

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<b>Theme: A12 Acceptance of international norms</b>			
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); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	A12 Acceptance of international norms A28 Cooperation with other international mechanisms and institutions <b>Affected persons:</b> - 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); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	A12 Acceptance of international norms A28 Cooperation with other international mechanisms and institutions A24 Cooperation with special procedures <b>Affected persons:</b> - 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); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	A12 Acceptance of international norms B11 International humanitarian law B51 Right to an effective remedy <b>Affected persons:</b> - 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); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	A12 Acceptance of international norms B11 International humanitarian law B51 Right to an effective remedy <b>Affected persons:</b> - general	No progress.
79.19. Accede to the Rome Statute of the ICC and its Agreement on Privileges and Immunities (Slovakia); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	A12 Acceptance of international norms B11 International humanitarian law B51 Right to an effective remedy <b>Affected persons:</b> - general	No progress.
79.20. Ratify the Rome Statute of the ICC and accede to the Agreement on the Privileges and Immunities of the ICC (Estonia); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	A12 Acceptance of international norms B11 International humanitarian law B51 Right to an effective remedy <b>Affected persons:</b> - general	Not progress.

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79.16. Accede to the Rome Statute of the International Criminal Court and ratify the CAT (Costa Rica); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	A12 Acceptance of international norms B11 International humanitarian law B51 Right to an effective remedy D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - persons deprived of their liberty - general	As above and Committee on CAT in progress.
79.11. Ratify the ICCPR (Chile); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	A12 Acceptance of international norms D1 Civil & political rights - general measures of implementation <b>Affected persons:</b> - 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); <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 13	Noted	A12 Acceptance of international norms D23 Death penalty A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - 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); <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 13	Noted	A12 Acceptance of international norms D23 Death penalty A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	No progress.
81.17. Ratify ICCPR and its Second Optional Protocol (United Kingdom of Great Britain and Northern Ireland); <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 13	Noted	A12 Acceptance of international norms D23 Death penalty D1 Civil & political rights - general measures of implementation S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	No progress.

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<p>79.7. Take steps to ratify ICCPR, ICESCR, CEDAW and CAT (Norway);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>A12 Acceptance of international norms                      E1 Economic, social &amp; cultural rights - general measures of implementation                      D25 Prohibition of torture and cruel, inhuman or degrading treatment                      D1 Civil &amp; political rights - general measures of implementation                      F12 Discrimination against women                      S05 SDG 5 - gender equality and women's empowerment                      S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>                      - women                      - persons deprived of their liberty                      - general</p>	<p>Partial implementation.                      Consideration of legislative reviews by Committees and relevant stakeholders.                      Further stakeholder consultations to be taken.</p>
<p>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);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>A12 Acceptance of international norms                      E1 Economic, social &amp; cultural rights - general measures of implementation                      D25 Prohibition of torture and cruel, inhuman or degrading treatment                      D1 Civil &amp; political rights - general measures of implementation                      F12 Discrimination against women                      S05 SDG 5 - gender equality and women's empowerment                      S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>                      - women                      - persons deprived of their liberty                      - general</p>	<p>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.</p>
<p>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);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>A12 Acceptance of international norms                      E1 Economic, social &amp; cultural rights - general measures of implementation                      D25 Prohibition of torture and cruel, inhuman or degrading treatment                      D1 Civil &amp; political rights - general measures of implementation                      F12 Discrimination against women                      S05 SDG 5 - gender equality and women's empowerment                      S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>                      - children                      - women                      - persons deprived of their liberty</p>	As above.

