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Tonga

* The present document is being issued without formal editing.



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I. Introduction

1. The Government of the Kingdom of Tonga (Tonga) is pleased to present its Fourth National Report to the Working Group on the Universal Periodic Review (UPR WG) of the Human Rights Council at its 43rd Session.
2. The Kingdom of Tonga's third national report was reviewed by the UPR WG at its 29th Session on 15 January 2018. On 10 January 2018, the Human Rights Council selected a Troika from the countries of Angola, Slovakia and the United Arab Emirates to facilitate the review of Tonga.
3. The Tonga delegation presenting Tonga's third national report was led by the Solicitor General, Mr. Sione Finau Sisifa, and accompanied by Ms. Susana Faletau, Chief Executive Officer, Ministry of Justice, Mr. Sonata Tupou, Chargé d'Affaires, Tonga High Commission, London and Ms. Akanesi Katoa, Assistant Crown Counsel, Attorney General's Office.
4. Tonga received a total of 110 recommendations during the interactive dialogue with the Working Group. Fifty-two recommendations presented by States were acceptable to Tonga, as they were currently pursued or already achieved by the Government. However, fifty-eight recommendations were quite sensitive to Tonga's circumstances and were deferred in order to give Tonga adequate time to respond.
5. A further statement was prepared by Tonga in response to these fifty-eight recommendations that were deferred. This was subsequently submitted for final consideration by the Human Rights Council at its 38th Session.
6. After consideration of the subsequent information provided, Tonga's Third National Report was adopted by consensus of the Human Rights Council.¹
7. This Report will provide Tonga's progress since 28 June 2018 and its Fourth National Report. Tonga is a small island developing state with special and unique circumstances. It continues to encounter the challenges common to all small island developing states.
8. In this regard, we highlight two significant natural disasters which took place affecting Tonga's overall progress and development, especially in the field of human rights. The first was the Global Pandemic of COVID-19 which befell the globe since 2020. The second was the Hunga-Tonga-Hunga-Ha'apai Volcanic Eruption and Tsunami in the year 2022 which resulted in the loss of lives and destruction to livelihoods and properties in Tonga. These events set back Tonga's progress in all respects and challenged the implementation of its human rights commitments.
9. Despite this, Tonga has placed significant efforts to progress its human rights commitments and obligations to the best of its ability and capacity.

II. Methodology and process for preparing the report

A. Methodology for preparing the report

10. In accordance with the mandate of the Government of Tonga's UPR Working Group (UPR-WG)², the Chair of the UPR-WG is the Prime Minister's Office (PMO) which is represented by the Chief Secretary and Secretary to Cabinet. The UPR-WG was reactivated and the Chair convened a series of meetings in the year 2020, 2021 and 2022. The Ministry of Justice is the Secretariat of the UPR-WG and is responsible for facilitating and coordinating the UPR-WG meetings³.
11. The Cabinet established UPR-WG at present to operate as Tonga's existing government mechanism for the implementation, reporting and follow-up mechanism. It provides a platform in which Government Ministries can report, discuss and collaborate in advancing human rights commitments, obligations and initiatives at the policy level. In addition to this, the National Planning Division of the Prime Minister's Office and the Statistics Department are integral members of the Group in ensuring the interlinkages of the

work of the UPR-WG and Tonga's implementation of the 2030 Agenda for Sustainable Development.

12. Tonga Statistics Department launched the National Strategy for the Development of Statistics (NSDS) 2019-2023 which is the guiding framework for establishing, and monitoring & evaluating the SDG human rights indicators in Tonga.

13. To prepare Tonga's Fourth National Report and to discuss the progress on human rights issues and initiatives by Government, the UPR-WG placed the Fourth National Report as a standing priority agenda item for the UPR-WG.

B. Process for preparing the report

14. The UPR-WG took lead in preparing Tonga's Fourth National Report. The Group collectively identified the relevant Ministries responsible for implementing the recommendations from the previous cycle and tasked each Ministry with reporting on their respective progress on these recommendations from Tonga's Third National Report.

15. The Ministries conveyed all relevant updates to the secretariat⁴ of the UPR-WG. In addition to this, two national workshops were convened in October 2022 and January 2023 to strengthen the capacities of the UPR WG members to better understand the recommendations and ably identify the contributions of their Ministries in the implementation of the recommendations.

16. The UPR-WG identified a lead Agency⁵ to commence the draft then circulate it amongst UPR-WG for consideration and endorsement prior to its submission to His Majesty's Cabinet for final approval. In this regard, Tonga presents in Part II of this report the progress made thus far.

III. Implementation of recommendations from the previous Universal Periodic Review cycle (2018)

17. This part below constitutes information on the measures taken for the implementation of recommendations from the previous UPR cycle in 2018.

A. Human rights frameworks

1. National frameworks

Continue to take effective measures to protect the rights of vulnerable groups⁶

18. Tonga considers its vulnerable groups as comprising of older persons, women, children and persons with disabilities.

19. The Constitution of Tonga [Cap 1.01] provides that the same law applies to all classes, and no laws shall be enacted for one class and not for another class⁷. Hence the same law applies to protect the rights of the vulnerable groups.

20. The Social Protection and Disability Division was established in 2015 at the Ministry of Internal Affairs under the Government's Tonga Strategic Development Framework II 2015-2025 policy on vulnerable communities. The Division is in charge of monitoring the Tonga Government's efforts to address the rights of persons with disabilities, older persons, poor households and vulnerable children.

21. The Government of Tonga approved in May 2021 to increase the Social Welfare Policy (SWP) benefit for the Tongan old persons aged 70-79 years to \$80.00 per month and those aged 80-100 years to \$100.00 per month. The SWP applied to all older persons in Tongatapu and the outer islands. To date, a total number of 4,500 older persons have been paid out under the SWP.

22. The SWP also approved a social welfare for persons living with disabilities in Tonga, this includes a monthly stipend of \$50.00 per month for those living in mild conditions, \$80.00 per month for those living in moderate conditions and \$100.00 per month was given for those living in severe conditions. As of January 2023, a total number of 2,502 persons living with disabilities have received this welfare.

23. The Government of Tonga launched the National Strategic Plan for Long Term Care 2020-2024 in August 2020⁸ in an effort to ensure proper care is in place for Tonga's elderly population.

24. The National Retirement Benefits Scheme-social welfare (2010), which is based on the provision of the National Retirement Benefits Fund Act provides a minimum monthly payment of \$TOP65.00 for older persons aged 70 years and older over who are not employed⁹.

25. The Tonga Universal Health Policy, implemented by the Ministry of Health, provides free health and dental care throughout Tonga to all groups including older persons.¹⁰

26. The Tonga Social Service Pilot (TSSP) pilot servicing Tongatapu and the outer islands includes a home care programme delivered to older persons and persons with disabilities who are most in need. Under the TSSP, home-based care was provided to 150 older persons and persons with disabilities in Tongatapu and Ha'apai by Ma'a Fafine mo e Famili Organization¹¹.

27. The Aged Care program provides home-based care for up to 200 older people with the highest needs. The program is delivered in Ha'apai and Tongatapu¹².

28. The Ministry of Infrastructure is working to ensure that all public buildings are wheelchair accessible.¹³ The Supreme Court has developed an Internal Policy on Persons with Disabilities which was implemented in 2020 to ensure their needs are catered for when accessing the Courts. The main objective of the Policy is to ensure, to the greatest extent practicable, that: all persons who are employed within and who come before and use the services of the Courts are not subjected to discrimination of any kind on the basis of disability; the physical and mental integrity of persons with disabilities is protected; and all persons have access to justice.

29. The SET (Skills and Employment for Tongans) Project of the World Bank¹⁴ focuses on development projects which improve the accessibility of the poor and vulnerable students to secondary and tertiary education and facilitate the transition to jobs in the domestic and overseas labour markets for Tongans.

30. Poverty Elimination Programme with Conditional Cash Transfer to Students of Poor Households - SET Project – commenced in 2019/2020 with the Project development objective to improve opportunities for secondary school progression and facilitate the transition to jobs in the domestic and overseas labour markets for Tongans. With secondary students assisted financially with their school fees payments from poor households, there are a total of 3,880 by December 2022.

