



Stocktake of the gender
mainstreaming capacity of
Pacific Island governments
- Federated States of Micronesia -



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

FEDERATED STATES OF MICRONESIA

Edited by

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

Secretariat of the Pacific Community

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Secretariat of the Pacific Community

List of abbreviations and acronyms

ADB	Asian Development Bank
AIDS	Acquired immune deficiency syndrome
BPA	Beijing Platform for Action
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
CSOs	Civil society organisations
DHESA	Department Health and Social Affairs
EFA	Education for All
FSM	Federated States of Micronesia
FANGO	FSM Alliance of Non-governmental Organisations
GDO	Gender Development Office
GFP	Gender focal point
GoFSM	Government of the Federated States of Micronesia
HIV	Human immunodeficiency virus
MMR	Maternal Mortality Rate
MDG	Millennium Development Goals
NWAC	National Women's Advisory Council
NWM	National women's machinery
NGOs	Non-governmental organisations
PDs	Position descriptions
SPC	Secretariat of the Pacific Community
SDP	Strategic development plan
TOR	Terms of reference
UNIFEM	UN Development Fund for Women
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund

INTRODUCTION

It is now widely recognised that development and governance processes will not be effective or sustainable until women and men participate in and benefit from such processes on a basis of both formal and substantive equality. Despite this, women continue to be significantly under-represented in governance and development processes and experience discrimination and diminished opportunity in virtually all development sectors. Contrary to a wide range of commitments that Pacific Island governments have made to achieving equality between men and women, women's needs, issues, perspectives and contributions continue in many cases to be on the periphery of development and governance dialogue.

'Mainstreaming' a gender perspective across all multi-sectoral development and governance work was universally recognised in 1995 at the Fourth World Conference on Women in Beijing, China as a critical strategy for achieving government commitments to gender equality and sustainable development. The Beijing Platform for Action (BPA) states that:

Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, respectively (UN Women 1995: para 202).

Gender mainstreaming was also recognised in the BPA as key to addressing the enjoyment of human rights (UN Women 1995: para 229), and the overarching objective of gender mainstreaming should thus be to ensure that all multi-sectoral development processes – which might otherwise be acting, advertently or inadvertently, to perpetuate gender stereotypes and inequalities – are instead actively contributing to the realisation of gender equality in all spheres of life.

Definition of gender mainstreaming

...the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

ECOSOC 1997

The Committee tasked with monitoring implementation of the United Nations Convention on the Elimination of all forms of Discrimination Against Women (UNCEDAW) — the principle international human rights treaty that defines and firmly embeds equality of women and men as a core element of the international legal order, and which has been ratified by 97 per cent of UN member countries — has explicitly called on States Parties to adopt a policy of gender mainstreaming as a strategy for achieving gender equality. For all Pacific Island countries and territories that have undergone an examination before the CEDAW Committee, the Committee has either commended existing efforts at gender mainstreaming (where such efforts were actively in place) or, more commonly, urged the State Party to develop or strengthen its gender mainstreaming policies and capacity where they

were absent or insufficient (UNCEDAW 2007). Linked with this are the Committee's recommendations to strengthen government machineries for gender equality (national women's machineries) with adequate human, financial and technical resources and the authority and decision-making powers that are necessary for them to coordinate and work effectively for the promotion of gender equality and gender mainstreaming.

1. Objectives and methodology

While gender mainstreaming gained significant momentum in the Pacific in the lead up to and early years following the Beijing Conference, perceptions are that the momentum was not maintained and that national governments do not have the necessary capacity to systematically integrate gender perspectives, including the provisions of CEDAW, into multi-sectoral development processes as part of their strategy to achieve national, regional and international commitments to gender equality.

This stocktake was designed to determine the extent to which capacity for effective gender mainstreaming exists in national governments, and to identify potential areas of strategic intervention to strengthen such capacity. It is an initiative of the Secretariat of the Pacific Community (SPC), in collaboration with national governments and with support from the Asian Development Bank (ADB) and the UN Development Fund for Women (UNIFEM).¹ It is being carried out in phases throughout the Pacific region in response to a call from Pacific island ministries responsible for gender equality and the advancement of women for support to strengthen the institutional capacity of governments to meet their stated commitments to gender equality.

The underlying premise of the stocktake is that national women's machineries (NWMs) are key catalysts for the mainstreaming of gender and women's human rights but they are not the sole agency responsible for achieving it. To be effective, NWMs need both strong internal capacity and a wide government structure that is supportive of gender equality and mainstreaming. That structure must include a strong legal and policy framework supportive of gender equality and mainstreaming, genuine government commitment, a supportive organisational culture, clear accountability mechanisms, strong technical capacity and adequate resources — in short, an enabling environment. SPC's initiative is thus designed firstly to take stock of that enabling environment, and secondly to collaborate with national governments and other development partners in the design and implementation of concrete, evidence-based strategies for enhancing it.

The stocktake does not review or assess the work of government or specific efforts at mainstreaming; rather it simply analyses the degree to which there is an enabling environment for such mainstreaming to take place.

The stocktake process involved desk research combined with in-country structured interviews and focus groups. The in-country research was undertaken from 20 September to 31 July 2009. Structured interviews were conducted with 11 ministries/departments, including a representative range of both central and line ministries. Informants were senior government officials: secretaries and deputy secretaries with direct responsibility for policy development and programme implementation in their respective departments. In total seven males and five females were interviewed. In addition, one focus group discussion was held with civil society representatives, and

¹ Now UN Women.

separate interviews were conducted with a range of development partners. The Appendix has a list of organisations interviewed or consulted.

This stocktake covers only the national government in FSM. State governments, which have significant jurisdiction in matters of concern to gender equality, were not included due to funding constraints, but interviews were conducted with the Yap National Women's Machinery representative and two NGO representatives of the states of Chuuk and Kosrae.

