

## Recommendations & Pledges

### TONGA

#### Second Review Session 15

Review in the Working Group: 21 January 2013  
Adoption in the Plenary: 6 June 2013

#### Tonga's responses to recommendations (as of 17.07.2013):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
56 recs accepted (3 of which were considered to be implemented or in the process of implementation), 4 rejected and 28 left pending	Out of the 28 recs pending, 10 were accepted and 18 were rejected	No additional information provided	Accepted: 66 Rejected: 22 No clear position: 0 Pending: 0 Total: 88

*Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.*

#### List of recommendations contained in Section II of the Report of the Working Group A/HRC/23/4:

79. The recommendations formulated during the interactive dialogue and listed below enjoy the support of Tonga:

A - 79.1. Expedite the ratification of the CEDAW (Bhutan);

A - 79.2. Accelerate its efforts to ratify CEDAW (Indonesia);

A - 79.3. Complete its procedure to accede to CEDAW (Brazil);

- A - 79.4. Consider acceding to CEDAW (Philippines);
- A - 79.5. Ratify CEDAW and adopt legislation to protect victims of domestic violence (France);
- A - 79.6. Continue its efforts for the ratification of CEDAW and ratify the Convention at the earliest possible date (Japan);
- A - 79.7. Take steps to ratify ICCPR, ICESCR, CEDAW and CAT (Norway);
- A - 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);
- A - 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);
- A - 79.10. Ratify CEDAW (Australia, United Kingdom), CAT (United Kingdom of Great Britain and Northern Ireland), ICESCR, as well as ICCPR and CAT (Turkey);
- A - 79.11. Ratify the ICCPR (Chile);
- A - 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);
- A - 79.13. Ratify both the CRPD and its Optional Protocol before the next UPR cycle (Hungary);
- A - 79.14. Ratify the Rome Statute of the International Criminal Court and fully align its legislation with all obligations under the Rome Statute (Latvia);
- A - 79.15. Ratify the core international human rights instruments as well as the Rome Statute of the ICC (France);
- A - 79.16. Accede to the Rome Statute of the International Criminal Court and ratify the CAT (Costa Rica);
- A - 79.17. Ratify and implement the CRPD (Mexico);
- A - 79.18. Consider ratification of the third Optional Protocol to the CRC on a communication procedure (Slovakia);
- A - 79.19. Accede to the Rome Statute of the ICC and its Agreement on Privileges and Immunities (Slovakia);
- A - 79.20. Ratify the Rome Statute of the ICC and accede to the Agreement on the Privileges and Immunities of the ICC (Estonia);
- A - 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);
- A - 79.22. Ensure equal public participation through the introduction of a universal legal age of majority for all Tongan (Timor-Leste);
- A - 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);
- A - 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);

A - 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);

A - 79.26. Continue to develop its legal and institutional framework with respect to the promotion and protection of human rights (Bhutan);

A - 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);

A - 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);

A - 79.29. Extend a standing invitation to the special procedures (Guatemala);

A - 79.30. Consider extending a standing invitation to all the special procedures mandate holders of the Human Rights Council (Latvia);

A - 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);

A - 79.32. Promote equality between sexes (Burundi);

A - 79.33. Prioritize gender equality initiatives within its Tonga Strategic Development Framework and intensify its efforts to increase women's participation at all formal decision-making levels (New Zealand);

A - 79.34. Take affirmative action to increase women's participation in political life (Slovenia);

A - 79.35. Further develop concrete measures or steps to expand the representation of women in Government and Parliament as well as to other decision-making positions, as appropriate (Thailand);

A - 79.36. Take further measures aiming at promoting women participation in public life and particularly their representation in Parliament (Algeria);

A - 79.37. Adopt the draft Family Protection Bill (Maldives);

A - 79.38. Enact a law criminalizing domestic violence and providing specific penalties for cases of domestic violence (United States of America);

A - 79.39. Introduce and implement a comprehensive legal framework that protects women and girls against all forms of gender-based violence (Norway);

A - 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);

A - 79.41. Take steps to prevent incidents of discrimination and violence against women (Canada);

A - 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);

A - 79.43. Adopt measures to fight against all forms of violence against women, in particular, criminalize domestic violence and sexual harassment (Spain);

