

**PACIFIC PREVENTION OF DOMESTIC VIOLENCE
PROGRAMME**

Update of Baseline In-Country Review

Tonga Report

PREPARED FOR NEW ZEALAND POLICE

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PREFACE

The structure of the Pacific Prevention of Domestic Violence Programme (PPDVP) Baseline Review Reports (see Fairbairn-Dunlop and Lievore 2007a, 2007b and Lievore and Fairbairn-Dunlop 2007a, 2007b) have been used, at the client's request, as a template for this Baseline Review Update.

To a large extent, Part 1 of this report duplicates the introductory chapter of the baseline review. Some minor changes have been made to reflect the current study but it should be noted that the background of the PPDVP, the four country studies and the methodology sections generally replicate sections contained in the previous Baseline Reports. Part 2 of this report outlines the context of each specific country in which the review was undertaken. It also follows the structure used in the earlier baseline review reports. Where applicable, the original content has been amended to ensure the current report is as up-to-date as possible. We would therefore like to acknowledge the authors of those reports – Professor Peggy Fairbairn-Dunlop and Dr Denise Lievore – as providing this material.

We would also like to acknowledge the role Professor Peggy Fairbairn-Dunlop played in the Baseline Review Update. Peggy was involved in the tendering process and in reviewing the methodology. She also acted as a consultant to the project and peer reviewed the final reports.

EXECUTIVE SUMMARY

PART 1: 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 Aid Programme (NZAID) under the International Development Group of the Ministry of Foreign Affairs and Trade 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 ongoing support. The initial programme duration is five years, which is due to expire on 30 June 2011.

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 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, the Cook Islands and Kiribati – providing on-the-ground sustained support for the development of Police domestic violence policy, strategy, action plans, systems and training programmes. An NZPOL mentor has been assigned to each of the four countries to support these efforts. Vanuatu joined the programme as a participating country from 1 July 2008.

PPDVP Baseline Reviews of the Cook Islands, Samoa, Tonga and Kiribati were completed in 2007, and the Baseline Review of Vanuatu was completed in 2009. The aim of these reviews was to gather baseline data and to engage agencies and communities in reflection on domestic violence.

Findings from the baseline reviews have provided a key awareness-raising tool for politicians, community leaders and communities, as well as a benchmark to measure the performance and effectiveness of the PPDVP. The aim of the current project is to provide an update on each of the four countries involved which the PPDVP Management Team will use to help them develop an appreciation of the impact of the PPDVP activities. A Programme Evaluation will be completed in early 2011, which will in turn inform any decisions on future activity or completion of the Programme.

This Tonga report on domestic violence is one of four Baseline Review Updates carried out under the PPDVP, the others being for Kiribati, Samoa and the Cook Islands. As with the baseline research, this study adopted the definition of domestic violence used by the PPDVP: that is, 'violence against women by a partner or spouse'.

The broad aims of the research were to ascertain/assess the current state of:

- data available in each country
- the extent of domestic violence and people's responses to it
- agencies' and communities' views of domestic violence, particularly how things had changed since the baseline reviews were carried out in 2006.

The research team worked closely with the NZPOL 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 with one non-government organisation (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 ongoing partnerships for future PPDVP activities. The research was conducted predominantly in urban areas and the team acknowledges that the report findings may not be applicable to rural regions or outer islands.

PART 2: TONGA

The Tonga follow-up study was carried out between 16 and 24 September 2010. The reviewer was based with the Tonga Police and the NGO in-country partner was the Women and Children Crisis Centre.

The Kingdom of Tonga is a constitutional monarchy with clearly delineated places for nobles and commoners. Social roles and behaviour 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 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.

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.

Two disasters occurred in 2009. The *Princess Ashika* sank on 5 August 2009 with the loss of 74 lives. In addition, on 29 September 2009 at least nine people died after a tsunami struck Tonga and Samoa following two massive earthquakes. The tragic loss of life resulting from the sinking of the *Ashika* resulted in a new form of dissatisfaction with the government.

While Tonga has not ratified the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) it is fulfilling commitments made under the United Nations' 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. Second, Tonga's obligations under the Convention on the Rights of the Child (CRC) have provided 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. Fourth, the previous Tonga Strategic

Development Plan 8 (2006) and the Tonga Police Strategic Plan (2006) positioned domestic violence as key priority areas.

SECTION 1: POLICE ATTITUDES, POLICY AND PRACTICE

The study identified the following key successes in relation to police attitudes, policy and practice. These successes have occurred since the baseline study.

- **Establishing the National Domestic Violence Unit (DVU)** – the National Domestic Violence Unit was officially opened in August 2007 at the Nuku'alofa Central Police Station.

Initially the Unit comprised two staff. This number has increased to four staff at the National Unit. In June 2009 representatives from each of the six Police districts were selected as District Domestic Violence Officers (Coordinators).

The existence of a National Domestic Violence Unit has made it easier for victims to access the Police.

- **Partnership and accountability structures** – under the direction of the Police Commander the following structures have been developed –
 - National Police Domestic Violence Advisory Committee – the Committee comprises a variety of domestic violence stakeholder organisations. While the aim of the Committee is to provide strategic advice the Committee's formation has also provided a regular means for interested, and historically disparate, stakeholders to meet and discuss areas of concern. In this regard the Committee has provided a level of accountability whereby the Police Commander is privy to stakeholder perspectives on Police practice with regards to domestic violence. As an outcome, participants have reported increased transparency, dialogue, future-focused planning, accountability, early detection of noncompliance to policy and/or procedure, and effective monitoring of key domestic violence indices.
 - Fortnightly case management meetings – meetings are attended by all Domestic Violence Police Officers on Tongatapu (who are directly dealing with victims and offenders of domestic violence) and a member of relevant agencies who work in partnership with the Police and are in direct contact with either offenders or victims of domestic violence.
 - Tonga Police National Domestic Violence Committee (TPNDVC) – the TPNDVC was established in late 2008 to oversee Police progress on domestic violence issues, make decisions on staffing and oversee memorandums of understanding with external agencies that are providing support for victims. The Committee meets on a monthly basis to discuss strategies to improve police responses, review overall incidents of domestic violence which includes reviewing statistics for each month, discuss high risk offenders/victims and ensure adequate strategies are put in place. The Committee ensures a uniform and consistent approach is adopted by all Police staff dealing with all domestic violence incidents. The Committee also ensures that District Commanders are held accountable for police responses to domestic violence in each of the Police Districts. For instance, if a case is dropped, the District Commander needs to account for this withdrawal before the Committee.
- **Domestic Violence Response Policy and in particular the no drop policy** – in September 2010, the Domestic Violence Response Policy was adopted and Domestic Violence staff went through a week-long training on the policy. Police representatives regarded this as a culmination of three years of PPDVP

investment. Encouragingly the policy, and associated training of Domestic Violence Unit staff, has stressed the need to avoid re-victimisation, adopt a zero tolerance towards all physical assaults and ensure all victims of domestic violence are regularly informed of the progress of the investigation and it is mandatory to provide victims with a referral to an external agency whether an arrest is made or not.

- **Adhere to a no drop policy** – in 2008 the newly appointed Police Commander implemented a no drop policy which ensures that all suspected domestic violence-related physical assaults and all other suspected domestic violence-related crimes are investigated and prosecuted in a consistent and uniform manner. According to the police, charges laid against a person resulting from a domestic violence incident can only be withdrawn by the Tonga Police on the specific authority of the Solicitor General.
- **Improved data collection** – a major achievement has been the implementation of systems geared towards improved data collection. Much of this can be attributed to the PPDVP Case Management and Intelligence System (CMIS) domestic violence database, which was implemented in 2007. Continued use of CMIS has resulted in a growing sense of confidence in police data, as the system was purported to reduce the possibility of human error.

Participants unanimously agreed that a key factor underpinning the success of these structures was the appointment of Commander Chris Kelly in September 2008. The Commander was commonly cited as a driving force behind the establishment of a variety of structures and systems of accountability.

Issues needing to be addressed

Two areas of growth were identified, both of which may create barriers to the eradication of domestic violence in Tonga. These issues and barriers are presented below against suggested actions.

Issues	Suggested Actions
<p>Police attitudes towards domestic violence – while there has been a marked improvement in Police knowledge and attitudes towards domestic violence there are indications that further education is required</p>	<ul style="list-style-type: none"> ▪ Pre- and post-training measures – training programmes should measure the extent to which attitudes towards, and knowledge of, domestic violence shift as an outcome of the training provided. Ideally, mechanisms should be implemented to measure behavioural change ▪ Refresher courses for general policing staff – one-off courses were regarded as inadequate for attitude and behavioural change and follow-up courses and mechanisms to ensure behavioural change were requested ▪ Re-victimisation – there is an urgent need for Police training on how to interact with victims to avoid re-victimisation ▪ Reconciliation – there is a need for training around how to navigate tensions arising out of cultural pressure to reconcile rather than prosecute ▪ Investigating domestic violence – best practice around carrying out a domestic investigation ▪ Counselling/advising – police roles in relation to counselling and advising, the need for the police to issue messages about how to keep safe, victim empowerment, active listening, maintaining boundaries within the role of police ▪ Training packages with theological colleges – the strategic benefit of forging complementary training packages with theological colleges was raised
<p>Sustainability of positive changes – participants, across representative groups, drew attention to the changes to domestic violence service provision under the leadership of Commander Chris Kelly. Concern was raised, however, that these changes might not be sustainable with a change of leadership</p>	<p>A variety of succession planning initiatives are developed</p>

SECTION 2: GOVERNMENT, NON-GOVERNMENT ORGANISATIONS AND COMMUNITY ATTITUDES AND RESPONSES

Non-government and government agency representatives were interviewed alongside victims of domestic violence and a number of church leaders. To this end key successes were identified alongside potential barriers to the continued efforts to eradicate domestic violence in Tonga.

Key successes

Two primary key successes were identified:

- **Increased awareness** – awareness of domestic violence has increased markedly in Tonga. This was generally attributed to extensive education and

grassroots awareness campaigns. All participants suggested that a domestic violence incident is more likely to be reported because of extensive education and awareness campaigns and a growing trust in the Tonga Police.

- **Increased number of people accessing services** – the number of victims of domestic violence accessing specialist agencies has increased steadily over preceding years. This increase is believed to be associated with Tonga’s increased awareness of domestic violence.

Issues needing to be addressed

Three areas of growth were raised. These are outlined below.

Issues	Suggested Actions
Continued training and awareness raising within the Police – NGO representatives agreed that there have been considerable improvements in Police knowledge of and attitude towards domestic violence and that more time is required for improvements to become embedded as core components of Police daily operations	NGOs supported the need for continued training of Police (see the training needs outlined above)
Resource provision – there is no men against violence service and referral process for the court to refer domestic violence perpetrators	Develop a men against violence service for the court to refer perpetrators
The need for domestic violence legislation – there is no domestic violence legislation per se and current legislation has been criticised because it: <ul style="list-style-type: none"> ▪ excludes marital rape ▪ restricts rape to penile penetration only ▪ does not provide sufficient sentencing guidelines to prevent bias in the magistrate’s appraisal of the crime and the associated sentence 	Participants, across all groups, suggested the need for specific domestic violence legislation that addresses each of the deficits of existing legislation

Outside of the rubric of PPDVP, but related to the ongoing success of Police responses to domestic violence, is the risk that gender-based rights organisations may close due to lack of funding. This is a real concern given the vital role NGOs have played in service provision and in ensuring that the Police engage in appropriate practices when working with victims and perpetrators of domestic violence. Unfortunately, the ability of each organisation to continue to provide services to victims has been questioned at a time when the demand for services has markedly increased.