Enabling environment requirements for gender mainstreaming

1. Legal and policy framework: The extent to which gender equality and mainstreaming commitments are in place by virtue of ratification of relevant international human rights treaties, existence of constitutional and legislative provisions, and existence of government policy mandates

2. Political will: Demonstrated political will means that action is taken on stated gender equality commitments and action is formalised within systems and mechanisms to ensure mainstreaming is sustainable

3. Organisational culture: The extent to which the attitudes of staff and institutional systems, policies and structures support or marginalise gender equality as an issue


4. Accountability and responsibility: The ways in which action on commitments to gender mainstreaming can be traced and monitored within organisations, and the mechanisms through which individuals at different levels demonstrate gender equality-related results

5. Technical capacity: The extent of skills and experience that organisations can draw on to support gender and human rights mainstreaming initiatives across and within their operations and programmes

6. Adequate resources: The allocation and application of human and financial resources in relation to the scope of the task of mainstreaming

2. Country overview

a. Facts and figures

FEDERATED STATES OF MICRONESIA 													
Population*	102,600												
Urban/Rural %	22%/78%												
Land area	702 km ²												
EEZ	2,978,000 km ²												
Geography	There are 607 islands extending 2900 km across the archipelago. The four constituent island groups are Yap, Chuuk, Pohnpei and Kosrae.												
Political System	Constitutional government under a Compact of Free association with the United States of America												
Economy	Subsistence farming Subsistence fishing Tourism												
Ethnic composition**	<table border="0"> <tr> <td>Chuukese 43.6%</td> <td>Yap Outer Islands 4.2%</td> </tr> <tr> <td>Pohnpeian 23.6%</td> <td>Filipino 0.6%</td> </tr> <tr> <td>Mortlock 9%</td> <td>Other Asian 0.6%</td> </tr> <tr> <td>Kosraean 7%</td> <td>Other Pacific Islanders 0.4%</td> </tr> <tr> <td>Yapese 5.5%</td> <td>USA 0.3%</td> </tr> <tr> <td>Pohnpeian Outer Islands 4.5%</td> <td>Other 0.1%</td> </tr> </table>	Chuukese 43.6%	Yap Outer Islands 4.2%	Pohnpeian 23.6%	Filipino 0.6%	Mortlock 9%	Other Asian 0.6%	Kosraean 7%	Other Pacific Islanders 0.4%	Yapese 5.5%	USA 0.3%	Pohnpeian Outer Islands 4.5%	Other 0.1%
Chuukese 43.6%	Yap Outer Islands 4.2%												
Pohnpeian 23.6%	Filipino 0.6%												
Mortlock 9%	Other Asian 0.6%												
Kosraean 7%	Other Pacific Islanders 0.4%												
Yapese 5.5%	USA 0.3%												
Pohnpeian Outer Islands 4.5%	Other 0.1%												
Main languages	English, Ulithian, Woleaian, Yapese, Pohnpeian, Kosraean, Chuukese, Nukuorot and Kapingamarangi												
Life expectancy M/F *	67.4/68												
Labour Force Participation Rate M/F*	58.5%/39.9%												
Human Development Index	<ul style="list-style-type: none"> ♦ Value: 0.723 (no rank) in 2008[†] ♦ Value: 0.569 (rank 120) in 1998^{††} ♦ Value: 0.604 (no rank) in 1993^{†††} 												
Gender Development Index***	♦ Value: 0.636 (no rank) in 2002												
Gender Empowerment Measure***	♦ Value: 0.328 (no rank) in 2002												



*GoFSM 2002 ** GoFSM 2002 *** SPC/Women 10/Working Paper 3.3.1 Annex 1. † MDG Tracking Report 2010

††Pacific HDR 1999 (new formula) ††† Pacific HDR 1994(old formula)

b. Key gender issues

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

Health

Although maternal mortality rates (MMR) have fallen significantly, FSM still has a relatively high rate and one of the highest in the Pacific region. The 2009 FSM MDG Report noted an MMR of 206 in 2003 (GoFSM and UNDP 2009). The 2008 FSM Statistical Yearbook (GoFSM 2008) reports that the total fertility rate was 2.68 in 2006, a reduction from 3.19 in 2001. Rates vary considerably between states. For 2006, Pohnpei recorded the highest at 3.57, followed by Kosrae at 3.44, Yap at 2.47 and Chuuk at 2.07. It also reports high teenage pregnancy rates. These issues are directly linked to low family planning coverage and the lack of access to reproductive health services. Teenage pregnancy is a major reason for girls dropping out of high school and college.

Available data suggest that only 41 per cent of the population has access to an improved water source and about 45 per cent to improved sanitation (ADB 2010). This is of particular concern for women, both in terms of their role in food preparation and their hygiene.

Education

FSM provides free and compulsory education from the ages of six to 14 years or to completion of the 8th grade. Figures from 2009 show near gender parity in access to education, with a ratio of girls to boys of 1:0.96 and 1:1.02 in primary and secondary levels respectively (FSM Office of Statistics 2010). FSM does, however, face challenges in improving the quality of education, retention rates and access in the outer islands (ADB 2003).

The 2008 FSM Statistical Yearbook (GoFSM 2008) highlights stereotyped fields of study at the tertiary level. At the College of Micronesia campuses for the school year 2006–2007 there were only boys enrolled in the field of agriculture, in computer information systems there were 200 boys compared to 135 girls, and in marine science there were 60 boys compared to 14 girls. Girls continue to dominate fields such as early childhood education, where there were 33 girls enrolled compared to two boys. This pattern is similar at state levels. The lack of women in technical and professional positions in employment is reflective of this situation. Traditionally assigned gender roles limit girls' and women's choices in education and careers and have the effect of compelling women to assume the burden of household responsibilities.

