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Tonga

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee on the Rights of the Child recommended that Tonga ratify the Optional Protocols on: the involvement of children in armed conflict; the sale of children, child prostitution and child pornography; and a communications procedure.²

3. The same Committee also recommended that Tonga consider ratifying the Convention on the Rights of Persons with Disabilities,³ the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of all Persons from Enforced Disappearance.⁴

4. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Tonga accede to the Convention relating to the Status of Refugees and the Protocol thereto.⁵

5. The Committee on the Rights of the Child and UNHCR recommended that Tonga consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.⁶

6. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Tonga ratify the Convention against Discrimination in Education.⁷

7. The United Nations country team noted that, although Tonga had issued a standing invitation to special procedure mandate holders in 2013, there had been no visits to date. It recommended that Tonga invite special procedure mandate holders to the country.⁸



III. National human rights framework

1. Constitutional and legislative framework

8. The United Nations country team recommended that Tonga continue the reform and amendment of the Constitution, to widen the country's democratic space and respect for human rights.⁹

9. The Committee on the Rights of the Child welcomed the progress achieved by Tonga in various areas, including the adoption of the Family Protection Act of 2013, the Education Act of 2013, the domestic violence response policy and the Tonga national youth strategy, 2014–2019.¹⁰

10. The same Committee expressed concern that the best interests of the child were not independently assessed and were subsumed into the best interests of the family and the community. Accordingly, recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, it recommended that Tonga strengthen its efforts to ensure that the right was appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings, as well as in decisions made by officials, especially members of the judiciary, the police, health and education professionals, the family and the community.¹¹

11. The same Committee expressed concern that some domestic laws, such as the Criminal Offences Act, were not consistent with the Convention on the Rights of the Child. In that connection, it recommended that Tonga: (a) strengthen its efforts by establishing clear timelines to bring the existing legislation, such as the Criminal Offences Act, into conformity with the Convention; (b) develop and adopt a comprehensive child rights law with a budgeted implementation plan; and take all measures necessary to ensure that the human, technical and financial resources for the implementation the legislation envisaged in subparagraphs (a) and (b) were adequate and sufficient.¹²

2. Institutional infrastructure and policy measures

12. The United Nations country team recommended that Tonga establish an independent national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as a matter of priority.¹³

13. The Committee on the Rights of the Child recommended that Tonga establish a standing government structure to coordinate and prepare reports to and engage with international and regional human rights mechanisms and to coordinate and track national follow-up to and implementation of treaty obligations and the recommendations and decisions emanating from the mechanisms. It also emphasized that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with civil society.¹⁴

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

14. The Committee on the Rights of the Child was concerned about: (a) Section 118 of the Criminal Offences Act, which recognized only women and girls as potential victims of rape and related offences, and that the protection afforded under the section did not extend to boys; (b) discriminatory provisions excluding girls from landownership and inheritance rights; (c) discrimination against children born to unmarried parents, who were referred to by the stigmatizing adjective “illegitimate” and who could not inherit land or title; and (d) discrimination against children with disabilities.¹⁵

2. Right to life, liberty and security of person, and freedom from torture

15. The Committee on the Rights of the Child expressed serious concern that the Criminal Offences (Amendment) Act set the minimum age for the death penalty at 15 years.¹⁶ In that regard, it strongly urged Tonga to amend the Criminal Offences (Amendment) Act to explicitly prohibit the sentencing of children who committed crimes while under 18 years of age with the death penalty.¹⁷ The United Nations country team recommended that Tonga take legislative measures to fully abolish the death penalty.¹⁸

3. Administration of justice, including impunity, and the rule of law

16. The United Nations country team recommended that Tonga take constitutional and legislative measures to ensure that judicial appointments and dismissals processes respected the independence of the judiciary. It also recommended that Tonga establish procedures and mechanisms to guarantee access to free legal aid for those defendants in criminal proceedings who could not afford it.¹⁹

4. Fundamental freedoms

17. The United Nations country team took note of reports of August 2019 that Tongan police were considering laying treason charges against people insulting the royal family on Facebook. The Government was discussing blocking the platform, because of escalating tensions between pro-democracy groups and supporters of the monarchy.²⁰

