and international agreements outlined above. The Women and Development Centre also implements the 2001 National Policy on Gender and Development.

Cross-cutting actions

The Planning Department of the Government of Tonga and the CWCT drew on the expertise of a number of government ministries in preparing the national proposal for domestic violence research.

Main donor support

Tonga has participated in numerous regional cooperation and partnership strategies on violence against women including collaboration with:

- British Aid through RRT (1997-2004);
- DFID through UNDP,
- UNIFEM on CEDAW 2002-2003,
- Canada Fund on the CRC (2002-2003)
- UNICEF 2001-2002,
- UNIFEM Pacific CEDAW workshop;
- DFID & NGO Catholic Women's League, Legal Literacy Project; and

¹ Government of Tonga *Strategic Development Plan 8 2006/07-2008/09* (2006: 116).

² The Gender and Development policy guidelines emphasise the role of the family in society; enhancement of the status of the family to preserve traditions; recognition of the social and cultural context of general health needs and specific health needs; and equal participation of men and women in education, church hierarchy, work, the political arena and the economy as a whole.

- NZODA NA-Tonga Police and Veal Project 1999.

The current state of legislative arrangements in relation to domestic violence, including compliance with international covenants and conventions (CEDAW)

Legislation

Legislation on violence against women is covered under the *Criminal Offences Act* and *Order in Public Places Act*, and has been amended to include threatening behaviour as a crime.

141. All proceedings under sections 116 to 134 (both inclusive) whether in the Magistrates' Courts or in the Supreme Court may be held in camera.

Tonga has no legislation providing for non-molestation orders for the protection of women in abusive relationships (ADB 1998:40).

CEDAW

A ministerial statement by the Minister of Education in early 2007 proposed the 'imminent' signing of CEDAW by Tonga:

Box 9. CEDAW ratification on the horizon for Tonga

Media Release 21-2-07.

The Honourable Minister for Education said the Tongan government was committed to signing up to the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Opening a two week advocacy training workshop for local community paralegals in Nukualofa, the Hon. Tevita Palefau said he was 'waiting for a submission from the Women and Development Centre to seek approval for ratification of CEDAW' and, that upon receipt of the submission, Cabinet would then consider ratifying. He noted that Tonga has committed itself publicly to women through many regional and international commitments; including Strategic Objective 12.5 of the Pacific Plan, which committed Pacific Island countries to the ratification of international human rights conventions including CEDAW.

The current state of any alternative approaches (village justice) to domestic violence

When domestic violence occurs it is left to the family (immediate and extended) to deal with it. Within the hierarchy of the society people tend to stay within a boundary and deal with violence in an 'understood' manner. It is probably why not many Tongans socialize outside their family circle or the class systems they are under (pers comm. Key informant).

While the family and the family systems are responsible for matters to do with family security including domestic violence, Town and District leaders are taking more responsibility in these matters today along with the newly formed Community Policing Committees. As noted, Town and District officers are elected by villagers and perform administrative duties, such as record keeping of births and deaths and organizing village meetings (Central Planning Department: 2004).

The Police Perceptions study showed that 93% wanted more police involvement in ensuring community safety and crime prevention programmes and 91% would like the police to visit their

town or village on a regular basis. An increased reliance on Town and District leaders and Community Policing Committees could indicate a trend towards domestic violence being seen to be a public issue to be addressed through legal rather than family processes. At the same time however, the Town and District leaders are also part of the family systems.

Overview of nature and extent of systems in place for reporting and sharing information on medical and death records relating to domestic violence

Interviews were held with the CEO of the Health Department and requests were made to records staff. However this data was not available.

The attitudes of key religious organisations towards domestic violence

The role of the church in domestic violence advocacy was viewed as a doubled edged sword. On the one hand, the church presented a natural place for these issues to be addressed within a family, community and Christian setting. On the other, Christian teachings, such as that the male was head of the family, and the church preference for 'reconciling' in the interests of keeping the family together, were described as 'real barriers' to progressing any domestic violence debate.

Domestic violence was not a priority for mainstream religious groups, although the Methodist church has a small scale social program targeting Teenage Mothers. Consideration is being given to extending this programme. The work of the Catholic Church and the Catholic Women's League in advocacy and human rights and justice issues was held in very high esteem. All of the staff of the CWCT except one were members of the Catholic Church and had been trained by the Catholic Women's League. Domestic violence related counselling and education was carried out by the Salvation Army under its Alcohol and Drugs programme. The Salvation Army councillor noted the relationships between domestic violence, alcohol and drug use, 'as with most development issues today'.

