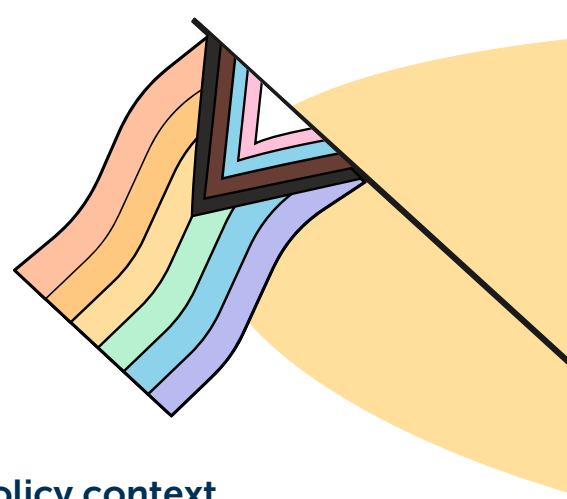


# Pride Guide | Tonga



The Australian Volunteers Program strives to provide a safe, supportive and equitable environment for LGBTIQ+ volunteers, approved accompanying dependents, partner organisations and all program staff. The Australian Volunteers Program has supported volunteers with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) in all program countries and has ongoing connections with community organisations in almost every country we work in.

Diverse SOGIESC program participants must be aware of the country context before undertaking an assignment. This guide is designed to introduce some key issues related to people with diverse SOGIESC and their participation in the program.

## If you are a volunteer with diverse SOGIESC, you will need to:

- Do your own research. You will be required to follow the local laws, even if you disagree with them.
- Understand what the local law says you can and can't do when in-country;
- Be aware of what the legal protections are for LGBTIQ+ people in your destinations;
- Consider whether or not you are comfortable living and working in a place where you may be discriminated against and unable to live as openly as you can in some parts of Australia.

## Language

Terminology may differ across urban and rural contexts, and across provinces or ethnic and cultural groups. Information sourced online can be outdated or inaccurate. For current and accurate information, please confirm with an appropriate diverse SOGIESC Civil Society Organisation (CSO) or ask your in-country team.

## Legal and policy context

Same-sex sexual acts are criminalised in Tonga with a maximum sentence of 10 years imprisonment and the possibility of the convicted person also being whipped. As of 2017, there had been no recent reports of prosecution.<sup>1</sup>

## Discrimination

In Tonga, one legal protection has been identified for people with diverse sexual orientations in common law; Judges in a court of law must not discriminate against any person on irrelevant grounds, including sexual orientation. No other legal protections exist for people with diverse SOGIESC in Tonga. This includes a lack of constitutional protection and national laws that protect against SOGIESC discrimination, laws that protect against SOGIESC discrimination in employment, and laws that protect against hate crimes, incitement to hatred, violence or discrimination based on one's SOGIESC.

In 2013, the Supreme Court denied custody of a child to a gay man, on the basis that "[no] court would entrust a very young child into the care of person whose lifestyle carries with it a very real risk of prosecution".<sup>2</sup> This goes against the nature of the prohibition of judges to discriminate on a person based on their sexual orientation.

In 2015, the Pacific Sexual Diversity Network held its first conference 'Our Voices, Our Communities, Our Right!' In Tonga with the explicit support of government and the Tongan royal family.

## Cultural and societal attitudes

Diverse gender identities are much more widely accepted in Tonga than diverse sexual orientations. There is broad cultural acceptance of the leiti community, a cultural group who have always been at the core of Tongan society. When AIDS was detected in Tonga in the 1980s, the first positive case was a leiti, resulting in some stigma and discrimination. Although some evangelist churches still discriminate against leitis, the community is mostly welcomed in religious spaces. There is an expectation that leitis will complete unpaid labour as a means of gaining and sustaining social acceptance, such as cooking and bringing food to the poor in their local communities. The Miss Galaxy Pageant is a means for leitis to be celebrated in broader society.

<sup>1</sup> Human Dignity Trust, "Tonga. Types of criminalisation," Legislation overview, accessed June 1, 2021, <https://www.humandignitytrust.org/country-profile/tonga/>.

<sup>2</sup> Supreme Court of Tonga, Family Jurisdiction, 8 February 2013.



In one study,<sup>3</sup> leitis identified family members as the group who demonstrated most stigma around their sexual identities. One-third of participants concealed their sexual identities from family members and their local community.<sup>4</sup> Some adolescent leitis are forced to leave their homes. The Tonga Leitis Association runs a safehouse where those forced to leave can stay. When assessing their feelings toward themselves regarding their sexuality, leitis most frequently reported feeling “ashamed”, and the most infrequent feeling was to blame others for how they felt.<sup>5</sup>

In line with local customs, members of the diverse SOGIESC community may informally adopt young people from their extended families or communities and raise them, taking on a parental role. Others may form ‘chosen family’ units that are made up of community members, living together and sharing their resources.

## Health and wellbeing

The Tongan Government delivers free basic healthcare, but Tongans on the outer islands face barriers to accessing quality health services. In one study,<sup>6</sup> leiti adolescents described not knowing how to access health-related information, receive general health-related support, access HIV and STI testing or treatment, or access condoms. Tonga has a low prevalence of HIV, with 19 cumulative cases as of December 2015.<sup>7</sup>

Elderly people with diverse SOGIESC lack the support services they need, leading to withdrawals from their communities and feelings of isolation.<sup>8</sup> Leitis can receive community-led mental health and well-being services at the drop-in Centre Ofa he Paea.

There is no sexuality education in the school curriculum that incorporates diverse SOGIESC themes.

## Media

Local news outlets report on matters relating to leitis in Tonga. The media can also be used as a way for activists and community members to raise awareness. Social media can help the community to connect and share resources, but can also fuel discrimination by religious groups to perpetuate negative attitudes and incite violence toward people with diverse SOGIESC.

3 UNDP, Pacific Multi-Country Mapping and Behavioural Study: HIV and STI Risk Vulnerability Among Key Populations - Tonga (Geneva: UNDP, 2016).

4 Ibid.

5 Ibid., 33.

6 UNDP, Pacific Multi-Country Mapping and Behavioural Study.

7 [https://www.unaids.org/sites/default/files/country/documents/TON\\_narrative\\_report\\_2016.pdf](https://www.unaids.org/sites/default/files/country/documents/TON_narrative_report_2016.pdf)

8 Amnesty International, “Portrait of an activist: Cruella Oshara,” LGBTI Rights, published May 30, 2019, <https://www.amnesty.org/en/latest/news/2019/05/portrait-of-activist-cruella-oshara/>.