Employment

Economic activities consist primarily of subsistence farming and fishing. FSM's economy remains underdeveloped and heavily dependent on the public sector. The labour force participation rate for

women in FSM was only 50.1 per cent as of 2000, compared with 67.2 per cent for men. The number of female wage and salary earners was less than half that of males (4,514 vs. 9,286).²

Men surpass women in all fields of work. In 2007, for example, 4,032 employees in the private sector were men and 2,495 were women, and in the public sector 5,311 employees were men and 2,121 were women (GoFSM 2008). Not only are women less represented in the paid workforce, they are concentrated at the lower levels of the hierarchy, with comparatively lower pay.

Women and the law

Although there are no specific discriminatory provisions in FSM law, there is no proactive approach ensuring that women are able to exercise their de facto legal rights. A comprehensive review carried out shortly after FSM ratified CEDAW found that with respect to 113 internationally recognised indicators of legal compliance, FSM was fully compliant on 27 per cent, partially compliant on 16 per cent and out of compliance on 57 per cent (FSM MDG Report 2010). Areas where there was no compliance included deficiencies in the law relating to sexual assault and rape, domestic violence and human trafficking. Other deficiencies included the lack of consistency across the four states in the age of sexual consent, in grounds for divorce, in child custody, and in other educational, economic and political areas where there is discrimination.

Violence against women

A 2004 Situational Analysis Report emphasises that domestic and sexual violence is a common cause of injury to women and children and a major contributor to social problems. A draft national domestic violence policy was reviewed at the 2010 Women's Conference before introduction into Congress. In Pohnpei, through an administrative order, the Justice Department has adopted a 'no drop' policy, which requires that cases of domestic violence be pursued in court, even if the victim requests that the case be dropped. Pohnpei has established a Division of Domestic Violence Prevention under the Department of Public Safety with the support of the National Health and Social Affairs Department and the Police Forces of New Zealand and Australia. As a pilot project, the Department conducted a domestic and sexual violence prevention and education programme in 94 per cent of the elementary schools in Pohnpei. To determine the extent, prevalence and type of violence perpetrated, there is a need for more detailed studies to inform policy and strategic interventions.

Decision making

Participation of women at the highest levels of decision making remains very limited in FSM. Women continue to be absent or grossly under-represented at the legislative and executive levels of government. The FSM National Congress is composed of 14 seats; none has ever been filled by a woman. At the moment there are three national cabinet women members. Women have fared no better at the State Congress, with one woman cabinet member in Chuuk, two in Pohnpei, two in Yap and none in Kosrae. National Congress recently introduced a bill (FSM Bill No. 16–10) to reserve four seats out of the 14 for women. The lack of women's participation in the highest level of government decision making is largely related to cultural stereotyping of men's and women's roles, based on traditional social hierarchies.

² SPC PRISM, Key FSM statistics indicators.(last accessed 12 Feb 2012)
www.spc.int/prism/country/fm/stats/Key_stats.xls

Micronesian societies, with the exception of Yap and a few atolls in Pohnpei, emphasise matrilineal descent where identities, titles, rights and acquisition to property are traced through female hereditary lines. Women's rights to land ownership and their access to resources have, however, changed under the various colonial authorities that have governed FSM, with most decision making related to land ownership and land use being retained by male members of the family. Other barriers to full participation in public decision making and participation at the higher government level include the lack of opportunity to undertake leadership training and the lack of support for women wanting to move into roles that have traditionally been dominated by men.

Leadership at the national, state, and municipal levels is interwoven with a strong attachment to traditional forms of local leadership, in which women are not highly represented.

SUMMARY OF FINDINGS

1. National women's machinery

This section describes the history and current organisation of the national government department responsible for gender equality issues, as well as any other main government and non-government machinery that are or can be used to promote equality and mainstreaming. While some state machinery is described here, the stocktake was restricted to the national level and accordingly did not look in detail at the state level mechanisms.

a. Structure

In 1992, a national project was established under the Pacific Young Women's Christian Association (PYWCA) to facilitate communication and information exchange. A national women's information officer was recruited to implement the project and to assist in establishing the first FSM National Women's Advisory Council (NWAC) to oversee the management of the project. In 1993 the national government institutionalised the operations of the project with the establishment of a Women's Interest Desk and a National Women's Interests Officer under the Department of Health and Social Affairs. The officer was appointed to disseminate information and coordinate women's activities and programmes. The Women's Interest Desk was upgraded to a Woman in Development Unit in 1998 and again in 2000 to the Gender Development Office (GDO) under the Department of Health and Social Affairs (DHESA), where it continues to be hosted. The National Gender Officer also looks after programmes related to the elderly and to child rights.

There are state level women offices under the Social Affairs Division in Yap, Kosrae and Pohnpei. Chuuk does not have a government focal point for women; all women's issues are handled by the Chuuk Women's Council. From 1993, women's offices were established in Kosrae, Pohnpei and Chuuk and in Yap in 2003. The offices deal with gender issues and work on cross-cutting issues with other sectors at the state level. The offices in these states are located within the Social or Community Affairs Section and report directly to the Governor of each state. The national gender focal point coordinates FSM gender activities, deals with international and regional issues and is responsible for disseminating information and providing advice and assistance to the various state women's development offices. In all cases, the national and state women's offices/programmes

consist of one person with limited financial support. The women's development office in Chuuk was closed recently.

Budgets for the national and state programmes cover only operational costs, including salary, travel and office supplies, but no funds are allocated for development programmes. Most development is through funds secured from development partners and the US Federal Funding system. In 2009 the GDO received a total of only USD 80,000. Application for annual budgets undergoes three levels of vetting: internally by the department, then at the national budget review and finally by the national Congress. Currently, funding provided by development partners (AusAID, US Embassy, US Federal Funds) targets specific areas of work such as domestic violence, trafficking and teenage pregnancies. Other financial assistance includes funding at state level through the Japanese and Chinese Embassy programmes.