The President of the National Council of Churches (NCC) saw the benefits of bringing together a coordinated domestic violence national strategy and indicated that the NCC would be interested in partnering and helping coordinate such a program. In his view a tremendous amount of upskilling would be needed to realise this goal. He also pointed out that the NCC compound could serve as a good site for a half way/safe house given its central site, secure position and closeness to the Hospital.

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ANNEXES

ANNEX A: PROPOSED METHODOLOGY FOR DATA COLLECTION

TABLE A1: POLICE ATTITUDES, POLICY, PRACTICE	
Term of reference	Method
Current specific levels of domestic violence reported to police	Document review (e.g. recorded crime statistics) Consultation with Police
Current policy, protocols and general processes and procedures (including record keeping) for dealing with domestic violence	Document review (e.g. policy documents where available) Interviews/focus groups with Police
The current state of Police prosecution of Domestic Violence including levels of case withdrawal, levels of prosecution against reporting and the overall number of offenders being held accountable for their actions	Document review Consultation with Police, Magistrates, etc.
Any history of change around Police domestic violence practice	Interviews/focus groups with Police
Current Police leadership practice around domestic violence	Interviews/focus groups with Police
Police attitudes and perceptions of domestic violence, Including attitudes to dealing with complaints, prosecutions, offenders, and holding offenders to account. Police views on traditional cultural attitudes towards domestic violence and views of Officers regarding traditional local or village approaches towards dealing with domestic violence.	Interviews/focus groups with Police
Police attitudes and perceptions towards Police Officers as domestic violence offenders	Interviews/focus groups with Police
Current policy and practice arrangements for dealing with Police Officers as domestic violence offenders	Document review (e.g. policy documents where available) Interviews/focus groups with Police
The current state of Police Domestic Violence training	Document review (e.g. training curriculum) Interviews/focus groups with Police, trainers
The state and recent history of Police partner relations	Consultation with Police and partners (NGOs, government agencies)

TABLE A2: GOVERNMENT, NGO & VICTIM RESPONSES	
Terms of reference	Method
Current and historical levels of domestic violence reported to the key non-government agencies (women's crisis/refuge organisations)	Document review of NGO records
Some assessment of the prevalence of domestic violence using the available Police and non-government agency data, and data available from other agencies, including the United Nations	Synthesis of available data, including previous research
Broad trends in victim attitudes towards domestic violence and reporting to the Police ¹	Analysis of media coverage (e.g. newspaper) Previous research
The policy and other contribution of key non-government agencies to dealing with and reducing domestic violence	Data from all TORs (1 and 2)
A general assessment of levels of social acceptance and cultural tolerance towards domestic violence	
Current government policy and practice arrangements directed or associated with domestic violence	Consultations with relevant Ministries
The current state of legislative arrangements in relation to domestic violence, including compliance with international covenants and conventions (CEDAW)	Consultations with relevant Ministries Review of legislation
The current state of any alternative approaches (village justice) to domestic violence	Community meetings Discussions with NGOs
Provide brief overview of nature and extent of systems in place for (a) reporting and (b) sharing information on medical and death records relating to domestic violence	Consultation
The attitudes of key religious organisations towards domestic violence	Consultation with National Council of Churches/other church groups

1 The original brief from NZ Police asked us to interview victims, but our partner NGOs advised us that the women were unlikely to discuss this sensitive matter with us. Additional ethical issues associated with speaking to victims in small communities include confidentiality and participants' safety if their partners suspect they have disclosed the abuse. Given the exploratory nature of the research, we considered that we would gather sufficient information on this through stakeholder consultations.

