| **Recommendation** | **Position** | **Full list of themes** | **Assessment/comments on level of implementation** |
| --- | --- | --- | --- |
| ***Theme: A12 Acceptance of international norms*** |
| 79.27. Accede to the international human rights covenants and seek the support of OHCHR for the process of implementation of these treaties at the national level (Uruguay);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsA28 Cooperation with other international mechanisms and institutions**Affected persons:**- general | In progress of implementation.Committee established to consider CAT and review legislation.Principles of ICCPR, ICESCR are incorporated into Tongan laws – right to adequate health care, education, decent home, food, shelter, fair wages and equal remuneration for equal value. Further reviews of law are required. |
| 79.28. Promote the ratification of the different international human rights instruments most of which have not been ratified by the country, and continue to cooperate with the Human Rights Council and its mechanisms (Guatemala);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsA28 Cooperation with other international mechanisms and institutionsA24 Cooperation with special procedures**Affected persons:**- general | As above. |
| 79.14. Ratify the Rome Statute of the International Criminal Court and fully align its legislation with all obligations under the Rome Statute (Latvia);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsB11 International humanitarian lawB51 Right to an effective remedy**Affected persons:**- general | Pending.Considering reviews to legislation to comply. |
| 79.15. Ratify the core international human rights instruments as well as the Rome Statute of the ICC (France);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsB11 International humanitarian lawB51 Right to an effective remedy**Affected persons:**- general | No progress. |
| 79.19. Accede to the Rome Statute of the ICC and its Agreement on Privileges and Immunities (Slovakia);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsB11 International humanitarian lawB51 Right to an effective remedy**Affected persons:**- general | No progress. |
| 79.20. Ratify the Rome Stature of the ICC and accede to the Agreement on the Privileges and Immunities of the ICC (Estonia);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsB11 International humanitarian lawB51 Right to an effective remedy**Affected persons:**- general | Not progress. |
| 79.16. Accede to the Rome Statute of the International Criminal Court and ratify the CAT (Costa Rica);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsB11 International humanitarian lawB51 Right to an effective remedyD25 Prohibition of torture and cruel, inhuman or degrading treatmentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- persons deprived of their liberty- general | As above and Committee on CAT in progress. |
| 79.11. Ratify the ICCPR (Chile);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsD1 Civil & political rights - general measures of implementation**Affected persons:**- general | As above |
| 81.16. Proceed to a formal and effective abolishment of death penalty through the ratification of the 2nd Optional Protocol to the ICCPR (Spain);**Source of position:** A/HRC/23/4/Add.1 - Para. 13 | Noted | A12 Acceptance of international normsD23 Death penaltyA41 Constitutional and legislative frameworkS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general | No progress. |
| 81.18. Abolish the death penalty (Australia) and ratify ICCPR and its Second Optional Protocol (Australia, United Kingdom of Great Britain and Northern Ireland);**Source of position:** A/HRC/23/4/Add.1 - Para. 13 | Noted | A12 Acceptance of international normsD23 Death penaltyA41 Constitutional and legislative frameworkS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general | No progress. |
| 81.17. Ratify ICCPR and its Second Optional Protocol (United Kingdom of Great Britain and Northern Ireland);**Source of position:** A/HRC/23/4/Add.1 - Para. 13 | Noted | A12 Acceptance of international normsD23 Death penaltyD1 Civil & political rights - general measures of implementationS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general | No progress. |
| 79.7. Take steps to ratify ICCPR, ICESCR, CEDAW and CAT (Norway);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsE1 Economic, social & cultural rights - general measures of implementationD25 Prohibition of torture and cruel, inhuman or degrading treatmentD1 Civil & political rights - general measures of implementationF12 Discrimination against womenS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- women- persons deprived of their liberty- general | Partial implementation.Consideration of legislative reviews by Committees and relevant stakeholders.Further stakeholder consultations to be taken. |
| 79.8. Ratify in particular the two international Covenants, concerning on the one hand, the Economic, Social and Cultural Rights, and on the other hand, the Civil and Political Rights; CEDAW and CAT (Switzerland);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsE1 Economic, social & cultural rights - general measures of implementationD25 Prohibition of torture and cruel, inhuman or degrading treatmentD1 Civil & political rights - general measures of implementationF12 Discrimination against womenS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- women- persons deprived of their liberty- general | Partial implementation.* In 2015, Tonga announced commitment to CEDAW with reservations at UN.