In the absence of a national gender policy, GDO derives its official mandate from the gender matrix, which is included in the Strategic Development Plan (SDP) 2004–2023 (GoFSM 2004). The gender matrix was first developed for the 2nd FSM Economic Summit and reconfirmed at the 3rd FSM Economic Summit leading up to the SDP. One of the goals of the gender matrix is to mainstream gender issues into decision-making, policies and strategic development plans. There is no specific plan of action for GDO. A draft Women's Plan of Action (1995–1997) was never finalised or approved.

There is no system for reporting progress in addressing gender issues. Quarterly and annual reporting are statutory obligations for all departments and are linked to performance measures funds.

Other government machinery

There are gender focal points in the Office of Statistics, Budget and Economic Management, Overseas Development Assistance and Compact Management, in the Departments of Foreign Affairs, Finance, and Transportation, Communication and Infrastructure, and in the Office of Environment and Emergency Management. A Gender Advisory Committee exists for the purpose of promoting gender equality at the national government level.

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

Civil society and private sector

NGOs have played a valuable role as independent advocates and activists, providing training and advocacy. Such organisations include women's advisory councils in the four states, faith-based NGOs and the FSM Alliance of Non-governmental Organisations (FANGO).

Membership of the women's advisory councils includes all NGOs. In Pohnpei, for example, there are more than 28 NGOs while in Chuuk, which is the state with the largest population, there are more than 60 women's organisations. There is a Women in Business organisation in Chuuk and Pohnpei and an increasing number of women sit on boards and committees and hold technical assistance positions in the public sector. This includes women's representation on the social security, banking and health boards.

b. Assessment

This section reviews only the main national government department responsible for gender issues, namely GDO, including its basic capacity, working environment and relationships with other relevant stakeholders and how those factors influence its ability to act as a catalyst for the mainstreaming of gender and women's human rights across the whole of government. The study did not take stock of the four different states and additional work will need to be done to identify their needs.

GDO not strategically located within the government

GDO faces a number of extreme constraints that limit its effectiveness in mainstreaming gender and women's human rights. Key among these is that GDO is not strategically located within the central government structure to influence the integration of gender across the policy, programming and resource allocation spectra. Currently GDO is placed within the Department of Health and Social Affairs in the Ministry of Health. The office would be more influential if it was placed in the planning office of government.

Absence of national gender equality policy

The lack of a national gender equality policy contributes significantly to the limitations in outreach work and influence of GDO. The gender matrix in the SDP targets specific areas of gender interest but a policy would strengthen these work areas.

Inadequate resources and mechanisms

GDO has few resources and no process to facilitate the mainstreaming of gender and women's human rights across the whole of government. Given the large mandate of GDO, it does not have sufficient time to carry out the tasks of gender mainstreaming.

GDO is also hampered by a lack of infrastructural support. A vehicle, fuel and equipment are shared with the Department of Health and Social Affairs. Similar conditions are found at state levels where the women officers are limited by inadequate resources and mechanisms.

GDO has insufficient resources to implement gender equality or mainstreaming initiatives. Currently, projects that are externally funded include work on domestic violence, teenage pregnancies, gender and elections work, CEDAW reporting work, and gender awareness and empowerment work. FSM's legal and policy commitments to the advancement of women and gender equality need the allocation of sufficient finances from the national budget and inclusion as a priority in development cooperation between donors and the government.

Better coordination among the key stakeholders is needed

Various donors and development partners contribute to the gender-related work. Better coordination among them would improve work currently done in country. GDO is engaged in most sectoral discussions on policy dialogue between donors and national government.

Interactions with other government institutions

A number of ministries involved in this stocktake cited a lack of interaction and collaboration with GDO. Some government departments have worked with GDO: the Department of Health and Social Affairs (DHESA), the Department of Resource and Development, and the Department of Education.

Collaboration to date with DHESA has allowed for a continuous work programme in the various sections. For example, the annual FSM National Women's Health Week offers free health checks for women and free health clinics for women and girls in the areas of maternal child health, family planning and reproductive health, HIV and STIS, and breast screening.

There is insufficient interaction between GDO and its counterparts in the four states, making networking and collaborative initiatives towards gender mainstreaming challenging.

Lack of technical expertise

GDO's lack of expertise and experience in gender and human rights analysis and integration also contributes significantly to the lack of results in these areas. GDO's activities continue to address the practical needs of women, rather than taking a strategic gender transformative approach. There is a need to develop the technical capacity of GDO to enable it to focus more on policy analysis and advocacy. To inform policy and legislative processes, the unit should have strong research and statistical support, and tools to operationalise its policy focus. There is also a need to build expertise in gender-related planning and analysis, project management, information management and dissemination and evaluation.

Need better linkages with NGOs and CSOs

NGO and CSO partnerships are seen as critical to advancing gender mainstreaming within the government of FSM. The women's advisory councils established in all states have played an important role in advocating women's issues at national and state levels. Stronger linkages could be formed through shared planning by GDO, state counterparts and civil society groups. The Women in Business organisation and female members of boards could also be practical entry points to stronger strategic partnerships for GDO.

2. Enabling environment overview

a. Legal and policy framework

FSM has a moderate legal and policy framework to support the mainstreaming of gender and women's human rights across the whole of government. Two key human rights treaties are in force and the national development plan includes gender mainstreaming as a goal. However, Constitutional provisions allow for the preference of tradition over non-discrimination and there is no anti-discrimination legislation in place. To achieve a stronger framework, greater attention is needed in these areas, as well as in reporting under the relevant human rights treaties and in ensuring that the existing legal and policy framework is well understood and systematically informs the work of government across the political, economic, social and cultural spheres.

