

# [New democracy in Tonga faces old human rights challenges](#)

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Since the first State-conducted review of its human rights record under the Universal Periodic Review (UPR), Tonga has made the transition to a democratically-structured government. Tonga held its first-ever national election under the new political system in November 2010. The legislative assembly's new representatives elected Tonga's first prime minister. In January 2011, the first elected cabinet took office.

## **A new political system**

Tonga's second review took place on 21 January 2013, with interest centering around whether the transition to democracy was reflected in an improved adherence to international human rights standards. The head of delegation Lord Vaea, Minister for Internal Affairs, summarised the transition by saying that Tonga functioned under a revamped political system that provided the fundamental features of a free society. He admitted that the new constitutional system was not perfect, but that it was still a significant achievement.

There was praise for Tonga's move progress towards democracy from many States (including Indonesia, Japan, Maldives, Morocco, New Zealand, Turkey, the United Kingdom, and the United States).

## **Unfulfilled recommendations**

Nevertheless, many recommendations made during Tonga's first review remain unimplemented. A huge barrier towards Tonga fulfilling international human rights standards is that it has still not ratified core human rights conventions, specifically the *International Covenant on Civil and Political Rights* (ICCPR), the *International Covenant on Economic, Social, and Cultural Rights* (ICESCR), the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), and the *Convention against Torture* (CAT). Tonga cited lack of financial resources and a culturally conservative society as the main reasons for failure to ratify. It did however commit to implementing these recommendations.

## **Other recommendations**

Other recommendations made included:

- Make more efforts towards gender equality and improving women's rights in general, particularly in relation to land inheritance
- Establish a national human rights institution (NHRI)
- Abolish the death penalty
- Criminalise rape within marriage
- Decriminalise consensual sex between same-sex couples

In total Tonga received 88 recommendations. It immediately accepted 56 of those recommendations, including 3 that it considered 'already implemented' or 'in the process of implementation'. Two of these related to the criminalisation of rape within marriage. While Tonga accepted recommendations to ratify CEDAW, it rejected a total of four recommendations, calling for a 'swift' ratification 'without reservations'. Tonga will provide its position on the remaining 28 recommendations before the 23rd session of the Human Rights Council.

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