* Public protests and concerns were raised which led to the decision to further review the reservations to CEDAW
* Need to conduct further public consultations.
 |
| 79.10. Ratify CEDAW (Australia, U nited K ingdom), CAT (United Kingdom of Great Britain and Northern Ireland), ICESCR, as well as ICCPR and CAT (Turkey);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsE1 Economic, social & cultural rights - general measures of implementationD25 Prohibition of torture and cruel, inhuman or degrading treatmentD1 Civil & political rights - general measures of implementationF12 Discrimination against womenS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- children- women- persons deprived of their liberty | As above. |
| 79.9. Ratify core international human rights treaties, including the ICCPR, ICESCR, CEDAW (Algeria, Viet Nam) and its protocol, the optional protocols to the CRC, and CAT (Timor - Leste);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsE1 Economic, social & cultural rights - general measures of implementationF31 Children: definition; general principles; protectionD1 Civil & political rights - general measures of implementationF35 Children in armed conflictF12 Discrimination against womenS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- children- women- persons deprived of their liberty | As Above. |
| 79.5. Ratify CEDAW and adopt legislation to protect victims of domestic violence (France);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsF12 Discrimination against womenD29 Domestic violenceF13 Violence against womenS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general- women | As above.Family Protection Act 2013 came into force on 1 July 2014. |
| 79.1. Expedite the ratification of the CEDAW (Bhutan);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsF12 Discrimination against womenS05 SDG 5 - gender equality and women's empowerment**Affected persons:**- women | As Above. |
| 79.2. Accelerate its efforts to ratify CEDAW (Indonesia);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsF12 Discrimination against womenS05 SDG 5 - gender equality and women's empowerment**Affected persons:**- women | As above. |
| 79.3. Complete its procedure to accede to CEDAW (Brazil);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsF12 Discrimination against womenS05 SDG 5 - gender equality and women's empowerment**Affected persons:**- women | As above. |
| 79.4. Consider acceding to CEDAW (Philippines);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsF12 Discrimination against womenS05 SDG 5 - gender equality and women's empowerment**Affected persons:**- women | As above. |
| 79.6. Continue its effort s for the ratification of CEDAW and ratify the Convention at the earliest possible date (Japan);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsF12 Discrimination against womenS05 SDG 5 - gender equality and women's empowerment**Affected persons:**- women | As above. |
| 82.1. Quickly (Italy) ratify CEDAW (Italy, Maldives, Slovenia);**Source of position:** A/HRC/23/4 - Para. 82 | Noted | A12 Acceptance of international normsF12 Discrimination against womenS05 SDG 5 - gender equality and women's empowerment**Affected persons:**- women | Not implemented. |
| 82.2. Proceed swiftly with the ratification of CEDAW (Estonia);**Source of position:** A/HRC/23/4 - Para. 82 | Noted | A12 Acceptance of international normsF12 Discrimination against womenS05 SDG 5 - gender equality and women's empowerment**Affected persons:**- women | Not implemented. |
| 82.3. Accede to CEDAW, without reservations that could be incompatible with the object and purpose of this Convention (Uruguay);**Source of position:** A/HRC/23/4 - Para. 82 | Noted | A12 Acceptance of international normsF12 Discrimination against womenS05 SDG 5 - gender equality and women's empowerment**Affected persons:**- women | Not implemented. |
| 79.18. Consider ratification of the third Optional Protocol to the CRC on a communication procedure (Slovakia);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsF31 Children: definition; general principles; protectionB51 Right to an effective remedyS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- children | Pending.Although Tonga has not ratified the CRC Optional Protocols, the Tongan laws are in line with the Protocols. The Pornography Control Act 2002 criminalizes the sale or hire of pornographic material. The Criminal Offences Act [Cap 18] criminalizes any person who publishes child pornography, produces child pornography or possesses child pornography; criminalizes trading in prostitution ; and criminalizes a person who has carnal knowledge of a child or young person under the age of 12 years |
| 79.13. Ratify both the CRPD and its Optional Protocol before the next UPR cycle (Hungary);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsF41 Persons with disabilities: definition, general principlesS10 SDG 10 - inequality**Affected persons:**- persons with disabilities | Pending implementation.Social Protection and Disability Division has been established. They are currently working with Attorney General’s Office on review of legislation. Consultations with stakeholders in progress. |
| 79.17. Ratify and implement the CRPD (Mexico);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsF41 Persons with disabilities: definition, general principlesS10 SDG 10 - inequality**Affected persons:**- persons with disabilities | As above. |
| 79.21. Consider ratifying core international human rights conventions, especially ICMW (International Convention on the Protection of the Rights of All Migrant Workers and Their Families) as well as ILO Convention 189 (Decent Work for Domestic Workers) (Philippines);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A12 Acceptance of international normsG4 MigrantsE32 Right to just and favourable conditions of workS08 SDG 8 - economic growth, employment, decent workS10 SDG 10 - inequality**Affected persons:**- general- migrants | Partial implementation.Tonga became a member of the ILO effective Feb 2016. Consultations with stakeholders required. |
| ***Theme: A24 Cooperation with special procedures*** |