International and regional commitments

FSM has ratified two core international human rights treaties of particular significance for the human rights of women and girls, as summarised in Table 1. It has also endorsed a number of key international and regional policy frameworks containing commitments to gender equality, including the 1995 Beijing Platform for Action (BPA), the 2000 Millennium Development Goals (MDGs), the

Revised Pacific Platform for Action on the Advancement of Women and Gender Equality 2005–2015 (RPPA) and the Pacific Plan (2005, revised in 2007).

Table 1: Status of ratification and reporting of key international human rights treaties

	CEDAW	CRC
Ratification date	1 September 2004	5 May 1993
Reporting date(s)		17 June 1996
Examination date(s)		14 January 1998

FSM is yet to submit its initial report and first periodic report under CEDAW. The government is currently preparing these reports, as well as its overdue periodic CRC reports. FSM maintains a number of reservations to CEDAW, including in respect of Article 11(1) (d) on equal remuneration in employment; Article 11(2) (b) on maternity benefits; and Articles 2(f), 5, and 16 on the elimination of discriminatory cultural stereotypes. The latter were reserved in respect of the succession of certain well-established traditional titles, and to marital customs that divide tasks or decision making in purely voluntary or consensual private conduct (DAW 2009).

There is no national human rights action plan in place.

FSM constitution

Article IV of the FSM Constitution (GoFSM 1978) provides for a ‘Declaration of Rights’. Section 4 of this Article confirms that equal protection of the laws may not be denied or impaired on account of, among other things, sex. However, the Constitution contains no definition of discrimination against women, does not expressly prohibit both direct and indirect discrimination, does not bind the actions of public and private authorities and institutions, and provides no mechanism for making the equal protection provision enforceable. Further, Article V (‘Traditional Rights’) provides that nothing in the Constitution ‘takes away a role or function of a traditional leader as recognized by custom and tradition, or prevents a traditional leader from being recognized, honoured, and given formal or functional roles at any level of government as may be prescribed by this Constitution or by statute’ (Section 1) and that ‘the traditions of the people of the Federated States of Micronesia may be protected by statute. If challenged as violation of Article IV, protection of Micronesian tradition shall be considered a compelling social purpose warranting such governmental action’ (Section 2).

The FSM Constitution also provides protection on the ground of gender in the enjoyment of services offered by private and public institutions. The right to bring civil action if there is no compliance to this provision makes this provision one of the most extensive in terms of gender equality provisions within the Pacific (UNIFEM and UNDP 2007).

States constitution

States’ constitutions (GoFSM 1978) have provisions that can protect women’s human rights. Article III of the Chuuk State Constitution, section 2, sets out the rights to be enjoyed by a person

irrespective of, among other things, sex. Similarly, Article II of the Kosrae Constitution, sub-sections 1(b) and (c), set out provisions for protection under the laws on the basis of equality. Article 4, section 3 of the Pohnpei State Constitution and Article 4 of Yap State Constitution set out parallel provisions on equality. Despite these, the anti-discrimination clauses contained in these constitutions do not extend to cover indirect discrimination.

All constitutions, with the exception of Kosrae, contain provisions through which a person who has experienced discrimination can seek redress.

FSM, Chuuk and Pohnpei constitutions provide protection against discrimination on the basis of social status but do not extend to covering women with special characteristics, such as disabilities or HIV conditions.

Legislation

There is no stand-alone anti-discrimination legislation

Gender equality and mainstreaming policies

FSM has no national gender policy in place.

The FSM Strategic Development Plan (SDP) 2004–2023 (GoFSM 2004: 525) includes a strategic goal to mainstream gender issues into decision-making, policies and strategic development plans. Included in the SDP is a gender matrix that guides the work on gender in FSM.

Awareness of legal and policy frameworks

Of the 11 departments interviewed, ten were aware of at least one international, regional or national legal or policy framework that is supportive of gender mainstreaming; only one department did not cite any enabling instruments. Of the ten departments/divisions, only two identified CEDAW and two mentioned the MDGs. Three departments made reference to the SDP; three made reference to the Public Service Act provision on equal opportunity. Only one department made reference to CRC. No informant identified the national or state constitutions. The informant of one department noted the lack of awareness of CEDAW across government and, as a consequence, considered that there is no ‘buy-in’ of gender equality, as reflected in the lack of national legislation and policies to guide implementation. Overall, there is very little awareness across sectors of the legal and policy framework for mainstreaming gender and women’s human rights in the work of government.

b. Political will

With few exceptions it was necessary, prior to each interview, to explain the concept of gender mainstreaming and gender equality as these concepts are not well understood across the government in FSM. This lack of knowledge is a major obstacle to generating political will.

Weak enforcement of legislation

One of the strongest measures of political will for gender equality and mainstreaming is the enactment and enforcement of legislation across the civil, political, economic, social and cultural spheres to promote equality and protect women’s human rights. Currently, a draft national domestic

violence policy, which also addresses sexual harassment, is being reviewed and will be discussed in Congress.

Equality-friendly legislative action

Positive examples of equality-friendly legislative action include provisions for free and compulsory schooling up to graduation from the 8th grade for all female and male students between the ages of six and fourteen years old; and the National Public Service Systems Act, which affords equal opportunity for all regardless of sex and other attributes. Another positive measure is the passing, on 30 September 2009, of the Congress Bill 16-20, which grants paid maternity leave of up to six weeks for national government employees. This is a major step, bearing in mind that FSM placed reservations against CEDAW Article 11(2) (b) on maternity benefits when it ratified the Convention in 2004.