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 Aid Programme (NZ Aid) under the International Development Group of the Ministry of Foreign Affairs and Trade, New Zealand Police (NZPOL) and the Pacific Islands Chiefs of Police (PICP). The programme builds on earlier NZ Aid 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 ongoing support. The initial programme duration is five years, which is due to expire on 30 June 2011.

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 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, the Cook Islands and Kiribati – providing on-the-ground sustained support for the development of Police domestic violence policy, strategy, action plans, systems and training programmes. An NZPOL mentor has been assigned to each of the four countries to support these efforts. Vanuatu joined the programme as a participating country from 1 July 2008.

PPDVP Baseline Reviews of the Cook Islands, Samoa, Tonga and Kiribati were completed in 2007,¹ and the Baseline Review of Vanuatu was completed in 2009.² The aim of these reviews was to gather baseline data and to engage agencies and communities in reflection on domestic violence. Data collection included reviews/focus groups with Police Officers, victims, Government agencies, non-government organisations (NGOs), Women's Groups and a number of representative communities to assess the extent of domestic violence and people's responses to it.

Findings from the baseline reviews have provided a key awareness-raising tool for politicians, community leaders and communities as well as a benchmark to measure the performance and effectiveness of the PPDVP. The aim of the current project is to update the baseline data for each of the four countries involved. The PPDVP Management Team³ will use the updated baseline reviews to help them develop an appreciation of the impact of the PPDVP activities. A Programme Evaluation will be completed in early 2011, which will in turn inform any decisions on future activity or completion of the PPDVP.

¹ See Lievore and Fairbairn-Dunlop (2007a), Fairbairn-Dunlop and Lievore (2007a), Fairbairn-Dunlop and Lievore (2007b), and Lievore and Fairbairn-Dunlop (2007b).

² See Fairbairn-Dunlop (2009).

³ The three partner agencies that make up the PPDVP Management Team are: New Zealand Ministry of Foreign Affairs (MFAT) International Development Group (IDG), New Zealand Police (NZPOL) and the Pacific Islands Chiefs of Police (PICP).

Research aims and terms of reference

As mentioned, the aim of this project is to update the baseline data in each of the four countries involved. 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 terms of reference (TORs) for each component are set out in Table 1.

Table 1 Terms of Reference for the Research

Police Attitudes, Policy and 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 NGOs (women's crisis/refuge organisations)
Current policy and practice arrangements for dealing with Police Officers as domestic violence offenders	Assessment of the prevalence of domestic violence using the available Police and NGO data, and data available from other agencies, including the United Nations
The state and recent history of Police partner relations	Policy and other contribution of key NGOs to dealing with and reducing domestic violence
Current policy protocols and general processes and procedure (including record keeping) for dealing with domestic violence	General assessment of levels of social acceptance and cultural tolerance towards domestic violence
Current Police leadership practice around domestic violence	Current Government policy and practice arrangements directed at or associated with domestic violence
The current state of Police domestic violence training	Current state of legislative arrangements in relation to domestic violence, including compliance with international covenants and conventions (CEDAW)
History of change around Police domestic violence practice	Current state of any alternative approaches (village justice) to 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	A review of medical / death records indicating levels of domestic violence and reporting of domestic violence
Police attitudes and perceptions towards Police Officers as domestic violence offenders Current state of Police prosecution of domestic violence	The attitudes of key religious organisations towards domestic violence

As with the baseline research, this study adopted the definition of domestic violence used by the PPDVP: that is, '*violence against women by a partner or spouse*'.

The broad aims of the research were to ascertain/assess the current state of:

- data available in each country
- the extent of domestic violence and people's responses to it
- agencies' and communities' views of domestic violence, particularly how things had changed since the baseline reviews were carried out in 2006.

Our approach and methodological framework

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

This study continued the emphasis on partnerships utilised in the baseline review and partnered one national NGO in three of the four countries throughout the planning and implementation of research activities.¹ This had the dual aim of empowering Pacific communities by fostering enquiry and debate on domestic violence, and consolidating ongoing 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 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 continued to build on the work done by the PPDVP mentors. This included, where possible, coinciding the fieldwork with the mentors' in-country deployment. Again there were wonderful mutual benefits in this strategy. Online support was received from the Kiribati mentor. In the Cook Islands, the researcher worked with the mentor for five of the eight days of fieldwork. For Samoa, the mentor provided key documents and information for the review. In Tonga, the researcher worked with the mentor for the entire period of the fieldwork.

Our approach was premised on the understanding that no single research strategy would fit the four countries: that, although the countries might have some common experiences, 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, information technology (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

¹ We were unable to organise working with KANGO in Kiribati as the person we had worked with previously on the baseline review was unavailable.

- physical constraints, including the way in which the spread of the islands which make up Kiribati, the Cook Islands and Tonga influences people's knowledge of laws and access to policing systems and/or justice
- national commitments and understandings of regional and international agreements, such as CEDAW¹ and the Pacific Platform of Action.²

It was important for us to remember that findings were set in the context of rapidly changing times and against a backdrop of initiatives promoting women's rights and gender equity and calls for the elimination of violence against women and children.

Finally, we saw that the update would continue to act as both a data collection and an education and advocacy exercise for domestic violence and related issues, as each interview was almost an awareness raising exercise on domestic violence, CEDAW and related issues.

We continued to draw on the significant resource base of knowledge and expertise in each country by utilising the relationships made in the previous study. As noted in the previous study, each country is either signatory to CEDAW or in the process of becoming so, and/or has participated in training provided by agencies such as the Fiji Women's Crisis Centre, the SPC/RRRT of the Regional Rights Resource Team of the Secretariat of the Pacific Community project, and, in the case of Samoa, the Secretariat of the Pacific Community (SPC)/United Nations Development Programme (UNDP) study. In fact, it is highly likely that domestic violence issues are perceived under a 'human rights framework' in addition to the 'Safer Pacific Free from Domestic Violence' framework of this PPDVP initiative.

The fieldwork was carried out in two-week blocks during September 2010.³ The methodology replicated that developed for the baseline study and each researcher visited two countries.⁴ Because of the geographical spread and remoteness of many islands in each country, the research was conducted predominantly in urban locations or on a central island. Therefore, 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, as found for the baseline study, the information would vary greatly in accessibility, coverage and quality. Qualitative methods were again deemed to be appropriate, given that a major research focus was identifying attitudes to domestic violence. We recognised that the topic had only recently been acknowledged as a Pacific

¹ This is the United Nations Convention on the Elimination of all forms of Discrimination Against Women.

² This is the Pacific Platform for Action on Advancement of Women and Gender Equality 2005–2015.

³ Ethics approval was given by the Victoria University Human Ethics Committee: No 17907/2010.

⁴ Venezia Kingi went to the Cook Islands and Kiribati, and Michael Roguski went to Samoa and Tonga.

development issue and that understanding the cultural and social underpinnings of domestic violence in the four countries required further extensive discussions with a broad group of people. Pacific research highlights that face-to-face communication is more appropriate and yields richer data than paper and pencil instruments or survey methodology.

As previously, we established general guidelines for the research process and assumed that data collection methods would again vary 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 Appendix A set out the general framework.

The four country reports

This four nation PPDVP review must be set within the wider happenings in the Pacific region in the past four years. Some of these influence the four nations directly, while others are influenced by the impacts of these.

The global recession is affecting all Pacific Island countries and territories through slower economic growth, increased economic uncertainty and worsening household vulnerability. The Asia Development Bank estimates that an additional 50,000 people were living below the poverty line in the Pacific in 2010 because of the global economic crisis. Continuing high rates of population growth in addition to escalating rates of urbanisation have seen the growth of overcrowded urban settlements in all Pacific Island countries and territories, with all the hallmarks of incipient poverty and social issues this entails. At the same time, rural areas are becoming the areas of women and children. The United Nations Children's Fund says children, youth and women are bearing the 'lion's' share of the burden of the global economic crisis, while surveys conducted by UNICEF in Tonga and Tuvalu in December 2009 reveal that a staggering 80 percent of families living in vulnerable communities do not have enough money for food.

The effects of climate change and natural disasters also impact on Pacific communities and are triggers for violence against women. The region's high vulnerability to earthquakes and accompanying tsunami is seen in the Western Solomon's (2007), the Viti Levu floods (January 2009) and the earthquakes and accompanying tsunami in American Samoa, Samoa and Tonga (2009). The extreme weather and climate variability and accelerated sea level rising associated with climate change are also impacting negatively on family livelihoods, economic wellbeing and health. In addition, Pacific Island countries and territories have witnessed increased political crises, social unrest and violent conflict in recent years. The political situation in Fiji is complex, while in Tonga, which is governed under a monarchy, advocacy is ongoing for a move towards democracy.

Views are that traditional family systems are weakening as people increasingly identify with modern regional and global ideas accessed through IT, education, migration and travel. Not only that, high levels of out migration have left many professional posts unfilled, with severe consequences for the delivery of violence against women, educational and health services, especially to rural areas.

We recognise that it is only relatively recently that domestic violence has been acknowledged as a Pacific development issue, yet 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 the roles and place of women, and post-

colonial and recent history. We felt that women's vulnerability to violence in a given country might also vary depending on age, urban/rural living and other factors.

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 containing two sections.

- Part 1 sets 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 nine 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 follow-up study was carried out between 16 and 24 September 2010. The reviewer was based with the Tonga Police and the NGO in-country partner was the Women and Children Crisis Centre.

This report begins with a brief outline of factors influencing the review. Section 1 presents police attitudes, policy and practice regarding domestic violence-related issues, and Section 2 presents government, NGO and community attitudes and responses to domestic violence. Both sections follow the terms of reference outline.

Data collection included group and individual interviews with representatives of:

- the Police
- Government agencies (such as the Ministry of Education, Women's Affairs and Culture and the Ministry of Health)
- NGOs associated with gender-based violence
- representatives from a variety of religious organisations
- the legal system
- victims of domestic violence.

In addition, a survey of key domestic violence attitudinal dimensions was administered to Domestic Violence Unit staff, Police recruits and General Policing).

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. 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, have historically been viewed as a family matter and, as such, are solved within the family and subject to the traditional reconciliation practices, which involve gifts of food and other items.

Today, Nuku'alofa, 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, organising 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 (see Figure 1). While there are 36 inhabited islands, the six main islands account for three-quarters of the total land

area and 90 percent of the kingdom's population. These three main island groups are Tongatapu (including Tongatapu and 'Eua), Ha'apai and Vava'u. The main police services are located in Tonga's capital Nuku'alofa, which is known as Police District number one. Table 2 shows the division of the other four Police Districts, with the furthest island groups of Vava'u and the Niuas having the largest number of sub-district posts.