| 79.29. Extend a standing invitation to the special procedures (Guatemala);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A24 Cooperation with special procedures**Affected persons:**- general | Pending. |
| 79.30. Consider extending a standing invitation to all the special procedures mandate holders of the Human Rights Council (Latvia);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A24 Cooperation with special procedures**Affected persons:**- general | As above. |
| ***Theme: A41 Constitutional and legislative framework*** |
| 80.1. Continue its efforts in implementing constitutional and democratic reforms (Malaysia);**Source of position:** A/HRC/23/4 - Para. 80 | Supported | A41 Constitutional and legislative frameworkD7 Right to participation in public affairs and right to voteS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general | Partially implemented. Constitutional reviews were undertaken in 2014 and 2017 on different views.2014 General election completed under the 2010 democratic and constitutional reforms and 2017 elections underway.New democratic reforms in process. |
| ***Theme: A42 Institutions & policies – General*** |
| 79.26. Continue to develop its legal and institutional framework with respect to the promotion and protection of human rights (Bhutan);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A42 Institutions & policies - General**Affected persons:**- general | Partially implemented.Family Protection Act 2013 came into force on 1 July 2014. |
| 79.23. Continue the momentum on the democratization process and improve the current policies and measures to ensure the equality and the full enjoyment of human rights and fundamental freedoms for all people, in particular the social vulnerable groups, like women and children (Viet Nam);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A42 Institutions & policies - GeneralD7 Right to participation in public affairs and right to voteB31 Equality & non-discriminationF31 Children: definition; general principles; protectionD1 Civil & political rights - general measures of implementationE1 Economic, social & cultural rights - general measures of implementationF12 Discrimination against womenS05 SDG 5 - gender equality and women's empowermentS10 SDG 10 - inequalityS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general- children- women | Partially implemented.Family Protection Act 2013 provides for greater protection from domestic violence, to introduce protection orders, clarify duties of the police and promote the health, safety and well-being of victims of domestic violence and related matters. |
| ***Theme: A45 National Human Rights Institution (NHRI)***  |
| 81.3. Continue its efforts to create a national human rights institution (Turkey);**Source of position:** A/HRC/23/4/Add.1 - Para. 1 | Supported | A45 National Human Rights Institution (NHRI)**Affected persons:**- general | Pending.See below. |
| 81.2. Seek the support of the international community for the establishment of a national human rights institution and finalize the revision of its constitution (Angola);**Source of position:** A/HRC/23/4/Add.1 - Para. 1 | Supported | A45 National Human Rights Institution (NHRI)A28 Cooperation with other international mechanisms and institutions**Affected persons:**- general | Pending.See below. |
| 81.1. Establish a national human rights institution in conformity with the Paris Principle (Burundi) to monitor Government action in this area, advise on legislation and the application of international human rights instruments, facilitate interaction with international and regional organizations, promote human rights education and file legal complaints (Uruguay);**Source of position:** A/HRC/23/4/Add.1 - Para. 1 | Supported | A45 National Human Rights Institution (NHRI)A28 Cooperation with other international mechanisms and institutionsB51 Right to an effective remedyA51 Human rights education - general**Affected persons:**- general | Partial implementation of the recommendation:1. For small islands states including Tonga, the establishment of a national human rights institution is still not feasible financially and technically.
2. However several actions taken by the Government are in line with the Paris Principles.
3. The Legislative Assembly passed an amendment to the *Commissioner for Public Relations Act 2001* in 2016. This amendment re-named the Commissioner of Public Relations as the Ombudsman, this change is to ensure that Tonga is in line with international references to the ombudsman.
4. The Legislative Assembly passed an amendment to the Anti-Corruption Commissioner Act 2007 in 2016, to allow for the Ombudsman to become the temporary Anti-Corruption Commissioner to revive the Commissioner role. However the Royal Assent for this Act was deferred for further clarifications.
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| ***Theme: A51 Human rights education – general*** |
| 79.49. Continue its progress in the field of human rights education through increasing further international and regional cooperation (Indonesia);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | A51 Human rights education - generalA28 Cooperation with other international mechanisms and institutions**Affected persons:**- general | Partial implementation. – Tonga participates in regional and international workshops and training on HR. |
| ***Theme: B31 Equality & non-discrimination*** |
| 81.5. Examine the possibility of strengthening measures to eliminate all discriminatory treatment related to sexual orientation or gender identity (Argentina);**Source of position:** A/HRC/23/4/Add.1 - Para. 4 | Supported | B31 Equality & non-discriminationD46 Right to private life, privacyA41 Constitutional and legislative frameworkS10 SDG 10 - inequality**Affected persons:**- lesbian, gay, bisexual, transgender and intersex persons (LGBTI)  | Pending.Tonga Revised National Policy on Gender and Development 2014-18. National consultation held in 2016.1. Tonga Leiti’s Association - launched their Strategic Plan 2016-2020 in 2016. The vision of the Plan was for Tonga to respect and uphold the rights of person with diverse sexual orientations and gender identities. The association has held a national consultation in 2016 and ongoing workshops.