Legislative gaps

Further work is, however, required to extend maternity and other employment protection for female workers in the private sector and in the states of Pohnpei, Chuuk and Yap. Kosrae enacted maternity/paternity legislation in 2000. Other ongoing legislative gaps include out-dated sexual assault legislation, which has not eliminated the corroboration rule or the requirement of proof of resistance by the victim, and which maintains (in all states except Pohnpei) the defence that the accused did not know the girl was under 13; marriage laws that set the legal age of marriage at 18 years for males but 16 years for females in the states of Chuuk, Kosrae and Pohnpei (although females aged under 18 must have parental consent); provision under family law for maintenance orders and division of matrimonial property to be at the discretion of the courts based on 'justice' and the 'best interests of all', which may be prejudicial to females. Apart from Yap, abortion is illegal in all states, and is rarely (if ever) performed in the Yap State Hospital.

SDP 2004–2023

Another measure of a government's political will for gender equality and mainstreaming is the extent to which national and sectoral policies recognise, prioritise and seek to address gender imbalances. The SDP 2004–2023 contains the development vision, goals and strategies for the nation. It does not mainstream gender and women's human rights but confines them to a gender section and the health sector. The five strategic goals in the gender section are:

- Enhance and promote the cultural, economic, legal, political and social development of women and children throughout their life cycles;
- Enhance the leadership capacity and roles of women;
- Mainstream gender issues into decision-making, policies and strategic development plans;
- Maximise women's contribution to and participation in democratic and development processes by creating opportunities for women's active involvement;
- Strengthen the institutional capacity of the women's programmes.

An extensive Gender Policy Matrix (GoFSM 2004 Appendix B-09) containing outcomes, activities and outputs was developed to guide the implementation of gender goals. During the first six years there was progress in most areas relating to gender equity and gender equality, but minimal progress in

mainstreaming gender into the various government sectors. Gender mainstreaming is not only directly relevant to the macroeconomic policies of FSM, but is a strategy that would ensure that benefits are realised by those for whom they are intended.

Weak integration of gender in sectoral plans

The FSM Education for All (EFA) 2015 National Plan (GoFSM nd) has three specific goals directed at girls and women:

- Achieving a 50 per cent improvement in the level of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults;
- Ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to completely free and compulsory education of good quality;
- Eliminating gender disparities in primary and secondary education by 2005, and achieving gender equity in education by 2015, with a focus on girls' full and equal access to and achievement in basic education of good quality.

Lack of awareness impedes political will

Perceptions of the political will to support or make progress in gender mainstreaming is another measure of actual political will. Of the 11 departments/divisions interviewed, seven rated the level of commitment to gender mainstreaming as medium, two rated it high and one rated it as low. Of all nine departments that rated commitment between medium to high, four identified specific actions to demonstrate this. Two departments could not identify specific actions, despite the high ranking given.

Nine out of the 11 departments interviewed identified lack of awareness as a major barrier to higher political commitment to gender mainstreaming. This view was supported by the NGO focus group discussions, which noted the lack of knowledge and understanding of gender issues and the need to design training programmes that are relevant at state levels. Three departments identified social attitudes and cultural and social institutions as not conducive to political will for gender equality; five departments identified the lack of technical expertise and mechanisms as the main barrier. Other barriers cited include the lack policy frameworks to guide departments' development programmes; the lack of infrastructure and resources, including financial and human; and the perception of women themselves. One informant referred to the importance of targeting and influencing politicians because they determine the priorities of the government for national development. Two departments stated that there were no specific barriers to higher political will for gender mainstreaming.

Gender awareness training and capacity building specific to specialised technical areas were identified by eight department/divisions to address the barriers. One informant emphasised the importance of training programmes that are culturally sensitive in terms of approaches and methodologies.

The role of individuals

Individuals were cited as a key factor in generating higher political will. These include the Secretary for Health and the Deputy Secretary for Foreign Affairs, who are at the forefront of gender issues

and mainstreaming. In the case of Foreign Affairs, the Deputy Secretary has taken it upon herself to include women's human rights as one of her priority areas of work. The Secretary for Health has been instrumental in setting up the National Gender Advisory Group and has strengthened state NGOs through supporting an FSM-wide women's meeting to be held every two years. NGOs were cited by three departments as playing a supportive role, while strengthened collaboration and networking with state government, NGOs and CBOs were cited as critical.

c. Organisational culture

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

Gender perceived as donor-driven

Gender equality as a development issue is not ranked as a priority within the programmes and activities of government and still has to compete with other prioritised government issues. Despite some of the advances made, gender is still considered a 'soft' issue. While nine of the 11 informants confirmed attending national, regional and international meetings with other departments or donors where gender was raised as a development issue, the perceived impacts of these meetings varied across departments. Three departments indicated that, while attendance at these meetings may have resulted in some awareness, the impact was negligible and did not translate into gender mainstreaming efforts. One department noted that attention to gender is donor driven, to comply with donors' requirements.

Interpretations of gender issues

Three departments reported that in the delivery of programmes they focus on the needs of both men and women. Most of the work done in the agriculture and fisheries sector, for example, integrates a gender perspective without this being identified as a gender approach. Only four of the 11 informants gave reasons for the non-attention to gender equality issues. One informant said employment within the public sector was on equal opportunity basis. Some stated that non-inclusion of gender specific interventions in programmes was may be due to a lack of awareness or lack of expertise.

Interactions with institutions promoting gender equality agenda

Nine departments reported some interaction with GDO, other departments or NGOs that are active in gender-related work. Six referred to meetings with GDO and two reported only occasional contacts. Meetings with NGOs were cited by four of the departments interviewed, while one department reported having no meetings at all with either GDO or NGOs. These interactions could indicate a lack of proactiveness on the part of GDO, but they are also reflective of the simple lack of

human resources within GDO. The existing staff's ability to work across sectors is handicapped by limited human resources.