31. UNICEF CASH TRANSFER top up of \$200 per head, was granted in October and December 2022 to children with disability, persons with disabilities and affected households from Hunga Tonga Hunga Ha'apai volcano eruptions.

32. On the rights of women and children, these will be addressed in other related segments of this report.

Continue its democratization process, including efforts to enhance respect for the civil rights of its citizens to ensure equal and full enjoyment of fundamental human rights¹⁵

33. Tonga continues to progress its democratic reforms by ensuring clear separation of powers under the Constitution between the Executive¹⁶, Judiciary¹⁷ and Legislature¹⁸.

34. The Constitution of Tonga provides a number of civil rights which are as follows:

- (a) that everyone has a right to a fair trial and for Courts to be unbiased;¹⁹
- (b) Freedom of religion²⁰;

- (c) Freedom of speech²¹;
- (d) Universal suffrage at the age of 21 years old.²²

Establish a national human rights institution capable of promoting and protecting human rights in the country, and that receives sufficient human and financial resources to guarantee its proper functioning²³

35. The Anti-Corruption Commissioner Act [Cap 2.01] provides for appointment of an Anti-Corruption Commissioner Office to investigate high level corruption within Tonga.

36. Tonga became a party to the United Nations Convention Against Corruption in the year 2020 and is participating in the Implementation Review cycles established under the Convention.

Ensure sufficient resources are allocated for the full and successful implementation of the Revised National Policy on Gender and Development 2014-2018²⁴

37. National Women's Empowerment and Gender Equality Tonga Policy (WEGET) and Strategic Plan of Action 2019-2025 has been launched and there is an allocated budget under the Ministry of Internal Affairs for the implementation of this policy. The Women's Affairs Division is responsible for the implementation of this policy.

38. The main goal of the WEGET Policy is to advance gender equality ensuring the active contribution and meaningful participation of both women and men in all spheres and at all levels of development and decision making for the well-being of the family and the benefit of the whole society²⁵.

39. The Statistics Department in Tonga facilitated a National Training on Producing and Using Gender Statistics to Monitor SDG and Implement the Pacific Roadmap in January 2023. This reflects the Government of Tonga's commitment to achieving gender equality and using gender data to inform decision-making, monitoring and evaluation.²⁶

40. Tonga is committed to the Pacific Roadmap on Gender Statistics which provides the guiding framework to support Pacific National Statistical Systems to generate quality, relevant and timely gender data that meet users' needs to advance gender equality.²⁷

Continue its efforts to establish efficient and transparent public services in the country²⁸

41. The Public Service Act was amended in 2018 to ensure that Ministries provide their annual reports on a financial year basis so that financial matters in relation to the operation of Ministries, including annual financial statements of receipts and payments and statements of assets and liabilities, are aligned with the annual financial reports and budget statements provided by the Ministry of Finance to the Legislative Assembly.²⁹

42. Public Service Sexual Harassment Policy was endorsed by Cabinet in 2022 to ensure that the Public Service Commission (as employer) take appropriate steps to protect the public servants (their staff) from workplace harassment, including by third parties. It is also to provide clear guidance to employees (including permanent employees, daily paid labourers, casual employees, contract employees, interns and volunteers), public servants and volunteers in the Public Service on sexual harassment in the workplace.

2. International frameworks

Improve its record on reporting to the United Nations Treaty Bodies, including by submitting its overdue reports to the Committee on the Elimination of Racial Discrimination and Committee on the Rights of the Child³⁰

43. Tonga submitted and presented its initial CRC report before the UN Committee on the Rights of the Child in May 2019. The Initial Report was reviewed by the Committee on the Rights of the Child in 2019 and it was adopted by the Committee on the Rights of the Child during its 81st session (13-31 May 2019).³¹

44. The Ministry of Education and Training, as the implementing agency of the Convention on the Rights of the Child is currently working in consultation with relevant

stakeholders on Tonga's CRC report which is due to the Committee on the Rights of Children in December 2023.

45. The Government of Tonga recognizes the importance of updating and submitting its overdue reports to the Committee on the Elimination of Racial Discrimination.

Adopt an open, merit-based process when selecting national candidates for United Nations Treaty Body Elections³²

46. The Government of Tonga currently adopts a merit-based process when selecting national candidates for international mechanisms. Candidates are submitted to His Majesty's Cabinet for their endorsement and approval. The Cabinet's endorsement and approval of a candidate is merit-based.

Accept the request for a visit of the Working Group on the issue of discrimination against women in law and in practice³³

47. Tonga is looking forward to enhancing its engagement with United Nations human rights mechanisms, including Special Procedures of the Human Rights Council and the UPR Working Group.

Co-operate with the Voluntary Technical Assistance Trust Fund to Support the Participation of LDCs and SIDs in the work of the HRC³⁴

48. Three Tongan females have benefitted from the Voluntary Technical Assistance Trust Fund in support of the LDCs and SIDs. One of the beneficiaries of the Voluntary Technical Assistance Trust Fund was the lead drafter of the Tonga's Second, Third and now Fourth UPR report.

Conclude the process of ratification of the Convention on the Elimination of All Forms of Discrimination against Women and reconsider all the potential reservations thereto³⁵

49. There is a Cabinet Sub-Committee which was set up to coordinate and facilitate the ratification of the Convention on the Elimination of All Forms of Discrimination against Women in Tonga.

50. Despite the fact that Tonga has not ratified CEDAW, Tonga has implemented a lot of legal instruments in place, which enhances the objectives of CEDAW, for example:

(a) The Women's Empowerment and Gender Equality Tonga (WEGET) National Policy and Strategic Plan of Action 2019-2025 provides that one of its key actions is to develop a plan of action on the CEDAW for community awareness, sectoral consultations, capacity building of Government, NGOs and Churches.³⁶

(b) The Legislative Assembly passed an amendment to the Criminal Offences Act in 2022 to expand the definition of "rape" to include digital rape.

(c) Tonga has established a lot of legal frameworks, policies and institution, which reflects the principles of CEDAW for example:

- The Women's Empowerment and Gender Equality Tonga (WEGET) National Policy and Strategic Plan of Action 2019-2025 launched in 2019. The policy proposes a revised set of agreed priorities and guidelines for the government and civil society to improve their capacity to address gender issues and enhance the well-being of the families by integrating a gender perspective in the process of developing laws, policies and programmes which will serve to ensure equal rights, opportunities and benefits for women and men.³⁷
- The Tonga Multiple Indicator Cluster Survey (MICS) 2019 provides the largest source of statistically sound and internationally comparable data on women and children worldwide. The Tonga MICS collected data on health, nutrition, child protection, education, water, sanitation and hygiene as well as domestic violence amongst other topics, and provides disaggregated data for identification of disparities to inform policies aimed at social inclusion of the most vulnerable population.

(d) Establishment of the Family Protection Legal Aid Centre (FPLAC / Center) in 2018. The Centre is now part of the Ministry of Justice and it has its own specific budget to assist victims of domestic violence.

(e) The Centre (FPLAC) in partnership with the United Nations Development Programme (UNDP) developed an online portal to enable domestic violence (DV) and gender-based violence (GBV) survivors access legal information and reporting mechanism.

(f) Family Protection Trust Fund under the Family Protection Act [Cap 6.02] (FPA) provides a government budget allocation for the prevention of domestic violence.

*Continue efforts to ratify international instruments and to cooperate with human rights mechanisms, including the Rome Statute of the International Criminal Court*³⁸

51. Despite the fact that Tonga has not ratified the Rome Statute, Tonga was part of 7 Pacific Island countries which actively participated in the Roundtable on the Ratification and Implementation of the Rome Statute, which was facilitated by the Parliamentarians for Global Action (PGA) in cooperation with the Government of Vanuatu, Republic of Korea and the ICC and in partnership with the European External Action Service in Port Vila, Vanuatu on 31 May 2019³⁹.

*Formally abolish the death penalty, including by ratifying the International Covenant on Civil and Political Rights and its Second Optional Protocol aiming at the abolition of the death penalty*⁴⁰

52. The death penalty remains the ultimate criminal sanction lawfully available to the State and has only been imposed in the most heinous cases some 26 years ago. The current determination for constitutional and political reform and the consideration of other international human rights instruments may offer further opportunities for discussion and debate on this issue⁴¹.

