

UPR MONITOR

International Service for Human Rights



Human Rights Monitor Series

UNIVERSAL PERIODIC REVIEW, 2ND SESSION TONGA (FINAL) REVIEWED ON 14 MAY 2008, AFTERNOON

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Overview

The review of Tonga before the Working Group of the UPR took place on 14 May 2008 with a brief introduction by the Minister of Foreign Affairs, His Excellency, Mr. Sonatane Tu'akinamolahi Taumoepeau Tupou. The issues addressed in the presentation included: Tonga's commitment to the UPR process; its relative lack of resources with which to engage more actively with international human rights mechanisms; and ongoing political and constitutional reform. Subsequently, the Permanent Representative to the United Nations, H.E. Ms. Fekitamueloa 'Utoikamanu, responded to questions submitted in writing by three countries.

During the interactive dialogue many States commended the efforts made by Tonga to improve its human rights record, and made particular reference to its rating on the human development index, and its free and universal education and health systems. Questions and recommendations put forward by States referred to a variety of issues, including the following:

- human rights training of the police forces;¹
- ratification of core international human rights treaties,² and the harmonisation of international human rights norms with domestic values;³

¹ Mexico, New Zealand, Canada

- discrimination against women,⁴ and domestic violence;⁵
- the establishment of a National Human Rights Institution in accordance with the Paris Principles;⁶
- the existence of the death penalty and the call for its abolition;⁷
- treatment of detainees by law enforcement agents, with particular reference to police actions during the 2006 riots,⁸ and access to prison facilities;⁹
- the existence of laws prohibiting sexual activity between consenting adults;¹⁰
- restrictions on freedom of expression in the media;¹¹
- measures to combat corruption;¹²
- integration of orphaned children in Tongan society;¹³
- ongoing political and constitutional reforms;¹⁴
- equitable income distribution;¹⁵
- unemployment amongst youth;¹⁶
- cooperation with special procedures;¹⁷
- rights of persons with disabilities;¹⁸
- the establishment of a permanent representation of the Pacific Island countries in Geneva;¹⁹
- technical assistance.²⁰

Tonga made three brief interventions during the interactive dialogue involving 34 speakers.

General information on Tonga

Membership of the Human Rights Council

Tonga is not a member of the Human Rights Council.

Members of the troika

Nigeria, Qatar, Mexico²¹

² Mexico, Italy, the Netherlands, Canada, Azerbaijan, Switzerland, Czech Republic, Turkey, Brazil, Maldives, Australia, and Senegal.

³ Brazil, Egypt, Algeria, and Switzerland.

⁴ Algeria, The Netherlands, Holy See, Switzerland, Czech Republic, Brazil, Philippines, Israel, Tunisia, Cuba, and Bangladesh.

⁵ Turkey, and Brazil.

⁶ Algeria, France, and Canada.

⁷ Italy.

⁸ United States of America, the Netherlands, Canada, and the United Kingdom.

⁹ The Netherlands, and Japan.

¹⁰ Canada, Czech Republic, and Bangladesh.

¹¹ Canada, France, and the Democratic Republic of Korea.

¹² Canada, Democratic Republic of Korea, Azerbaijan, and Turkey.

¹³ Holy See, and Philippines.

¹⁴ Holy See, Switzerland, Brazil, Australia, and Egypt.

¹⁵ China, and Cuba.

¹⁶ Cuba.

¹⁷ Latvia, and Maldives.

¹⁸ Slovenia.

¹⁹ Slovenia, UK, Saudi Arabia, and Algeria.

²⁰ Australia, Egypt, Bhutan, Mexico, and Malaysia.

²¹ Tonga requested that a member of its regional group be among its troika. Regional groups selected: African Group, Asian Group, GRULAC. Members selected: Nigeria, Qatar, Mexico. The combination of regional groups had to be re-drawn because the first

National consultation

Tonga held consultations with members of the Civil Society Forum of Tonga, a network of almost 49 organizations.

Information submitted to the Working Group

State report²²

Tonga's State report provided background information on the country's form of Government, Constitution, legal system, judiciary, economy, human development index, legislative and policy measures, international commitments, and various other information. It gave details on the legal framework and initiatives adopted to promote and protect human rights, which include the 1975 Constitution; the rule of law and the right to a fair trial; free health care and education; human rights education programs; human rights training for the police; and the Police Act, which provides for the independent investigation of police abuse charges. The report identified as main challenges the protection of the rights of children and women; and ensuring the integrity of criminal and civil procedures regarding the riots of 16 November 2006. It pointed out as main achievements Tonga's progress in human development; improvements in education, freedom of speech and the press; improvement of health standards; and efforts to combat HIV/AIDS. The section outlining "key national priorities" included the creation of a better governance environment, the equitable distribution of incomes, the improvement of education and health standards, and the maintenance of social cohesion and cultural identity. Furthermore, the report highlighted the Pacific Prevention of Domestic Violence Programme and the Government's commitment to raising professional standards of Tonga's police services. In the section "Commitments", Tonga pledged to undertake a constitutional review process and to fulfil its reporting obligations under international mechanisms. Finally, the Tongan Government requested technical assistance to support its Reconciliation and Civic Education Programme, to support the redrafting of the Kingdom's constitutional arrangements, and to assist in human rights education.