18. The United Nations country team recommended that Tonga take effective measures to respect and protect, in law and in practice, the rights to freedom of opinion and expression, association and assembly, both in person and online.²¹ UNESCO recommended that Tonga decriminalize defamation and place it within a civil code that was in accordance with international standards, strengthen the independence of broadcast licensing in line with international standards, revise the Electronic Communication Abuse Offences Act of 2020 and the Communications Act of 2015, aligning them with international human rights standards and clarifying the ambiguities mentioned in the laws, introduce an access to information law in accordance with international standards, and in particular establish an independent oversight institution with the capacity to implement the access to information law.²² In addition, UNESCO invited Tonga to expand the scope of application of freedom of expression to include scientists and scientific researchers.²³

5. Right to privacy

19. UNHCR noted that it was aware of at least one case in which the personal information of a refugee, including the person's name, country of origin and protection claims, had been published by the Government of Tonga in a legal judgment. The Government also communicated bilaterally with the refugee's country of origin to conduct a criminal record check. In that regard, it recommended that Tonga develop privacy and personal data laws and policies which would have the effect of ensuring that the identity and protection claims of asylum-seekers and refugees were not revealed publicly or to their country of origin and undertake capacity-building efforts, including training to ensure that judicial officers, immigration and government officials refrained from disclosing the confidential information of asylum-seekers and refugees.²⁴

6. Right to marriage and family life

20. The Committee on the Rights of the Child expressed serious concern that several laws were not in line with the Convention's definition of a child, such as the Births, Deaths and Marriages Registration Act, which set the minimum age for marriage at 15 years.²⁵

7. Prohibition of all forms of slavery, including trafficking in persons

21. The Committee on the Rights of the Child was concerned that: (a) the legislation did not explicitly criminalize the sale and abduction of all children; (b) there was a lack of formal procedures to identify child victims of trafficking and no trafficking prosecutions had been initiated or perpetrators brought to justice; and (c) the guidance and measures in place for the protection, rehabilitation and support of child victims of trafficking were insufficient.²⁶

22. The same Committee recommended that Tonga: (a) criminalize the sale, trafficking and abduction of children and apply appropriate sanctions commensurate with the gravity of such crimes; (b) develop and implement procedures for the proactive identification of child victims of trafficking, sale and abduction and increase efforts to prosecute trafficking crimes, including child sex trafficking; (c) increase resources and strengthen efforts to ensure that child victims of trafficking, sale and abduction had access to protective and support services, physical and psychological recovery and social reintegration; and (d) increase awareness of trafficking, sale and abduction and the active involvement of communities and parents in preventive strategies.²⁷

23. The United Nations country team recommended that Tonga establish formal procedures to proactively identify victims of trafficking, alongside providing protection, recovery assistance and specialized services, establish a comprehensive and coordinated national anti-trafficking approach to ensure strict compliance of the anti-trafficking legislation in accordance with international standards, while participating and promoting regional and international policy dialogues to combat trafficking, and conduct awareness-raising campaigns on trafficking in persons that promoted informed migration decision-making and were inclusive of vulnerable populations and immigrant communities.²⁸

8. Right to work and to just and favourable conditions of work

24. The United Nations country team noted that workers had the legal right to organize trade unions, but that implementing regulations had never been issued, meaning that the country's various de facto trade unions generally operated as associations.²⁹

9. Right to social security

25. The United Nations country team recommended that Tonga implement equitable, inclusive, accessible, resilient and gender-responsive social protection policies and programmes for all women, including those in informal work, unpaid care and domestic work, those who are self-employed, migrant workers, those with disabilities and those affected by long-term illnesses. Social protection policies must be grounded in a human rights-based approach and strengthened by supportive cultural practices.³⁰

10. Right to an adequate standard of living

26. The United Nations country team recommended that Tonga continue its cooperation with the United Nations system and development partners on matters related to rural development, the agriculture sector and climate change and that it take steps in line with a service delivery modality that includes service delivery by various stakeholders, including non-governmental organizations, the private sector and the Government, towards the provision of more relevant, responsive, accessible and accountable services to communities, especially in remote locations.³¹