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<p>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);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>A12 Acceptance of international norms                      E1 Economic, social &amp; cultural rights - general measures of implementation                      F31 Children: definition; general principles; protection                      D1 Civil &amp; political rights - general measures of implementation                      F35 Children in armed conflict                      F12 Discrimination against women                      S05 SDG 5 - gender equality and women's empowerment                      S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>                      - children                      - women                      - persons deprived of their liberty</p>	As Above.
<p>79.5. Ratify CEDAW and adopt legislation to protect victims of domestic violence (France);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>A12 Acceptance of international norms                      F12 Discrimination against women                      D29 Domestic violence                      F13 Violence against women                      S05 SDG 5 - gender equality and women's empowerment                      S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>                      - general                      - women</p>	<p>As above.                       Family Protection Act 2013 came into force on 1 July 2014.</p>
<p>79.1. Expedite the ratification of the CEDAW (Bhutan);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>A12 Acceptance of international norms                      F12 Discrimination against women                      S05 SDG 5 - gender equality and women's empowerment  <b>Affected persons:</b>                      - women</p>	As Above.
<p>79.2. Accelerate its efforts to ratify CEDAW (Indonesia);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>A12 Acceptance of international norms                      F12 Discrimination against women                      S05 SDG 5 - gender equality and women's empowerment  <b>Affected persons:</b>                      - women</p>	As above.
<p>79.3. Complete its procedure to accede to CEDAW (Brazil);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>A12 Acceptance of international norms                      F12 Discrimination against women                      S05 SDG 5 - gender equality and women's empowerment  <b>Affected persons:</b>                      - women</p>	As above.
<p>79.4. Consider acceding to CEDAW (Philippines);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>A12 Acceptance of international norms                      F12 Discrimination against women                      S05 SDG 5 - gender equality and women's empowerment  <b>Affected persons:</b>                      - women</p>	As above.

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79.6. Continue its efforts for the ratification of CEDAW and ratify the Convention at the earliest possible date (Japan); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	A12 Acceptance of international norms F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - women	As above.
82.1. Quickly (Italy) ratify CEDAW (Italy, Maldives, Slovenia); <b>Source of position:</b> A/HRC/23/4 - Para. 82	Noted	A12 Acceptance of international norms F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - women	Not implemented.
82.2. Proceed swiftly with the ratification of CEDAW (Estonia); <b>Source of position:</b> A/HRC/23/4 - Para. 82	Noted	A12 Acceptance of international norms F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - women	Not implemented.
82.3. Accede to CEDAW, without reservations that could be incompatible with the object and purpose of this Convention (Uruguay); <b>Source of position:</b> A/HRC/23/4 - Para. 82	Noted	A12 Acceptance of international norms F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - women	Not implemented.
79.18. Consider ratification of the third Optional Protocol to the CRC on a communication procedure (Slovakia); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	A12 Acceptance of international norms F31 Children: definition; general principles; protection B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - 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

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<p>79.13. Ratify both the CRPD and its Optional Protocol before the next UPR cycle (Hungary);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>A12 Acceptance of international norms                      F41 Persons with disabilities: definition, general principles                      S10 SDG 10 - inequality  <b>Affected persons:</b>                      - persons with disabilities</p>	<p>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.</p>
<p>79.17. Ratify and implement the CRPD (Mexico);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>A12 Acceptance of international norms                      F41 Persons with disabilities: definition, general principles                      S10 SDG 10 - inequality  <b>Affected persons:</b>                      - persons with disabilities</p>	As above.
<p>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);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>A12 Acceptance of international norms                      G4 Migrants                      E32 Right to just and favourable conditions of work                      S08 SDG 8 - economic growth, employment, decent work                      S10 SDG 10 - inequality  <b>Affected persons:</b>                      - general                      - migrants</p>	<p>Partial implementation.                      Tonga became a member of the ILO effective Feb 2016. Consultations with stakeholders required.</p>
<b><i>Theme: A24 Cooperation with special procedures</i></b>			
<p>79.29. Extend a standing invitation to the special procedures (Guatemala);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>A24 Cooperation with special procedures  <b>Affected persons:</b>                      - general</p>	Pending.
<p>79.30. Consider extending a standing invitation to all the special procedures mandate holders of the Human Rights Council (Latvia);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>A24 Cooperation with special procedures  <b>Affected persons:</b>                      - general</p>	As above.
<b><i>Theme: A41 Constitutional and legislative framework</i></b>			

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<p>80.1. Continue its efforts in implementing constitutional and democratic reforms (Malaysia);  <b>Source of position:</b> A/HRC/23/4 - Para. 80</p>	Supported	<p>A41 Constitutional and legislative framework  D7 Right to participation in public affairs and right to vote  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - general</p>	<p>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.</p>
<b><i>Theme: A42 Institutions &amp; policies – General</i></b>			
<p>79.26. Continue to develop its legal and institutional framework with respect to the promotion and protection of human rights (Bhutan);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>A42 Institutions &amp; policies - General  <b>Affected persons:</b>  - general</p>	<p>Partially implemented.  Family Protection Act 2013 came into force on 1 July 2014.</p>
<p>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);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>A42 Institutions &amp; policies - General  D7 Right to participation in public affairs and right to vote  B31 Equality &amp; non-discrimination  F31 Children: definition; general principles; protection  D1 Civil &amp; political rights - general measures of implementation  E1 Economic, social &amp; cultural rights - general measures of implementation  F12 Discrimination against women  S05 SDG 5 - gender equality and women's empowerment  S10 SDG 10 - inequality  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - general  - children  - women</p>	<p>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.</p>
<b><i>Theme: A45 National Human Rights Institution (NHRI)</i></b>			

