

Judiciary tackles problems of family violence and youth justice

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Nuku'alofa, Tonga



Stakeholders at the 'Family Violence and Youth Justice Workshop', Nuku'alofa 18 September 2013.

Tonga's recently passed Family Protection Bill 2013 is at the forefront of a 'Family Violence and Youth Justice Workshop' being held in Nuku'alofa this week to provide the judiciary and stakeholders with a better understanding of the new bill, that will help tackle the increasing problem of family violence.

The three-day workshop, which also deals with youth justice, began on September 18 under a Pacific Judicial Development Program funded by NZAID and administered by the Federal Court of Australia. It is chaired by Judge Peter Boshier a former New Zealand Principal Family Court Judge and current Law Commissioner, with Tonga's Chief Justice Hon. Michael Scott.

It was timely that Tonga addressed this issue especially since the recent passing of the Family Protection Bill and the growing recognition and condemnation of violence against both men and children in the Pacific, said Tonga's Chief Magistrate Folau Lokotui.

"I have read in the local media alarming statistics about the rate of domestic violence in Tonga and a recent report cited 45 percent of Tongan women have experienced some form of violence in their lifetime. Family violence and youth justice has always been present but in recent years communities have started tackling this issue with renewed vigor," he said.

Youth justice

Lokotui said the most recent incident involving student violence between two high schools highlighted the difficulty in addressing youth justice in the Pacific.

"It is important that the Tongan judiciary continues to develop and adapt its practice and procedure to achieve justice in every situation and I hope this workshop provides us with the opportunity to work together to confront domestic violence and youth justice," he said.

Family

Chief Justice Scott said there was nothing more important than the health of our families because without healthy families we would have an unhealthy society.

He said they would discuss the different aspects of Family Law. "We want our families to be safe and to be non-violent and for our children to be brought up without problems or difficulties but, inevitably, families are faced with a breakdown of marriage and we want that breakdown to be handled where children are brought up by their parents and in suitable arrangements.

"The Family Protection Bill will provide the core of this workshop and we will go through it line by line so that everybody understands what it is about and at the end hope we all understand it."

At the same time they would hear developments happening overseas in terms of juvenile offenders.

"We will look at young people who are deported from the United States and other countries after committing serious crimes and who have no family in Tonga. We want to find a way to reintegrate them into our society and look at the particular laws, the application of policy or what policy is there," he said.

Training

Judge Boshier said this was a fantastic bill that Tonga could be proud of and it was one of the best he had seen. "Our job here is to talk through the parts of the bill to make sure we understand what it says and offers so when the workshop is finished our knowledge is in a good place to make the bill work."

He said in most cases of family violence the victim was normally a woman and under this bill if she suffered from domestic violence she could apply for protection orders. "One is that the police can visit and issue a safety order that can affect the violent person for up to seven days or she can apply to the Magistrate's court for a protection order so the violent person keeps a distance," he said.

This workshop was an opportunity for judges and other participants to pause, read and reflect how to use this bill for the good of Tonga and for victims of violence, he said.

Meanwhile, the NZ High Commissioner HE Mr Mark Talbot commended Parliament for passing the bill, and the Minister of Internal Affairs Lord Vaea, 'Ofa Guttenbeil-Likiliki and other victim advocates for their hard work in arguing their case to get it passed.

"The Family Protection bill is a remarkable piece of legislation and it is quite an accomplishment for Tonga. I congratulate you for your leadership in the region on an issue that is really hard on all our countries, and New Zealand is no exception to that....We (New Zealand and Australia) are delighted to support this workshop," he said.

The Pacific Judiciary Program provides judicial training to judges and others in the Pacific region.

The Australian High Commissioner HE Mr Brett Aldam and the Police Commissioner Grant O'Fee attended the opening of the workshop, which is participated by Magistrates, lawyers, police, victim advocates, and other stakeholders, at the Loumaile Lodge.

The Bill awaits the assent of King Tupou VI before it becomes an Act.



Chief Justice Hon. Michael Scott. Nuku'alofa, Tonga. 18 September, 2013.