Official UN documents²³

The OHCHR compilation of official UN documents welcomed Tonga's ratification of two international human rights treaties,²⁴ while outlining that many remained to be ratified. Tonga's restrictive legal framework for the protection and promotion of human rights was noted with concern,²⁵ as was the non-incorporation of the Convention on the Elimination of All Forms of Racial Discrimination into domestic law,²⁶ the non-existence of a National Human Rights Institution,²⁷ and the absence of a standing invitation to special procedures of the Human Rights Council. The section entitled 'implementation of international human rights obligations' listed specific concerns, which included the denial by public authorities of the existence of racial discrimination in the country,²⁸ the State's repressive actions in response to the pro-democracy march which

combination did not include the Asian Group. For a full summary of the selection of troikas, see http://www.ishr.ch/hrm/council/councilalert/council_update_7session.pdf.

²² A/HRC/WG.6/2/TON/1, available at www.ohchr.org/EN/HRBodies/UPR/PAGES/TOSession2.aspx.

²³ A/HRC/WG6/2/TON/2, available at www.ohchr.org/EN/HRBodies/UPR/PAGES/TOSession2.aspx.

²⁴ Core universal human rights treaties to which Tonga is a party: *International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*, *International Convention on the Rights of the Child (ICRC)*.

²⁵ Special Representative of the Secretary-General on human rights defenders.

²⁶ Committee on the Elimination of Racial Discrimination.

²⁷ Special Representative of the Secretary-General on human rights defenders.

²⁸ Committee on the Elimination of Racial Discrimination.

took place in November 2006,²⁹ the Immigration Act of the Laws of Tonga,³⁰ and constraints on the right to freedom of expression.³¹ Tonga was commended for providing free health care,³² for improved provision of drinking water and sanitation,³³ low infant mortality rate,³⁴ increased life expectancy,³⁵ low rate of HIV infection,³⁶ free education,³⁷ and high literacy rate.³⁸

Other relevant stakeholders³⁹

OHCHR summarised the information submitted by three stakeholders.⁴⁰ The Legal Literacy Project of the Catholic Women's League (LLP) noted with concern that Tonga had not ratified the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *Optional Protocol to the Convention on the Rights of the Child on the sale of children*, and the *Convention on the Elimination of All Forms of Discrimination Against Women*. LLP also highlighted that the Government did not comply with its reporting obligations under international mechanisms. In the section entitled 'Implementation of international human rights obligations' the main issues raised were discrimination against women,⁴¹ ill treatment of persons arrested during the 16 November 2006 riots,⁴² corporal punishment,⁴³ violence against women,⁴⁴ criminal sanctions against sexual activities between consenting adults,⁴⁵ and the Government's approach of condemning reports of national and international NGO's regarding the human rights situation in Tonga.⁴⁶

Interactive dialogue⁴⁷

Presentation by the State

The Minister of Foreign Affairs, Mr Sonatane, opened Tonga's review session. He began by welcoming the UPR process as a means of improving the promotion and protection of human rights at the domestic level, and added that the exercise should ensure the complementarity of existing mechanisms. Mr Sonatane stated

²⁹ Special Representative of the Secretary-General on human rights defenders, the Special Rapporteur on the question of torture, and the Working Group on Arbitrary Detention.

³⁰ Committee on the Elimination of Racial Discrimination.

³¹ Special Representative of the Secretary-General on human rights defenders.

³² UNFPA Office for the Pacific.

³³ United Nations Development Program (UNDP).

³⁴ UNFPA Office for the Pacific.

³⁵ The WHO Regional Office for Western Pacific.

³⁶ The WHO Regional Office for Western Pacific.

³⁷ UNDP.

³⁸ UNDP.

³⁹ A/HRC/WG.6/2/TON/3, available at www.ohchr.org/EN/HRBodies/UPR/PAGES/TOSession2.aspx.

⁴⁰ Legal Literacy Project of the Catholic Women's League (LLP), Global Initiative to End All Corporal Punishment of Children (GIEACPC), International Lesbian and Gay Association (ILGA).