11. Right to health

27. The Committee on the Rights of the Child was concerned about: (a) the weak primary health-care system, which was unable to deal with chronic cases and non-communicable diseases, in particular in remote areas and on the outer islands; (b) the high mortality rates among infants and children under 5 years of age, due to perinatal and neonatal causes, and child mortality rates, due to non-communicable diseases; (c) the reported low levels of vaccination coverage, in particular in rural areas and on the outer islands; (d) the high prevalence of non-communicable diseases among children related to an unhealthy lifestyle, in particular obesity, diabetes and cardiovascular disease; (e) the inadequate funding, the insufficient number of well-trained health workers for children and pregnant women and the poor accessibility of health-care services, in particular in rural and remote areas and on the outer islands; (f) the low level of exclusive breastfeeding after the first three months postpartum; (g) the unregulated traditional healing carried out by practitioners who were not professional health-care providers; and (h) air pollution due to improper waste disposal and rubbish burning and its negative effects on children's health.³²

28. The same Committee expressed concern at the high rates of suicidal thoughts and behaviour among adolescents, and that children 17 years of age or above with intellectual, psychosocial or behavioural problems could be placed in wards together with adults.³³

29. The same Committee also expressed concern that: (a) the rate of teenage pregnancy was high and pregnant girls and young mothers were stigmatized; (b) teenage girls had limited access to safe reproductive and sexual health services and education, especially in rural areas and on the outer islands, and to methods of birth control, due to fear of stigmatization; (c) abortion was a criminal offence, without exceptions for cases of rape or incest, and that the prohibition led teenage girls to have recourse to unsafe abortions, with consequent risks for their life and health; and (d) there was a lack of policy, action plans and concrete measures to stop alcohol consumption, smoking and substance abuse among adolescents and limited programmes and services available for those affected.³⁴

30. The same Committee recommended that Tonga: (a) adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education was part of the mandatory school curriculum and was targeted at adolescent girls and boys, with special attention placed on preventing early pregnancy and sexually transmitted infections; (b) develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat discrimination against them; (c) decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views were always heard and given due consideration as a part of the decision-making process; and (d) address the incidence of alcohol and drug use by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information on the harmful effects of alcohol, drug and substance abuse, as well as life skills education on preventing substance abuse, including tobacco and alcohol dependence, and develop accessible and youth-friendly drug dependence treatment and harm reduction services.³⁵

12. Right to education

31. The Committee on the Rights of the Child expressed serious concern that: (a) primary education was not free by law; (b) enrolment rates had dropped in primary and secondary schools; (c) children were underachieving in primary education, in particular literacy and numeracy, school facilities, teacher quality and learning resources were inadequate and there was poor access to schools, especially in rural areas and on the outer islands and for children with disabilities; (d) there was no comprehensive environmental education in the school curriculum; and (e) the enrolment rate in early childhood education was low and there was limited accessibility, in particular on the outer islands and in rural areas, and there was inadequate financial support for early childhood education.³⁶

32. The same Committee urged Tonga to: (a) make primary education free and ensure that all girls and boys completed equitable and quality primary and secondary education leading to relevant and effective learning outcomes; (b) analyse the root causes for the drop in enrolment in primary and secondary schools and take appropriate action to remedy it; (c) take the necessary measures, including by providing adequate human, financial and technical resources, to improve the accessibility and quality of education, in particular for children with disabilities, provide quality training for teachers and scale up school facilities and learning resources, with particular emphasis placed on rural areas and the outer islands; (d) update curricula to be responsive to the rapidly changing environment and encourage the direct participation of children in environmental protection as a component of their learning process; and (e) encourage parents to enrol their children in early childhood education and allocate sufficient financial resources for its development and expansion, based on a comprehensive and holistic policy of early childhood care and development.³⁷

13. Cultural rights

33. UNESCO recommended that Tonga facilitate the participation of communities, cultural actors and non-governmental organizations from civil society, as well as vulnerable groups, including minorities, Indigenous Peoples, migrants, refugees, young people and people with disabilities, and ensure that equal opportunities are given to women and girls to

address gender disparities in promoting access to and participation in cultural heritage and creative expression.³⁸