Figure 1 Geographical Spread of Tonga Islands⁹

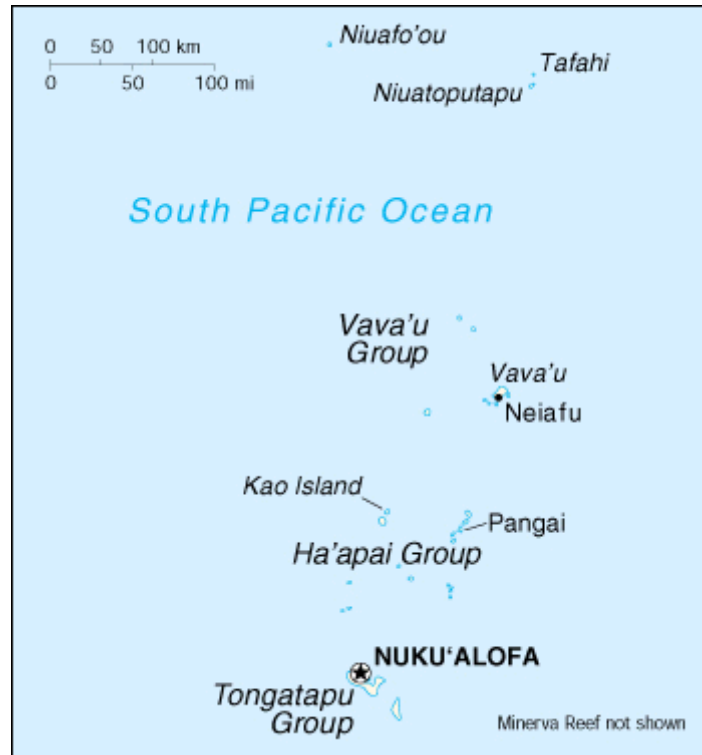


Table 2 Police District and Sub-District Centres¹⁰

Police District Number	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; Niuafu'ou; Niuatoputapu

National domestic violence markers

Table 3 shows there have been a significant number of domestic violence-related research, policy and programme achievements in the last 10-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

⁹ www.worldmap.com

¹⁰ Ministry of Police, Prisons and Fire Services Annual Report (2004).

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. Second, Tonga’s obligations under the Convention on the Rights of the Child (CRC) have provided 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. Fourth, the previous Tonga Strategic Development Plan 8 (2006) and the Tonga Police Strategic Plan (2006) positioned domestic violence as key priority areas.

Table 3 Key National Domestic Violence Markers (1996–2010)

Marker	Actions
Women & Development Unit (formerly within the Prime Minister’s Department and now with the Education Ministry)	National mandate for women and gender activities. Responsible for national reporting on global and regional commitments, such as the: <ul style="list-style-type: none"> ▪ Beijing FLS (UN) ▪ Pacific Platform of Action (SPC) ▪ Millennium Development Goals (UN) ▪ Pacific Plan (PIFS)
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 (not ratified) ▪ Signatory to UN Beijing Forward Looking Strategies (FLS) (1996) ▪ Signatory to Millennium Development Goals Regional: <ul style="list-style-type: none"> ▪ Pacific Platform of Action for Women (1996) and revised PPA (2004) Goal 2 – Violence Against Women ▪ Pacific Plan (PIFS)
NGOs	Catholic Women’s League <ul style="list-style-type: none"> ▪ Formed 1995, focusing on a rights agenda ▪ Centre for Women and Children Tonga (CWCT) established as National DV Unit (2004) ▪ Women and Children Crisis Centre established in November 2009 when CWCT staff break away to form an independent agency
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 and Children (CWCT)
Tonga Police	<ul style="list-style-type: none"> ▪ Tonga Police Strategic Plan (2006) ▪ PPDVP (2006) ▪ Domestic Violence Unit established (2007) ▪ Database and systems developed and implemented to allow domestic violence incidents and outcomes to be tracked (2008) ▪ National Police Domestic Violence Advisory Committee (late 2008) ▪ Tonga Police National Domestic Violence Committee (late 2008) ▪ Hospitals mandated to report domestic violence incidents ▪ Domestic Violence Response Policy implemented (September 2010) ▪ Fortnightly case management meetings between police and NGOs (2010)

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), calls for democratic reform and what is now known as the 2006 Nuku'alofa riots.

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 have contributed to feelings of uncertainty in these times of rapid change. So too did the death of a much revered monarch in 2006.

Two disasters occurred in 2009. The *Princess Ashika* sank on 5 August 2009 with the loss of 74 lives. In addition, on 29 September 2009 at least nine people died after a tsunami struck Tonga and Samoa following two massive earthquakes. the tragic loss of life resulting from the sinking of the *Ashika* resulted in a new form of dissatisfaction with the government.

SECTION 1: POLICE ATTITUDES, POLICY AND PRACTICE

Any history of change around police domestic violence practice

The baseline review noted a number of positive shifts around police domestic violence practice. First, every action of the Tonga Police Strategic Plan (2006–2010) provided a framework to enhance police capacity to professionally deal with cases of domestic violence. Most notably, domestic violence became a central consideration when it featured in two of the Strategic Plan's key result areas. In addition, the emphasis placed on the Community Policing Programme reinforced the message of community and police partnership in ensuring 'safer and more secure environments'. The establishment of village-based Community Police Committees helped Police conduct domestic violence outreach. Other moves which have provided a basis for the further development of domestic violence responses include:

- a number of police evaluations of organisational systems and behaviours with the aim of modernising and improving police responses
- gender sensitivity-focused police training
- an increasing number of female police.

Of interest, the baseline review noted that the effective implementation of domestic violence policy frameworks would 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. Since late 2008, rather than training per se, structures have been established that ensure:

- transparency
- dialogue
- future-focused planning
- accountability
- early detection of noncompliance with policy and/or procedure
- effective monitoring of key domestic violence indices.

Participants unanimously agreed that a key factor underpinning the success of these structures was the appointment of Commander Chris Kelly in September 2008. The Commander was commonly cited as a driving force behind the establishment of a variety of structures and systems of accountability.

The Police have gained respect because the police have more complete statistics. It is made available to the general public. Also, the public is aware of the no drop policy. We are more knowledgeable. We have had a lot of training and we now know how to support victims and how and to whom we should refer. In addition, we have more transparency. (Senior Police Officer).

The key structures that have been developed to help eradicate domestic violence include the:

- National Domestic Violence Unit
- Case Management and Intelligence System (CMIS)
- Case Management Meetings

- Tonga Police National Domestic Violence Committee
- National Police Domestic Violence Advisory Committee
- Domestic Violence Response Policy and in particular the no drop policy.

Each of these structures is discussed below.

National Domestic Violence Unit

The National Domestic Violence Unit (DVU) was officially opened in August 2007 at the Nuku'alofa Central Police Station. Due to the 2006 riots the opening had been delayed by one year.

Initially the Unit comprised two staff. This number has increased to four staff at the National Unit. In June 2009 representatives from each of the six Police Districts were selected as District Domestic Violence Officers (Coordinators). Coordinators are currently located at:

- 'Eua
- Ha'apai
- Houma
- Nukunuku
- Mu'a
- Vava'u.

Due to service demands, the need for an additional staff member has been identified for Mua and Ha'apai. The core functions of the DVU are to:

- provide coordination and direction for Tonga Police response to domestic violence incidents
- maintain all policies and standards relating to domestic violence
- gather, store and process all domestic violence information and disseminate all vital statistical information to internal and external partners and stakeholders
- coordinate and liaise with relevant NGOs and network groups and facilitate case follow-ups with appropriate agencies and organisations
- refer victims to non-government support agencies
- identify organisational needs for improvement on domestic violence response by Police
- support and interact with all appointed Domestic Violence Officers in each Police District throughout Tonga to ensure high standards are being maintained
- support staff training on and awareness of domestic violence
- implement proactive approaches to minimise domestic violence occurrences and its effects
- adopt a proactive and problem solving response to all domestic violence cases, develop detailed profiles of high-risk offenders and formulate Police response plans for families who repeatedly come to the notice of Tonga Police and NGOs.

Case Management and Intelligence System (CMIS)

The PPDVP Case Management and Intelligence System (CMIS) domestic violence database was developed in 2007. This has resulted in a more coordinated effort by

domestic violence units to record the levels of domestic violence reported to the Police. Further, continued use of CMIS has resulted in a growing sense of confidence in police data, as the system was purported to reduce the possibility of human error.

Tonga Police National Domestic Violence Committee

The Tonga Police National Domestic Violence Committee (TPNDVC) was established in late 2008 to oversee monthly progress on domestic violence issues, make decisions on staffing and oversee Memorandums of Understanding with external agencies that are providing support for victims. The Committee is chaired by the Police Commander, with members including the Officer in Charge of the National Domestic Violence Unit, each of the six District Commanders, the Officer Commanding Police Operations Group and the Domestic Violence Unit Mentor. The Committee meets every month to:

- discuss strategies to improve police responses
- review overall incidents of domestic violence, which includes reviewing statistics for each month
- discuss high-risk offenders/victims and ensure adequate strategies are put in place.

The Committee ensures a uniform and consistent approach is adopted by all police staff dealing with domestic violence incidents. The Committee also ensures that District Commanders are held accountable for police responses to domestic violence in each of the Police Districts. For instance, if a case is dropped, the District Commander needs to account for this withdrawal before the Committee.

Case Management Meetings

Case Management Meetings (CMM) occur fortnightly and are to be attended by all Domestic Violence Police Officers on Tongatapu (who are directly dealing with victims and offenders of domestic violence) and a member of all agencies who work in partnership with the Police and are in direct contact with either offenders or victims of domestic violence. The aims of the CMM are to:

- discuss all police report incidents of domestic violence that have occurred between each weekly CMM. These may also include non-police reported cases that have come to the notice of the partner agencies only.
- agree on required actions to be conducted by any attending agency (aiming to minimise the risk of every victim against domestic violence)
- hear from attending parties about the outcome of any action that had been agreed upon during the previous CMM
- discuss any new police victim safety plans/high-risk offender profiles so that partner agencies may offer information that can be of benefit to either document.

Minutes must be recorded at each meeting, which will ensure the accountability of each partner agency. A copy of all minutes is made available to all attending partner agencies.

National Police Domestic Violence Advisory Committee

The baseline study described the Police and NGOs as having generally existed separately and with little history of collaboration. Some of this may be attributed to the advocacy role adopted by some NGOs and the failure of the police to hold their own accountable for a variety of crimes, domestic violence being one. In contrast to

the baseline review all non-police participants cited improved relationships with the police and the majority cited the Commander's establishment of the National Police Domestic Violence Advisory Committee in late 2008. The Committee was formed to advise the Police on legislation, policy, procedures, implementation practice and initiatives on domestic violence at a strategic level. In addition, any draft Police policy and procedures are referred to the Committee for review and comment before implementation.

The Committee comprises various domestic violence stakeholder organisations, including representatives from the following agencies:

- Tonga Lifeline
- Salvation Army
- National Centre of Women and Children
- Women and Children Crisis Centre
- Department of Women's Affairs
- National Youth Congress
- Solicitor General's Office
- any NGO that requests representation.

While the Committee has provided a useful source of strategic advice, participants agreed that the Committee's formation also ensures that interested, and historically disparate, stakeholders meet regularly and discuss areas of concern. In this regard the Committee has provided a level of accountability whereby the Police Commander is privy to stakeholder perspectives on Police practice with regards to domestic violence.