*Sign and accede to core international human rights treaties, to which Tonga is not yet a party, namely ICESCR, ICCPR, ICPPED, ICRMW AND CAT*⁴²

53. The Working Session of the Commonwealth Pacific Parliamentary Human Rights Group facilitated a workshop in Tonga to assist Tongan parliamentarians in improving their work towards promoting human rights in Tonga and to promote commitment to more human rights treaties such as the ICCPR and the ICESCR.⁴³

54. The Tongan courts continue to apply the principles of the ICCPR as seen in the case of R v Vola [2005] Tonga LR 404 where the Tongan courts applied the principles of the ICCPR although Tonga has not ratified the Covenant.

55. The principles of the ICESCR are incorporated in the Tongan laws, which includes the laws to the right to adequate health care, the right to education, and the right to a decent home, food, shelter although Tonga has not ratified the Covenant.

56. In relation to ICESCR, the Legislative Assembly passed the Employment Relations Act 2020 in 2020, which ensures that the fundamental rights and principles at work include prohibition of forced labour, freedom from discrimination, equal remuneration for work of equal value and freedom of association.⁴⁴ This Act is currently pending Royal Assent.

57. Tonga has not signed the ICRMW, but Tonga currently has a Migration and Sustainable Development Policy developed by the Technical Working Group of Tonga which was endorsed by the Government of Tonga in 2021, which incorporates some of the principles of ICRMW, to promote the benefits and minimize the costs of internal and international migration through legal means while also protecting the rights and security of migrants.⁴⁵

58. The Government of Tonga has established a Cabinet Working Group to review and look at Tonga's ratification of the CAT. This final review is awaiting final internal approvals before Tonga can continue to ratify the Convention.

59. Tonga accepted an invitation by the Convention against Torture Initiative (CTI) for a home country visit in 2019. The CTI conducted a high-level diplomatic visit to Tonga in

February 2019. The main purpose of the visit was to support and expand the capacity and expertise of State authorities in their preparations to ratify the CAT.⁴⁶

60. Tonga expressed commitment for ratification of the CAT during a high-level CTI seminar in Fiji in February 2019.⁴⁷

61. The Social Protection and Disability Division of the Ministry of Internal Affairs has conducted extensive consultations on the Convention on the Rights of Persons with Disabilities with the objective for Tonga to ratify this Convention. The consultation included all persons with disabilities advocacy and social providers, church leaders, women, youth and NGOs. The consultations also included visits to different parts of Tongatapu and consultations to the outer islands.

Ratify the International Labour Organization Worst Forms of Child Labour Convention, 1999 as part of the Government's ongoing commitment to achieving target 8.7 SDG and other fundamental ILO Conventions⁴⁸

62. Tonga ratified the ILO Convention on the Worst Forms of Child Labour, 1999 (C182) in August 2020. Tonga became the last and 100th ILO Member to ratify this Convention.⁴⁹ Tonga's ratification made the C182 the only universally ratified Convention in the ILO history.

63. The Employment Relations Act 2020 was passed by the Legislative Assembly in 2020 and currently before His Majesty for Royal Assent. The Employment Relations Act 2020 provides for the following:

(a) The fundamental rights and principles at work, *i.e.*, no forced labour, freedom from discrimination, equal remuneration for work of equal value, and freedom of association; and

(b) Provisions on the protection against child labour, which further affirms Tonga's ongoing commitment to the implementation of C182.

64. In 2019, Tonga launched the Tonga Labour Force Survey Report (TLFSR) 2018. The last TLFSR in Tonga was conducted in 2003. The TLFSR (2018) was a collaboration between the Tonga Statistics Department, the Ministry of Trade and Economic Development and the International Labour Organization (ILO), funded by the Government of Tonga. The next TLFSR is scheduled for 2023.

65. Tonga launched the Tonga Informal Business Survey Report 2021 (TIBS, 2021), a collaboration between the Ministry of Trade and Economic Development and the Pacific Private Sector Development Initiative (PSDI), with technical assistance by the Tonga Statistics Department. The findings of the TIBS assist to identify and monitor activities in relation to achievement of SDG target 8.7.

66. Tonga developed its first Decent Work Country Programme 2018-2022 (DWCP). The DWCP is a working programming tool, which was developed through a series of consultations with the tripartite constituents and contained the strategy for interventions planned to be undertaken.⁵⁰

67. The Ministry of Education and Training has enforced that the age for compulsory education in Tonga is between 4 and 18 years of age in accordance with section 98(2) of the Education Act [Cap. 13.01].⁵¹

68. The Ministry of Trade and Economic Development in collaboration with the Attorney General's Office is also working towards the ratification of the ILO Minimum Age Convention, 1973 (No.138).

Ratify and implement the Convention on the Rights of Persons with Disabilities and support the disaggregation of Sustainable Development Goals reporting data by disability⁵²

69. A joint exercise between the Tonga Department of Statistics and the Ministry of Internal Affairs facilitated a *Disability Survey Report 2018* which focused on reporting on the status of persons with disabilities in Tonga.

70. The *Population and Housing Census 2021* in Tonga included questions on functionality.

71. MICS 2019 included information that was disaggregated by disability status.

72. These census and surveys all adhered to the *Washington Group on Disability Statistics* question sets.

B. Cross cutting issues

1. equality and non-discrimination

*Adopt specialized laws that allow the creation of mechanisms to combat sexual and gender-based violence, as well as discrimination based on sexual orientation and gender identity*⁵³

73. The Family Protection Act [Cap. 6.02] was enacted in 2013 to provide protection for all persons in Tonga from sexual gender-based violence and abuse at home despite the person's sexual orientation.

*Introduce comprehensive anti-discrimination legislation to provide equal protection for all persons, including vulnerable groups like people with disabilities, and on all grounds, including sexual orientation and gender identity*⁵⁴

74. The Constitution of Tonga provides that all persons are subjected to the same laws and no laws shall be enacted for a specific class. Hence the Tongan constitution recognizes equality for all persons.

75. Tonga continues to introduce policies and legal frameworks to promote inclusiveness and ensure that the rights of persons with disabilities are respected and considered.

76. Tonga may not expressly have an anti-discrimination legislation against the vulnerable groups, but Tongan cultural norms and practices promote equality and respect for all persons as part of one Tongan communal family.

*Repeal legislation that criminalizes same-sex sexual practices between consenting adults and increase efforts to eliminate all forms of discrimination that target individuals based on their sexual orientation and gender identity*⁵⁵

77. The Tonga Leiti's Association in Tonga is a registered non-governmental organization which focuses on advocacy for the LGBTQ+ community in Tonga. This TLA is a recognized NGO and they are actively being part of public consultations in relation to the Tongan laws.

78. TLA is a member of the Tonga National Steering Committee for the 16 Days of Activism to Eliminate Violence Against Women and Girls (EVAW) which is led by the Women's Affairs Division of the Ministry of Internal Affairs.

79. TLA continues to collaborate with the Tonga Health Association in promoting sexual reproductive health and sexual health, including family planning and safe intercourse.

80. The Legislative Assembly of Tonga passed the Criminal Offences (Amendment) Act in 2022. This Act is currently pending Royal Assent, but it re-defines the definition of "rape" to include anal rape and digital rape.

2. Right to development

*Continue to implement its strategic development framework 2015–2025 to achieve sustainable economic and social development*⁵⁶

81. All Government Ministries submit a Corporate Plan annually to the Legislative Assembly, which identifies their individual activities and contributions to the Tonga Strategic Development Framework and the SDGs. These include the Government Ministries, Department and Agencies (MDAs) activities in relation to economic, social and cultural

rights, including the rights to health and education, poverty eradication, and other human rights related activities.

82. The Corporate Plans are monitored and evaluated by the National Planning Division, which is a Division under the Prime Minister's Office. MDAs are responsible for submitting an M&E bi-annually, which reflects the status of the Ministries activities and its contributions to the TSDF II and SDGs.

83. The SDGs indicators are monitored by the Tonga Statistics Department to ensure it adheres to the principles of Official Statistics.

84. The Government of the day must approve its Government Priority Areas (GPA) for its 4-year term. These GPAs are then mapped out to specific outcomes of the TSDFII and SDGs. These priorities are used in the assessment criteria for any new initiatives or priority submissions received from MDAs.