⁴¹ LLP.

⁴² LLP.

⁴³ GIEACPC.

⁴⁴ LLP.

⁴⁵ ILGA.

⁴⁶ LLP.

⁴⁷ Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at www.ohchr.org/english/bodies/hrcouncil/form.htm to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at www.un.org/webcast/unhrc/index.asp.

that the Government had faced time and capacity constraints in preparing its report, but assured the Working Group that there had been broad consultations with civil society, resulting in a consensual report. He welcomed the generous assistance that Tonga had received from New Zealand in preparing its national report. Mr Sonatane underlined that Tonga was the first member of the Pacific Islands Forum to take part in the UPR exercise, and that this body's regional Pacific Plan aimed to strengthen the promotion and protection of human rights, including through the ratification of core international human rights instruments. He explained that delays in presenting periodic reports to the Committee on the Elimination of Racial Discrimination (CERD) and to the Committee on the Rights of the Child (CRC) were due to financial, technical and capacity constraints. Finally, Mr Sonatane highlighted that Tonga was in the process of political and constitutional reform.

The Permanent Representative to the United Nations, Ms Fekitamoeloa, responded to questions submitted in writing by Latvia, the Netherlands and the United Kingdom. In response to Latvia's question on issuing a standing invitation to the special procedures of the Human Rights Council, she answered that the political and constitutional reform process was an opportunity to consider doing so. On the issue of responding to the Special Representative of the Secretary General on human rights defenders concerning the treatment of citizens by the security forces during the November 2006 riots, Ms Fekitamoeloa explained that such interaction was not considered appropriate.

The Netherlands had inquired about whether there was a timeframe for amending discriminatory laws against women regarding land ownership, child support rights and inheritance laws. Ms Fekitamoeloa stated that there was no precise timeframe and added that any amendments would involve making a balanced consideration of all the interests involved. She further explained that there were no provisions preventing women from acquiring or exploiting leasehold land, and that widows and elder daughters may own interest in family land. On child support, she clarified that there was legislation covering this issue. Furthermore, the cultural notion of extended family provided protection to children in need.

In response to the Netherlands' question on access by non governmental organisations to prison facilities, the delegation stated that this would be unnecessary given that the constitution and the criminal justice system already enabled access to prisons of legal counsel and family, and ensured that detainees were brought before the courts within a reasonable time. Regarding the Netherlands' question on delays in submitting periodic reports to the treaty bodies and in ratifying international human rights instruments, Ms Fekitamoeloa answered that this was due to technical, capacity and financial constraints, as well as other domestic priorities. In addition she noted that at the regional level, the Government of New Zealand, in collaboration with the Office of the High Commissioner for Human Rights (OHCHR), were studying the interrelationship between local customs and universal human rights standards, with a view to overcoming barriers to the ratification of international conventions. Also in response to a question from the Netherlands regarding a timeframe for constitutional and political reform, the delegation advised that the reform should be completed in 2010, but that the process required careful consideration to enable stakeholders to reasonably absorb the implications of the process. In this regard, a reconciliation and civic education program was in place to explain the reform process at the community level.

Next, the delegation responded to a series of questions from the United Kingdom (UK). On the question on the participation of civil society in preparing the national report, the delegation stated that the process resulted in broad consensus. Regarding the establishment of a National Human Rights Institution (NHRI) in accordance with the Paris Principles, Ms Fekitamoeloa said that it was impracticable at the current time due to capacity constraints, but noted that at the regional level (under the governance pillar of the Pacific Plan), efforts were underway to develop practical suggestions for the establishment of NHRI's in the Pacific countries. On the ratification of the *International Convention on the Elimination of all Forms of Discrimination Against Women*, the delegation advised that this was under consideration by the Government. In response to the UK question on whether Tonga would respond to the appeal of the Special Representative of the Secretary-General on the situation of human rights defenders in respect to events surrounding the 2006 riots,

the delegation noted that the matter was already before the courts. Finally, on measures adopted to protect freedom of the media, the delegation said that, in addition to constitutional and legislative safeguards, the Government had been working with the media to establish an independent media council. It added that, with the assistance of the Australian Government, a professional media and journalism course had been established to provide quality accredited training.