 |
| 81.6. Bring its national legislation into conformity with its commitment to equality and non-discrimination, by repealing the provision in the Penal Code to criminalize sexual relations between consenting adults of the same sex (Norway);**Source of position:** A/HRC/23/4/Add.1 - Para. 5 | Noted | B31 Equality & non-discriminationD46 Right to private life, privacyA41 Constitutional and legislative frameworkS10 SDG 10 - inequality**Affected persons:**- lesbian, gay, bisexual, transgender and intersex persons (LGBTI)  | Not implemented. |
| 81.7. Decriminalize consensual sexual relations between same-sex adults, and combat cases of discrimination against those persons (Spain);**Source of position:** A/HRC/23/4/Add.1 - Para. 5 | Noted | B31 Equality & non-discriminationD46 Right to private life, privacyA41 Constitutional and legislative frameworkS10 SDG 10 - inequality**Affected persons:**- lesbian, gay, bisexual, transgender and intersex persons (LGBTI)  | Not implemented. |
| 81.8. Repeal the provisions of the Tongan Criminal Offences Act criminalizing consensual sex between adults of the same gender (United States of America);**Source of position:** A/HRC/23/4/Add.1 - Para. 5 | Noted | B31 Equality & non-discriminationD46 Right to private life, privacyA41 Constitutional and legislative frameworkS10 SDG 10 - inequality**Affected persons:**- lesbian, gay, bisexual, transgender and intersex persons (LGBTI)  | Not implemented. |
| 81.9. Amend its legislation to repeal laws which criminalize consensual adult same-sex relations (Canada);**Source of position:** A/HRC/23/4/Add.1 - Para. 5 | Noted | B31 Equality & non-discriminationD46 Right to private life, privacyA41 Constitutional and legislative frameworkS10 SDG 10 - inequality**Affected persons:**- lesbian, gay, bisexual, transgender and intersex persons (LGBTI)  | Not implemented. |
| 81.10. Abrogate all penal provisions criminalizing sexual relations between consenting adults of the same sex (France);**Source of position:** A/HRC/23/4/Add.1 - Para. 5 | Noted | B31 Equality & non-discriminationD46 Right to private life, privacyA41 Constitutional and legislative frameworkS10 SDG 10 - inequality**Affected persons:**- lesbian, gay, bisexual, transgender and intersex persons (LGBTI)  | Not implemented. |
| ***Theme: B71 Human rights and the environment*** |
| 79.31. Intensify its efforts on human rights and environment with the newly appointed Independent Expert on Human Rights and Environment of the Council (Maldives);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | B71 Human rights and the environmentA24 Cooperation with special procedures**Affected persons:**- general | Pending.*Tonga Revised National Policy on Gender and Development 2014-2018* identified one of the priorities as environmental and climate change is not properly acknowledged, by national strategies. Reviews on this ongoing.Tonga Environmental and Climate Change laws and policies are as follows:* *Environment Management Act 2010*, *Environmental Impact Assessment Act 2003* & *EIA Regulations 2010*.
* *Tonga Climate Change Policy 2016* : *A Resilient Tonga by 2035.* This revised climate change policy is based on a new approach, one that is multi-faceted, cross-sectoral, gender-inclusive, equitable, and has a strong emphasis on community ownership supported by strong governance.