A - 79.44. Abolish any statutory provision which authorizes corporal punishment, in particular when the convicted is a child (Italy);

A - 79.45. Examine the possibility of enshrining the prohibition of torture in its legal framework (Argentina);

A - 79.46. Take measures to reinforce protections for freedom of expression in practice, including guaranteeing freedom of the press and Internet freedom (Canada);

A - 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);

A - 79.48. Facilitate the access of women to sexual and reproductive health services (France);

A - 79.49. Continue its progress in the field of human rights education through increasing further international and regional cooperation (Indonesia);

A - 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);

A - 79.51. In cooperation with UNESCO and other relevant organizations, continue to step up efforts to improve access to quality education (Singapore);

A - 79.52. Continue the policy of free and compulsory education through cooperation with and assistance from the international community (Bhutan);

A - 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);

**80. The following recommendations enjoy the support of Tonga which considers that they are already implemented or in the process of implementation:**

A - 80.1. Continue its efforts in implementing constitutional and democratic reforms (Malaysia);

A - 80.2. Immediately criminalize rape within marriage (Norway);

A - 80.3. Adopt a specific domestic violence legislation to criminalize rape in marriage (Italy);

**81. The following recommendations will be examined by Tonga which will provide responses in due course, but no later than the twenty-third session of the Human Rights Council in June 2013:**

A - 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);

A - 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);

A - 81.3. Continue its efforts to create a national human rights institution (Turkey);

A - 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);

A - 81.5. Examine the possibility of strengthening measures to eliminate all discriminatory treatment related to sexual orientation or gender identity (Argentina);

R - 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);

R - 81.7. Decriminalize consensual sexual relations between same-sex adults, and combat cases of discrimination against those persons (Spain);

R - 81.8. Repeal the provisions of the Tongan Criminal Offences Act criminalizing consensual sex between adults of the same gender (United States of America);

R - 81.9. Amend its legislation to repeal laws which criminalize consensual adult same-sex relations (Canada);

R - 81.10. Abrogate all penal provisions criminalizing sexual relations between consenting adults of the same sex (France);

A - 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);

A - 81.12. Repeal legislation that deprives women from some rights, such as the right to inheritance and land ownership (Chile);

A - 81.13. Enact legislation to prohibit discrimination on the basis of gender, including with regard to land rights (Slovenia);

A - 81.14. Develop a more gender balanced land ownership law, building on the recommendation of its Royal Land Commission regarding land allotment (Hungary);

R - 81.15. Take the necessary steps to abolish the death penalty (Norway);

R - 81.16. Proceed to a formal and effective abolishment of death penalty through the ratification of the 2nd Optional Protocol to the ICCPR (Spain);

R - 81.17. Ratify ICCPR and its Second Optional Protocol (United Kingdom of Great Britain and Northern Ireland);

R - 81.18. Abolish the death penalty (Australia) and ratify ICCPR and its Second Optional Protocol (Australia, United Kingdom of Great Britain and Northern Ireland);

R - 81.19. Abolish the death penalty, considering the existence of the de facto moratorium (Chile);

R - 81.20. Adopt a moratorium on executions with a view to the definitive abolition of the death penalty (France);

R - 81.21. Take steps towards full abolition of capital punishment, with immediate effect in particular towards juvenile offenders (Slovakia);

R - 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);

R - 81.23. Eliminate the use of corporal punishment as criminal punishment (Costa Rica);

R - 81.24. Abrogate the penal provisions envisaging recourse to corporal punishment (France);

R - 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);

R - 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);

A - 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);

R - 81.28. Give abandoned children born in wedlock the same rights and protections afforded to children born out of wedlock (United States of America);

**82. The recommendations below did not enjoy the support of Tonga:**

R - 82.1. Quickly (Italy) ratify CEDAW (Italy, Maldives, Slovenia);

R - 82.2. Proceed swiftly with the ratification of CEDAW (Estonia);

R - 82.3. Accede to CEDAW, without reservations that could be incompatible with the object and purpose of this Convention (Uruguay);

R - 82.4. Intensify, as a matter of priority, efforts to effectively implement the standards of protection set out in CEDAW (Mexico);

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