Table on the interactive dialogue

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
Mexico	<p>Notes constructive engagement in the UPR process.</p> <p>Notes presence of the Prime Minister before the Human Rights Council the previous week.</p> <p>Notes progress in human development, health, education in a gender perspective.</p> <p>Notes Tonga's commitment to human rights principles, which were enshrined in its constitution.</p> <p>Welcomes ongoing political reforms.</p>	<p>Notes that Tonga is not a party to important human rights instruments.</p> <p>Aware of financial and capacity constraints.</p>	<p>Requests further information on the integration of human rights education in the education system.</p> <p>Is human rights training for public officials in defence services and in the judiciary in accordance with international standards?</p>	<p>Seek assistance to develop capacity.</p> <p>Step up efforts in the area of human rights education, training of public officials, and participation of civil society, through regional and international cooperation.</p> <p>Ratify core international human rights treaties.</p> <p>Engage more effectively with international human rights mechanisms.</p>		<p><i>Integration of human rights in the education system:</i> human rights were incorporated in the social studies syllabus; primary school curricula were currently under review with the support of New Zealand and the World Bank; public awareness programs were underway. NGOs supported by the Government have been providing training programs on the legal rights of women.</p>
Algeria	Notes achievements in education, health and employment.	There is some gender inequality in terms of land holding inheritance law and in		Urges the establishment of a permanent representation in	Notes the broad consultative process in preparing the report.	<i>Establishment of a regional or national human rights institution:</i> This is

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	Notes that women enjoy equal access to education and health.	electoral politics. There is a lack of gender balance in Government departments.		<p>Geneva of the Pacific Island group of countries.</p> <p>Continue to uphold core constitutional and traditional values to ensure compliance with international principles of human rights.</p> <p>As recommended by the Committee on the Elimination of Racial Discrimination, enact laws to combat discrimination against women in the labour market.</p> <p>Continue to improve educational goals and the proportion of women in leading positions.</p> <p>Establish a National Human Rights Institution, or at least</p>		<p>being dealt with under the Pacific Plan under its governance pillar. Work is underway jointly with the Commonwealth Secretariat and the Pacific Islands Forum Secretariat regarding the practicalities of setting up such institutions.</p> <p><i>Establishment of a permanent representation in Geneva of the Pacific Island group of countries: see United Kingdom below.</i></p>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
				a Pacific Islands regional institution.		
New Zealand	<p>Commends Tonga's cooperation with the UPR exercise.</p> <p>Notes the reforms that are underway.</p> <p>Notes the establishment of a media council.</p> <p>Notes efforts to protect economic, social and cultural rights.</p>		<p>Is the adoption of a media code of conduct being considered?</p> <p>Have police forces and defence services been receiving training in human rights?</p>	<p>More needs to be done to promote and protect civil and political rights in law and in practice.</p> <p>Further information requested on Tonga's needs regarding Treaty Body reporting assistance.</p> <p>Ratify the Convention on the Elimination of Discrimination Against Women.</p>		<p><i>Human rights training for police forces and defence services:</i> this has been provided by the Commonwealth Secretariat with the cooperation of New Zealand and Australia.</p> <p><i>Media code of conduct:</i> Tonga will seek technical and financial assistance to develop a media code of conduct in partnership with the media council.</p>
Italy	Notes that Tonga's Strategic Development Plan encompasses human rights issues.	Notes that Tonga is not a party to ICCPR ⁴⁸ or to the ICESCR. ⁴⁹	What are the reasons for not having ratified ICCPR or ICESCR?	Consider ratifying the two international covenants and the Rome Statute of the International		<i>Death penalty:</i> this remains an element of the criminal law but was last imposed in 1982.

⁴⁸ International Covenant on Civil and Political Rights.

⁴⁹ International Covenant on Economic, Social and Cultural Rights.

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	Commends Tonga on its moratorium on the use of the death penalty.			Criminal Court. Encourages the complete abolition of the death penalty.		<i>Ratifying the covenants:</i> Tonga is in the process of ratifying the ICCPR and will consider the adoption of its second optional protocol.
United States of America			What is the status of the security forces accused of abusing detainees following the 2006 riots? Have these forces been held accountable?	Carry out credible investigations into the 2006 riots, and prosecute any human rights offenders.		
The Netherlands	Commends Tonga on its human rights record, during a transitional phase.	Notes that Tonga is not party to most of the core international human rights instruments.	Further information requested on measures to ensure gender equality regarding child support and inheritance.	Take measures to ensure accession to core international human rights instruments. Decriminalise sexual activity between consenting same-sex adults. Extend access to		<i>Decriminalising sexual activity between consenting same-sex adults:</i> see Czech Republic below.