 |
| ***Theme: D23 Death penalty*** |
| 81.21. Take steps towards full abolition of capital punishment, with immediate effect in particular towards juvenile offenders (Slovakia);**Source of position:** A/HRC/23/4/Add.1 - Para. 13 | Noted | D23 Death penaltyA41 Constitutional and legislative frameworkF34 Children: Juvenile justiceS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general- children | Not implemented. |
| 81.22. Explicitly prohibit death penalty for offences committed by persons below 18 years of age, pursuant to the General Assembly resolution adopted on 20 December 2012 and Article 37 of the Convention on the Rights of the Child (Italy);**Source of position:** A/HRC/23/4/Add.1 - Para. 13 | Noted | D23 Death penaltyA41 Constitutional and legislative frameworkF34 Children: Juvenile justiceS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- children | Not implemented. |
| 81.15. Take the necessary steps to abolish the death penalty (Norway);**Source of position:** A/HRC/23/4/Add.1 - Para. 13 | Noted | D23 Death penaltyA41 Constitutional and legislative frameworkS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general | Not implemented. |
| 81.19. Abolish the death penalty, considering the existence of the de facto moratorium (Chile);**Source of position:** A/HRC/23/4/Add.1 - Para. 13 | Noted | D23 Death penaltyA41 Constitutional and legislative frameworkS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general | Not implemented. |
| 81.20. Adopt a moratorium on executions with a view to the definitive abolition of the death penalty (France);**Source of position:** A/HRC/23/4/Add.1 - Para. 13 | Noted | D23 Death penaltyA41 Constitutional and legislative frameworkS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general | Not implemented. |
| ***Theme: D25 Prohibition of torture and cruel, inhuman or degrading treatment*** |
| 79.45. Examine the possibility of enshrining the prohibition of torture in its legal framework (Argentina);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | D25 Prohibition of torture and cruel, inhuman or degrading treatmentA41 Constitutional and legislative frameworkS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general | Not implemented. |
| 81.24. Abrogate the penal provisions envisaging recourse to corporal punishment (France);**Source of position:** A/HRC/23/4/Add.1 - Para. 13 | Noted | D25 Prohibition of torture and cruel, inhuman or degrading treatmentA41 Constitutional and legislative frameworkS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general | Last time a whipping/corporal punishment sentence was handed down was in 2010 but has not been enforced for decades now. |
| 81.25. Raise the age of criminal responsibility to 12 years, and prohibit corporal punishment as a sentence of the courts for all persons, but especially those under 18 years old at the time of the offence (Slovenia);**Source of position:** A/HRC/23/4/Add.1 - Para. 18 | Noted | D25 Prohibition of torture and cruel, inhuman or degrading treatmentF34 Children: Juvenile justiceA41 Constitutional and legislative frameworkS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general- children | Not implemented. |
| 81.26. Raise age of criminal responsibility, in line with the Convention on the Rights of the Child and prohibit corporal punishment in all grounds (Mexico) ;**Source of position:** A/HRC/23/4/Add.1 - Para. 18 | Noted | D25 Prohibition of torture and cruel, inhuman or degrading treatmentF34 Children: Juvenile justiceA41 Constitutional and legislative frameworkS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general- children | Not implemented. |
| 79.44. Abolish any statutory provision which authorizes corporal punishment, in particular when the convicted is a child (Italy);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | D25 Prohibition of torture and cruel, inhuman or degrading treatmentF34 Children: Juvenile justiceS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- children- general | Partially implemented.The *Education (Schools and General Provisions) Regulations 2002* provides that under no circumstances shall a teacher inflict corporal punishment on any student.*Education Act 2013*: s37 Corporal Punishment (of a student) is prohibited.Guidelines are in place for Magistrates dealing with young offenders. |
| 81.23. Eliminate the use of corporal punishment as criminal punishment (Costa Rica);**Source of position:** A/HRC/23/4/Add.1 - Para. 13 | Noted | D25 Prohibition of torture and cruel, inhuman or degrading treatmentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general | Not implemented. |
| ***Theme: D26 Conditions of detention*** |
| 81.27. Consider incorporating the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, otherwise known as the Bangkok Rules, as part of its work on the treatment of prisoners, in particular the new Prisons Act 2010 (Thailand);**Source of position:** A/HRC/23/4/Add.1 - Para. 24 | Supported | D26 Conditions of detentionA41 Constitutional and legislative frameworkF12 Discrimination against womenS05 SDG 5 - gender equality and women's empowerment**Affected persons:**- women- persons deprived of their liberty | Partially implemented. *The Prisons Act 2010*.Female prisoners are kept separate from male.Considerations are made for a child of a prisoner to live with them if born during imprisonment or very young.There has been an increase in female prison wardens with an increase in training on HR. |
| ***Theme: D29 Domestic violence*** |
| 79.38. Enact a law criminalizing domestic violence and providing specific penalties for cases of domestic violence (United States of America);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | D29 Domestic violenceF13 Violence against womenA41 Constitutional and legislative frameworkS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- women | Implemented.*The Family Protection Act 2013* is the first Act in Tonga to state that domestic violence is an offence. *The Family Protection Act 19 of 2013*: An Act to provide for greater protection from Domestic violence, to introduce protection orders, clarify the duties of the Police and promote health, safety and wellbeing of victims of domestic violence and related matters. |
| 80.3. Adopt a specific domestic violence legislation to criminalize rape in marriage (Italy);**Source of position:** A/HRC/23/4 - Para. 80 | Supported | D29 Domestic violenceF13 Violence against womenA41 Constitutional and legislative frameworkS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- women | Implemented.Marital Rape is criminalized in the *Criminal Offences Act* [Cap 18] after the repeal of s.118(2) in 1999 |
| 79.42. Strengthen its efforts to combat violence against women, and in particular work with civil society to address the societal attitudes and behaviors that underlie high rates of domestic violence (New Zealand); With the support of the international community, continue to enhance efforts to combat violence against women (Singapore);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | D29 Domestic violenceF13 Violence against womenA61 Cooperation with civil societyA3 Inter-State cooperation & development assistanceA28 Cooperation with other international mechanisms and institutionsS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- women | Partially implemented.Family Protection Act 2013.Government works with NGOs to address the issues of Domestic Violence with campaigns and workshops.Eg. * White Ribbon Day led by Tonga Police and Australian Government.