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<p>81.3. Continue its efforts to create a national human rights institution (Turkey);  <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 1</p>	<p>Supported</p>	<p>A45 National Human Rights Institution (NHRI)  <b>Affected persons:</b>                      - general</p>	<p>Pending.                      See below.</p>
<p>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);  <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 1</p>	<p>Supported</p>	<p>A45 National Human Rights Institution (NHRI)                      A28 Cooperation with other international mechanisms and institutions  <b>Affected persons:</b>                      - general</p>	<p>Pending.                      See below.</p>

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<p>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);</p> <p><b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 1</p>	Supported	<p>A45 National Human Rights Institution (NHRI)  A28 Cooperation with other international mechanisms and institutions  B51 Right to an effective remedy  A51 Human rights education - general</p> <p><b>Affected persons:</b>  - general</p>	<p>Partial implementation of the recommendation:</p> <p>a) For small islands states including Tonga, the establishment of a national human rights institution is still not feasible financially and technically.</p> <p>b) However several actions taken by the Government are in line with the Paris Principles.</p> <p>c) The Legislative Assembly passed an amendment to the <i>Commissioner for Public Relations Act 2001</i> 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.</p> <p>d) 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.</p>
<p><i>Theme: A51 Human rights education – general</i></p>			

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79.49. Continue its progress in the field of human rights education through increasing further international and regional cooperation (Indonesia); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	A51 Human rights education - general A28 Cooperation with other international mechanisms and institutions <b>Affected persons:</b> - general	Partial implementation. – Tonga participates in regional and international workshops and training on HR.
<b>Theme: B31 Equality &amp; non-discrimination</b>			
81.5. Examine the possibility of strengthening measures to eliminate all discriminatory treatment related to sexual orientation or gender identity (Argentina); <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 4	Supported	B31 Equality & non-discrimination D46 Right to private life, privacy A41 Constitutional and legislative framework S10 SDG 10 - inequality <b>Affected persons:</b> - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Pending. Tonga Revised National Policy on Gender and Development 2014-18. National consultation held in 2016.  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); <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 5	Noted	B31 Equality & non-discrimination D46 Right to private life, privacy A41 Constitutional and legislative framework S10 SDG 10 - inequality <b>Affected persons:</b> - 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); <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 5	Noted	B31 Equality & non-discrimination D46 Right to private life, privacy A41 Constitutional and legislative framework S10 SDG 10 - inequality <b>Affected persons:</b> - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not implemented.

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<p>81.8. Repeal the provisions of the Tongan Criminal Offences Act criminalizing consensual sex between adults of the same gender (United States of America);  <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 5</p>	Noted	<p>B31 Equality &amp; non-discrimination                      D46 Right to private life, privacy                      A41 Constitutional and legislative framework                      S10 SDG 10 - inequality  <b>Affected persons:</b>                      - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	Not implemented.
<p>81.9. Amend its legislation to repeal laws which criminalize consensual adult same-sex relations (Canada);  <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 5</p>	Noted	<p>B31 Equality &amp; non-discrimination                      D46 Right to private life, privacy                      A41 Constitutional and legislative framework                      S10 SDG 10 - inequality  <b>Affected persons:</b>                      - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	Not implemented.
<p>81.10. Abrogate all penal provisions criminalizing sexual relations between consenting adults of the same sex (France);  <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 5</p>	Noted	<p>B31 Equality &amp; non-discrimination                      D46 Right to private life, privacy                      A41 Constitutional and legislative framework                      S10 SDG 10 - inequality  <b>Affected persons:</b>                      - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	Not implemented.
<p><b><i>Theme: B71 Human rights and the environment</i></b></p>			