Domestic Violence Response Policy

In September 2010, the Domestic Violence Response Policy (the policy) was adopted and the Domestic Violence staff went through a week-long training on the policy. Police representatives regarded this as a culmination of three years of PPDVP investment. Encouragingly the policy and associated training have stressed the need to:

- **avoid re-victimisation** – the Domestic Violence Response Policy states that “It is vital not to re-victimise the victim. Officers must be sensitive to their needs and emotional vulnerability. Once there is sufficient evidence to charge any offender with domestic violence assault then a charge shall be laid. The attending Police Officers shall consider the appropriateness of charging the offender for all other offences committed. The attending Police Officers shall also inform the offender and victim that the decision to charge the offender has been made by Police and it is not the decision of the victim” (Domestic Violence Response Policy, September 2010, p. 18)
- **zero tolerance** – the policy stresses a zero tolerance on all physical assaults. This means that the Tonga Police will actively pursue all charges where an assault or a serious crime has been committed and will ensure each complaint progresses to a judicial hearing
- **follow-up** – Domestic Violence Officers are required to ensure all victims are regularly informed of the progress of the investigation, any court proceeding and sentencing. Further, it is a requirement that the victim is advised of the sentence within 48 hours of that sentence being imposed

- **victim support** – a referral to an external agency is mandatory, whether an arrest is made or not. All referrals are required to be made on a Domestic Violence Referral Form and forwarded to the external agency within 24 hours of any complaint having been made
- **no drop policy** – in 2008 the newly appointed Police Commander implemented a no drop policy, which was formalised in September 2010 with the adoption of the Domestic Violence Response Policy. In recognition of victim recant or request for charges to be withdrawn the no drop policy ensures that all suspected domestic violence-related physical assaults and all other suspected domestic violence-related crimes are investigated and prosecuted in a consistent and uniform manner. Charges laid against a person resulting from a domestic violence incident shall only be withdrawn by the Tonga Police on the specific authority of the Solicitor General.

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

The Policy provides a definition of domestic violence, protocols and procedures as well as a detailed policy on reporting (Domestic Violence Report Form – DVRF1). As an indication of procedure, Boxes 1 and 2 provide an abridged version of procedural expectations following notification of a domestic violence incident.

The majority of participants, excluding victims, were familiar with the Domestic Violence Response Policy. Government and non-government representatives had been consulted on the draft policy and many of the Police representatives had either been consulted or undergone policy-focused training. Those familiar with the policy view its implementation as a major landmark for Tonga.

Prior to PPDVP domestic violence wasn't seen or taught. Domestic violence fell under the general category of common and physical assault. It was separated as domestic violence; rather it was seen as violence against the person. We needed to change the policy and define domestic violence. Through the new policy domestic violence is identified. This is a major achievement in two and a half years. (Senior Police Officer)

Box 1 Police Action and Procedure

All domestic violence complaints that come to the attention of the Tonga Police must be documented and recorded on the Domestic Violence Report Form (DVRF1) which is to be completed and submitted by the attending police officer to the shift supervisor at the end of that officer's shift.

Communications Response

On initial receipt of any domestic violence case, whether by telephone or in person, that is occurring at the time that the information is received, Communications Officers/Dispatchers or any frontline employed in the Watch House shall immediately notify the General Duties Shift Supervisor and ensure that that Supervising Officer is made aware of the domestic violence incident.

The following information from the informant/victim/complainant must be recorded:

- Names and addresses of both the alleged offender and victim and informant including contact telephone number
- Safety of victim or caller
- Location of incident
- Who is involved
- Where is the offender now
- Any witnesses
- Any injuries to victim/offender
- Are there children involved
- Any weapons
- Has offender got any weapons in his possession and if so what
- What caused the incident.

Once this information is obtained the recording officer shall immediately disseminate all known information to all frontline staff attending the incident and minimise any risks to the safety of those attending Police Officers.

Ideally two or more staff shall attend all reports of domestic violence incidents that are actively occurring in order to minimise the risk and increase the safety of the attending Police staff.

Source: Ministry of Police, Prisons and Fire Services (2010)

Box 2 Actions at the Scene

Domestic violence incidents have the potential to include a wide range of offences such as (but not limited to) homicides, sexual offences, assaults, threatening behaviour and wilful damage.

Upon attending the scene, police officers must ensure:

- Safety of all parties is paramount
- Continual protection of victims including any children also present
- Holding the offender accountable.

The attending Police Officers shall investigate the incident thoroughly and carry out the following actions:

- Ensure the immediate safety of all parties involved
- Separate all persons present at the scene
- Take control of any weapons used or threatened to be used
- Secure all weapons as an exhibit
- Freeze/control/preserve scene
- Identify any offences and offender(s) – consider there may be more than one victim or offender
- Note all admissions and/or incriminating statements
- Obtain any medical assistance if required
- Conduct separate interviews with victim/suspect and witnesses and obtain written signed statements from all parties
- If appropriate and if safety permits allow the victim to tell her/his version of events in the presence of the offender and record any reaction/admissions/denials stated by the offender
- Consider the need to obtain photographic evidence of all parties involved including photographs of injuries on either party
- Note any injuries to the victim/offender and damage to the scene
- Consider all elements of any intended charges are covered when obtaining exhibits and statements
- Make an arrest if reasonable suspicion exists
- Complete the DVRF1 before the end of the attending officer's shift.

Source: Ministry of Police, Prisons and Fire Services (2010)

Current specific levels of domestic violence reported to Police

Prior to 2007 it was difficult to determine the incidence of domestic violence reported to the police. This was attributed to domestic violence not being classified as a separate offence, as violence against women in the home fell under the general category of common assault in the Criminal Offences Act (cap 18).

While there remains no separate domestic violence legislation in Tonga a combination of a domestic violence reporting template, concomitant police training

and a domestic violence database (CMIS) has enabled the recording and reporting of domestic violence incidents since December 2008.

Table 4 Number of Domestic Violence Incidents, December 2008 to September 2010

Number of Domestic Violence Incidents*	Year
479	2008
477	2009
400	2010**

* No age differentiation was possible for the data. The ability to track incidence of reports to the police needs to be regarded as a huge improvement.

** For the period January to 31 August 2010.

It is not possible to determine the degree to which these figures accurately reflect the incidence of domestic violence. However, participants confidently related strong beliefs that a number of historical barriers to reporting domestic violence have decreased significantly. For instance, the baseline review drew attention to what was believed to be a prevalence of under-reporting of domestic violence incidents. Follow-up study participants corroborated the baseline findings that, historically, incidents of domestic violence were under-reported and attributed this to:

- a lack of awareness about a woman's right to safety
- complaints being withdrawn when victims and offenders reconcile
- Police, community and family members encouraging women and girls to reconcile
- Police encouraging women to reconcile to protect the male perpetrators
- a lack of faith in police being willing to take a domestic violence complaint seriously
- a belief that domestic violence is a family and not a police matter.

Follow-up study participants generally asserted that many of the barriers to reporting have decreased however. . .

Domestic Violence, rape, sexual assault / harassment and all forms of child abuse are still largely unreported in Tonga, and part of the work of the WCCC is to raise awareness of these issues and encourage more women and children to come out and speak out against these types of violence and more importantly for the community to understand and know that violence against women and children is a crime (Director, Women and Children Crisis Centre)¹

All participants suggested that a domestic violence incident is more likely to be reported because of extensive education and awareness campaigns and a growing trust in the Tonga Police, which has coincided with increasing adherence to the no drop policy and examples of Police taking domestic violence incidents seriously. This was most notable when the Police have prosecuted high ranking officials.

Participants also cited the implementation of a domestic violence reporting and tracking system as creating a sense of confidence in police data, as the system was purported to reduce the possibility of human error when dealing with cases.

¹ www.wccc.tbu.to/news/new-tonga-ngo-steps-up-choices-for-victims-of-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

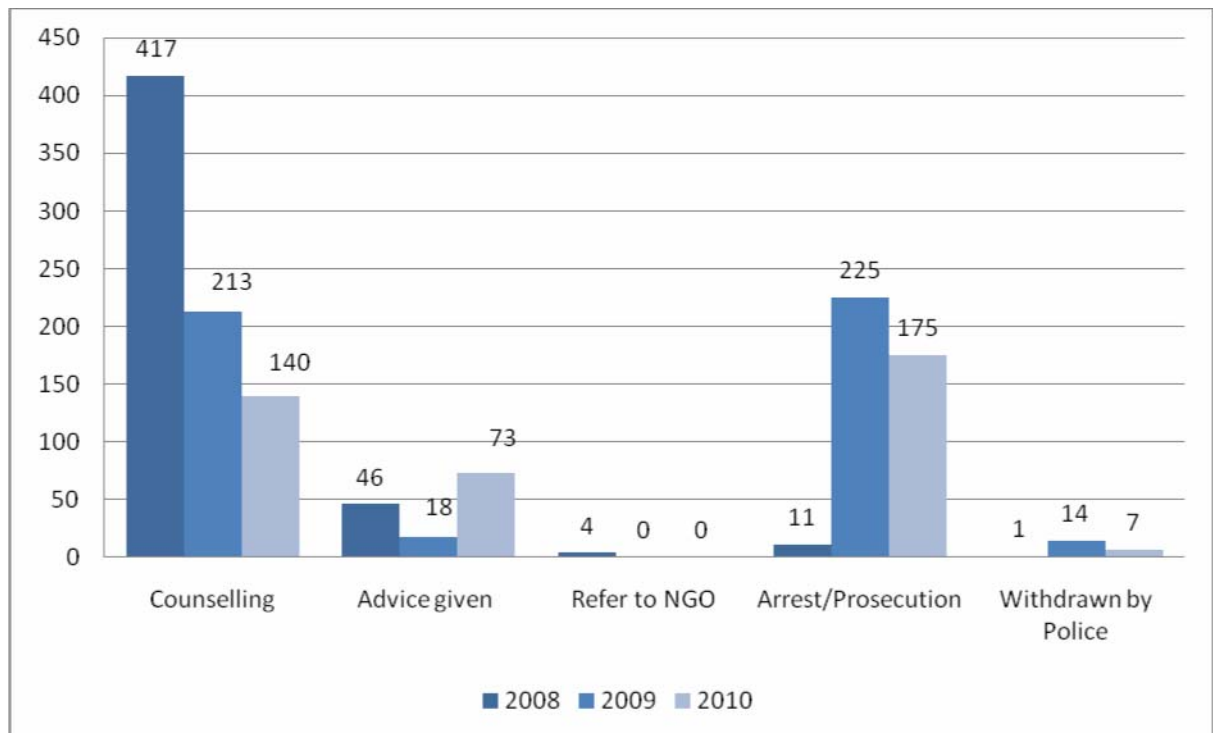
The baseline study viewed as inadequate the management systems and routines for systematically tracking levels of case withdrawal and prosecution and the number of offenders being held accountable for their actions. In addition, the baseline review determined that the Ministry of Police did not document all reports of violence against women. With the establishment of the Domestic Violence Unit systems have been developed that have greatly improved the Police's ability to capture data.

Figure 2 outlines the outcome of incidents of domestic violence reported to the police. Because an incident can result in multiple outcomes (e.g. the victim's referral to an NGO and the perpetrator's prosecution) the numbers reported exceed each year's annual reported incidents. Unfortunately, 12-month records do not exist for 2008, and 2010 data was only available up to the end of September. As such, limited trend-related conclusions can be drawn.