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
				prisons by NGOs.		
Bhutan	<p>Notes Tonga's sincerity and engagement in the UPR exercise.</p> <p>Notes its commitment to ensure the full range of rights to its people.</p> <p>Notes that core values are contained in the Constitution and customs.</p> <p>Appreciates ongoing consideration of ratification of core international treaties.</p>		<p>What challenges has the Government encountered in meeting its reporting obligations under international mechanisms? How has the OHCHR⁵⁰ assisted?</p>			<p><i>OHCHR interaction:</i> the UPR was Tonga's first engagement with OHCHR.</p>
China	<p>Welcomes efforts to improve living standards.</p> <p>Notes positive results in health and</p>		<p>What steps have been taken to distribute the results of development and ensure the collective enrichment of the</p>			<p>The Government has engaged in national development planning for over 3 years and is currently in its 8th strategic</p>

⁵⁰ Office of the High Commissioner for Human Rights

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	<p>education, and the high life expectancy.</p> <p>Notes achievement of several Millennium Development Goals.</p> <p>Notes increased human rights training, including of the police forces.</p>		<p>Tongan population?</p> <p>What steps are being taken to protect Tonga's cultural rights and identity?</p>			<p>planning period. It has implemented pro-poor policies in line with national, regional and international commitments. The Government has also engaged in regional development programs.</p>
Canada	<p>Notes that the constitution enshrines human rights and freedoms.</p> <p>Notes commitment to achieve the Millennium Development Goals.</p> <p>Notes Tonga's dedication to high quality and universal education.</p> <p>Notes with satisfaction plans to pursue a National</p>	<p>Concerned that a 2003 act allows Government to ban news media considered to violate cultural traditions and private life.</p> <p>Notes harsh treatment of detainees by law enforcement agents.</p> <p>Transparency International, in its 2007 Corruption Perception Index, ranked Tonga among</p>	<p>What measures have been adopted to implement the recommendations of the Special Rapporteur against Torture, of the Working Group on Arbitrary Detention, and of the Special Representative of the Secretary-General on human rights defenders regarding the harsh treatment of detainees by law enforcement agents?</p>	<p>Ensure that diverse opinions can be publicised without risk of punishment.</p> <p>Amend legislation limiting freedom of expression in the media.</p> <p>Decriminalise sexual activity by consenting adults.</p> <p>Consider ratifying the Convention Against Torture.</p>		<p><i>Anti-corruption:</i> 2007 legislation set up the Anti Corruption Commission with a wide mandate to investigate and prosecute corruption.</p> <p>A leadership code aimed at establishing standards of conduct is being developed by the Anti-Corruption Commission.</p> <p>Regarding the 2003</p>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	Human Rights Institution under the Pacific Plan.	the 10 most corrupt States.		<p>Implement recommendations by special procedures so that there are institutional safeguards against harsh treatment by police and security forces.</p> <p>Promote human rights education for police forces and penal staff.</p> <p>Take steps to eliminate graft in the public sector.</p> <p>Pursue efforts to create a national human rights institution under the Pacific Plan.</p>		<p>Act on freedom of expression, the court had made a decision and the Government is bound by it.</p> <p><i>Decriminalising same-sex sexual activity between consenting adults: see Czech Republic below.</i></p> <p><i>Human rights education for police forces: see New Zealand above.</i></p> <p><i>National human rights institution: see Algeria above.</i></p>
France			What measures were taken to promote the rights of human rights defenders, the right to a fair trial, and the freedom of	Strengthen the protection of the right to freedom of expression and of the press.		<i>National human rights institution: see Algeria above.</i>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
			<p>expression and of the press?</p> <p>What is the timetable to establish a National Human Rights Institution?</p>	<p>Consider establishing a National Human Rights Institution in accordance with the Paris Principles.</p>		
Holy see	<p>Traditional society is imbued with the same values expressed in the Universal Declaration of Human Rights.</p> <p>Notes Tonga's strong extended family structure.</p> <p>Notes impressive education system.</p> <p>Commends Tonga on its reform process.</p>	<p>Concerned about 'disparented' children and so called 'deportees' have difficulties to reintegrate in Tongan society.</p> <p>Notes that domestic violence remains an issue.</p> <p>Notes that inheritance laws discriminate against women.</p>	<p>What efforts are made to reintegrate deportees back into Tongan society?</p> <p>What measures are being taken to address the issue of inheritance laws that discriminate against women?</p> <p>What steps does Tonga plan to take to sign the core international human rights instruments?</p>	<p>Encourages further democratisation efforts.</p>	<p>Diligently prepared national report.</p>	<p><i>Integration of deportees:</i> this problem arises when young people brought up abroad are deported to Tonga because they commit offences. The family usually stays in the foreign country and the deportee has difficulties adapting to Tongan society. The Government is working closely with NGOs and faith-based institutions to set up programs to assist the integration of these 'deportees'.</p> <p><i>Inheritance laws:</i> see</p>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
						<i>presentation by the State above.</i>
Cuba	<p>Commends Tonga on its comprehensive development strategy.</p> <p>Notes achievements in the human development index, the fight against poverty, education, advancement of legal and social status of women, and the health system.</p>		<p>What measures were undertaken to combat increasing unemployment amongst youth?</p> <p>What measures were adopted to narrow income gaps between rich and poor?</p>			<p><i>Combating unemployment:</i> there is a very strong youth movement involved in training programs; rural development programs provide support to ‘start-up’ small businesses; New Zealand has a labour mobility program which employs seasonal workers from Tonga; Australia is also looking at a similar arrangement.</p>
Azerbaijan	Commends Tonga on the establishment of an Anti-Corruption Commission.	<p>Notes that Tonga has not ratified ICCPR, ICESCR or other core international instruments.</p> <p>Notes Tonga did not recognise the competence of the Committee against Racial</p>	<p>Does the Government plan to accede to the core international human rights treaties?</p> <p>What are the main obstacles to ratify the Convention Against all Forms of Racial Discrimination for</p>		Notes the broad national consultations.	<p><i>Ratification of ICCPR:</i> see Italy above.</p>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
		Discrimination to receive individual complaints.	the purpose of preventive measures?			
Switzerland	<p>Notes constitutional and political reforms, and welcomes recent election.</p> <p>Notes Tonga's interest in making its national legislation compatible with international human rights standards.</p> <p>Welcomes Tonga's determination to ensure full trials relating to the 2006 riots.</p>	Notes that Tonga has only ratified two core human rights treaties.	<p>More information requested on human rights education programs.</p> <p>How does Tonga intend to eliminate discriminatory provisions against women in the law on inheritance?</p>	<p>Continue with determination the reform process.</p> <p>Consider ratifying ICESCR, ICCPR, ICEDAW⁵¹ and ICAT.⁵²</p> <p>Repeal discriminatory inheritance law.</p> <p>(If Tonga is unable to ratify core treaties because of difficulties in meeting reporting obligations to treaty bodies, Switzerland would consider extending technical support in drafting such reports.)</p>	Notes the broad consultative process with NGOs in preparing for the UPR.	<p><i>Human rights education:</i> see Mexico above.</p> <p><i>Inheritance laws:</i> see presentation by the State above.</p> <p><i>Ratification of ICCPR:</i> see Italy above.</p> <p>Acknowledges with thanks Switzerland's offer to assist with technical support in drafting treaty body reports.</p>

