

**Tonga's Review in the Working Group**  
**Wednesday 14 May 2008, Afternoon 2.30pm-5.30pm**  
**Overview of the Working Group Session**  
**Report by Tiffany Henderson**

**The Troika**

The troika was composed of representatives from Nigeria, Qatar and Mexico. Both Nigeria and Qatar did not take the floor during the interactive dialogue or pose any written questions beforehand.

**Presentation by Tonga**

*Speaker:* H.E. Ms. Fekitamoeloa 'Utoikamanu, Permanent Representative to the United Nations of Tonga

*Speaking Time:* 18 minutes

**Recognition of problems and/or concerns:** Tonga noted that a challenge still existing in their country is the discrimination of women when it comes to land ownership and inheritance; there are significant delays in their country reporting to Treaty Bodies (namely the Committee on the Rights of the Child ('CRC') and the Committee on the Elimination of Racial Discrimination ('CERD')); lack of treaty reporting was explained as occurring due to financial, technical and capacity limitations of their country in implementing human rights standards; the lack of international treaties ratified or acceded to by Tonga.

**Achievements made:** The delegation of Tonga pointed to their education and health sectors: having the highest school attendance rate in the South-Pacific; and offering free healthcare to their citizens; their efforts in accommodating local values and customs to international law in order to eventually ratify international instruments; intensive and constructive consultations with civil society in the preparation of the national report for the UPR; Constitution of Tonga containing a strong human rights doctrine; provided 13 reports to the CERD Committee and completion of their initial reports to the CRC.

**Other issues:** Committed to the UPR process and the implementation of its outcomes; accede to international human rights at a national level.

**Answers to written questions:** *Standing Invitation to all Special Procedures (Latvia); treatment of citizens by security services (Latvia); Gender Equality (The Netherlands); Women's right to child support (The Netherlands); Treatment of Detainees (The Netherlands); Reporting to Treaty Bodies (The Netherlands); Reform: Constitutional and political (The Netherlands); Civil Society and National Report for UPR (The UK); NHRI and its Independence (The UK); acceding to CEDAW (The UK); Reporting to CERD and CRC (The UK); Special Rapporteur on Human Rights Defenders re 2006 riots (The UK); Freedom of the media (The UK)*

**Interactive Dialogue:**

Number of countries that took the floor

**34 States** took the floor during the interactive dialogue: **20 Member-States of the Human Rights Council** (*Mexico, Italy, The Netherlands, China, Canada, France, Cuba, Azerbaijan, Switzerland, Brazil, Malaysia, Slovenia, The Philippines, Republic of Korea, Egypt, Japan, Senegal, United Kingdom of Great Britain, Saudi Arabia, Bangladesh*) and **14 Non-Member States** (*Algeria, Czech Republic, New Zealand, United States of America, Holy See, Bhutan, Latvia, Maldives, Morocco, Australia, Israel, Syrian Arab Republic, Turkey, Tunisia*).

Notably, in going over their allocated time, **Egypt** stated in their intervention that it was important to distinguish barriers preventing a reconciliation of international human rights norms with the culture of Tonga. Egypt cautioned the use of the term 'universally agreed norms' as no country has yet requested in the review to agree upon norms outside those universally agreed upon, to do so would **defeat the purpose of the UPR exercise** which is based upon co-operation and

dialogue. Notable again was **Bangladesh's** encouragement of Tonga to continue to **criminalize sexual conduct between consenting adults of the same sex.**

### **Questions/Issues raised**

**Human Rights education** – Switzerland, Mexico (Integration at all levels), New Zealand (defense and police personnel); **Civil Society** – Mexico (participation in human rights education); **Representation in Geneva** – Algeria, Slovenia, United Kingdom; **Freedom of Speech** – France, New Zealand (media council code of conduct); **Anti-Corruption Commission** – New Zealand; **Ratification of Treaties** – *Core Treaties* – Italy, The Netherlands, Senegal, Slovenia, Australia, Azerbaijan, Turkey, Brazil, Maldives New Zealand (CEDAW), Azerbaijan (Article 14 ICERD), Australia (CRC and ratifying CEDAW); **Death Penalty** – Italy (abolishment); **Impunity** – USA (security forces abusing detainees, November 2006 riots); **Women's Rights** –United Kingdom, *inheritance and land-ownership* – The Netherlands, Holy See, Switzerland, Israel, Czech Republic (including child support), Brazil (discrimination and domestic violence); **Reporting to Treaties** – United Kingdom (CERD and CRC), Bhutan (difficulties), Switzerland (technical support); **Development** – China (enrichment of entire population and protecting cultural identity from globalization); **Human Rights Defenders** – France, United Kingdom (Special Rapporteur of the Secretary General on Human Rights Defenders); **Children** – Holy See (reintegration of Deported), Cuba (combating unemployment), Latvia (corporal punishment), Philippines (dis-parented children); **Special Procedures** – Maldives, Latvia (consider a standing invitation); **Reforms** – Maldives (financial assistance from OHCHR and donor States), Malaysia (expanding 2006 riot program), *technical assistance for UPR process* – Australia, United Kingdom; **Gender Perspective in UPR** – Slovenia (include in the outcome of the review); **Implementation** – , Syrian Arab Republic (programs of food and health care), Egypt (barriers); **Economic, Social and Cultural Rights** – Japan; **Sexual orientation** – Bangladesh (**continue to criminalize conduct between consenting adults**)