The decrease in counselling corresponds with an increase in the number of arrest/prosecution cases. This is not surprising, given the extent of police training, police officers' growing appreciation of the seriousness of domestic violence and the implementation of the no drop policy. In addition, an encouraging finding is the reduction of domestic violence complaints withdrawn by the police before reaching court. For instance, in 2009 and 2010 the proportion of police-generated withdrawals equated to 4.4 percent and 3.0 percent respectively. This figure is substantially different from past estimates, where the proportion of withdrawals of domestic violence from 27 percent of all complaints in the 1991–2001 period (see Government of Tonga and UNICEF Situational Analysis of Women and Children Report, 2006) to 90 percent for the year 1997. It is anticipated that continued adoption of the no drop policy will mean the number of police-generated withdrawals will decrease significantly in the short term.

Based on the data outlined in Figure 2 some opportunities exist for continued monitoring and procedural oversight. Most notably, the number of incidents where counselling and advice is given needs to be monitored, given the lack of training police have in the area. Also, the nature of advice needs to be monitored given the historical predilection to view domestic violence as a family rather than a police issue. Finally, the scarcity of referrals to NGOs is surprising. The lack of referrals requires further investigation into whether there is a need for policy and/or procedural enhancement.

Figure 2 Outcome of Domestic Violence Incidents Reported to the Police, 2008 to September 2010



The baseline review determined that a large proportion of complaints were withdrawn before they proceeded to court. Unfortunately, no pre-Domestic Violence Unit comparative data exists. Rather, Police and NGO follow-up study participants reported that the number of Police-sanctioned withdrawals had greatly decreased with the continued entrenchment of the no drop policy. Needless-to-say the reduction of police-generated withdrawals for 2009 and up to 30 September 2010 (14 and 7 respectively) was regarded as a huge success by participants.

The majority of the 94 cases known¹ to have appeared before the Court in 2009 resulted in a conviction (77.7 percent) (see Table 5 below). 7 percent were withdrawn at Court. The most common outcome of those found guilty was a conviction with a monetary fine (40 percent) whereas 5 percent were sentenced to imprisonment. Of the 69 domestic violence cases appearing before the court up until the end of August 2010 approximately one-third of those found guilty received community service and the rate of imprisonment increased to 10 percent. These shifts may indicate an increased seriousness of offending, that courts may be viewing domestic violence more seriously and/or that more repeat offenders are coming before the courts.

¹ This figure differs from the 225 cases arrested and sent to prosecutions by the Domestic Violence Unit. Police participants were not able to clarify how this discrepancy developed. It does, however, indicate the need for continual improvement of case tracking and the need for an efficient system to track outcomes.

Table 5 Outcome of Domestic Violence Cases Appearing Before the Court

Outcomes	2009 (1 Jan – 31 Dec)		2010 (1Jan – 30 Sept)	
	Number	%	number	%
Monetary fine	38	40%	8	12%
Suspended sentence	15	16%	12	17%
Community service	10	11%	23	33%
Imprisonment	5	5%	7	10%
Convicted with reprimand	4	4%	0	0%
Community service and suspended sentence	1	1%	1	1%
Community service and probation	0	0%	4	6%
Convict and discharge	0	0%	1	1%
Under probation	0	0%	1	1%
Withdrawn at Court ¹	7	7.4%	5	7.2%
Total	94	100%	69	100%

Source: Domestic Violence Unit records

Current Police leadership practice around domestic violence

The Police Commander has played a major leadership role in ensuring domestic violence is placed centrally within the Police. The Commander was consistently held up as the driving force behind the Domestic Violence Unit and the Domestic Violence Response Policy, the National Police Domestic Violence Advisory Committee and fortnightly Case Management Meetings.

Police attitudes and perceptions of domestic violence

Initial interviews with police representatives indicated possible benefits of surveying Domestic Violence Unit staff, police recruits and General Policing on key domestic violence attitudinal dimensions. To this end a survey of the three police groups was carried out. Table 6 outlines participant characteristics. Of note, all 28 police recruits and all 13 Domestic Violence Unit staff participated in the survey. The 30 participating General Policing sample were non-randomly sampled. The reviewer administered the survey to the Domestic Violence Unit and the police recruits. A senior police official administered the survey to the general policing staff.

¹ Records from the National Domestic Violence Unit show that each of the seven 2009 court withdrawals occurred because of insufficient evidence. Of the five withdrawals to 30 September 2010, four occurred because of insufficient evidence and one was withdrawn because it was deemed a false complaint.

Table 6 Survey Participants' Profile

	Domestic Violence Unit	Recruits	General Policing
Total number of participants	13	28	30
Mean Age	41 (SD 7)	23 (SD 2)	34 (SD 10)
Mean amount of time with police (years)	19.73 (SD 7.21)	0.17	12.2 (SD 9.77)
Number of females	6	15	12
Number of males	7	13	18

Questions were developed in response to the baseline study's findings. In particular, the reviewer found that, while many police displayed a sympathetic attitude to victims of domestic violence, there was also a view that 'this is the way things are' and Tonga men are heads of the household and, presumably, have the right to hit their wives. Furthermore the reviewer found that there appeared to be a predilection derived from traditional cultural values to try and reconcile the partners, as domestic violence is a matter to be kept within the family (rather than a police matter).

Three Police groups were surveyed to see whether attitudes differ between the groups. It was assumed that the Domestic Violence Unit staff would be more likely to hold attitudes aligned with best practice than recruits and General Policing, as Domestic Violence Unit staff had received more intensive training. The degree to which each of the three police groups agreed with each of the statements is presented in Figure 3.

Question 1: Domestic violence is sometimes okay

Historically, concern has arisen from within the police and NGOs about the number of police who may not believe that domestic violence is an offence and, as a consequence, may be less likely to offer appropriate responses when an offence is reported. As a result participants were questioned whether they agreed, disagreed or sort of agreed with the statement that domestic violence is sometimes okay. In response, none of the Domestic Violence Unit staff agreed and a relatively small number of recruits agreed (7 percent). Given that none of the recruits had received police-based domestic violence training, the low level of agreement might reflect their age and the likelihood that younger populations are less likely to adhere to 'traditional' values that place men as heads of the household. General Policing rated the highest, with 43 percent agreeing with the statement. This level of agreement might reflect the comparative lack of training General Policing have received. Of interest, police representatives who were asked to comment on the number of General Policing who agreed with the statement cited 43 percent as a major achievement, as it was believed that until the PPDVP many more General Policing staff would have agreed that domestic violence is sometimes okay.

Question 2: If a husband has hit his wife once there is no need to charge the offender

Initial police interviews revealed a tendency for police to place perpetrators on a continuum of seriousness: those engaging in grievous bodily harm as being more serious than those who have, perhaps, hit their partner once. Police may therefore be

more likely to arrest someone who had seriously injured someone, while there may be level of rationalisation for less violent incidents. Each of the three police samples reported relatively high levels of agreement with the statement that “if a husband has hit his wife once there is no need to charge the offender”. Such attitudes indicate a need for further training and the possible need for mechanisms to ensure that police responses are not impacted by personal beliefs or a predilection to minimise victimisation.

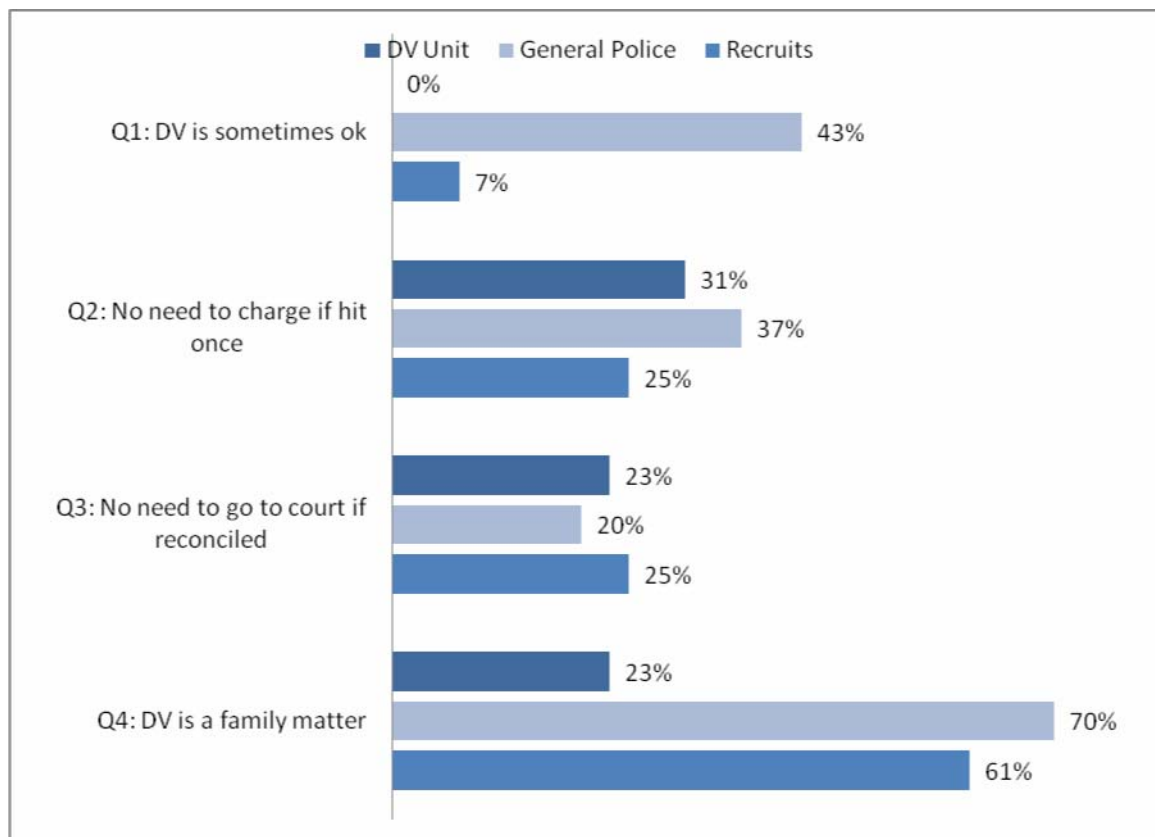
Question 3: If the husband and wife have reconciled there is no need to go to court

In an effort to understand the degree to which participants viewed domestic violence as a criminal offence worthy of prosecution, participants were asked whether or not, if a husband (perpetrator) and wife had reconciled, the perpetrator needed to go to court. Appropriately one-fifth of each of the three samples agreed that reconciliation precludes the need to go to court. This level of agreement may reflect a traditional viewpoint that stresses reconciliation and a belief that domestic violence remains a concern of the family rather than the court. Again, training may be required as there is a risk of minimising victim experiences.

Question 4: Domestic violence is a family matter and should be dealt with within the family. The police only need to be involved in serious situations

Domestic violence has been historically viewed as a family issue rather than a criminal offence. As such, domestic assaults have often been minimised. Because of this historical trend, participants were asked whether they agreed that domestic violence is a family matter and should be dealt with within the family and that the police only need to be involved in serious situations. The majority of General Policing and police recruits agreed with the statement (70 and 61 percent respectively), whereas 23 percent of the Domestic Violence Unit agreed. The relatively high number of recruits and General Policing who agreed with the statement indicates that traditional views that place domestic violence within the realms of the family remain. Further, the fact that approximately one-quarter of the Domestic Violence Unit agreed indicates a need to further entrench policies and protocols and a possible need for continued training and mentoring.