⁵¹ International Convention on the Elimination of All forms of Discrimination Against Women.

⁵² International Convention against Torture, and other Cruel, Inhuman and Degrading Treatment or Punishment.

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
Czech Republic			What measures were adopted to fight gender discrimination in the field of inheritance, land ownership, and child support?	<p>Amend legislation discriminating against women in inheritance, land and child support.</p> <p>Decriminalise consensual same-sex activity between adults.</p> <p>Accede to the core international human rights treaties, and submit reports regularly.</p>		<p><i>Sexual activities between consenting adults:</i> Tonga is an inclusive society with tolerant Christian values.</p> <p><i>Inheritance laws:</i> see presentation by the State above.</p> <p><i>Ratification of ICCPR:</i> see Italy above.</p>
Turkey	<p>Welcomes the establishment of a Pacific Complaints Commissioner as well as the Anti-Corruption Commission</p> <p>Notes that Tonga has the highest human development index in the region after Australia and New Zealand.</p>			<p>Combat domestic violence.</p> <p>Accede to core international human rights treaties.</p>		<p><i>Ratification of ICCPR:</i> see Italy above.</p>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	Notes the remarkable educational system.					
Latvia	Welcomes the prohibition of corporal punishment in schools.	Notes that corporal punishment is lawful in the penal system.	<p>What measures is Tonga taking to decrease the rate of children dropping out of schools?</p> <p>Is the Government endeavouring to prohibit corporal punishment in its penal system?</p>	Improve cooperation with special procedures by issuing a standing invitation to them.		<p><i>Corporal punishment:</i> was abolished in schools. Violence against children is not tolerated.</p> <p><i>Standing invitation to special procedures:</i> see <i>presentation by the State</i> above.</p>
Brazil	Notes Tonga's political reforms.	Notes Tonga is not party to most core international human rights instruments.	<p>More information requested on concrete policies and legislation combating discrimination against women.</p> <p>What measures were undertaken to prevent domestic violence?</p> <p>What are the main obstacles to accede to the core international human rights instruments?</p>	Take steps to accede to major international human rights instruments.		<i>Ratification of ICCPR:</i> see Italy above.