ANNEX B: DIARY

Sunday Nov 5		Depart Wellington 8pm, Auckland 10pm for Tonga
Monday Nov 6	2am	Arrive Tonga hotel
	9.00	Report to Central Police Station. Staff in meeting
	9.30	Report to Centre for Women and Children (CWCT) NGO partner
	9.50-10.15	Interview, Salvation Army, Dorothy Bryce (Alcohol and Drugs program)
	10.30-11.30	Interview, Gus Mc Lean, researcher volunteer, CWCT
	11.30	Meeting Central Planning on National Violence Against women proposal, and discuss Stakeholder Meeting, Dr Caroline, Onetoto, Gus McLean
	12.30	Central Police station, meeting with Cadet Officer, Ludiviki Manu (PPDVP) Police Headquarters, meeting with Assistant Commander, Itu Tupounia to discuss TORs and review
	3.00	CWCT Setting up appointments
Tuesday Nov 7	9.00	CWCT Group meeting with staff to discuss review and domestic violence issues
	11.30	Interview, Ministry of women CEO, Polotu (also chairs the CWCT Board) Finalise arrangements for stakeholder meeting (Friday)
	3.00	Documents and finalising stakeholder meeting for Friday and invites
	5.30	Interview, Director the USP Extension Centre (Salote Fukafuka)
Wed Nov 8	9.00-10.30	Interview NZ High Commissioner Dr McBryde
	10.30-12.30	Central police Station, with Cadet officer, Manu. Walked through the reporting processes also with other staff Visit to the Domestic Violence Rooms Interview and assistance setting up interview with Health
	1.00	CWC. Arrangements for village visit with Susanna (CWC)
	3.00	Interview postponed (health)
	3.30	Police Headquarters with AS Itu collecting police books and discussion
	6.00	Interview with Taulaai (Admin, NZHC, responsibility for policing/ army)
Thurs Nov 9	9.00	Visit to Town Officer Nukutele re village meeting (3/4 hour drive from town)
	11.0	Interview, Dr Liliti Ofanoa, Health CEO
	1.00	Stakeholder meeting invites finalized and last ones delivered
	2.00	Langafonua (NCW) for meeting. Already left.
	5.00	Final planning meeting, stakeholder meeting with AC Itu.
Frid Nov 10	9.00-12.30	Stakeholder meeting, CWC. Excellent turnout and media reports
	2.00	Interview, Salamo Fulivai (ex YWCA)
	3.30	Preparation for village meeting tonight (charts translated)
	6.00-11.00	Village meeting, Nukutele
Sat Nov 11		Reading Report writing
Sun Nov 12	12.00-1.30	Attended National Remembrance Parade
Mon Nov 13	8.30-12.00	Police interviews at Police Headquarters (supported by AC Itu Tupouniu) Interview with Senior Inspector, Community Policing initiative
	1.30-3.00	Interview Betty Black (Catholic Women's League and RRRT)

	3.00-	Photocopying documents. Planning meetings for Tuesday (Lawyer/ Doctor/ NCC)
Tuesday Nov 14	8.00 9.00 11.0 12.30 2.00 5.00	CWC Central Police station (arranging 4 day front desk survey) Hospital (Dr Toakase) re medical records on domestic violence Betty Blake - Catholic Women's League (CWL) Lunch discussion Magistrate interview - Pifeleti-Nuk (30 years magistrate) Interview with NCC President, and Deacon Anglican Church.
Wed Nov 15	10.00 11.00	Drew Havea (former Director Peace Corps, Chair, National Youth Congress. Women's Department
Thurs Nov 16	10.00 12-2.00 4.00	Report back to the Police Commander on review findings Round of agencies for thanks Civil disturbance in the afternoon. Abandoned Hotel for NZ High Commission
17, 18, 19		Based at NZ High Commission Compound. Answering phones, supporting Police troops
20 th		Depart for Auckland, Wellington