Figure 3 Police Attitudes Towards Domestic Violence: Percentage of Police who Agree with Indications of Best Practice



The survey indicates that there have been significant changes in Police attitudes towards domestic violence.

Police attitudes and perceptions towards Police Officers as domestic violence offenders

Police and community-based participants reported a general belief that, until Chris Kelly took on his new role of Commander, police officers engaging in domestic violence were treated leniently. The same finding was reported by the baseline review, which held the impression that police would try to shelter fellow staff members in such an event.

High-level Police officials described Police Officers engaging in domestic violence as a serious offence and said that the officer in question would be treated like a member of the general public.

It was not possible to determine General Policing attitudes towards police officers as domestic violence offenders. However, survey data indicates a belief that domestic violence remains a family matter. This belief may prevent police officers from taking appropriate action against a fellow officer (Figure 3).

Current policy and practice arrangements for dealing with Police Officers as domestic violence offenders

The Domestic Violence Response Policy explicitly states zero tolerance of Police who engage in domestic violence (see Box 3).

Box 3 Current Policy for Dealing with Police Officers as Domestic Violence Offenders

Incidents of domestic violence involving Tongan Police staff members

The Tonga Police recognises that Police Officers may commit acts of domestic violence, and that members of their families may be subject to such violence. It is essential to the integrity of the Tonga Police that all acts of domestic violence committed by Tonga Police Officers will not be tolerated and shall be dealt with in the same manner as the general public.

Any domestic violence incident involving a Tongan police employee, sworn or non sworn, is considered a serious matter and must be reported to the Police Commander as soon as practical and in any case no later than 24 hours as of first report. These provisions apply to officers of all ranks.

Incidents of domestic violence involving other family members of Tongan Police staff members

All domestic violence incidents which involve any family member of any Tonga Police Officer shall not be investigated or dealt with by the officer concerned. If a member is aware of a domestic violence incident involving their family and is called to attend, they must refer it to a more senior police member who will ensure that another police officer not related to that family attends the incident.

All domestic incidents that come to the attention of the Tonga Police, including those involving family members of any Police Officer, shall be dealt with in the same manner and procedure as all other domestic violence incidents, there are no exceptions.

Source: Tonga Police (2010).

At present, reliable data on the number of Police officers who have had complaints of domestic violence made against them is only available for 2008 and 2009. In 2008 one complaint of domestic violence (physical assault) was made and in 2009 one complaint of emotional abuse was made.

The current state of Police domestic violence training

As with the 2007 baseline review, domestic violence training was found to occur across all levels of policing. As one senior police representative related, since 2009, an estimated 85 to 90 percent of the Tonga Police (General Policing) had received training on domestic violence.

In 2009, the Tonga Police reviewed the scope and specific nature of all training needs. In total approximately 30 training areas were identified (including domestic violence). As an outcome, the review suggested the need for a series of 'refresher courses' for all Tonga Police. Unfortunately, the nature of the domestic violence refresher courses, the amount of time allocated and measure of effectiveness (such as measures of changes in attitude and/or behaviour) were not scoped.

Table 7 Police Domestic Violence Unit Training

Level	Domestic Violence Unit Training
2007	Training workshop in Auckland for all Domestic Violence Unit staff. The aim of the workshop was to train Domestic Violence Unit staff to become trainers.
2008	Representatives from each of the 12 Pacific nations' Domestic Violence Units attended a PPDVP training in Tonga. Because the training was Tonga-based each of the three Nuku'Alofa staff attended the training. The training took place over two weeks.
2009	<p>Representatives from each of the Police Districts were selected as District-based Domestic Violence Coordinators. Each of these newly selected staff participated in a two-week training package that focused on:</p> <ul style="list-style-type: none"> ▪ introductory domestic violence issues ▪ training the trainer ▪ interviewing ▪ investigating domestic violence. <p>The Nuku'Alofa-based Domestic Violence staff also attended the training. In this sense the two-week training acted as a refresher course for those who had gone through previous trainings.</p>
2010	In September, Domestic Violence staff (District Coordinators and National Domestic Violence Unit) had a week-long training that focused on the Domestic Violence Response Policy.

Participants suggested the following be included in future training:

- **Pre- and post-training measures** – training programmes should measure the extent to which attitudes towards, and knowledge of, domestic violence shift as an outcome of the training provided. Ideally, mechanisms should be implemented to measure behavioural change.
- **Refresher courses for General Policing staff** – one-off courses were regarded as inadequate for attitude and behavioural change, and follow-up courses and mechanisms to ensure behavioural change were requested.
- **Re-victimisation** – there is an urgent need for Police training on how to interact with victims to avoid re-victimisation.
- **Reconciliation** – there is a need for training around how to navigate tensions arising out of cultural pressure to reconcile rather than prosecute.
- **Investigating domestic violence** – best practice around carrying out a domestic investigation.
- **Counselling/advice giving** – police roles in relation to counselling and advice giving, the need for the police to issue messages about how to keep safe, victim empowerment, active listening, maintaining boundaries within the role of police.
- **Training packages with theological colleges** – the strategic benefit of forging complementary training packages with theological colleges was raised.

The state and recent history of Police partner relations

The baseline study reported that Police relations with other government ministries were in a state of flux as a result of government restructuring measures and that efforts were being made to develop informal and formal partnerships with various government departments and community groups. In addition, perhaps due to their advocacy role there has been a lack of collaboration between the Police and many NGOs.

In contrast to the baseline review, all non-Police participants (non-government and government) cited improved relationships with the police and the majority cited the establishment of the National Police Domestic Violence Advisory Committee in early 2009 as having led to the development of robust government and community-sector partnerships. As previously discussed, the Committee has provided a source of strategic advice, an opportunity to raise areas of concern and a level of accountability whereby the Police Commander is privy to stakeholder perspectives on Police practice with regards to domestic violence.

Complementing the National Police Domestic Violence Advisory Committee's role in solidifying partnership relationships has been the establishment of fortnightly Case Management Meetings (CMM) between Domestic Violence officers and partner agencies in direct contact with offenders or victims of domestic violence.

SECTION 2: GOVERNMENT, NON-GOVERNMENT AND COMMUNITY ATTITUDES AND RESPONSES

The two agencies in Tonga that work exclusively in the area of violence against women and children are the Tonga National Centre for Women and Children (TNCWC) and the Women and Children Crisis Centre (WCCC).

The TNCWC has been operating since 2000. It is mandated to:

- provide a safe house and counselling service for women and children who are victims/survivors of domestic violence, sexual assault, child abuse and other related forms of Violence against Women and Children
- work towards the elimination of family violence and promote safety for women and children
- educate and empower women and children in abusive relationships
- liaise with the Ministry of Police, Ministry of Justice, Ministry of Health and Ministry of Education, Women's Affairs and Culture to provide safe and supporting services for women and children
- inform and highlight to government and all relevant organisations the policies which adversely affect or discriminate against women and children
- provide community education on prevailing social issues which affect women and children.

The WCCC was established in October 2009 when 16 of the 17 TNCWC staff left after long-running grievances and concerns about the need for the organisation to have greater independence from the government.¹ WCCC provides similar services to the TNCWC. WCCC's structure, policies and procedures are similar to those of the Fiji Women's Crisis Centre. Both organisations have struggled financially since the New Zealand Aid Programme ceased funding either centre.²

It's a huge challenge. On the one hand we are having referrals from the High Court, referrals from the Police, referrals from the Hospital then we have people walking in as clients seeking our services. And on the other hand there is just no funding available to keep our doors open. So that's just the biggest challenge now (Director, WCCC)³

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

The number of victims of domestic violence accessing specialist agencies has increased steadily over preceding years. For instance, Table 8 presents the number of people, per year, who have accessed TNCWC and WCCC combined. Participants attributed the rise to a growing awareness of the unacceptability of domestic violence, more knowledge of the two key support agencies and an increasing likelihood that the police, hospital and courts will refer victims for support.

¹ www.radioaustralia.net.au/pacbeat/stories/200911/s2744747.htm

² <http://76.162.240.104/?p=pacnews&m=read&o=8342764024cad2ab3b7b89da86aba7>

³ *ibid*

Table 8 Combined Client Statistics for the TNCWC and WCCC by Year

Year	Total
2005	45
2006	53
2007	117
2008	237
2009	326
2010*	535

* For the period 1 January to 31 August 2010.

Table 9 outlines current levels of domestic violence, by type, reported to the TNCWC from 1 January 2010 to 31 August 2010. The most common reason for a referral was the emotional impact associated with violence against women (173), followed by physical abuse (127).

Table 9 Number of Cases and Reasons for Referral to the TNCWC

2010	No. of cases	Reasons for Referral		
		Physical	Emotional	Child Abuse
January	63	17	45	1
February	30	8	22	–
March	26	9	17	–
April	16	5	11	0
May	59	39	19	1
June	9	5	4	0
July	15	9	6	0
August	44	23	20	1
Total	262	115	144	3

Source: TNCWC reports

As previously discussed, the lack of funding has raised questions about each agency's sustainability. Unfortunately, service longevity has been questioned at a time when the demand for services has markedly increased. In the event funding is secured, there is a need to expand existing services. Tonga has few trained counsellors and there are no programmes for courts to refer offenders.

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

All NGO participants related that there has been a major shift in awareness of domestic violence in Tonga and an increased willingness for victims to seek assistance. This willingness was evidenced by the aforementioned increases in reporting to NGOs over time.

While a proxy measure only, increases in public confidence in the police is evidenced in the growing number of complaints made against the police by members of the general public. For instance, Table 10 shows that complaints have increased dramatically since 2008. Participants viewed the increase in complaints as an indication that a growing number of the public believe that their complaints will be taken seriously and appropriate actions will be followed. Given this trend it might be expected that the number of reported incidents of domestic violence involving police officers will increase as the policy and processes become more entrenched and as a greater intolerance of domestic violence increases.

Table 10 Complaints Made by Members of the Public Against Tonga Police

	2008	2009	2010
Number of Complaints	9	98	91*

* For the period 1 January to 20 September 2010.

Another indication of how seriously domestic violence is now viewed by police is the willingness of police to prosecute high-ranking officials. For instance, NGO participants drew attention to a recent case of an official who had been charged with assaulting his wife, which was reported in the *Tongan Chronicle* (15 September 2010, pp. 1–2). Non-government participants viewed the article as a strong indication of a shift in awareness and a willingness, on the part of the police, to arrest and prosecute.

The baseline review reported that victims did not “really expect to get a just or a fair hearing when they reported complaints” (p. 25). Victims interviewed in the current study said that they had recently felt disempowered when they had initially tried to report incidents of domestic violence (see Table 11). Of note, negative experiences with the police were noted as being more common in rural areas and were more infrequent than three years ago.