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
			What measures were adopted to integrate international norms into domestic legislation?			
Maldives			What are Tonga's views on acceding to the ICCPR and to the ICESCR? Has Tonga considered seeking assistance from special procedures in reviewing its human rights responsibilities, as part of the ongoing democratic reform program?	Recommendations made by treaty bodies could encourage stakeholders, including OHCHR, to engage with Tonga and offer financial and technical assistance.	Excellent report. Engagement of international organisations and donor States is vital to help Tonga undertake the reforms identified in the report.	<i>Ratification of ICCPR: see Italy above.</i>
Malaysia	Notes notable achievements in the economic and social spheres.			International community should respond favourably to requests for capacity building and technical assistance	Broad national consultations in preparing the State report.	
Slovenia	Notes achievements in the education of children with special		Does Tonga envisage introducing mandated provisions	Accede to further international human rights instruments.	Broad consultations in preparing the State report.	<i>Disabilities: Recently Tonga signed the Convention on the</i>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	needs.		<p>for services for people with disabilities?</p> <p>What steps did the Government adopt to ensure that the gender perspective was fully integrated during consultations leading up to the UPR?</p>	<p>Increase attention to people with disabilities.</p> <p>Systematically integrate the gender perspective in Tonga's follow up to the UPR.</p> <p>Slovenia would welcome a permanent representative of the Pacific Island States in Geneva.</p>		<p>Rights of Persons with Disabilities. Putting its domestic legislation in line with the Convention's provisions will provide a good opportunity to improve policies on this matter.</p> <p><i>Gender perspective in the UPR process: the 47 NGO representatives consulted ahead of the UPR were female.</i></p> <p><i>Establishment of a permanent representation in Geneva of the Pacific Island group of countries: see United Kingdom below.</i></p>
Morocco	Notes high school enrolment rates, and women's occupation			Continue to promote and protect human rights with the full		

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	<p>of senior positions.</p> <p>Notes with interest Tonga's initiative to accede to the CEDAW and to provide human rights education and training.</p> <p>Commends Tonga on its commitment to multilateralism through its participation in UN peacekeeping missions and its presidency of the Pacific Forum.</p>			<p>support of the international community, as requested in the State report.</p>		
Australia	<p>Commends Tonga's constructive engagement with the UPR.</p> <p>Welcomes commitment to constitutional and political reform.</p> <p>Notes progress in</p>			<p>Accede to ICCPR, ICESCR, the Optional Protocol to the Convention on the Rights of Children, and the Convention on the Elimination of all forms of Discrimination Against Women.</p>	<p>Comprehensive report.</p>	<p><i>Ratification of ICCPR: see Italy above.</i></p>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	<p>achieving Millennium Development Goals, raising standards of the police forces, and preventing violence against women.</p> <p>Welcomes interest in regional human rights mechanisms.</p>			<p>There is a need for technical assistance to support the constructive engagement of Pacific Island countries in the UPR process.</p>		
Philippines	<p>Notes achievements regarding economic, social and cultural rights.</p> <p>Commends its high performance in the development index, free education, and free health care.</p> <p>Notes the high social standing of women.</p>		<p>What steps are being undertaken regarding disparented children?</p>	<p>Review the inheritance law.</p> <p>Share UPR experience with other Pacific Island Countries.</p>		<p><i>Disparented children:</i> Extended family social networks are able to provide support for children that do not have parents.</p> <p><i>Inheritance laws:</i> see presentation by the State above.</p>
Democratic Republic of Korea	<p>Notes the high human development index.</p> <p>Notes democratic developments.</p>			<p>Develop practical steps to enhance freedom of speech and press.</p> <p>Adopt anti corruption</p>		<p><i>Corruption:</i> see Canada above.</p>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	Notes constitutional and political reforms.			measures.		
Israel	Commends Tonga's awareness of the need for gender equality.	Discrimination continues against women in the inheritance law, especially with regards to land ownership.		Accede to CEDAW. Make further amendments to the inheritance law to ensure gender equality.		<i>Inheritance laws: see presentation by the State above.</i>
Egypt	Impressive achievements in human development. Notes commitment to democratic reform. Notes free health and education up to the age of 14. Notes Tonga's rich traditional values.		Are there barriers to reconciling international human rights with national particularities?	Renew request for assistance from OHCHR and through the UPR Trust Fund. Ratify ICCPR and other human rights treaties. Notes that no country is required to observe controversial and divisive concepts that fall outside universally agreed human rights norms, as this would contradict the basis of the UPR.	Excellent national report.	<i>Ratification of ICCPR: see Italy above.</i>
Syria	Notes free health		Elaboration			<i>Right to food,</i>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	care and education. Notes the high human development index.		requested on governmental plans on the right to food, health, and gender equality.			<i>education and health: Tonga has a Strategic Development Plan, containing specific objectives, programs and strategies; and will undertake a sector-wide analysis in the three areas over a three-year period.</i>
Japan	Notes democratisation process. Notes commitment to health and education.		What is the status of the appeal by three special procedures which recommended the establishment of a multi-agency taskforce to review prison facilities?	Adjust domestic law so as to enable ratification of CEDAW. Submit Tonga's initial report to the Committee on the Rights of the Child (CRC).	Comprehensive report.	<i>Submission of an initial report to the CRC: the draft report is completed after years of work with relevant stakeholders and communities. The report has been officially launched and is now under final consideration by authorities.</i>
Senegal	Commitment to the protection and promotion of human rights.			Continue efforts to accede to the main international human rights instruments. International	Clear and open-minded report.	<i>Ratification of ICCPR: see Italy above.</i>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
				community to study capacity-building needs of Tonga.		
Tunisia	Notes social and economic progress. Notes the high rating on the human development index, in particular the significant achievements in life expectancy and the literacy rate.		What has been done to combat discriminatory legislation against women? Does the Government plan to ratify CEDAW?	Urges the Government to advance the legal position of women. Supports Tonga's request for capacity building and technical assistance.		<i>Inheritance laws: see presentation by the State above.</i>
United Kingdom		Notes that Tonga has not yet responded to the urgent appeal sent by the Special Representative of the Secretary-General on the situation of human rights defenders in respect to the events of November 2006.	How does Tonga plan to address rules that discriminate against women? Taking into account the harsh police action during the 2006 riots, what steps have been taken to restore faith in the police amongst citizens?	Supports the establishment of a Pacific Island Countries permanent representation in Geneva. Take urgent steps to advance the legal position of women. Ratify CEDAW. Respond to the Special Representative of the	Impressed by broad civil society consultations.	<i>Restoring faith in the police: New Zealand and Australian police provided support to restore law and order during the riots, and continue to assist in drawing up a comprehensive program so as to improve the provision of services. Furthermore, there is a regional policing program under the governance pillar of</i>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
				<p>Secretary-General on the situation of human rights defenders in respect to the events of November 2006.</p> <p>Meet reporting obligations under CRC and CERD.</p> <p>Cooperate with civil society in implementing the outcomes of the UPR.</p>		<p>the Pacific Plan.</p> <p><i>Establishment of a permanent representation of the Pacific Island Countries in Geneva: the Government will discuss the matter with other Pacific Islands leaders in due course.</i></p>
Bangladesh	Notes achievements in health, employment and education, as well as access to safe drinking water.			<p>Adopt measures to improve women's right to land.</p> <p>Continue criminalising homosexual relations between consenting adults, if this is in accordance with the country's values.</p> <p>Continue to request technical assistance and financial support to improve education, redraft the</p>		<p><i>Inheritance laws: see presentation by the State above.</i></p> <p><i>Decriminalising sexual activity between consenting same-sex adults: see Czech Republic above.</i></p>