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<p>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);</p> <p><b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>B71 Human rights and the environment A24 Cooperation with special procedures</p> <p><b>Affected persons:</b> - general</p>	<p>Pending.</p> <p><i>Tonga Revised National Policy on Gender and Development 2014-2018</i> identified one of the priorities as environmental and climate change is not properly acknowledged, by national strategies. Reviews on this ongoing.</p> <p>Tonga Environmental and Climate Change laws and policies are as follows:</p> <ul style="list-style-type: none"> <li>- <i>Environment Management Act 2010, Environmental Impact Assessment Act 2003 &amp; EIA Regulations 2010.</i></li> <li>- <i>Tonga Climate Change Policy 2016 : A Resilient Tonga by 2035.</i> 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.</li> </ul>
<b><i>Theme: D23 Death penalty</i></b>			
<p>81.21. Take steps towards full abolition of capital punishment, with immediate effect in particular towards juvenile offenders (Slovakia);</p> <p><b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 13</p>	Noted	<p>D23 Death penalty A41 Constitutional and legislative framework F34 Children: Juvenile justice S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general - children</p>	Not implemented.
<p>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);</p> <p><b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 13</p>	Noted	<p>D23 Death penalty A41 Constitutional and legislative framework F34 Children: Juvenile justice S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - children</p>	Not implemented.

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81.15. Take the necessary steps to abolish the death penalty (Norway); <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 13	Noted	D23 Death penalty A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	Not implemented.
81.19. Abolish the death penalty, considering the existence of the de facto moratorium (Chile); <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 13	Noted	D23 Death penalty A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	Not implemented.
81.20. Adopt a moratorium on executions with a view to the definitive abolition of the death penalty (France); <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 13	Noted	D23 Death penalty A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	Not implemented.
<b><i>Theme: D25 Prohibition of torture and cruel, inhuman or degrading treatment</i></b>			
79.45. Examine the possibility of enshrining the prohibition of torture in its legal framework (Argentina); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general	Not implemented.
81.24. Abrogate the penal provisions envisaging recourse to corporal punishment (France); <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 13	Noted	D25 Prohibition of torture and cruel, inhuman or degrading treatment A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - 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); <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 18	Noted	D25 Prohibition of torture and cruel, inhuman or degrading treatment F34 Children: Juvenile justice A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - general - children	Not implemented.