Table 11 Reasons Cited for Not Reporting to the Police

Reasons for Not Reporting to the Police	Example
Poor understanding of domestic violence seen in a reliance on efforts to reconcile partners	<i>When I went to the police to complain it seemed as though they didn't care. They tried to reconcile me with my husband. But I didn't want that. I wanted to go through the court because it was not the first time (victim of domestic violence)</i>
Re-victimisation Poor response times Poor communication	<i>I submitted a complaint to the police at X District in April but nothing happened. I did not hear anything back from the police. Then I made contact with WCCC. WCCC approached the Domestic Violence Unit and then three different police officers, at three different times, came and interviewed me and took the complaint. It was embarrassing. I still have not heard anything and it is now September (victim of domestic violence)</i>
Police provision of counselling and advice	<i>X from the Police told me not to go to WCCC because they wouldn't be able to solve my problems. Only he could solve my problem by bringing my husband into the station and counselling us together (victim of domestic violence)</i>

Victim participants had circumnavigated negative experiences with the Police by relying on the advocacy and support of either WCCC or the TNCWC. In these situations, the agencies supported the victim during the reporting, investigation and trial phases and, where required, advocated on behalf of the victim to ensure appropriate responses were provided by the Police. The importance of having an independent support agency to advocate on behalf of women is vital while police best practice continues to be embedded. Unfortunately, both agencies related that their agencies face unsure futures given a lack of funding.

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

The establishment of the National Police Domestic Violence Advisory Committee and fortnightly Case Management Meetings has resulted in a strong collaborative relationship between Police, key central government agencies and NGOs.

The change to a strong collaborative structure has resulted in information sharing and an ability to plan strategically. For instance, throughout 2010 a Country Focal Officer (RRRT), whose role is to work alongside a team of advocates to support comprehensive integrated legislation, has been responsible for leading a process to develop legislation to eliminate violence against women. This has been enabled by the collaborative efforts of the Ministry of Education, Women Affairs and Culture and key central government and non-government stakeholders. The Ministry of Education, Women Affairs and Culture has provided the Country Focal Officer with office space and administrative support and the National Police Domestic Violence Advisory Committee has provided a structure and focal point for stakeholder engagement. Inherently, the existence of the National Police Domestic Violence Advisory Committee has provided a structure from which a sub-committee was

formed for the sole purpose of developing legislation to eliminate violence towards women.

While the Police Commander's strategic leadership has resulted in collaborative structures, participants also drew attention to the extensive training the non-government sector has provided.

Table 12 History of NGO Training in Tonga

Year	Domestic Violence Training
2000–2006	Catholic Women's Welfare League (Betty Blake – Legal Literacy Trainer under RRRT) provides legal literacy, human rights training for police and CEDAW, training on domestic violence and rape. Also trained and advocated for changes to maintenance in relation to the Divorce Act
2007	One week long male advocacy training (Stage 1). 35 men participated
2008	Catholic Women's Welfare League (Sister Malia and Betty Blake) in collaboration with Tongan National Centre for Women and Children (TNCWC) carried out one-week trainings in villages and outer islands on domestic violence
	TNCWC provide domestic violence training sessions that piggyback on other agencies' seminars, conferences and training days
	Male advocacy training (Stage 2). 30 men participated
2009	Male advocacy training held in Fiji (Stage 3). 7 participants selected from Stage 2 training
	TNCWC and Women and Children Crisis Centre (WCCC) provide domestic violence training sessions that piggyback on other agencies' seminars, conferences and training days
	National workshop – domestic violence and sexual abuse. Funded through United Nations Family Planning Association
2010	National workshop – domestic violence and sexual abuse. Funded through United Nations Family Planning Association
	TNCWC and WCCC provide domestic violence training sessions that piggyback on other agencies' seminars, conferences and training days

There is no doubt that the non-government sector has made significant contributions to Tonga's awareness of domestic violence, but a lack of funding means that the sustainability of each agency is unsure. Further, WCCC has been limited in its ability to advocate, as the state-owned television, Tonga Broadcasting Commission, has been hesitant to cover WCCC-related activities and stories because of the NGO's strong stance on CEDAW and women's rights.

A general assessment of levels of social acceptance and cultural tolerance towards domestic violence
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All participants agreed that awareness of domestic violence has increased markedly in Tonga and attributed this to the efforts of NGOs and various extensive education and grassroots awareness campaigns. Table 13 details the extent of these awareness campaigns.

Table 13 Primary Domestic Violence-Related Awareness Campaigns

Domestic Violence Awareness Campaigns	Agency	Year
16 days of Activism Against Gender Violence	Multiple NGOs (including the Ministry of Police (MoP))	Approx every two years since 2004
White Ribbon campaign	TNCCC, WCCC (Male Advocacy Group) and multiple NGOs (including MoP)	Annually since 2008
International Women's Day	Ministry of Education, Women's Affairs and Culture – collaboration with multiple NGOs	Annually since 2005
Stop Rape campaign	WCCC	2009
Break the Silence, Stop the Violence	Multiple NGOS (including MoP)	2010

Outside of specific campaigns, awareness has been greatly enabled by the media's willingness to report domestic violence cases, which was not the case in the past. Examples of recent media reporting are outlined in Table 14.

Table 14 Recent Press Releases Issued by Tonga NGOs

Date	Domestic Violence-Related Reporting
9 June 2009	Pacific meeting on violence against women told of shocking Tongan figures
10 June 2009	Women workers in gender-based violence hear of challenges and milestones
8 October 2009	Police commit to coordinated community response on violence
9 Dec 2009	Matangi Tonga: Crisis Centre offers shelter for women and children
14 April 2010	Rape: Tonga's most unreported crime
20 May 2010	Radio Australia: Violence against women reports escalating in Tonga
11 June 2010	Violence against women: It's not Tongan culture neither religious based
9 July 2010	IANSA: Women's Crisis Centre calls for tougher law to stop illegal weapons
8 August 2010	RNZI: Afghanistan troop deployment inclining Tonga to militarisation says NGO

While there has been significant growth in public awareness, all participants stated the need for continued awareness raising. Suggested components of future campaigns are outlined in Table 15.

Table 15 Suggested Features of Future Campaigns

Features
Campaigns that provide alternative Biblical interpretations to counter conservative interpretations to justify domestic violence
Healthy drinking messages because of the association between alcohol and violence
Targeted education campaigns in rural areas, as more traditional views of women were found in rural areas

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

Few changes have occurred since the base review's description of government policy associated with domestic violence. There remains no 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. Further, the government recognises that violence against women affects the achievement of all Millennium Development Goals¹, and so domestic violence is seen to be the responsibility of all ministries. There is no Social Welfare Department in the government structure: assistance for victims is provided by government agencies, including the Ministry of Justice, the Ministry of Police and the Ministry of Health. Conventions and agreements are outlined in Table 16.

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

Table 16 Government Policy and Practice Arrangements Associated with Domestic Violence

Type	Agreement
Kingdom of Tonga Signatory	The Beijing Platform for Action (1996) ¹ 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
	UN Convention on the Rights of the Child (CRC)
	The Millennium Development Goals (see goal 8)
	The Commonwealth Gender and Equity Strategy
Regional Commitments	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 Pacific Island Countries and Territories to ratify CEDAW (PIFS)
	<p>2010 – Cairns Communiqué² The final communiqué of the 40th Pacific Islands Forum, held in Cairns, Australia in 2009:</p> <p><i>Sexual and gender-based violence (SGBV) is now widely recognised as a risk to human security and a potential destabilising factor for communities and societies alike. It remains pervasive across the Pacific, and as it is still considered a sensitive issue in most Pacific cultures, its prevalence often goes underreported. There is an urgent need to acknowledge the prevalence of SGBV in the Pacific at all levels of the community, whether occurring in the domestic context or during conflict and post-conflict situations. (PIFS, 2009: para 64)</i></p> <p>In effect, the communiqué placed the onus on all Pacific Island governments to lead the campaign against domestic violence.</p>
National Commitments	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” ³
	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’ ⁴

¹ Formed out of the Fourth World Conference on Women, 1995, where the Kingdom of Tonga was represented by Her Majesty Queen Halaevalu Mata'aho.

² See Appendix B.

³ Government of Tonga (2006). *Development Plan 8 2006/07–2008/09*.

⁴ 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.

As previously discussed, the establishment of fortnightly Police and NGO Case Management Meetings and, especially, the National Police Domestic Violence Advisory Committee enable collaborative arrangements, strategic planning and innovative practice, such as developing domestic violence legislation.

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

There is no specific legislation relating to domestic violence in Tonga. Rather, perpetrators can be charged under the Criminal Offences Act 1988 to prosecute:

- common assault
- grievous bodily harm
- bodily harm
- attempt to intimidate.

Further, the Order in Public Places Amendment Act 2004 has been amended to include threatening behaviour as a crime.

The current legislation has been criticised because:

- there is no legislative definition of domestic violence
- it excludes marital rape
- it restricts rape to penile penetration only
- there are insufficient sentencing guidelines to prevent cultural bias or traditional understanding of domestic violence in the magistrate's appraisal of the crime and the associated sentence: a minimal sentence to coincide with the magistrate's view that domestic violence is a family rather than a legal matter.

The current legislation is too general. Judges give lighter sentences in domestic violence situations or they just give the perpetrator a lecture. We would like to see a specific domestic violence act. That way the judge can't stray away from making a ruling. For instance, judges currently use the bread winner argument: being lenient on an offender because he is the primary breadwinner. He is the head of the household. In a domestic violence act the judge will need to make the decision on the evidence. Their decisions will be less open to cultural interpretations. (NGO representative)

The Kingdom of Tonga is not a CEDAW signatory. Through the SPC/RRRT, project support is provided to developing and supporting comprehensive and integrated legislation on violence against women legislation.

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

Because Tongan society views domestic violence as a private matter, alternative approaches, such as village justice systems, have rarely been used to seek redress or deal with abuse. Rather, when domestic violence occurs, it is left to the family (immediate and extended). On occasion, the family will be assisted by the church reverend or minister to provide advice and guidance.

Domestic violence is not dealt with in that way in Tonga [village fono]. It is a personal and private matter to be dealt with between the husband and the wife. At times the external family members might be involved. The only external person is the church

reverend. Village fono aren't used for this issue. It is seen as so private that people would be too embarrassed. (NGO representative)

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

Systems have been implemented to track and report domestic violence incidents. In addition, hospitals are required to report all incidents of domestic violence to the Police. Interviews with two hospital staff revealed a high degree of satisfaction with the Police as, since the implementation of the National Domestic Violence Unit, Police were said to respond to domestic violence-related incidents reported by the Hospital within 10 minutes. Further, the Police responding to these calls were noted for their sensitivity when dealing with victims of domestic violence. Hospital staff cautioned that positive experiences with the police may reflect the severe and traumatic nature of the abuse.

The attitudes of key religious organisations towards domestic violence

Church and religious organisations remain an underutilised resource, as many church leaders believe that domestic violence falls outside of the remit of the church. Domestic violence, in this context, is viewed as either a police or a family matter. Despite this predominant view, participants cited a small but growing number of church leaders who have shown interest in supporting women's rights and being involved in strategies to combat domestic violence.

In the last 12 months we have identified church leaders who support women's rights. What is encouraging is the number is growing. There is still some way to go as domestic violence is still seen as a private matter by church ministers. (Director, WCCC)

Also, Siatoutai Theological College has developed a domestic violence curriculum. While there has been a delay in implementing the curriculum the existence of a training package indicates that some theologians may be willing to participate in the eradication of domestic violence. At the least, there is evidence to indicate an opportunity for partnerships between the police, NGOs and church leaders.