34. UNESCO urged Tonga to consider addressing issues of equality and non-discrimination in access to education and to scientific benefits and their applications, and to include reference to the relevant dimensions of the right to share in scientific advancement and its benefits in its reporting on the impact of the coronavirus disease (COVID-19) pandemic and the assessment of responses thereto.³⁹

14. Environment

35. Noting that Tonga was among the most vulnerable countries in terms of exposure to natural hazards and risk, the Committee on the Rights of the Child welcomed the revised joint national action plan on climate change and disaster risk management of 2018. However, it was concerned that: (a) more could be done to include the special needs of children, including children with disabilities, in planning disaster risk reduction preparedness, response and recovery; and (b) school infrastructure, in particular in remote areas, was not resilient, reliable or accessible in case of natural disaster.⁴⁰

36. The United Nations country team recommended that Tonga enhance the implementation of its climate change policies, while adopting a human rights-based approach, including by addressing specific needs of and barriers for marginalized and disadvantaged groups in disaster preparation and response, such as children, women and persons with disabilities, and fostering their participation and inclusion. It also recommended adopting concrete measures to protect vulnerable groups to assist them in being more resilient to the impact of climate change and natural disasters.⁴¹

B. Rights of specific persons or groups

1. Women

37. The United Nations country team recommended that Tonga prioritize gender equality, increase the participation of women at all levels of social, political and economic decision-making in government, repeal all legal provisions that discriminate against women and make gender-responsive legislative changes, including in matters relating to the ownership of property, land and assets, and accelerate efforts to promote and protect the human rights of women with disabilities and address the needs and challenges they face.⁴²

38. The United Nations country team noted that gender-based violence was a pervasive issue in Tonga. It also noted that, in line with global trends, there had been an increase in domestic violence during the COVID-19 pandemic, in particular in the initial months of the pandemic, during lockdowns.⁴³ In that regard, it recommended, among other things, that Tonga facilitate comprehensive and ongoing capacity-building and training with front-line service providers in the area of gender-based violence, to promote understanding of their roles and responsibilities in responding to such cases and to ensure that their attitudes, behaviours and actions upheld gender-equal, survivor-centred and rights-based approaches, and recognize gender-based violence crisis centres, shelters, counselling agencies, organizations of persons with disabilities and lesbian, gay, bisexual, transgender, queer, intersex and related organizations as essential service providers in emergencies to ensure the provision of services in response to gender-based violence could operate with round-the-clock access.⁴⁴

2. Children

39. The Committee on the Rights of the Child recommended that Tonga ensure the realization of children's rights in accordance with the Convention on the Rights of the Child throughout the process of implementing the 2030 Agenda for Sustainable Development. It urged Tonga to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concerned children.⁴⁵

40. The same Committee recommended that Tonga: (a) take measures to expeditiously establish an independent mechanism for monitoring children's rights that was able to receive, investigate and address complaints by children in a child-sensitive manner; and (b) guarantee the independence of such a monitoring mechanism, including with regard to its funding, mandate and immunities, so as to ensure full compliance with the Paris Principles.⁴⁶

41. The same Committee recommended that Tonga strengthen the National Coordinating Committee for Children and ensure that it had adequate human, technical and financial resources and sufficient authority to coordinate all activities related to the implementation of the Convention, including leading advocacy efforts and raising awareness of children's rights, at the national, regional and local levels and across sectors.⁴⁷

42. The same Committee noted that the Tonga strategic development framework, 2015–2025, included children's issues. It took note of the Tonga national youth strategy, 2014–2019. It expressed concern, however, at the lack of a comprehensive national policy for children and at the absence of an impact assessment of the youth strategy.⁴⁸ The Committee was also concerned that the nature of the traditional society of Tonga made it difficult for children to participate and to be heard on matters that affected them.⁴⁹

43. The same Committee recommended that, in planning its future budgets, Tonga increase the budgetary resources allocated for children to the maximum extent possible, in accordance with article 4 of the Convention, and establish a budgeting process that included a children's rights perspective and specified clear allocations to children in the relevant sectors and agencies, with specific indicators and a tracking system.⁵⁰

44. The same Committee expressed concern that: (a) children who were subject to customary adoption immediately after birth and children living on the outer islands were at risk of not being registered; and (b) children born to unmarried parents needed to be re-registered as a "legitimate child" after the marriage of the parents.⁵¹