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<p>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) ;</p> <p><b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 18</p>	Noted	<p>D25 Prohibition of torture and cruel, inhuman or degrading treatment F34 Children: Juvenile justice A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general - children</p>	Not implemented.
<p>79.44. Abolish any statutory provision which authorizes corporal punishment, in particular when the convicted is a child (Italy);</p> <p><b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>D25 Prohibition of torture and cruel, inhuman or degrading treatment F34 Children: Juvenile justice S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - children - general</p>	<p>Partially implemented.</p> <p><i>The Education (Schools and General Provisions) Regulations 2002</i> provides that under no circumstances shall a teacher inflict corporal punishment on any student.</p> <p><i>Education Act 2013: s37 Corporal Punishment (of a student)</i> is prohibited.</p> <p>Guidelines are in place for Magistrates dealing with young offenders.</p>
<p>81.23. Eliminate the use of corporal punishment as criminal punishment (Costa Rica);</p> <p><b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 13</p>	Noted	<p>D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - general</p>	Not implemented.
<b>Theme: D26 Conditions of detention</b>			
<p>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);</p> <p><b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 24</p>	Supported	<p>D26 Conditions of detention A41 Constitutional and legislative framework F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment</p> <p><b>Affected persons:</b> - women - persons deprived of their liberty</p>	<p>Partially implemented.</p> <p><i>The Prisons Act 2010.</i></p> <p>Female prisoners are kept separate from male.</p> <p>Considerations are made for a child of a prisoner to live with them if born during imprisonment or very young.</p> <p>There has been an increase in female prison wardens with an increase in training on HR.</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<b>Theme: D29 Domestic violence</b>			
<p>79.38. Enact a law criminalizing domestic violence and providing specific penalties for cases of domestic violence (United States of America);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>D29 Domestic violence  F13 Violence against women  A41 Constitutional and legislative framework  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - women</p>	<p>Implemented.  <i>The Family Protection Act 2013</i> is the first Act in Tonga to state that domestic violence is an offence.  <i>The Family Protection Act 19 of 2013</i>: 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.</p>
<p>80.3. Adopt a specific domestic violence legislation to criminalize rape in marriage (Italy);  <b>Source of position:</b> A/HRC/23/4 - Para. 80</p>	Supported	<p>D29 Domestic violence  F13 Violence against women  A41 Constitutional and legislative framework  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - women</p>	<p>Implemented.  Marital Rape is criminalized in the <i>Criminal Offences Act</i> [Cap 18] after the repeal of s.118(2) in 1999</p>
<p>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);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>D29 Domestic violence  F13 Violence against women  A61 Cooperation with civil society  A3 Inter-State cooperation &amp; development assistance  A28 Cooperation with other international mechanisms and institutions  S05 SDG 5 - gender equality and women's empowerment  S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>  - women</p>	<p>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.</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>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);</p> <p><b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>D29 Domestic violence            F13 Violence against women            D8 Rights related to marriage &amp; family            E31 Right to work            F12 Discrimination against women            E6 Rights to protection of property; financial credit            S05 SDG 5 - gender equality and women's empowerment            S08 SDG 8 - economic growth, employment, decent work            S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- girls</li> <li>- women</li> </ul>	<p>Partial Implementation.</p> <p>Family Protection Act 2013.</p> <p>Evidence (Amendment) Bill in progress.</p>
<b><i>Theme: D43 Freedom of opinion and expression</i></b>			
<p>79.46. Take measures to reinforce protections for freedom of expression in practice, including guaranteeing freedom of the press and Internet freedom (Canada);</p> <p><b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>D43 Freedom of opinion and expression            S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- media</li> <li>- human rights defenders</li> </ul>	<p>Partially implemented.</p> <p>Freedom of Information Policy.</p> <p>Tonga Constitution Act.</p> <p>Communications Act.</p> <p>Reviewing legislation.</p>
<b><i>Theme: D6 Rights related to name, identity, nationality</i></b>			
<p>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);</p> <p><b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>D6 Rights related to name, identity, nationality            F31 Children: definition; general principles; protection            A41 Constitutional and legislative framework            S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- children</li> <li>- stateless persons</li> </ul>	<p>Not implemented yet.</p> <p>However, children of naturalised parents can become Tongan citizens.</p>
<b><i>Theme: D7 Right to participation in public affairs and right to vote</i></b>			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>79.22. Ensure equal public participation through the introduction of a universal legal age of majority for all Tongan (Timor - Leste);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>D7 Right to participation in public affairs and right to vote            S16 SDG 16 - peace, justice and strong institutions  <b>Affected persons:</b>            - general</p>	<p>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.</p>
<b><i>Theme: D8 Rights related to marriage &amp; family</i></b>			
<p>79.37. Adopt the draft Family Protection Bill (Maldives);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>D8 Rights related to marriage &amp; family            A41 Constitutional and legislative framework  <b>Affected persons:</b>            - general            - women            - children</p>	<p>Implemented.            Family Protection Act 2013 came into force on 1 July 2014.</p>
<b><i>Theme: E1 Economic, social &amp; cultural rights - general measures of implementation</i></b>			
<p>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);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>E1 Economic, social &amp; cultural rights - general measures of implementation  <b>Affected persons:</b>            - general</p>	<p>Partially implemented.            Constitutional reviews are in process.</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>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);</p> <p><b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>E1 Economic, social &amp; cultural rights - general measures of implementation            F41 Persons with disabilities: definition, general principles            D32 Enforced disappearances            A12 Acceptance of international norms            D25 Prohibition of torture and cruel, inhuman or degrading treatment            D1 Civil &amp; political rights - general measures of implementation            F12 Discrimination against women            B51 Right to an effective remedy            S05 SDG 5 - gender equality and women's empowerment            S10 SDG 10 - inequality            S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- disappeared persons</li> <li>- women</li> <li>- persons deprived of their liberty</li> <li>- persons with disabilities</li> </ul>	<p>Partially implemented.            Reviewing legislation.            National consultations to be taken.</p>
<b>Theme: E25 Human rights &amp; poverty</b>			
<p>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);</p> <p><b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>E25 Human rights &amp; poverty            B41 Right to development            S01 SDG 1 - poverty            S10 SDG 10 - inequality</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- persons living in poverty</li> </ul>	In process of implementation.
<b>Theme: E26 Human Rights &amp; drinking water and sanitation</b>			
<p>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 resolutions on this matter (Spain);</p> <p><b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>E26 Human Rights &amp; drinking water and sanitation            A25 Follow-up to special procedures            S06 SDG 6 - water and sanitation</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> </ul>	<p>In process of implementation.            The Ministry of Lands and Survey introduced the <i>Water Resources Bill 2016</i> – in review.</p>
<b>Theme: E43 Access to sexual and reproductive health and services</b>			