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APPENDICES

APPENDIX 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 (Police and Ministry of Justice files) Key informant interviews
Current policy and practice arrangements for dealing with Police Officers as domestic violence offenders	Key informant interviews (Police leaders, Judges, key partner groups – government and NGOs) Document research (Police records, policy and training documents)
The state and recent history of Police partner relations	
Current policy protocols and general processes and procedure (including record keeping) for dealing with domestic violence	
Current Police leadership practice around domestic violence	
The current state of Police domestic violence training	
History of change around Police domestic violence practice	
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 officers and leaders
Police attitudes and perceptions towards Police Officers as domestic violence offenders	Interviews/focus groups with Police
Current state of Police prosecution of domestic violence	Key informant interviews

TABLE A2: GOVERNMENT & NON-GOVERNMENT ORGANISATIONS' RESPONSES	
Terms of Reference	Method
Current and historical levels of domestic violence reported to the key non-government agencies (women's crisis/refuge organisations)	NGO / stakeholder group meeting Key informant interviews (NGO representatives) File analysis (NGO records)
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	Document research (Police and NGO records, previous research)
Policy and other contribution of key NGOs to dealing with and reducing domestic violence	Key informant interviews Analysis of policy documents
General assessment of levels of social acceptance and cultural tolerance towards domestic violence	Analysis of the number and language of reports on domestic violence in newspapers Synthesis and analysis of all information collected
Current Government policy and practice arrangements directed at or associated with domestic violence	Consultations with relevant Ministries Stakeholder group meeting (Law Society, Attorney General's Department, Ministries of Justice, Women, Social Development, Health)
Current state of legislative arrangements in relation to domestic violence, including compliance with international covenants and conventions (CEDAW)	
Current state of any alternative approaches (village justice) to domestic violence	Village meeting Key informant interviews
A review of medical / death records indicating levels of domestic violence and reporting of domestic violence	Key informant interviews (Ministry of Health, Accident and Emergency Department, Coroners)
The attitudes of key religious organisations towards domestic violence.	Consultation with National Council of Churches/other church groups

APPENDIX B

PACIFIC ISLANDS FORUM (CAIRNS) COMMUNIQUÉ, 2009

“Sexual and gender-based violence (SGBV) is now widely recognised as a risk to human security and a potential destabilising factor for communities and societies alike. It remains pervasive across the Pacific, and as it is still considered a sensitive issue in most Pacific cultures, its prevalence often goes underreported. There is an urgent need to acknowledge the prevalence of SGBV in the Pacific at all levels of the community, whether occurring in the domestic context or during conflict and post-conflict situations” (Pacific Islands Forum Communiqué, para 64).

“Leaders...welcomed and supported...increased Pacific engagement in relevant global initiatives aimed at preventing and eliminating violence against women and girls in all parts of the world and committed to eradicate SGBV and to ensure all individuals have equal protection of the law and equal access to justice.” (Ibid: paras 65 c–d).

CAIRNS COMPACT on Strengthening Development Coordination in the Pacific (2009) states that members are “supporting the implementation of measures, existing commitments and programmes aimed at increasing awareness of and addressing the causes and consequences of sexual and gender based violence and *developing legislation to criminalize gender based violence in all forms*” (Ibid: Annex C: b:v).

APPENDIX C
BEIJING + 15 REPORT

PPDVP INCLUSION IN REGIONAL REPORT (SPC, 2010): Examples of successful policies, legislative change and programme and projects

Research carried out under the Pacific Prevention of Domestic Violence Programme (PPDVP) in the Cook Islands, Kiribati, Tonga, Samoa and Vanuatu has been exploring how Police respond to domestic violence-related calls, the systems in place to ensure women receive a just response to their complaints (from the frontline policing desks through to the justice systems), as well as the capacity of Police Officers to work with other government agencies, NGOs and communities to prevent violence against women. Although an aim of the PPDVP is to reduce and prevent domestic violence and to achieve legislation which will make domestic violence a criminal act, the absence of such laws has not hindered project progress. Instead, the PPDVP has focused on putting in place a range of supporting measures, such as:

- Establishment of violence against women units in Police Stations. (Note the different naming of these units: Vanuatu – Family Protection Unit; Kiribati – Domestic Violence and Sexual Offences (DVSO) Unit; and Tonga, Samoa, Solomon Islands, Nauru – Domestic Violence Units (DVU).
- Designated domestic violence coordinators in the Cook Islands, Tuvalu and Niue, and in the Federated States of Micronesia at the Pohnpei State Police Department.
- Violence against women interview rooms at police stations, so that victims do not wait at the public complaints desk.
- Computerised record systems to document and track cases and counter many incidents of misplaced notes (see AusAID ISP Samoa).
- Specialised training for officers in the violence against women units.
- The inclusion of violence against women and child abuse and neglect in training curricula for police officers and refresher course materials (e.g. AusAID Police Project).
- Partnerships with NGOs to ensure the appropriateness and relevance of these materials to the local context (e.g. AusAID Police Project, Vanuatu).
- The recruitment of women police officers and support to advance women's career pathways in the Police Force.

APPENDIX D
BEIJING + 15 REPORT

1. Progress in implementation of the critical areas of concern of the Beijing Platform for Action and the further initiatives identified in the twenty third special session of the General Assembly

1.1.1. Community outreach violence against women programmes are essential given that rural women especially still rely on chiefs, family, community and church for support and guidance in these cases. Reports are that each of these largely male dominated agencies usually counsel women to resolve any differences within the family systems. The Vanuatu Women's Centre system of over 35 CAVAWs (Community against violence against women committees) spread through most of Vanuatu's inhabited islands are a model which could be adapted for use in other Pacific Island countries and territories. Committee members receive on-going training in gender and violence against women, research, management, data keeping and counselling. Males, including Police officers participate in these committees. The Vanuatu Women's Centres counselling dial-in services are also available on all the main islands. Mobile counselling units are also playing an important role in Vanuatu and also in Tonga. In Vanuatu, males are starting to use these counselling and support systems as well as females.

1.1.2. For over a decade the UN Trust Fund in Support of Actions to End Violence Against Women has supported innovative community based initiatives to eliminate violence, including programmes by the Fiji Women's Crisis Centre, YWCA and WAC in Fiji, the Samoa AIDS Foundation and IWDA working in Fiji. RRRT is also a recipient of the fund with the "Changing Laws, Protecting Women: lobbying for legislative change in violence against women/family law in order to enhance protective legislation for women and girls in six Pacific Island countries and territories. *The approach is to implement quality campaigns for violence against women and family law reform in six main participating countries. Moreover the aim is to build a cadre of skilled national level legislative supporters and advocates specialising in violence against women and Family Law legislation. Assistance will be provided through the provision of timely and individual technical assistance in advocacy, lobbying and law reform. There would be use of established networks from community paralegals, members of parliament, lawyers, magistrates and civil society organisations.*

1.1.3. For example, the Vanuatu study on Women's Lives and Family Relationships (2009–2010) involved the training of 52 research assistants, who carried out interviews in 3,750 households covering eight provinces (Pacific Women Against Violence April–June 2009). This research process continues to be an empowering experience for the research team as well as for the participating communities.

B: Examples of obstacles encountered and remaining gaps and challenges

1.1.4. While human rights based, constitutional, justice and legal systems also privilege traditional laws.

1.1.5. Violence against women initiatives are not understood or applied in a human rights framework.

1.1.6. The slow progress of bills through the parliamentary system is a major problem. Vanuatu's Family Protection Act (2009) was first discussed in the 1990s. Delays in the FPA were reportedly due to customary attitudes regarding traditional familial roles in Melanesian society and 'to the misconception and misunderstandings of the Bill by the general public, who think that the Bill is another one of the Women's Rights Movement charades designed to grant women more power to destabilise the status quo in Melanesian society.'²²

²² The Ni Vanuatu, 26/8/ 04.

1.1.7. Community understandings of what constitutes domestic violence, customary taboos and what has been termed ‘an acceptance’ of physical violence in some Pacific Island countries and territories are a critical obstacle. Bible verses are often used to defend the use of violence.

1.1.8. A serious gap in policy and practice is the provision of systems for women in rural areas especially to ensure women and girls receive a fair and safe hearing on domestic and sexual violence related issues.

1.1.9. In some Pacific Island countries and territories military barracks and police stations are known locations for gang rape, which means the ability of women to report or seek protection from the legal system is also non-existent.

C: Lessons learned

1.1.10. The importance of research to inform policies and programmes is a vital lesson learned. Research is confirming the large numbers of women and girls who have been/ are abused, the brutality of these attacks, the younger age groups involved, intergenerational influences, incest, sexual exploitation, alleged witchcraft related incidents and trafficking (UNFPA 2009) Research has also noted an increase in reported acts of sexual violence, gang rape and rape in marriage and child sexual abuse.

1.1.11. Most of the violence against women research has involved local women and communities and partnerships between NGOs and Government mechanisms including National Statistics Offices, especially the studies which followed the WHO Multi-country Study methodology, such as Kiribati, Samoa and Solomon Islands, as this forms part of the research methodology. Such collaborations have been key both to the success of the research and its use and recognition nationally, and should thus be emulated elsewhere.

1.1.12. Violence against women is a cross cutting issue and requires cross cutting solutions. Partnerships and collaboration in addressing violence against women is developing – by Government and NGOs and private sector agencies, and with chiefs, the church, community members, victims, education and training agencies, the media and the Police.

Violence Against Women

1.1.13. To further the progress already made in addressing violence against women and child abuse and neglect, policies and laws are needed for the protection of women who report sexual assaults and/or domestic violence.

National

1.1.14. Support to prepare violence against women legislation and present this through Executive and Parliamentary level decision-making processes.

1.1.15. Support research on violence against women and child abuse and neglect (CAN) for countries which have no data bases.

1.1.16. Support ongoing training for police officers and judicial and legislative staff in advocacy, awareness raising and training on violence against women.

1.1.17. Ongoing Advocacy with youth and school students on male/ female behaviours and security and safety, such as the right not to be hit.

1.1.18. Creating community discussions about the domestic and family violence, and the role of culture and tradition in ensuring safe communities.

1.1.19. Support the critical need for professionally trained family violence counsellors – male and female. Work to mainstream violence against women across government departments. Ensure that this violence against women is addressed in an integrated and multi sectoral approach. For example question the legislative assembly on the cause and consequence of violence against women. Furthermore question the health budget to take into account the costs of violence against women to the health system. Address the issue of the education

curriculum that reinforces stereotypes about women which ultimately legitimise violence against women.

Regional

1.1.20. Ensure on-going support to the FWCC in its regional research, education and training programmes and support to the development of national VAW and CAN strategies.

1.1.21. Support national level training focusing on legal processes and the preparation of violence against women policies and legal procedures.

1.1.22. On-going support and sharing of expertise and resources through regional policing programmes. This will require review of the PRPI training materials.

1.1.23. Support to the establishment and on-going maintenance and management of safe houses for women and children affected by family violence.

Donors

1.1.24. Support national violence against women and CAN research in countries where there is none.

1.1.25. Support for legal processes for example penal code reviews, Family Protection Acts, Family Courts, Women Police Stations as part of the holistic response to violence against women and CAN.