Country	Positive comments	Critical comments	Questions	Recommendations (incl questions as recommendations)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
				constitution, and promote human rights.		
Saudi Arabia	Notes efforts to promote and protect the rights of the child. Notes the provision of free education and health care.			Hopes for the establishment of a permanent representation of the Pacific Island countries in Geneva.		<i>Establishment of a permanent representation of the Pacific Island Countries in Geneva:</i> see United Kingdom above.

Adoption of the report [19 May 2008/ 3:30 pm]

On behalf of the troika, Mexico introduced the draft report of the Working Group on the UPR. It noted that 34 delegations had participated and put forward comments and recommendations. It further highlighted the constructive spirit that was evident during the exercise, and the cooperation of the delegation in preparing the report. Mexico noted with satisfaction Tonga's commitment to the UPR process despite its resource limitations, as well as its openness to discuss the issues brought before it. Finally, it stated that Tonga had already accepted most of the recommendations, and reminded the Working Group of the various references made to international cooperation.

The Minister of Foreign Affairs, Mr Sonatane, expressed gratitude to the members of the troika, and to the members of the secretariat. He noted the spirit of cooperation that had prevailed in the Working Group during the interactive dialogue. He highlighted that there were no miracle measures to overcome challenges, but stressed that Tonga continued to be committed to strengthening its efforts to achieve practical results on the ground. Regarding the criminalisation of some forms of sexual relations between consenting adults, he stressed that Tonga was a Christian society that believed in tolerance and encouraged debate on equality. On the matter of the death penalty, he stated that it had last been imposed 26 years ago and that the ongoing political and constitutional reforms offered an opportunity to discuss the matter. Finally, he thanked all States that had contributed to the review and stated that the UPR was an innovative approach enabling the achievement of political aspirations in a peaceful manner.

The report of Tonga was adopted by consensus.

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