45. The same Committee remained seriously concerned at: (a) the reportedly high level of abuse of children, including domestic violence, sexual abuse and incest, and the significant underreporting of such cases, for a variety of reasons, including the fear of stigma; (b) the inadequate resources allocated to enforce the laws designated to protect children from all forms of abuse; (c) the fact that children were not sufficiently aware of existing laws and that there were no child-friendly reporting mechanisms; (d) the inadequate structures and shelters in place to support children who were victims of violence, mostly run by non-governmental organizations, and the insufficient availability of counselling, psychological, recovery and reintegration services; (e) the shortage of specialized personnel to handle child victims, in particular in the police domestic violence unit; and (f) the absence of any statistical data on child sexual exploitation and abuse.⁵²

46. The same Committee expressed concern that: (a) there were no alternative care options, such as foster care, available in cases where the extended family did not take care of children; and (b) there was no legal framework, policy or set of minimum standards in place regulating the alternative care of children and no support was provided for children placed with the extended family.⁵³

47. The same Committee was also concerned about the situation of children of imprisoned parents or of mothers facing imprisonment, including with respect to the lack of childcare services.⁵⁴

48. The same Committee expressed concern that: (a) there was no law in Tonga that prohibited child labour and established the minimum age for hazardous and non-hazardous work, and no data on the prevalence of child labour; (b) the hazardous child labour list had not yet been adopted; (c) children were reportedly engaged in the worst forms of child labour, including commercial sexual exploitation; (d) street vending by children and non-attendance in school remained a challenge and were often linked to economic hardship; and (e) children were extensively involved in non-economic activities within the household, which reduced time for leisure.⁵⁵

49. The same Committee expressed serious concern that, while corporal punishment was prohibited in schools and penal institutions, it was still lawful in the home and in alternative and day-care settings and that whipping was used as a judicial corporal punishment for a

crime.⁵⁶ In that regard, the Committee recommended that Tonga: (a) explicitly prohibit corporal punishment, in law and in practice, in all settings and repeal the right to administer judicial corporal punishment for a crime; (b) strengthen teacher training on alternative, non-violent forms of discipline and ensure that it was part of preservice and in-service training programmes; (c) provide programmes for parents and all professionals that work with and for children to encourage the use of alternative, non-violent forms of discipline; (d) effectively enforce the prohibition against corporal punishment in schools and penal institutions and provide children with a complaint mechanism, especially in schools, so that they could safely and confidentially report teachers and others that continued to use corporal punishment; and (e) strengthen awareness-raising programmes, training and other activities to promote attitudinal change, in particular in schools, within the family and at the community level, with regard to corporal punishment.⁵⁷

50. The same Committee expressed serious concern that: (a) the Criminal Offences Act set the age of criminal responsibility at 7 years of age; (b) there was no law governing the administration of juvenile justice; (c) there was no time limit for the pretrial detention of children; (d) children appearing in court generally did not have legal representation; (e) judges and magistrates were not aware of the provisions of the Convention; (f) due to budgetary constraints, there was no separate juvenile detention facility and therefore children were mixed with adults; (g) whipping could be administered as a punishment for boys below the age of 16; and (h) there were limited diversion options currently available.⁵⁸

3. Persons with disabilities

51. The United Nations country team took note of the 2018 Tonga Disability Survey, which showed that a high proportion of people with disabilities, in particular women with disabilities, faced significant difficulties when travelling, shopping, going out in public places and participating in elections.⁵⁹ It recommended that Tonga further strengthen the legal and policy framework related to enhancing access for persons with disabilities to health, education, employment, public places, transport and information.⁶⁰

52. The Committee on the Rights of the Child was seriously concerned at: (a) the absence of a comprehensive disability law in the country; (b) the limited access for children with disabilities to inclusive education, health care, transportation and all public buildings and spaces, and at the situation regarding service delivery in all areas; and (c) the limited access for children with disabilities to rehabilitation, early identification and referral programmes, as well as the limited nature of the funding and technical support provided to parents of children with disabilities and service providers.⁶¹