Continue to work on human rights and sustainable development initiatives and, where applicable, adopt appropriate follow-up mechanisms⁵⁷

85. This has been elaborated in the previous segments of this report.

3. Environmental issues

Adopt concrete measures to protect vulnerable groups to assist them in being more resilient to the impact of climate change and natural disasters⁵⁸

86. The Tonga Strategic Development Framework II is committed to building resilience and a safer platform to natural disasters and meeting the ongoing challenges of climate change (tropical cyclones, sea level rising, tsunamis, global pandemic etc.) and address the economic crisis.

87. Tonga Climate Change Policy – A Resilient Tonga by 2035 was approved in 2016 with the goal to seek to enhance mitigation efforts and improve governance and participatory actions and it lists a number of specific targets, including that every coastal community has a special management area and protected coastal environment, redesigned and resilient roads, resilient homes and community halls and a transport system that is not reliant on fossil fuels.⁵⁹

88. Joint National Action Plan on Climate Change and Disaster Risk Management 2018-2028 was approved in 2018. This Plan aligns with the Tonga Climate Change Policy. The mission for this policy is to develop a resilient Tonga through an inclusive, participatory approach that is based on good governance, builds knowledgeable, proactive communities and supports a strong, sustainable development pathway.

89. The Ministry of Internal Affairs is currently implementing a Disaster Recovery Plan for Vulnerable People after the Hunga Tonga Hunga Haapai Volcanic Eruption.

90. The Ministry of Education has successfully conducted tsunami drills for all primary schools in Tongatapu.

91. The Ministry of Education has continued to facilitate education school programmes on the radio, during the COVID-19 lockdown and HTHH post eruption.

92. The National Emergency Management Office and the Meteorological Services Office (MEIDECCC) have successfully procured and installed 21 automated weather stations throughout Tonga providing weather updates and observations. Tonga successfully installed an Early Warning System for natural disasters in 2022.

93. The Department of Energy received and distributed 250 solar street lights and the Energy Act 2020 received Royal Assent in 2022.

94. The biodiversity – Ecosystems based approach to development and conservations of biodiversity and any special management areas such as cultural and historical sites, 30 per cent of which have been completed.

95. Resilience Fisheries Development and Marine and Coastal Ecosystem conservation including Special Management Areas (SMAs): 64 SMAs have been established in Tonga and 43 were affected by HTHH.

96. The Tonga Statistics Department developed Tonga's multidimensional poverty measure in 2018 to inform on those that experience both low income and are also materially and socially deprived in order to better reflect Tonga's social context.

Seek the technical and financial assistance needed to adequately address the climate change challenges and to reduce risk and implement early warning systems⁶⁰

97. Tonga has benefited from a lot of technical and financial assistance to address climate change challenges, which includes the following:

- (a) Green Climate Change Fund;
- (b) Climate Resilience and Transport Project 2020 (World Bank);
- (c) Global Environment Facility (GEF);
- (d) Climate Change Trust FUNDS;
- (e) WAITT Institute provided assistance with the development of the Tonga National Ocean Policy;
- (f) Safe School Programmes aimed at building safer school facilities to withstand natural disasters and impacts of climate change;
- (g) SET project targeted at supporting parents financially.

C. Civil and political rights

1. Right to life

Abolish the death penalty⁶¹

98. The death penalty remains the ultimate criminal sanction lawfully available to the State and has only been imposed in the most heinous cases some 26 years ago. The current determination for constitutional and political reform and the consideration of other international human rights instruments may offer further opportunities for discussion and debate on this issue.⁶²

2. Right to liberty and security of the person

Abolish the provisions which authorize corporal punishment⁶³

99. The prohibition of torture is part of customary international law and is a rule, from which states cannot derogate whether or not they are a party to the various treaties such as CAT, which prohibits it. Tongan case-law like *Fangupo v R*⁶⁴ has considered whipping to be unlawful.

100. The Education Act prohibits the use of corporal punishment in any school.⁶⁵

101. The Family Protection Act [Cap 6.02] protects women and children from abuse and corporal punishment.

Continue to incorporate into legislation the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, otherwise known as the "Bangkok Rules"⁶⁶

102. The Prisons Department has a legal officer to assist with the operation of the Prisons Department.

103. The Prisons Act mandates that female prisoners are to be accommodated separately from male prisoners.

104. The Prisons Department has internal policies, which allows a prisoner mother to breastfeed a new born child whilst serving time in prison.

105. The Ministry of Justice and Prisons is currently reviewing the Prisons Act to be in line with the Bangkok Rules measures.

3. Administration of justice and rule of law

Develop a broader legal aid system that offers free legal counsel to indigent defendants⁶⁷

106. The Youth Diversion Scheme is currently implemented by the Ministry of Justice and the establishment of a legal centre for defendant youths (ages 14–18) is a priority.

107. The Family Protection Legal Aid Centre's (FPLAC) mandate is to provide free legal services to survivors of domestic violence, however there are discussions of expanding their mandates in the future.

108. The FPLAC is also a part of the Court Circuits to provide free legal services to survivors of domestic violence.

109. The REACH (Rights, Empowerment and Cohesion) Project was rolled out in Tonga in 2022. The main REACH initiative is to bridge the gap by ensuring that citizens can access public services in all aspects, including administrative registrations, civil and criminal legal procedures, health, social services related to gender-based violence, including counselling and referrals, education and business procedures⁶⁸. REACH also has a helpline available for citizens to contact and enquire regarding their needs.

4. Freedom of opinion and expression

Take measures to reinforce protections for freedom of expression, including guaranteeing the independence of public and private media⁶⁹

110. Women in Media was established in 2020 with the assistance of the Pacific Media Assistance Scheme (PACMAS). The Women in Media continues to actively meet and discuss common issues and challenges of being women in the media.

111. Tonga Media Association facilitates bi-monthly workshops where senior government officials like the Attorney General, Police Commissioner deliver key remarks. This reflects the Government's support for the Tonga Media Association.

5. Participation in public and political life

Further strengthen mechanisms for citizens, including civil society organizations, to participate in law-making, oversight, national planning and budgeting processes⁷⁰

112. The Legislative Assembly Website publishes all Bills, Regulations and Parliamentary Reports which are discussed in the Legislative Assembly and invites the general public to submit any issues they have with the current version of the Bills.

113. International Human Rights Conventions must go through intensive public consultations. The general public could raise matters for reservations during those consultations.

114. The deliberations and discussions in the Legislative Assembly are made available in different media mediums like the radio. This includes the discussion of the Government budgets.

115. There are different Youth Parliament projects, which increases the voice of the youth in the law-making process.

6. Prohibition of forced labour, trafficking and all forms of slavery

Address the issue of trafficking of women and children⁷¹

116. The 2022 Trafficking in Persons Report on Tonga indicated that Tonga remains on Tier 2 Watch List. Tonga did not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so.⁷²

117. Tonga has established a Technical Working Group on Migrant Assistance and Protection chaired by the Ministry of Foreign Affairs (Immigration Division) to assess the capacities to protect vulnerable migrants and prevent human trafficking and smuggling in Tonga.

118. The Tonga Migration & Sustainable Development Policy was developed by the Migration Technical Working Group of Tonga and launched in 2020 and one of the main objectives of the policy is the combating of human trafficking in Tonga. This includes the prevention of human trafficking through research, public awareness and government capacity building⁷³.

119. The Civil Society Forum Tonga (CSFT) in collaboration with the Asia Foundation facilitated a workshop on Trafficking in Persons – Post Disaster Situation in Tonga and the main objective of the workshop was to undertake a rapid assessment of Trafficking in Persons (TIP) in Tonga Post-Disaster, noting the disasters often trigger TIP vulnerabilities and forced labour and migration activity.⁷⁴

120. The Tonga police supported the launch of the Pacific Regional Initiative and Support for Effective Counter Trafficking in persons in Suva, Fiji in August 2022.⁷⁵

121. Tonga is part of the U.S. New Project to counter trafficking in persons in the Pacific Region. The main goal of this project is to reduce trafficking incidence and vulnerability by enhancing mechanisms and strategies to prevent trafficking, improve protection services for victims and increase access to legal services and remedies.⁷⁶

122. The Civil Society Forum Tonga works closely with Government agencies to assist with workshops in relation to trafficking in persons in Tonga.