ANNEX C: PEOPLE INTERVIEWED

Dr Michael McBride	High Commissioner, NZHC
Taualaai Mareko	Administration Officer, NZHC
Assistance Commissioner, Lauaitu Tupouniua	AC Human Resources, Police force
Cadet Officer, L Manu	DV Unit, Police
Pelenatita Tapuelueluela	Transnational crime unit
Dr Caroline Fusimalohi	CEO National Planning
Onetoto Anaisi	National Planning
Dr Litili Ofanoa	Director of Health
Dr Toakasi	Health, CEO Paediatrics
Polotu Pauga	CEO Womens' Department, Ministry of Education, Women and Culture
Gus MacLean	Volunteer, CWC and consultant CRC
Tition Child and women Centre	Lavinia Palei (CEO) Sister Malia Sale (counsellor) Susana Uhatafe (community educator) Pelenaise Prescott (counsellor) Lisia Hifo (volunteer Worker) Fatai Sili (Admin) Ana Siua (Media) Safe House Leonie Mokofisi
Salote Fukafuka	Director USP Centre
Lose Miller-Helu	VUW p/g student working on a documentary on Tonga
Salamo Fulivai	Former director PacYWCA and PacFaw, Private consultant
Community meeting Nukuleka	Women 15; Children 12; males 18
Captain Tanya	Salvation Army, Alcohol and Drug abuse clinic
Dorothy Bryce-Fauonuku	Alcohol and Drug Awareness Centre (Counselling)
Sitiveni Feau	Village Officer, Nukuleta
Mrs Betty Blake	Catholic Women's League and RRRT Coordinator Legal rights Training Officer, Legal Literacy Project
Police Officers' meeting	20 officers males 13, female 7
Magistrate	Pifileti-Nuk
Drew Havea	Training Group of the Pacific (Pres, National Youth Congress, Chair of the civil Society Forum of Tonga)

PARTICIPANTS AT THE STAKEHOLDER MEETING ON DOMESTIC VIOLENCE

Name	Organisation	Email address
1. Amanda Bates	Legal Rights Project	llp2841@kalianet.to
2. Nordeen McKenery	Salvation Army	narateen@yahoo.com
3. AnnMarie Mokofisi	Legal Rights Project	llp2841@kalianet.to
4. Kato Latavao	Tonga Red Cross	
5. Mataele Finau	Tonga National Youth Congress	imanaia@gmail.com
6. Vanessa Lolohea	Tonga National Youth congress	vanessa@tnyc.org
7. Lutoviko Manu	Tonga Police	holyhiko@yahoo.com
8. Vau'ili Kohinoa	Nata Disable Self Advocacy Group	nata_tonga@yahoo.com
9. Hola Siale	Talaki Newspaper	
10. Po'oi Pohiva	Friendly Islands Human Rights Democracy Movement.	demo@kalianet.to
11. Michael McBryde	New Zealand High Commission	michael.mcbryde@mfat.govt.nz
12. Lau'aitu Tupouniua	Tonga Police	tupouniua.lau'aitu@police.gov.to
13. 'Uheina Kalaniuvalu	Langafonua, Secretary General	
14. Pelenaise Prescott	Centre for Women & Children	pelenaiseluanaprescott@yahoo.com.au
15. Polotu Paunga	Ministry of women affairs	polotu@gmail.com
16. Dr Toakase Fakakovi	Ministry of Health	tfakakovi@health.gov.to
17. Nikklas Danielsson	WHO based at Ministry of Health	danielsson@ton.wpro.who.int
18. 'Onetoto 'Anisi	Central Planning Department	anisi@cpd.gov.to
19. Lavinia Palei	National Centre For Women & Children	laviniapalei@yahoo.co.nz
20. Dungan McLean	Angus Mclean's brother	Volunteer to assist with the workshop
21. Susana 'Uhatafe	Centre for Women & Children	esavauht@hotmail.com
22. Gus McLean	CRC & Children's Advocacy Group	gus1080@yahoo.com.au
24. Others	Tonga Nat Council of Churches Langafonua, TNCC Lifeline, Civil Society Forum	tncc@kalianet.to Salamo_fulivai@hotmail.com drew@traininggroup.to

ANNEX D:

REVISED PACIFIC PLATFORM OF ACTION FOR SUSTAINABLE DEVELOPMENT FOR WOMEN 05-15
 REGIONAL CHARTER, SECRETARIAT OF THE PACIFIC COMMUNITY (2005: 4)

Theme 2 Women's Legal and Human Rights

- 2.1 Elimination of all forms of discrimination against women
- 2.2 Full participation of women in political and public decision-making
- 2.3 To eliminate sexual and family violence

Polices and programmers for theme 2.3: To prevent sexual and family violence

Objective 2.3.1 Polices and programmes to prevent sexual and family violence

Strategy

- 1 Analysis of legislation s regarding violence
- 2 Seminars for lawmakers, police and judiciary attitudes towards sexual and family violence
- 3 Change public attitudes towards sexual and family violence
- 4 Government support for Programmes to assist female victims of violence
- 5 Sexual harassment policy and guidelines
- 6 Prevention of trafficking of women and children and sex and paedophile tourism