4. Lesbian, gay, bisexual, transgender and intersex persons

53. The United Nations country team highlighted that consensual same-sex sexual activity was criminalized under the Criminal Offences Act. Under the Act, punishment for the crime of “sodomy” might include corporal punishment, in addition to up to 10 years’ imprisonment. In practice, the law had not been used to prosecute same-sex sexual conduct between consenting adults in recent years. Same-sex marriage was not legally recognized, and there were no provisions in law to protect individuals from discrimination or violence based on sexual orientation, gender identity and expression and sex characteristics.⁶²

5. Refugees and asylum-seekers

54. UNHCR noted that, notwithstanding the relatively small number of cases, and the competing domestic priorities, accession to the Convention relating to the Status of Refugees and the establishment of a national legal framework would provide a clearer basis for the Government of Tonga to provide refugees with international protection and a mechanism that enabled the appropriate engagements of relevant international organizations, like UNHCR and the International Organization for Migration.⁶³ UNHCR expressed particular concern about the absence of key procedural safeguards ensuring the protection of persons from refoulement. In that regard, it noted that the Immigration Act generally rendered any non-citizen who had entered or remained in Tonga without a valid visa liable to removal from the country, including asylum-seekers and refugees. According to UNHCR, the current

legislative and policy settings severely limited the capacity of asylum-seekers to present their claims for assistance and protection in Tonga.⁶⁴

55. UNHCR recommended that Tonga enact laws and policies that explicitly provided for the non-refoulement of asylum-seekers while their claims for protection were assessed, and that provided for recognized refugees and establish national laws and regulations that would govern the treatment of asylum-seekers and refugees in line with the Convention relating to the Status of Refugees and the Protocol thereto.⁶⁵

56. UNHCR also recommended that Tonga seek technical support from UNHCR in drafting national refugee legislation, for capacity-building for Government officials and assistance in the development of a national refugee status determination procedure. It also recommended that Tonga undertake capacity-building efforts with UNHCR, including training, for relevant officials on integrating international standards on asylum and refugee protection into operational guidelines and procedures.⁶⁶

57. UNHCR also noted that the Immigration Act, the Immigration Regulations and the Criminal Offences Act governed the entry, conditions of stay and rights of asylum-seekers and refugees. A number of those laws, which were of general application, were not properly adapted to the special circumstances of persons fleeing persecution from another State. It emphasized that the use of detention against persons fleeing persecution, and the conditions of detention, should accord with accepted international human rights laws and standards. In particular, Governments must have regard to the special circumstances of asylum-seekers and refugees in that process, including the needs of survivors of torture, violence and trauma. In that regard, UNHCR recommended that Tonga amend the Immigration Act, the Criminal Offences Act and any other laws that had the effect of penalizing asylum-seekers and refugees for entering or being present in Tonga unlawfully, which might infringe on their right to seek asylum, and undertake capacity-building efforts, including training, to ensure that judicial officers, police officers and immigration and government officials treat the detention of asylum-seekers as a measure of last resort, and that conditions of detention were consistent with international human rights law and standards.⁶⁷

6. Internally displaced persons

58. UNHCR expressed the view that the sustained involvement of Tonga at the regional and international levels would assist in its efforts to respond, through national and regional frameworks, plans, agreements and other mechanisms, to the pressing issues of internal and cross-border displacement in the country and the Pacific region. Such engagement would better position the Government of Tonga to provide effective protection interventions and to safeguard the lives and livelihoods of those displaced.⁶⁸ It recommended that Tonga further develop rights-based disaster management and mitigation plans and policies within the regional and United Nations mechanisms, that emphasized the process and adaptation of mitigation strategies and addressed potential internal and cross-border displacement.⁶⁹

7. Stateless persons

59. UNHCR recommended that Tonga consider amending the Nationality Act to provide access to Tongan nationality for children born in the territory who would otherwise be stateless.⁷⁰

Notes

¹ See [A/HRC/38/5](#), [A/HRC/38/5/Add.1](#) and [A/HRC/38/2](#).

² [CRC/C/TON/CO/1](#), paras. 65–66.

³ *Ibid.*, para. 46 (g).

⁴ *Ibid.*, para. 67. See also submission of the United Nations country team for the fourth cycle of the universal periodic review of Tonga, para. 10.