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>79.48. Facilitate the access of women to sexual and reproductive health services (France);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>E43 Access to sexual and reproductive health and services            S03 SDG 3 - health  <b>Affected persons:</b>            - women</p>	<p>Implemented.</p> <p>National Integrated Sexual and Reproductive Health Strategic Plan (2014-2018) in 2014 with M &amp; 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.</p> <p>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</p>
<b>Theme: E51 Right to education - General</b>			
<p>79.51. In cooperation with UNESCO and other relevant organizations, continue to step up efforts to improve access to quality education (Singapore);  <b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>E51 Right to education - General            A28 Cooperation with other international mechanisms and institutions            S04 SDG 4 - education  <b>Affected persons:</b>            - children</p>	<p>Implemented.</p> <p>TSDF II National Outcome: a more inclusive, sustainable and empowering human development with gender equality.</p> <ul style="list-style-type: none"> <li>• 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)<sup>1</sup></li> <li>• build strong gender awareness, sensitivity to differences in needs in abilities, and other criteria into all programs.(OO 2.7f)<sup>2</sup></li> </ul> <p>Education Act 2013.- rights to education</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
79.52. Continue the policy of free and compulsory education through cooperation with and assistance from the international community (Bhutan); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	E51 Right to education - General A28 Cooperation with other international mechanisms and institutions S04 SDG 4 - education <b>Affected persons:</b> - 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); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	E51 Right to education - General B41 Right to development S04 SDG 4 - education <b>Affected persons:</b> - children	As above.
<b><i>Theme: F12 Discrimination against women</i></b>			
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); <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 4	Supported	F12 Discrimination against women E6 Rights to protection of property; financial credit A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - 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); <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 4	Supported	F12 Discrimination against women E6 Rights to protection of property; financial credit A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - women	Pending. As above.
81.13. Enact legislation to prohibit discrimination on the basis of gender, including with regard to land rights (Slovenia); <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 4	Supported	F12 Discrimination against women E6 Rights to protection of property; financial credit A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - women	Pending. As above.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
81.14. Develop a more gender balanced land ownership law, building on the recommendation of its Royal Land Commission regarding land allotment (Hungary); <b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 4	Supported	F12 Discrimination against women E6 Rights to protection of property; financial credit A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - women	Pending. See above.
79.32. Promote equality between sexes (Burundi); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - 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); <b>Source of position:</b> A/HRC/23/4 - Para. 82	Noted	F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment <b>Affected persons:</b> - women	Not implemented.
<b>Theme: F13 Violence against women</b>			
79.39. Introduce and implement a comprehensive legal framework that protects women and girls against all forms of gender-based violence (Norway); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	F13 Violence against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - 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); <b>Source of position:</b> A/HRC/23/4 - Para. 80	Supported	F13 Violence against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - women	Implemented. Marital Rape is criminalized in the <i>Criminal Offences Act</i> [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); <b>Source of position:</b> A/HRC/23/4 - Para. 79	Supported	F13 Violence against women D29 Domestic violence S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions <b>Affected persons:</b> - women	Family Protection Act 2013. (FPA)



Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>79.36. Take further measures aiming at promoting women participation in public life and particularly their representation in Parliament (Algeria);</p> <p><b>Source of position:</b> A/HRC/23/4 - Para. 79</p>	Supported	<p>F14 Participation of women in political and public life D7 Right to participation in public affairs and right to vote S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - women</p>	<p>In the process.</p> <p>As above – TSDF II,</p> <p>National Dialogue on <i>Supporting Parliamentary Candidates for Effective Parliamentary Participation: “Sharing Experiences and Networking”</i>, hosted by Ministry of Internal Affairs – Women’s Division with the UNDP held in September 2017 in Tonga.</p>
<p>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);</p> <p><b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 4</p>	Supported	<p>F14 Participation of women in political and public life D7 Right to participation in public affairs and right to vote S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - women</p>	<p>In the process.</p> <p>As above.</p>
<b>Theme: F31 Children: definition; general principles; protection</b>			
<p>81.28. Give abandoned children born in wedlock the same rights and protections afforded to children born out of wedlock (United States of America);</p> <p><b>Source of position:</b> A/HRC/23/4/Add.1 - Para. 18</p>	Noted	<p>F31 Children: definition; general principles; protection S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b> - children</p>	<p>Partially implemented.</p> <p>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</p>

<sup>1</sup> Tonga Strategic Development Framework II, (TSDF II), Ministry of Finance & National Planning, Government of Tonga p.119

<sup>2</sup> TSDF II p. 120

<sup>3</sup> TSDF II p.118

<sup>4</sup> TSDF II p.119