Objective 2 Collect and public data on violence against women

Strategy 1: Measure trends in cases of violence against women

Indicators

Incidence of domestic or family violence

Incidence of rape

Assaults on women

Homicides in which women are the victims

Gender Difference in crime

*Source: Revised Pacific Platform of Action for Sustainable Development for women 2005-2015
 Regional Charter, Secretariat of the Pacific Community (2005: 4).*

ANNEX E: TONGA POLICE STRATEGIC PLAN 2006-2010

VISION

Working in partnerships with our community to Create a Safer and More Secure Environment

Police Motto: Police in partnership with the People

MISSION: To serve and Protect Our community

STRATEGIC GOALS

b) Partnership – working with the community and other agencies as partners in resolving complex social problems disruptions and emergencies. Strengthening the partnership and co-operation between the Police and the Community (26)

KEY RESULT AREAS

Primary KRA

- 1 community policy
- 2 Investigation and Crime Detection
- 3 Road Safety
- 4 Traffic Law enforcement
- 5 Complaints Assistance
- 6 Safety in Custody
- 7 Safer Homes Strategy (pages 138-148)
- 8 National Strategy Violence Reduction (pages 149-157)

SECONDARY KEY RESULT AREAS

- 9 Prosecution Services
- 10 Crime Prevention
- 11 Property Offences
- 12 Alcohol and Drug Relate Crime
- 13 Policing support to the community
- 14 Personal Safety
- 15 Custodial Service and Enforcement of Court Orders
- 16 Safety in Public Places
- 17 Emergencies disasters
- 18 Licensing and Vetting Services

THE TONGA POLICE FORCE CODE OF CONDUCT AND ETHICS (2000)

- | | |
|--|--------------------------------------|
| 1. Introduction | 2 Statement of values |
| 3 Performance oaf duties | 4 Integrity |
| 5 Reporting corrupt conduct | 6 Criminal convictions |
| 7 Limitation of Authority | 8 Discretion |
| 9 Conflicts of Inherent | 10 Acceptance of gifts of benefits |
| 11 Discrimination and harassment | 12 Offensive Language |
| 13 Management | 14 Drugs and Alcohol |
| 15 Customer Rights | 16 Professional Competency & Dev |
| 17 Media relationships | 18 Public Comment |
| 19 Protecting confidential Information | 20 Use of Facilities and Equipment |
| 21 Secondary Employment | 22 Private conduct |
| 23 Private Life | 24 Use of force |
| 25 Personal Professional capabilities | 26 Coop with other police & agencies |
| 27 Fair treatment | 28 Guide to Ethical Decision making |
| 29 Failure to comply | |
| 30 Signing and acknowledgment that have received read and fully understood this Code of Conduct and Ethics | |

ANNEX F: MEDIA RELEASE, PPDVP NATIONAL STAKEHOLDER MEETING



National Centre for Women and Children,
 Royco Building, Nuku'alofa, Kingdom of Tonga
 Phone & Fax: (676) 26-567; Email: cwctonga@kalianet.to

MEDIA RELEASE**“Stakeholders Meet to Address Domestic Violence in Tonga”**

Domestic Violence is not only a crime but also a major impediment to social development that requires immediate attention in the Kingdom of Tonga. This was the consensus from the NZ AID Pacific Prevention of Domestic Violence Program (PPDVP) Stakeholder Meeting – co-hosted by the Ministry of Police and National Centre for Women and Children on Friday 10th November 2006 in Nuku'alofa. The Ministry of Police and PPDVP, who have recently formed the Tonga Police Domestic Violence Unit to prevent and respond to domestic violence in Tonga, have commenced a 2 week intensive base line study to identify current data, systems, laws and partnerships to address domestic violence.

The National Centre for Women and Children presented information that indicated that domestic violence, in the form of violence against women by a husband or partner, may account for up to 10,000 victims per year. The total estimated cost of this violence on the Tongan economy could be as high as TOP\$37million per year in medical costs, lost wages, damaged property and other secondary costs. 24 participants from Government and non-government sectors, including the New Zealand High Commissioner His Excellency Mr. Michael McBryde provided an important cross section of ideas and opinions regarding domestic violence in Tonga.

The major outcomes from the meeting included a need for dedicated leadership and a coordinated approach to eliminate domestic violence in Tonga.



The Pacific Prevention of Domestic Violence Program Stakeholder Workshop