123. The Employment Relations Act 2020⁷⁷ provides that any person who shall exact, procure or employ forced labour commits an offence⁷⁸ and is liable to a fine up to \$50,000 or a term of imprisonment of up to 2 years⁷⁹.

D. Economic, social and cultural rights

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

Implement an official support system for working women, contemplating basic issues such as the minimum wage and maternity leave⁸⁰

124. The Employment Relations Act 2020 was passed by the Legislative Assembly in 2020 and it is currently pending Royal Assent. This Act will establish a committee which will review the minimum wage for Tonga.

125. The Public Service Commission allows civil servants 3 months maternity leave and male civil servants 5 days paternity leave⁸¹. However, this continues to be a challenge for the private sector who only offer up to 1 months paid leave.

126. The Tonga Labour Mobility Policy was launched on 4 February 2021 and allows for increase of women participating in the labour mobility schemes in New Zealand and Australia in horticulture, meat processing, constructions, tourism and hospitality.

127. A summary of the current statistics on Tonga's working population is seen in Annex 1, Table 1: Tonga's working population.

2. Right to social security

*Make efforts for the welfare of female workers, including by ensuring maternity leave by law*⁸²

128. Social insurance is provided through a contributory pension scheme. However, this scheme is only limited to formal employees and excludes the majority of workers who operate in the informal economy leaving aside the working poor.

129. Tonga has a contributory health insurance scheme.

3. Right to health

*Implement measures to strengthen universal access to health services, including reproductive health*⁸³

130. Tonga's health sector continues to operate under a number of legislation, including Public Health Act [Cap 12.15], Health Services Act [Cap 12.06], Medical, Dental and Allied Health Practitioners Act [Act 9 of 2021], Mental Health Act [Cap 12.10], Tobacco Control Act [Cap 12.17], Nurse, Nurse Practitioners and Midwives Act [Act 10 of 2021] and other pieces of legislation continue to govern and monitor medical and health services in Tonga.

131. The Public Health Division of the Ministry of Health is responsible for providing health care and health promotion services to women of child bearing age, family planning, immunization services, antenatal and post-natal child care services (Child health).⁸⁴

132. The Ministry of Health is also committed to developing and strengthening inclusive gender-based initiatives and services addressing gender-based violence (GBV) and violence against women and girls (VAWG) and disability.⁸⁵

133. In terms of access to healthcare and health services, there are ongoing awareness campaigns conducted by district health centres and they continue to provide basic health services, including pre-natal and post-natal care.

134. In terms of mental health management, the Pasific Medical Association (PMA) assisted the Ministry of Health after the Hunga Tonga Hunga Ha'apai volcanic eruption by conducting consultations in the affected communities and raising awareness on the importance of mental health. The Ministry of Health intends to continue to foster post eruption mental health management in Tonga.

135. The Ministry of Health successfully implemented the National COVID-19 Vaccine Rollout in April 2021.⁸⁶ Approximately 89.8 per cent of the Tongan population have received their first dose and 75.6 per cent of the population is fully vaccinated.⁸⁷

136. The Ministry of Health also rolled out a Ministry of Health COVID-19 Preparedness and Response Plan in 2020 to ensure the appropriate mechanisms are in place to deal with the outbreak of COVID-19 in Tonga.

137. The Ministry of Health launched the National Health Information System (NHIS) in November 2021. This is the first integrated national health information system in the Pacific. This system will improve the protection of personal health information collected by the Ministry of Health and improve efficiency in patient care leading to improved patient safety as an outcome.

4. Right to education

*Establish a monitoring and reporting system on the implementation of the education policy framework*⁸⁸

138. The implementation of the *Tonga Education Policy Framework 2004-2019* concluded in 2019. The main purpose of this Framework was to provide set guidelines and provide a framework and a context for the future development of Tonga's education sector⁸⁹.

139. The draft Education Policy Framework 2020 has been developed by the Ministry of Education and Training as the overarching framework for the whole education system where

it sets out recommendations for monitoring and reporting systems as well as research and learning systems. The Education Policy Framework 2020 is currently pending the endorsement of Cabinet; however, it is still important to recognize the efforts undertaken by the Ministry of Education and Training to monitor education and establish a framework.

140. The National Examination & Assessment Policy was endorsed by Cabinet in August 2022 for all Government and Non-Government Schools. This policy takes on a holistic view of what needs to be reviewed in terms of examination and assessments throughout the education system.

141. The Education Act prohibits the use of any form of corporal punishment in the schools⁹⁰.

142. The Education Act is currently under review to ensure that it is in line with the outcome based curriculum.

143. Tonga has also abolished the Form 5 national examination and deferred the selection examination in the end of year 6 to the end of year 8.

144. The Ministry of Education and Training is currently reviewing its Inclusive Education Policy 2007 with assistance from UNICEF.

145. However, it is important to note that inclusive education is included in Part XXI of the Education Act [Cap 13.01]. This is currently implemented by the Ministry of Education and Training and all children, including children with special needs have access to quality education.

146. The Ministry of Education launched a new Early Childhood Education Framework in November 2022. To date, there are 106 Early Childhood Education (ECE) Centres in Tonga and 47 of those ECE centres are operated by the Ministry of Education and Training.

147. The Multiple Indicator Cluster Survey 2019,⁹¹ provides that 87 per cent of children aged 1–14 years experience some form of physical discipline from their mother or caretakers.

E. Rights of specific groups

1. Women

Establish a mechanism for improving coordination and strengthening of various institutions dealing with discrimination against women, taking into consideration that Tonga still has not established an institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights⁹²

148. Cabinet approved the implementation of the Public Service Sexual Harassment Policy.

149. The Tonga Police Board successfully terminated Tonga police officers on the grounds of sexual harassment in 2020.

Promote and increase efforts for women's participation in political life and decision-making at all levels⁹³

150. Parliament holds annual “Women in Parliament” sessions to raise awareness and encourage women to participate in political life.

Continue to strengthen efforts to increase women's participation at all formal decision-making levels⁹⁴

151. Women in the villages in Tonga are part of the Village Councils, which decides the Special Management Areas.

152. Women hold positions in the local government level like District and Town Officers positions.

153. Senior Government positions are most often held by women.

154. Tongan women also hold senior positions in regional and international organizations.
155. It is important to note that majority of the registered practicing law practitioners in Tonga are females.⁹⁵
156. Please find below a summary of women's achievements in Tonga in the judiciary:
- (a) Tonga appointed its first legally qualified female Magistrate in 2018.
 - (b) Tonga appointed its first female Acting Supreme Court Judge in August 2022.⁹⁶
 - (c) Tonga appointed its first female permanent Supreme Court Judge in July 2022.⁹⁷
 - (d) Tonga currently has two female Senior Magistrates serving in the Magistrate's Court.
157. All the current King's Counsels in Tonga are females appointed in accordance with Practice Direction No. 1 of 2020.⁹⁸

Take all necessary measures to ensure the effective implementation of the Family Protection Act [Cap 6.02] and that it places a particular focus on legal and cultural awareness-raising campaigns⁹⁹

158. Although Tonga has not ratified CEDAW, Tonga has, through various pieces of legislation, recognized the underlying principles of CEDAW. As such, there are ongoing consultations with the relevant stakeholders on the reservations Tonga has on the CEDAW. Amendments to the *Criminal Offences Act* on the definition of rape is awaiting Royal Assent.

159. Continued awareness programmes for FPLAC and Ministry of Internal Affairs under the Family Protection Act (FPA) is ongoing particularly during annual Justice Weeks, 16 Days of Activism and REACH. Awareness campaigns on the FPA are mandated under the FPA for the responsible implementing stakeholders and they continue to be consistent in their campaigns over the years.

160. In 2020, FPLAC went out to schools (all boys schools) and homes (Houma) to further educate perpetrators and raise awareness on the offences under the FPA 2013 in order to effect behavioural change towards domestic violence.

161. Although the current Land Act prohibits women from holding or succeeding to land as registered owners, it does allow women to hold land by way of lease and widowship.