Sex disaggregated data

Other challenges include weak production of sex disaggregated data. Only four of the departments/divisions interviewed collected sex disaggregated data and such data were used to inform planning and policy developments. Three departments reported that they do not collect sex disaggregated data due to the nature of their work. The Division of Statistics confirmed that there was room for improvement, particularly in the area of economic statistics, in terms of collection, accessibility and analysis. It also highlighted that there is room for better coordination with GDO and other departments as users of statistical information. GDO and other departments need to be proactive in defining key issues to enable the Statistics Division to prioritise and collect the relevant data.

Guidelines and systems for mainstreaming gender

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

Measures for promoting equal employment opportunities

The Public Service Commission is the body responsible for human resource policies within the national government of FSM. The Public Service Act contains a provision on equal opportunity. The Personnel Division is responsible for the equal employment opportunity (EEO) policy. The Departments of Foreign Affairs and DHESA made reference to a sexual harassment policy in preparation for the FSM national government. This has undergone public consultation and is awaiting confirmation by Congress.

The men/women breakdown at the top three levels within the ministries interviewed is summarised in Table 2:

Table 2: Male/female breakdown in top three positions of ministries interviewed

Post	Men	Women
Highest*	9	3
2 nd Level	12	10
3 rd Level	17	13

*One additional position at the highest level was vacant

Table 2 shows that at every level of decision making there are more men than women, with the largest disparity at the highest level. Female senior employees are found more in the Office of Environment and Emergency Management, Department Health and Social Affairs, Personnel Division and Overseas Development Assistance and Compact Management. Within the resource sectors, namely agriculture and resource development, men dominate, which is a direct function of the tertiary education studies undertaken. Most recruitment processes include a gender equality requirement, but this may not be systematically taken into account in such processes.

Gender equality champions

Six of the 11 informants interviewed were able to identify champions of gender equality at senior executive levels within their departments, most of whom were the informants themselves.

Need to raise awareness

Two informants considered there was a need for more awareness raising to improve the gender sensitivity of organisational culture. One informant acknowledged that a gender approach is fairly new to his division and to FSM generally; people need to understand it and see how it applies to the work of government. One informant pointed out that gender mainstreaming requires institutionalisation through the development of policies at the organisational level to facilitate implementation on an on-going basis. Despite the current limitations, some departments made reference to the positive impacts that have been seen as a result of incremental increases in gender awareness, particularly in terms of understanding the important role of women in development processes.

d. Accountability mechanisms

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

Position descriptions (PDs) and terms of reference (TORs) rarely include accountability for gender-related results. While three departments indicated that gender responsibilities are included in the terms of reference of certain staff, the researchers were not able to verify these statements, as copies of the TOR and PDs were not made available to the team. Only DHESA and the Statistics Division reported having executive gender-related responsibilities linked to the management of positions responsible for gender equality and gender mainstreaming.

Performance management systems

There are no performance management systems in place to monitor gender mainstreaming actions, although the 2004–2010 Strategic Development Plan contains gender-specific goals, outcomes, activities and outputs that can be used as the basis to monitor and evaluate ministries' executive performance and to help measure how far, and in which ways, mainstreaming activities are progressing towards their goals. The Division of Personnel, the overall authority for performance management systems, is not actively engaged in reviewing, monitoring and evaluating performance. With a staff complement of only three, it lacks the capacity and resources to carry out its mandated function. The engagement of the Division of Personnel in any future reviews of performance management systems would first require gender awareness and technical training.

Management instruments

Lack of awareness was cited by eight of the informants as the major obstacle to integrating gender responsibilities into TORs and PDs. Only two departments reported that gender was either a non-issue or does not relate directly to the work of the department. One informant was of the view that a proper analysis is required of the existing gender gaps before TORs can be developed to ensure

accountability for addressing them. With reference to existing systems that could be adapted to improve accountability, suggestions related to TORs, a review of current recruitment policies, lobbying Congress and training.

e. Technical capacity

Gender and women's human rights cannot be properly mainstreamed without a pool of technically qualified experts in these areas whose skills and experience can systematically be drawn on by line and central ministries. No ministries have the necessary technical qualifications or capacity to properly understand gender equality issues and how to mainstream them into their work.

Of the 11 informants, five described as low the technical capacity within the government to effectively mainstream gender, one informant rated the capacity as high, while the others were not sure of the level of capacity needed to mainstream gender. Nine of the departments/divisions interviewed confirmed that no technical training had been undertaken by its staff in the area of gender. The Department of Health and Social Affairs and the Department of Resource and Development had attended training on gender awareness. The impact of training, where it has taken place, could be confirmed only by the informant from DHESA, who cited increased awareness on gender issues demonstrated by the establishment of the national Gender Advisory Committee. There has been no monitoring of those trained within each department/division. Only the Statistics Division has a consultant under the UN Volunteer Programme who is providing advice on statistics collection for the MDG report. Apart from this, no other department has engaged a consultant for the purpose of gender-related work or mainstreaming.

Qualified staff needed

It was acknowledged by the informants that having staff with gender qualifications would have a positive impact. Constraints to increasing the number of technically skilled staff in government included the lack of funding.

Lack of awareness and training options were quoted as the major factors contributing to the inadequate technical capacity. There is a need to increase competence in gender analysis and to provide analytical tools. Gender awareness training and targeted technical training in the different sectors such as health, education, agriculture, fisheries, law and justice were identified by ten departments as preliminary strategic steps for creating a more gender responsive environment in government. In addition, a common view was that there should be a focus on gender advocacy at political levels, both national and state. This was also needed in the Division of Personnel in the national government, as the body responsible for conditions of employment, including leave and recruitment policies. The Judiciary was identified as needing specific gender and women's human rights training, targeting judges, lawyers and public prosecutors. There was also a suggestion that a proper orientation programme with a gender equality component should be put in place for new recruits to the public sector.

f. Adequacy of financing for gender equality

Ensuring reliable financing requires that gender mainstreaming across the whole of government be built into the government's budgeting processes. The national budget should allocate specific and

sufficient resources to GDO, individual agencies and government departments to engage in systematic results-based gender analysis, planning, implementation and monitoring.