### **Recommendations**

#### **International Treaties and Conventions**

- Ratification of the core human rights treaties in a reasonable timeframe (**Mexico, Czech Republic**)
- Advise donor agencies of the type of assistance needed in meeting treaty obligations (**New Zealand**)
- Ratify the Rome Statute of the International Criminal Court (**Italy**)
- Accede to human rights treaties: ICCPR and ICESCR (**Canada, Switzerland, Brazil**)
- Ratify CAT and CEDAW (**Switzerland**)
- Report regularly to the treaty bodies they are a party to (**Czech Republic**)
- Seek renewal of Tonga's request for technical and financial assistance to the OHCHR and the UPR Trust-Fund established to assist the implementation of recommendations of the UPR (**Egypt**)
- Ratify CEDAW and its optional protocol (**Brazil**)
- Ratify CEDAW (**Morocco, Israel, Japan, United Kingdom, New Zealand**)
- Accede to their international commitments (**Morocco**)
- Submit initial report to CRC (**Japan**)

#### **Sexuality**

- Decriminalize sexual conduct between adults of the same sex (**The Netherlands, Canada, Czech Republic**)

#### **Special Procedures**

- Allow participation of Special Procedures (**Mexico**)

#### **Women's Rights**

- Promote equal access to employment of women, particularly in governmental departments, civil society (**Algeria**)

- Repeal discriminatory laws preventing women from inheriting property (**Switzerland, Czech Republic**)
- Increase efforts to curb violence against women (**Turkey**)
- Integrate Gender perspective in follow-up process to the review (**Slovenia**)
- Consider Article's 15 and 16 of CEDAW concerning equal right of women to property and respect for their ownership of land (**Israel**)

#### **National Human Rights Institution**

- Create NHRI in accordance with Paris Principles (and the 'Pacific Plan') to implement human rights obligations (**Algeria, Canada, France**)

#### **Freedom of Speech**

- Media Operators Act 2003: incarceration of journalists. Ensure a diversity of opinions without preventing the right to freedom of speech (**Canada**)
- Measures to strengthen Freedom of Expression (**France**)

#### **Death Penalty**

- Abolish the death penalty (**Italy**)

#### **Impunity**

- Prosecute security forces accused of abusing detainees who protested in the November 2006 riots in Tonga (**USA**)
- Tonga one of the 10 most corrupt states in the world, take steps to eliminate corruption of government officials (**Canada**)

#### **Arbitrary Detention**

- Facilitating access to prisons for NGOs and community paralegal taskforces (**The Netherlands**)
- Consider the recommendations by the Working Group on Arbitrary Detention, the Special Representative of the Secretary - General on Human Rights defenders and the Special Rapporteur on Torture concerning those detained by the security personnel (**Canada**)

#### **Torture**

- Consider the report by CAT and the recommendations by Special Procedures to create institutional safeguards to prevent the use of torture by security personnel (**Canada**)

#### **Human Rights Education**

- Training of police personnel and the security and penal forces (**Canada**)

#### **Reform**

- Continue the reform process (**Switzerland**)
- Take steps to combat resource constraints (**Maldives**)
- Donor committee to respond to the need for technical assistance in order to implement reform (**Malaysia, Morocco, Bangladesh**)
- Share UPR experience with other states in the Pacific region (**Philippines**)
- Take measures to prevent corruption in the government (**Republic of Korea**)

#### **Rights of persons with a disability**

- Closer examination of persons in the disabilities sector (**Slovenia**)

#### **Civil Society**

- Continue collaboration with civil society in the reporting and implementation process of UPR (**United Kingdom**)