2. Children

Take additional steps towards the abolition of child marriage, including by raising to 18 the minimum age of marriage¹⁰⁰

162. TNCPP – Tonga National Child Protection Policy Committee - Through the Tonga National Child Protection Policy (TNCPP) Committee (established by Cabinet in 2021), Tonga managed to develop a Child Protection Policy draft (in collaboration with Auckland University of Technology (AUT) specifically tailored for the protection of children, including those with disabilities. It recognizes gender equality, anti-discriminatory approaches to child upbringing, encourages early intervention and doing no harm to children as one of its guiding principles. At the same time, it still acknowledges cultural values such as Nofu 'a Kainga (living in the family unit), as well as the 4 golden pillars of the Tongan values.

163. The Tonga Census 2021 indicated that two weeks prior to the Census 2021, the percentage of children who were ill/injured and sought care by means of self-treatment via modern or traditional medicine or a traditional healer was at 29.5 per cent. It is important to note that the statistics only reflects the percentage based on those who were ill/injured and sought care, but it does not include those who were ill/injured and did not seek care.¹⁰¹

164. Births, Deaths & Marriages (BDM) Act – Tonga's BDM Act allows for a person as young as 15 years of age to marry with their parent's consent. Current review of BDM

legislation is on-going with raising the current age of marriage to 18 years of age. Previous consultation showed opposition from Church leaders, however, concerns have been raised from public members during the meeting of TNCPP this year to raise the age from 15 to 18.

165. Youth Development Scheme – A major component under Tonga Justice Sector Support Program (TJSSP) – Cabinet has approved piloting of YDS – Youth Justice Legislation currently being drafted – Probation Bill also in progress towards the full implementation/establishment of a Juvenile Justice System. Table 2, specifically on Children (age 0–17) in the annex.

166. It was found from Census 2021 that for the two weeks prior to Census 2021, the percentage of children who were ill/injured and sought care by means of self-treatment via modern or traditional medicine or a traditional healer was 29.5 per cent.

3. Persons with disabilities

Continue to review and improve the relevant legislation, policies and programmes to accord those with disabilities more protection, services and opportunities to participate fully in Tongan society¹⁰²

167. The Ministry of Justice Disability Policy 2020 was established to ensure that all persons employed or who use the services of the Courts are not subjected to discrimination of any kind on the basis of physical or mental disability.

168. The Ministry of Education has an Inclusive Education Policy, which is now under review by UNICEF but it has been incorporated into the Education Act.

169. The last 2018 census showed that 7.6 per cent of the Tongan population is living with a disability.

170. Major development includes increased allowance from \$75 to \$100 under the Disability Welfare Cash Assistance Scheme (July 2022).

171. Caregivers are also entitled to an allowance under this scheme (government partial contribution).

172. Status of CRPD ratification – extensive consultation has been conducted in Tonga and outer islands over the years. Legislative review was completed and ratification pending Cabinet approval - awaiting confirmation from MIA/Prime Minister's Office (PMO).

173. National Social Protection Policy – they're currently at scoping level where consultations are on-going with stakeholders for the development of a draft.

174. Major project development - Aged Care Facility (MIA has secured monthly funding and they are currently scoping for location and sorting out the logistics). MIA to provide further details on services for disabilities- early detection for children).

175. The Employment Relations Act 2020 provides for equal employment opportunities (EEO) and the prohibited grounds for discrimination includes disability.¹⁰³

IV. New and emerging issues

A. Protection against a global pandemic versus individual human rights

176. The global pandemic of COVID-19 brought about new and significant challenges in the implementation of human rights. The balancing of the protection of human rights against individual rights resulted in emergency measures being put in place for the sake of the safety and well-being of Tongans, to a large extent affecting their human rights.

177. In the year 2020, Tonga activated Declarations of a State of Emergency, Public Health Emergency Orders under the Public Health Act under the Emergency Management Act [Cap 7.02] and the Public Health Act [Cap 12.15] resulting in restrictions put in place for two and a half years. These restrictions included the closure of the Tongan borders, curfews, wearing of masks, restrictions and prohibitions of gatherings and other measures.

178. The impact of the global pandemic in Tonga threatened resources, and in Tonga, economic, social and cultural rights were regressed as a result of the pandemic and its economic consequences.

179. The restrictions provided as a result of the global pandemic threatened the rights of the people in Tonga. For instance:

(a) the **right to education**, as schools were closed from February to June 2022 as a result of the community outbreak of COVID-19 in Tonga. The Ministry of Education and Training facilitated a COVID-19 education programme which included offering radio classes for the primary levels and online classes for the secondary and tertiary levels. Non-Government schools also implemented their own COVID-19 education programmes which included zoom classes and online classes;

(b) the **right to health care** as the Vaiola Hospital imposed strict restrictions in entering the hospitals, this limited the access of persons with non-communicable diseases (NCDs) to health care;

(c) the **right to movement** as curfews were imposed internally in Tonga from March 2020 to August 2022 and the Tongan borders were closed to international travellers from March 2020 to August 2022. This restricted the rights of persons to freely move around; and

(d) the **right to employment** as curfews and restrictions were imposed, most of the private sector companies closed down and a lot of the employees lost their employment and form of income.

B. Natural disasters and displacement

180. On 15 January 2022, the Hunga-Tonga-Hunga-Ha'apai underwater volcano erupted resulting in a tsunami and ashfall which destroyed significant areas of Tonga's infrastructure and resulted in loss of lives, livelihood and displacement. Displacement has the potential to place vulnerable groups at risk, in particular persons with disabilities, women and children. Tonga, with the assistance of donor partners, was able to cater to that need and ensure women, children and persons with disabilities had access to the basic necessities and appropriate shelter temporarily whilst homes were reconstructed.

C. Economic development, employment and social challenges

181. Tonga has entered formal arrangements with Australia and New Zealand on labour mobility scheme since 2009, which has seen a number of Tongans employed in the labour sectors of these countries from fruit picking to the meat industry.

182. Whilst the opportunity has contributed significantly to Tonga's economic development through remittances, family separation has resulted in numerous social problems in Tonga starting with the breakdown of the family unit due to separation of families, infidelity, absentee parents all resulting in children being affected. Tonga is working closely with Australia and New Zealand to determine ways, in which these can be addressed.

183. This opportunity is also a threat to Tonga's labour supply and the Labour Division of the Ministry of Trade and Economic Development is currently finalizing the development of the *Tonga Labour Mobility Supply Management Strategy* to identify the priority sectors for labour mobility development in Tonga.

D. The rights of small island developing states and global initiatives

184. Tonga, as a Pacific small island developing state, has supported the global initiatives surrounding the rights of indigenous peoples and local communities, the rights of small island developing states in light of climate change, natural disasters or sea level rise and the need to ensure the rights of present and future generations are protected from the adverse impact of climate change. In this regard, Tonga mentions the pending resolution at the United Nations

General Assembly for an advisory opinion from the International Court of Justice championed by the Pacific and the ongoing discussions in the Sixth Committee of the United Nations General Assembly on sea level rise and international law implications, the Warsaw International Mechanism on Loss and Damage in the context of the United Nations Framework on Climate Change.

V. Challenges and international cooperation

185. Challenges in the implementation of human rights will continue to be encountered. Tonga welcomes any assistance that can be provided on any matter pertaining to Tonga's human rights initiatives. Despite this, Tonga recognizes the ongoing assistance provided through donor partners and non-government organizations.

Quantifying human rights progress in statistical data

186. The 2030 Agenda for Sustainable Development has shown the high need for harnessing data and statistics for informed decision-making. In order to measure the progress Tonga has made in addressing its national human rights agenda, relevant national human rights organizations need stronger collaboration with the Tonga Statistics Department to identify the data gaps and information needed to assist the forward progression of human rights agenda in Tonga.

187. Quantifying human rights information specially to address SDG indicators is an area, in which Tonga would like to see further cooperation and assistance.

VI. Conclusion

188. Tonga continues to progress the implementation of its human rights commitments. Recognizing the rights of each individual Tongan contributes significantly to Tonga's overall development goals and in turn the 2030 Agenda for Sustainable Development

Notes

¹ A/HRC/DEC/38/102.