Inadequate financial mechanisms

The FSM government does not provide adequate resources for mainstreaming gender and women's human rights. At present, a minimal amount is committed to GDO. There is little in place to ensure that relevant sectoral gender issues are incorporated into the national budget process or, if identified in planning, are appropriately funded. Nor has gender mainstreaming been the focus of development partners and donors to date.

Insufficient financial resources

Of the 11 departments/divisions interviewed, seven stated that funding has not been specifically targeted to gender mainstreaming. Two departments reported that donors provide adequate funding overall but government was either not committed or had insufficient financial resources to allocate funds to gender equality work. In most cases, in developing countries like FSM, gender equality work has to compete with the need for employment for the large number of unemployed young people, the need for funds for education and upgrading of skills, and infrastructure needs. With the exception of the Statistics Division, identifying the gender focal point's salary as a specific allocation towards gender equality, none of the other departments could identify specific budgets targeting gender equality. Four departments stated that budgets are targeted towards both women and men, particularly in their extension services work. This is in areas related to fisheries, agriculture and forestry work, where communities are involved and the participation of men and women is sought. A few departments noted that it does not have sufficient annual budget for its own programmes, let alone gender mainstreaming work.

Raising awareness for improving funding

Lack of awareness was cited as the main barrier to increasing funds for the mainstreaming of gender and women's rights. It was argued that, until those who are responsible for the allocation of budget are first made aware of the importance of gender equality in the context of good governance and sustainable development, gender will continue to be marginalised in terms of resource allocations. Gender awareness and specialised gender training aimed at increasing the technical capacity of professional staff and decision makers responsible for budget allocations were identified as ways of reducing these constraints. Development partners were seen by one informant as providing the leverage, in terms of resources and support, that could facilitate improved analysis and allocation of budgets towards gender mainstreaming.

g. Additional factors

Revisiting traditions in relations to gender roles

The complementary role of men and women in some aspects of traditional society in FSM could be used to promote and mainstream gender equality in the present day context. Social and cultural norms strongly define the roles of men and women, as well as the way organisational structures and systems are established, and these must be factored into any gender-related development initiative.

Involving both national and state level governments

This work was focused at the FSM national level and did not include consultations at the state level. Given the distinct cultures of the four states, the different governance and judicial processes, there is a need for gender mainstreaming work to be rolled out into the four states of FSM to ensure any change.

POTENTIAL STRATEGIC APPROACHES FOR GENDER MAINSTREAMING

The following are suggested starting points for increasing the capacity of the FSM government to mainstream gender and women's human rights in an effective and sustainable way.

1. Capacity development and gender awareness work

GDO is severely constrained in acting as a catalyst for gender and women's human rights mainstreaming focal point. There is only one government officer at national government level dedicated full-time to gender and mainstreaming work. The lack of staffing is a key barrier, and skills development is not likely to succeed if human resources are already too thinly spread. Capacity development needs to begin with national consultations and discussions on the importance of developing more realistic government machinery for gender equality. This can be developed by firstly increasing government understanding of its commitments under CEDAW. Gender mainstreaming training is important in affecting attitudinal change within government. Such training needs to be ongoing and should be targeted at various levels of government, including senior civil servants and members of Congress, as well as the media, NGOs and other stakeholders.

2. Development of a gender policy and gender mainstreaming action plan

Technical assistance should be provided to assist FSM to develop a strong national gender policy that supports the implementation of the gender matrix section of the Strategic Development Plan. To support the implementation of the gender policy, a gender mainstreaming action plan should be developed, one that includes a set of targets and indicators and a budget.

3. Tools and systems development

Tools could be developed to assist in gender mainstreaming in specific sectors. These could include user-friendly handbooks, guidelines and analytical tools. It is important that the use of these tools be monitored. Development of the tools should be driven by GDO and the relevant sectors, with the assistance of a technical expert. There should be a clear process established at the outset for

reviewing the impact of the tools, including results achieved and feedback from those using the tools.

4. Gender statistics

There is insufficient collection, compilation and analysis of sex disaggregated data and gender indicators across sectors. Such data are critical to the identification, understanding and addressing of gender inequalities. Building on SPC's ongoing gender statistics initiative, the government could be accompanied through a process of compiling key gender indicators in one comprehensive framework. Gender mainstreaming work can then be supported through relevant gender statistics and indicators.

5. Development partners' meetings

There should be discussions with development partners to establish a coordinated support on gender mainstreaming work in FSM.

6. Gender focal points

To effectively mainstream gender in government there should be strong linkages and collaborative work between GDO and the different sectoral departments. The establishment of gender focal points would contribute to increasing the pool of resource persons supporting the mainstreaming process. Strong linkages should also be developed with state gender focal points to maintain the mainstreaming process at both state and local levels.

APPENDIX

List of organisations interviewed or consulted

Government

Attorney General's Office
Department of Agriculture
Department of Education
Department of Foreign Affairs
Department of Resource and Development
Department of Health and Social Affairs
Division of Personnel
FSM National Police – Department of Justice
Overseas Development Assistance and Compact Management
Women's Affairs

Development Partners

AusAID
Embassy of Japan
Embassy of China
Joint Presence Representative (UNICEF, UNDP, UNFPA)
SBOC/Compact
US Embassy

Civil Society

Adolescent Health Coordinator
FANGO
FSM Women Officer
Island Food, Pohnpei
Kolonias Women's Association
Nett Youth Leader
Pohnpei Women's Advisory Council
Red Cross
United Church, Pohnpei

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