⁵ Submission of the Office of the United Nations High Commissioner for Refugees (UNHCR) for the fourth cycle of the universal periodic review of Tonga, p. 2.

⁶ [CRC/C/TON/CO/1](#), para. 30 (d); and UNHCR submission, p. 5.

- ⁷ Contribution of United Nations Educational, Scientific and Cultural Organization (UNESCO) for the universal periodic review of Tonga, para. 25.
- ⁸ United Nations country team submission, paras. 7 and 10.
- ⁹ Ibid., para. 12.
- ¹⁰ [CRC/C/TON/CO/1](#), para. 3.
- ¹¹ Ibid., paras. 23–24.
- ¹² Ibid., paras. 5–6.
- ¹³ United Nations country team submission, para. 15.
- ¹⁴ [CRC/C/TON/CO/1](#), para. 70. See also United Nations country team submission, paras. 14–15.
- ¹⁵ Ibid., para. 21.
- ¹⁶ Ibid., para. 25 (a).
- ¹⁷ Ibid., para. 26 (a).
- ¹⁸ United Nations country team submission, para. 39.
- ¹⁹ Ibid., para. 33.
- ²⁰ Ibid., para. 36.
- ²¹ Ibid., para. 38.
- ²² UNESCO contribution, paras. 26–29. See also United Nations country team submission, para. 38.
- ²³ UNESCO contribution, para. 33.
- ²⁴ UNHCR submission, pp. 4–5.
- ²⁵ [CRC/C/TON/CO/1](#), para. 19. See also UNESCO contribution, para. 17; and United Nations country team submission, paras. 50 and 59.
- ²⁶ [CRC/C/TON/CO/1](#), para. 61.
- ²⁷ Ibid., para. 62.
- ²⁸ United Nations country team submission, para. 42.
- ²⁹ Ibid., para. 37.
- ³⁰ Ibid., para. 44.
- ³¹ Ibid., para. 54.
- ³² [CRC/C/TON/CO/1](#), para. 47.
- ³³ Ibid., para. 49.
- ³⁴ Ibid., para. 51.
- ³⁵ Ibid., para. 52. See also United Nations country team submission, para. 50.
- ³⁶ [CRC/C/TON/CO/1](#), para. 55. See also UNESCO contribution, para. 13.
- ³⁷ [CRC/C/TON/CO/1](#), para. 56. See also UNESCO contribution, para. 12.
- ³⁸ UNESCO contribution, para. 30.
- ³⁹ Ibid., para. 33.
- ⁴⁰ [CRC/C/TON/CO/1](#), para. 53.
- ⁴¹ United Nations country team submission, para. 66.
- ⁴² Ibid., para. 19.
- ⁴³ Ibid., paras. 20–25.
- ⁴⁴ Ibid., para. 26.
- ⁴⁵ [CRC/C/TON/CO/1](#), para. 4.
- ⁴⁶ Ibid., para. 16.
- ⁴⁷ Ibid., para. 10.
- ⁴⁸ Ibid., paras. 7–8.
- ⁴⁹ [CRC/C/TON/CO/1](#), para. 27.
- ⁵⁰ Ibid., para. 12.
- ⁵¹ Ibid., para. 29.
- ⁵² Ibid., para. 33.
- ⁵³ Ibid., para. 39.
- ⁵⁴ Ibid., para. 43.
- ⁵⁵ Ibid., para. 59.
- ⁵⁶ Ibid., para. 31.
- ⁵⁷ Ibid., para. 32. See also United Nations country team submission, para. 59.
- ⁵⁸ [CRC/C/TON/CO/1](#), para. 63. See also United Nations country team submission, paras. 57–58.
- ⁵⁹ United Nations country team submission, para. 18.
- ⁶⁰ Ibid., para. 63.
- ⁶¹ [CRC/C/TON/CO/1](#), para. 45.
- ⁶² United Nations country team submission, para. 27.
- ⁶³ UNHCR submission, p. 2.
- ⁶⁴ Ibid.
- ⁶⁵ Ibid.
- ⁶⁶ Ibid., p. 3.
- ⁶⁷ Ibid., pp. 3–4.

⁶⁸ Ibid., p. 2.

⁶⁹ Ibid., p. 3.

⁷⁰ Ibid., p. 5.