² Established by His Majesty's Cabinet on 20 May 2020. The role of the UPR Working Group is to monitor the implementation of the UPR Recommendations in the relevant MDAs. The UPR Working Group is comprised of the following Ministries, Departments and Agencies, Chairperson, Prime Minister's Office, Deputy Chairperson, Ministry for Foreign Affairs, Ministry of Internal Affairs, Attorney General's Office, Ministry of Justice, Statistics Department, Ministry of Health, Ministry of Police, Ministry of Fisheries and Tonga Police. It is important to note that the Attorney General's Office recently established an International Law Division focused on assisting Government Ministries with treaty negotiations and reporting obligations.

³ Recommendation 93.1 (Portugal).

⁴ Ministry of Justice of the Government of the Kingdom of Tonga holds the role as Secretariat to the UPR WG.

⁵ The leads draftsmen is the Attorney General's Office.

⁶ Recommendation 93.13 (China) and Recommendation 93.14 (Bolivarian Republic of Venezuela).

⁷ Clause 4, Act of the Constitution of Tonga [Cap.1.01].

⁸ Asian Development Bank, Country Diagnostic Study on Long- Term Care in Tonga (2021), 24.

⁹ Asian Development Bank, Country Diagnostic Study on Long- Term Care in Tonga (2021), 24.

¹⁰ Asian Development Bank, Country Diagnostic Study on Long- Term Care in Tonga (2021), 24.

¹¹ Asian Development Bank, Country Diagnostic Study on Long- Term Care in Tonga (2021), 24.

¹² Asian Development Bank, Country Diagnostic Study on Long- Term Care in Tonga (2021), 24.

¹³ Asian Development Bank, Country Diagnostic Study on Long- Term Care in Tonga (2021), 24.

¹⁴ <https://www.worldbank.org/en/news/press-release/2018/11/21/skills-and-employment-project-kicks-off-in-tonga>

¹⁵ Recommendation 93.11 (Indonesia).

¹⁶ Clause 51, Constitution of Tonga (Cap.1.01).

- 17 Clause 84, Constitution of Tonga (Cap.1.01).
- 18 Clause 56, Constitution of Tonga (Cap.1.01).
- 19 Clause 14 and 15, Constitution of Tonga (Cap 1.01).
- 20 Clause 5, Constitution of Tonga (Cap.1.01).
- 21 Clause 7, Constitution of Tonga (Cap.1.01). *Lali Media v 'Utoikamanu [2003] Tonga LR 16.*
- 22 Clause 64, Constitution of Tonga (Cap.1.01) and Electoral Act (Cap.2.03).
- 23 Recommendations 93.17 (Mexico), 93.18 (Turkey), 93.19 (Uruguay), 93.20 (France), 94.34 (Portugal, Sierra Leone, Timor Leste, Ukraine), 94.35 (Georgia) and 94.33 (Indonesia).
- 24 Recommendation 93.22 (Singapore).
- 25 National Women's Empowerment and Gender Equality Tonga Policy and Strategic Plan of Act 2019-2025' (2019) https://hrsd.spc.int/sites/default/files/2021-07/WEDGET_STRATEGIC_PLAN_OF_ACTION_2019_2025_Final.pdf (Accessed on 6 February 2023).
- 26 National Training: Producing and Using Gender Statistics to Monitor SDG and Implement the Pacific Roadmap (11 January 2023) <https://tongastats.gov.to/national-training-producing-and-using-gender-statistics-to-monitor-sdg-and-implement-the-pacific-roadmap/> (Accessed 28 January 2023).
- 27 UN Women and Pacific Community (SPC), 'Pacific Roadmap on Gender Statistic (2020) <https://data.unwomen.org/sites/default/files/documents/Publications/Pacific-Roadmap-Gender-Statistics.pdf> (Accessed 28 January 2023).
- 28 Recommendation 93.12(Azerbaijan).
- 29 Refer to section 8, Public Service Act [Cap 2.11] (Tonga).
- 30 Recommendations 93.5 (Azerbaijan), 93.6 (Côte'Ivoire) and 93.3 (Montenegro).
- 31 Refer to <https://digitallibrary.un.org/record/3861835> (Accessed on 28 January 2023).
- 32 Recommendation 93.4 (United Kingdom of Great Britain and Northern Ireland).
- 33 Recommendation 93.7 (Panama).
- 34 Recommendation .93.8 (Ukraine).
- 35 Recommendation 94.19 (Portugal), 94.17 (India), 94.16 (Maldives), 94.6 (Angola, Australia, Côte d'Ivoire, Denmark, Iceland, Italy, Mexico and Turkey), 94.18 (Mozambique).
- 36 Women's Empowerment and Gender Equality Tonga (WEGET) and National Policy and Strategic Plan of Action 2019-2025, page 6.
- 37 National Women's Empowerment and Gender Equality Tonga Policy and Strategic Plan of Action 2019-2025 (2019) https://hrsd.spc.int/sites/default/files/2021-07/WEDGET_STRATEGIC_PLAN_OF_ACTION_2019_2025_Final.pdf (Accessed 29 January 2023) 8.
- 38 Recommendations 94.30 (Morocco), 94.15 (Germany), 94.27 (France), 94.32 (Timor-Leste).
- 39 Pacific Islands Roundtable on Ratification and Implementation of the Rome Statute, Port Vila, 31 May 2019 (2019) <https://www.icc-cpi.int/about/cooperation/pacific-islands-roundtable-ratification-and-implementation-rome-statute-port-vila> (Accessed on 29 January 2023).
- 40 Recommendation 94.49 (Australia).
- 41 Universal Periodic Review – Report of the Working Group on the Universal Periodic Review - Tonga (2008) https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session2/TO/A_HRC_8_48_Tonga_E.pdf (Accessed on 29 January 2023).
- 42 Recommendations 94.31 (Sierra Leone), 94.10 (Republic of Korea), 94.9 (Canada), 94.14 (France), 94.13 (Azerbaijan), 94.3 (Ghana), 94.4 (Côte d'Ivoire, Ireland, Panama) (Turkey), 94.12 (Algeria), 94.20 (Georgia), 94.23 (Ukraine), 94.24 (Chile), 94.7 (Brazil, Iceland, Turkey), 94.21 (Ghana), 94.22 (Denmark), 94.5 (Angola, Iceland, Mexico, Panama, Tukey), 94.1 (Indonesia), 94.2 (Ireland), 94.11 (Uruguay).
- 43 Parliamentarians Play Crucial Role in Promoting Human Rights' (2019) https://www.parliament.gov.to/media-centre/latest-news/latest-news-in-english/680-parliamentarians-play-crucial-role-in-promoting-human-rights?switch_to_desktop_ui=908 (Accessed on 30 January 2023).
- 44 Refer to Part VI, Employment Relations Act 2020 (pending Royal Assent).
- 45 Migration and Sustainable Development Policy' (2019) <https://crisisresponse.iom.int/sites/g/files/tmzbd11481/files/appeal/documents/Tonga%20Migration%20and%20Sustainable%20Development%20Policy.pdf> (Accessed 30 January 2023).
- 46 CTI, '2019 Annual Report' (2019) <https://cti2024.org/wp-content/uploads/2020/12/2020.03.04-CTI-AR-2019-screen-FINAL-compressed.pdf> (Accessed on 6 February 2023).
- 47 Universal Ratification and Implementation in the Pacific' (2019) <https://cti2024.org/region/pacific/> (Accessed 30 January 2023).
- 48 Recommendation 94.28 (United Kingdom) and 94.29 (Honduras).
- 49 Tonga ratifies ILO Convention on Worst Forms of Child Labour' (2020)