#### **Answers provided by the delegation (to questions/issues as well as to recommendations)**

**Human Rights Education** (Mexico, New Zealand, Canada, USA); **Security Forces and Impunity** (USA, Canada); **National Human Rights Institutions** (Algeria, Canada, France); **Anti-Corruption Commission** (New Zealand, Republic of Korea); **Freedom of Speech** (France, New Zealand, Canada); **Death Penalty** (Italy); **Treaty Ratification** (Italy, The Netherlands, Senegal, Slovenia, Australia, Azerbaijan, Turkey, Brazil, Maldives New Zealand, Canada, Switzerland); **Technical Assistance** (New Zealand, Malaysia, Morocco, Bangladesh); **Development** (China); **Torture** (Canada); **Disability** (Slovenia); **Gender Perspective** (Slovenia); **Representation in Geneva** (Algeria, Slovenia, United Kingdom); **Dis-parented children** (Philippines); **Implementation of food and health care programs** (Syrian Arab Republic); **Reporting to CRC** (United Kingdom, Japan, Czech Republic); **Deported Children** (Holy See); **Unemployed youths** (Cuba); **Expansion of 2006 Riot Program** (Malaysia); **Corporal Punishment** (Latvia); **Sexual orientation** (The Netherlands, Canada, Czech Republic, Bangladesh); **Civil Society: participation in human rights education** (Mexico); **Treaty Bodies: Regularly Reporting** (Czech Republic); **Technical and financial assistance** (Egypt); **Accede to their international commitments** (Morocco); **Submit initial report to CRC** (Japan); **Share UPR experience with other states in the Pacific region** (Philippines); **Combating resource constraints** (Maldives);

#### Issues for follow-up

Among the issues mentioned by the **delegation**, some may be interesting to follow-up on, notably, the late **reporting to Treaty Bodies** (namely the Committee on the Rights of the Child ('CRC') and the Committee on the Elimination of Racial Discrimination ('CERD')); the improvement of land ownership rights for women.

Among the issues touched upon by **other States**: Training of police personnel and the security and penal forces; Facilitating access to prisons for NGOs and community paralegal taskforces; Prosecute security forces accused of abusing detainees who protested in the November 2006 riots in Tonga; take steps to combat corruption; Ratify the Rome Statue of the International Criminal Court; Accede to human rights treaties: ICCPR and ICESCR; Ratify CAT; Ratify CEDAW and its optional protocol.

#### States that made solely welcoming statements

**Tunisia** and **Saudi Arabia** took the floor but did not ask a question or submit a recommendation to Tonga.

#### Human Rights mentioned during the review but on which the delegation did not give a response

**Difficulties in Reporting to Treaty Bodies** (Bhutan); **Human Rights Defenders** (France); **Treaties: Ratification of the Rome Statue of the International Criminal Court** (Italy); **Special Procedures: Allow participation of Special Procedures** (Mexico); **Women's Rights: employment** (Algeria); **Eliminating Corruption in the government** (Canada); **Arbitrary Detention: access to prisons for NGOs and community paralegal taskforces** (The Netherlands); **Recommendations concerning detainees of security personnel** (Canada); **Ratification of Treaties: Article 14 CERD** (Azerbaijan); **Women's Rights** (United Kingdom); **Women: Inheritance and land-ownership** (The Netherlands, Holy See, Switzerland, Israel, Czech Republic); **Women: Discrimination and domestic violence** (Brazil); **Reporting to treaty bodies** (Bhutan, Switzerland); **Human Rights Defenders** (France, United Kingdom); **Special Procedures** (Maldives, Latvia); **Reforms: financial assistance OHCHR and donor states** (Maldives), **Technical assistance for UPR process** (Australia, United Kingdom); **Implementation** (Egypt); **Economic, Social and Cultural Rights** (Japan); **Treaties: Donor Assistance** (New Zealand); **Ratify CAT and CEDAW** (Switzerland); **Ratify CEDAW and its optional protocol** (Brazil); **Ratify CEDAW** (Morocco, Israel, Japan, United Kingdom, New Zealand).

#### Speaking time

Overall duration of the review: 2 hours and 20 minutes.

Of the State under Review:

During its opening statement: *18 minutes*

Overall speaking time employed to respond to other States' questions during the interactive dialogue: *16 minutes*

Concluding remarks: *5 minutes*

*Tonga went under their allocated time by 21 minutes.*

Members were given three minutes to speak and non-members two minutes. Notable was Canada, New Zealand and Egypt who both went over their allocated time significantly. Saudi Arabia, Tunisia, Philippines, Czech Republic, France and The USA who each spoke for only one of their two minutes allocated to them.

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