* The Ministry of Justice continues to have on-going projects with Australian Government (DFAT) (Families Free of Violence), SPC/RRRT (Guidelines for Magistrates, Community Legal Centre) and PJSI (Judicial training and strengthening relevant data collection capacities) on how to eliminate violence against women in Tonga.
 |
| 79.40. Prioritize legislation and domestic policies aimed at eliminating domestic violence and protecting women’s rights and gender equality, particularly in relation to property, family and employment (Australia);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | D29 Domestic violenceF13 Violence against womenD8 Rights related to marriage & familyE31 Right to workF12 Discrimination against womenE6 Rights to protection of property; financial creditS05 SDG 5 - gender equality and women's empowermentS08 SDG 8 - economic growth, employment, decent workS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- girls- women | Partial Implementation.Family Protection Act 2013.Evidence (Amendment) Bill in progress. |
| ***Theme: D43 Freedom of opinion and expression*** |
| 79.46. Take measures to reinforce protections for freedom of expression in practice, including guaranteeing freedom of the press and Internet freedom (Canada);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | D43 Freedom of opinion and expressionS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general- media- human rights defenders | Partially implemented.Freedom of Information Policy.Tonga Constitution Act.Communications Act.Reviewing legislation. |
| ***Theme: D6 Rights related to name, identity, nationality*** |
| 79.53. Reform the Nationality Act to include safeguards against statelessness, so that children born in Tonga ’s territory, who would otherwise be stateless, can acquire Tongan nationality (Slovakia);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | D6 Rights related to name, identity, nationalityF31 Children: definition; general principles; protectionA41 Constitutional and legislative frameworkS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- children- stateless persons | Not implemented yet.However, children of naturalised parents can become Tongan citizens. |
| ***Theme: D7 Right to participation in public affairs and right to vote*** |
| 79.22. Ensure equal public participation through the introduction of a universal legal age of majority for all Tongan (Timor - Leste);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | D7 Right to participation in public affairs and right to voteS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- general | Pending.There is no universal legal age of majority in Tonga, for instance, a Tongan male can own a piece of land at the age of 16, a person can marry at the age of 15 with parental consent, but cannot drive nor legally vote until the age of 21.Work is underway through proposed reforms to harmonise age of majority in legislation. |
| ***Theme: D8 Rights related to marriage & family*** |
| 79.37. Adopt the draft Family Protection Bill (Maldives);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | D8 Rights related to marriage & familyA41 Constitutional and legislative framework**Affected persons:**- general- women- children | Implemented.Family Protection Act 2013 came into force on 1 July 2014. |
| ***Theme: E1 Economic, social & cultural rights - general measures of implementation*** |
| 79.24. Continue to defend the fundamental values enshrined in its constitutional history and its tradition in its efforts to ensure the full enjoyment of all human rights, in particular economic, social and cultural rights (Cuba);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | E1 Economic, social & cultural rights - general measures of implementation**Affected persons:**- general | Partially implemented.Constitutional reviews are in process. |
| 79.12. Examine the possibility of ratifying CED, CAT and its Optional Protocol, CEDAW and its Optional Protocol, ICESCR, ICCPR and CRPD (Convention on the Rights of Persons with Disabilities) and its Protocol (Argentina);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | E1 Economic, social & cultural rights - general measures of implementationF41 Persons with disabilities: definition, general principlesD32 Enforced disappearancesA12 Acceptance of international normsD25 Prohibition of torture and cruel, inhuman or degrading treatmentD1 Civil & political rights - general measures of implementationF12 Discrimination against womenB51 Right to an effective remedyS05 SDG 5 - gender equality and women's empowermentS10 SDG 10 - inequalityS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- disappeared persons- women- persons deprived of their liberty- persons with disabilities | Partially implemented.Reviewing legislation.National consultations to be taken. |
| ***Theme: E25 Human rights & poverty*** |
| 79.25. Continue to promote its social and economic development and try to eliminate poverty so as to lay a solid foundation for the full enjoyment of all human rights by its population (China);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | E25 Human rights & povertyB41 Right to developmentS01 SDG 1 - povertyS10 SDG 10 - inequality**Affected persons:**- general- persons living in poverty | In process of implementation. |
| ***Theme: E26 Human Rights & drinking water and sanitation*** |
| 79.47. Provide national, regional and international support to the promotion and universal realization of the human right to potable water and sanitation, in accordance with the recommendations made by the Council in its different re solutions on this matter (Spain);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | E26 Human Rights & drinking water and sanitationA25 Follow-up to special proceduresS06 SDG 6 - water and sanitation**Affected persons:**- general | In process of implementation.The Ministry of Lands and Survey introduced the *Water Resources Bill 2016 –* in review. |