- <https://matangitonga.to/2020/08/05/tonga-ratifies-child-labour> (Accessed 30 January 2023).
- 50 ILO in Tonga' (2018) https://www.ilo.org/suva/countries-covered/tonga/WCMS_634367/lang--en/index.htm (Accessed 30 January 2023).
- 51 Refer to Gazette Supplement Extraordinary No. 41 of 1 September 2020.
- 52 Recommendations 94.26 (United Kingdom of Great Britain and Northern Ireland), 94.8 (Iceland), 94.25 (New Zealand).
- 53 Recommendation 94.40 (Mexico).
- 54 Recommendations 94.36 (Germany), 94.37 (Germany), 94.38 (Honduras).
- 55 Recommendation 94.39 (Canada), 94.41 (Montenegro), 94.42 (Netherlands), 94.43 (Portugal), 94.44 (Chile), 94.45 (Timor- Leste), 94.46 (United States of America), 94.47 (Argentina).
- 56 Recommendation 93.32 (China).
- 57 Recommendation 93.2 (Thailand).
- 58 Recommendation 93.25 (Republic of Korea).
- 59 Tonga Climate Change Policy – A Resilient Tonga by 2035 (2016) <https://www.lse.ac.uk/GranthamInstitute/wp-content/uploads/laws/4353.pdf> (Accessed on 30 January 2023).
- 60 Recommendation 93.26 (Sierra Leone).
- 61 Recommendations 94.48 (Honduras), 94.50 (Italy), 94.51 (Canada), 94.52 (Portugal).
- 62 Universal Periodic Review – Report of the Working Group on the Universal Periodic Review - Tonga (2008) https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session2/TO/A_HRC_8_48_Tonga_E.pdf (Accessed on 29 January 2023).
- 63 Recommendations 93.47 (Italy), 93.48 (Uruguay).
- 64 [2010] Tonga LR 124.
- 65 Refer to section 37, Education Act (Tonga).
- 66 Recommendation 94.53 (Thailand).
- 67 Recommendation 94.54 (United States of America).
- 68 REACH platform delivers beyond recovery to communities in Tonga' (2022) <https://www.undp.org/pacific/press-releases/reach-platform-delivers-beyond-recovery-communities-tonga> (Accessed 30 January 2023).
- 69 Recommendation 93.28 (Canada).
- 70 Recommendation 93.23 (Netherlands).
- 71 Recommendation 93.27 (Philippines).
- 72 Refer to US Department of State, '2022 trafficking in Persons Report : Tonga' (2022) <https://www.state.gov/reports/2022-trafficking-in-persons-report/tonga/> (Accessed 6 February 2023).
- 73 Migration Technical Working Group of Tonga and IOM, 'Migration and Sustainable Development Policy' (2020) <https://crisisresponse.iom.int/sites/g/files/tmzbd11481/files/appeal/documents/Tonga%20Migration%20and%20Sustainable%20Development%20Policy.pdf> (Accessed 6 February 2023) 30.
- 74 CSFT Research hub, 'Concept Paper Trafficking in Persons' (2022).
- 75 Tonga in U.S project countering human trafficking' (2022) <https://matangitonga.to/2022/08/04/tonga-us-project-countering-human-trafficking> (Accessed 6 February 2022).
- 76 U.S Launches New Project to Counter trafficking in persons in the Pacific Region' (2022) <https://fj.usembassy.gov/u-s-launches-new-project-to-counter-trafficking-in-persons-in-the-pacific-region/> (Accessed 6 February 2022).
- 77 The Employment Relations Act 2020 was passed by the Legislative Assembly in 2020 and is currently pending Royal Assent.
- 78 Refer to section 24, Employment Relations Act 2020 (Tonga).
- 79 Refer to section 11, Employment Relations Act 2020 (Tonga).
- 80 Recommendation 93.34 (Uruguay).
- 81 Refer to section 29, Public Service Policy 2010 http://psc.gov.to/wp-content/uploads/2020/09/PublicServicePolicy2010_1.pdf (Accessed 6 February 2023).
- 82 Recommendation 93.33 (Republic of Korea).
- 83 Recommendations 93.37 (Angola), 93.35 (Maldives), 93.36 (Algeria), 94.55 (Uruguay).
- 84 Ministry of Health Corporate Plan & Budget 2019/20- 2021/2022 (2019) <https://pmo.gov.to/wp-content/uploads/2019/11/MOH-Corporate-Plan-2019-2021-FINAL-ENGLISH.pdf> (Accessed 6 February 2023).
- 85 Ministry of Health Corporate Plan & Budget 2019/20- 2021/2022 (2019) <https://pmo.gov.to/wp-content/uploads/2019/11/MOH-Corporate-Plan-2019-2021-FINAL-ENGLISH.pdf> (Accessed 6 February 2023).
- 86 Refer to – 'Preparing for National COVID19 Vaccine Rollout' (2021) <http://www.health.gov.to/en/preparing-national-covid-19-vaccine-rollout> (Accessed on 6 February 2023).

- 2023).
- ⁸⁷ Refer to [https://stats.pacificdata.org/vis?tm=covid&pg=0&df\[ds\]=SPC2&df\[id\]=DF_COVID_VACCINATION&df\[ag\]=SPC&df\[vs\]=1.0&pd=2022-07-01%2C&dq=D..COVIDVACAD1%2BCOVIDVACAD2%2BCOVIDVACBST%2BCOVIDVACADT%2BCOVIDVACAD1RT%2BCOVIDVACAD2RT&ly\[cl\]=INDICATOR&ly\[rw\]=GEO_PICT&lo=1](https://stats.pacificdata.org/vis?tm=covid&pg=0&df[ds]=SPC2&df[id]=DF_COVID_VACCINATION&df[ag]=SPC&df[vs]=1.0&pd=2022-07-01%2C&dq=D..COVIDVACAD1%2BCOVIDVACAD2%2BCOVIDVACBST%2BCOVIDVACADT%2BCOVIDVACAD1RT%2BCOVIDVACAD2RT&ly[cl]=INDICATOR&ly[rw]=GEO_PICT&lo=1)
- ⁸⁸ Recommendation 93.15 (Portugal), 93.16 (Ukraine).
- ⁸⁹ Tonga Education Policy Framework 2004-2019' (2004) <https://uil.unesco.org/i/doc/lifelong-learning/policies/tonga-education-policy-framework-2004-2019.pdf> (Accessed on 6 February 2023); also refer to 'Tonga: Education Policy Framework 2019 (2019) <https://uil.unesco.org/document/tonga-education-policy-framework-2019-issued-2004> (Accessed on 6 February 2023).
- ⁹⁰ Section 37, Education Act [Cap. 13.01] (Tonga) https://ago.gov.to/cms/images/LEGISLATION/PRINCIPAL/2013/2013-0023/EducationAct_3.pdf (Accessed on 6 February 2023).
- ⁹¹ Tonga Statistics Department, 'Multiple Indicator Cluster Survey' (2019) <https://tongastats.gov.to/survey/mics-survey/> (Accessed on 6 February 2023).
- ⁹² Recommendation 93.21 (Slovenia), 93.41 (France).
- ⁹³ Recommendation 93.43 (Morocco).
- ⁹⁴ Recommendation 93.44 (New Zealand), 93.46 (Sierra Leone), 93.42 (New Zealand), 93.24 (United States of America).
- ⁹⁵ Refer to Law Practitioners Role 2023.
- ⁹⁶ First Female Appointed Acting Judge of the Supreme Court' (17 August 2020) <http://www.tonga-broadcasting.net/?p=19272> (Accessed 28 January 2023).
- ⁹⁷ Petunia Tupou appointed new Supreme Court Judge (27 July 2022) <https://matangitonga.to/2022/07/27/petunia-tupou-appointed-new-supreme-court-judge> (Accessed on 28 January 2023).
- ⁹⁸ Requirements and Procedure for Applications for Appointment of King's Counsel', Practice Direction No.1 of 2020 file:///C:/Users/AEK/Downloads/Practice%20Direction%201%20of%202020.pdf (Accessed on 28 January 2023).
- ⁹⁹ Recommendation 93.31 (Ireland), 93.38 (Honduras), 93.40 (Honduras), 93.45 (Chile), 94.56 (Honduras), 94.57 (Iceland), 94.58 (Australia).
- ¹⁰⁰ Recommendation 93.29 (Brazil), 93.30 (Italy), 93.51 (Turkey), 93.50 (Argentina), 93.49 (Sierra Leone).
- ¹⁰¹ Refer to Table G27- Population with illness or injury who sought care by sex, division and region, page 116 of the Census 2021, Vol 1), <https://tongastats.gov.to/download/272/census-report-and-factsheet/7647/census-report-vol1-2021.pdf> page 28 (Accessed on 6 February 2023).
- ¹⁰² Recommendation 93.52 (Singapore).
- ¹⁰³ Refer to section 69, Employment Relations Act 2020 (Tonga).