| ***Theme: E43 Access to sexual and reproductive health and services*** |
| 79.48. Facilitate the access of women to sexual and reproductive health services (France);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | E43 Access to sexual and reproductive health and servicesS03 SDG 3 - health**Affected persons:**- women | Implemented.National Integrated Sexual and Reproductive Health Strategic Plan (2014-2018) in 2014 with M & E frameworks and National Implementation Plan. This Plan was to attain high standard of health and quality of living through improved sexual and reproductive health care service for all the people in Tonga at all levels, irrespective of status, sex, age or creed. This was supported by UNFPA and SPC.The Ministry of Health hosted a workshop on Family Planning Guidelines and Sexual Reproductive Health Policy to re-design and review the Sexual Reproductive Health Policy in Tonga on 25 July 2017. This was to also address the current adolescent pregnancy rate, where 30 births per 1000 girls aged between 15-19 |
| ***Theme: E51 Right to education - General*** |
| 79.51. In cooperation with UNESCO and other relevant organizations, continue to step up efforts to improve access to quality education (Singapore);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | E51 Right to education - GeneralA28 Cooperation with other international mechanisms and institutionsS04 SDG 4 - education**Affected persons:**- children | Implemented.TSDF II National Outcome: a more inclusive, sustainable and empowering human development with gender equality.* + develop an education system that better addresses the needs of both girls and boys and ensures a better gender balance at all stages of schooling (OO 2.4d)[[1]](#endnote-2)
	+ build strong gender awareness, sensitivity to differences in needs in abilities, and other criteria into all programs.(OO 2.7f)[[2]](#endnote-3)

Education Act 2013.- rights to education |
| 79.52. Continue the policy of free and compulsory education through cooperation with and assistance from the international community (Bhutan);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | E51 Right to education - GeneralA28 Cooperation with other international mechanisms and institutionsS04 SDG 4 - education**Affected persons:**- children | Implemented.TSDF II as above.Education Act 2013. |
| 79.50. Continue pursuing its efforts in upholding respect for human rights and the well-being and development of its people through education, in line with its Education Policy Framework 2004-2019 (Malaysia);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | E51 Right to education - GeneralB41 Right to developmentS04 SDG 4 - education**Affected persons:**- children | As above. |
| ***Theme: F12 Discrimination against women*** |
| 81.11. Amend its legislation to include the principle of equality between men and women and give men and women equal rights of inheritance (Norway);**Source of position:** A/HRC/23/4/Add.1 - Para. 4 | Supported | F12 Discrimination against womenE6 Rights to protection of property; financial creditA41 Constitutional and legislative frameworkS05 SDG 5 - gender equality and women's empowerment**Affected persons:**- women | Pending.Royal Land Commission Report 2012 included recommendations for changes to legislation that support women’s land rights. However, more work is needed to initiate the recommendations. |
| 81.12. Repeal legislation that deprives women from some rights, such as the right to inheritance and land ownership (Chile);**Source of position:** A/HRC/23/4/Add.1 - Para. 4 | Supported | F12 Discrimination against womenE6 Rights to protection of property; financial creditA41 Constitutional and legislative frameworkS05 SDG 5 - gender equality and women's empowerment**Affected persons:**- women | Pending.As above. |
| 81.13. Enact legislation to prohibit discrimination on the basis of gender, including with regard to land rights (Slovenia);**Source of position:** A/HRC/23/4/Add.1 - Para. 4 | Supported | F12 Discrimination against womenE6 Rights to protection of property; financial creditA41 Constitutional and legislative frameworkS05 SDG 5 - gender equality and women's empowerment**Affected persons:**- women | Pending.As above. |
| 81.14. Develop a more gender balanced land ownership law, building on the recommendation of its Royal Land Commission regarding land allotment (Hungary);**Source of position:** A/HRC/23/4/Add.1 - Para. 4 | Supported | F12 Discrimination against womenE6 Rights to protection of property; financial creditA41 Constitutional and legislative frameworkS05 SDG 5 - gender equality and women's empowerment**Affected persons:**- women | Pending. See above. |
| 79.32. Promote equality between sexes (Burundi);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | F12 Discrimination against womenS05 SDG 5 - gender equality and women's empowerment**Affected persons:**- women | Revised Tonga National Policy on Gender and Development 2014-2018. |
| 82.4. Intensify, as a matter of priority, efforts to effectively implement the standards of protection set out in CEDAW (Mexico);**Source of position:** A/HRC/23/4 - Para. 82 | Noted | F12 Discrimination against womenS05 SDG 5 - gender equality and women's empowerment**Affected persons:**- women | Not implemented. |
| ***Theme: F13 Violence against women*** |
| 79.39. Introduce and implement a comprehensive legal framework that protects women and girls against all forms of gender-based violence (Norway);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | F13 Violence against womenA41 Constitutional and legislative frameworkS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- girls- women | Partially Implemented.Family Protection Act 2013.On-going projects with Australian Government (Freedom From Violence), SPC/RRT (Guidelines for magistrates, Community Legal Centre); PJSI (Judicial training and strengthening relevant data collection capacities.) |
| 80.2. Immediately criminalize rape within marriage (Norway);**Source of position:** A/HRC/23/4 - Para. 80 | Supported | F13 Violence against womenA41 Constitutional and legislative frameworkS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- women | Implemented.Marital Rape is criminalized in the *Criminal Offences Act* [Cap 18] after the repeal of s.118(2) in 1999 |
| 79.43. Adopt measures to fight against all forms of violence against women, in particular, criminalize domestic violence and sexual harassment (Spain);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | F13 Violence against womenD29 Domestic violenceS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- women | Family Protection Act 2013. (FPA) |
| 79.41. Take steps to prevent incidents of discrimination and violence against women (Canada);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | F13 Violence against womenF12 Discrimination against womenS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- women | As above.Family Protection Act 2013. Currently revising legislation and have taken stakeholder consultations. |
| ***Theme: F14 Participation of women in political and public life*** |
| 79.33. Prioritize gender equality initiatives within its Tonga Strategic Development Framework and intensify its efforts to increase women’s participation at all formal decision-making levels (New Zealand);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | F14 Participation of women in political and public life B41 Right to developmentD7 Right to participation in public affairs and right to voteS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- women | Implemented.TSDF II 2015-2025.National Outcome : a more inclusive, sustainable and empowering human development with gender equality.Organisational outcome:- improve gender equality by implementing the government’s gender development policy and ensuring a more balanced and effective engagement by both men and women in decision making and social, economic and political institutions.[[3]](#endnote-4)-while recognizing the high status of women in Tongan culture, ensure that improved gender balance is built into all policies, plans, laws and initiatives.[[4]](#endnote-5)  |
| 79.34. Take affirmative action to increase women’s participation in political life (Slovenia);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | F14 Participation of women in political and public life D7 Right to participation in public affairs and right to voteS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- women | In the process.National workshops and consultations have taken place. |
| 79.35. Further develop concrete measures or steps to expand the representation of women in Government and Parliament as well as to other decision-making positions, as appropriate (Thailand);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | F14 Participation of women in political and public life D7 Right to participation in public affairs and right to voteS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- women | In the process.As above. |
| 79.36. Take further measures aiming at promoting women participation in public life and particularly their representation in Parliament (Algeria);**Source of position:** A/HRC/23/4 - Para. 79 | Supported | F14 Participation of women in political and public life D7 Right to participation in public affairs and right to voteS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- women | In the process.As above – TSDF II, National Dialogue on *Supporting Parliamentary Candidates for Effective Parliamentary Participation: “Sharing Experiences and Networking”,* hosted by Ministry of Internal Affairs – Women’s Division with the UNDP held in September 2017 in Tonga. |
| 81.4. Give consideration to implement laws prohibiting sexual discrimination and affirmative action policies aimed at increasing women’s participation in Parliament (Trinidad and Tobago);**Source of position:** A/HRC/23/4/Add.1 - Para. 4 | Supported | F14 Participation of women in political and public life D7 Right to participation in public affairs and right to voteS05 SDG 5 - gender equality and women's empowermentS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- women | In the process.As above. |
| ***Theme: F31 Children: definition; general principles; protection*** |
| 81.28. Give abandoned children born in wedlock the same rights and protections afforded to children born out of wedlock (United States of America);**Source of position:** A/HRC/23/4/Add.1 - Para. 18 | Noted | F31 Children: definition; general principles; protectionS16 SDG 16 - peace, justice and strong institutions**Affected persons:**- children | Partially implemented.Children born out of wedlock remain to have different rights from those born in wedlock. Changes to this system would require cultural changes and rights. However it is important to note that children born out of wedlock can lease land, they are still entitled to a Tongan nationality and passport but they cannot inherit hereditary titles |

1. Tonga Strategic Development Framework II,(TSDF II), Ministry of Finance & National Planning, Government of Tonga p.119 [↑](#endnote-ref-2)
2. TSDF II p. 120 [↑](#endnote-ref-3)
3. TSDF II p.118 [↑](#endnote-ref-4)
4. TSDF II p.119 [↑](#endnote-ref-5)