

UPR Intervention for Tonga, 15th Session January 21, 2012

The United States warmly welcomes [head of delegation] and the Tongan delegation.

We support Tonga's commitments to democratic reforms and to work towards a more open and representative government.

We commend Tonga for its free and fair parliamentary elections in 2010, and the subsequent election of Lord Tu'ivakano (tu (stop) ee (short pause) va-ka-no) to the office of prime minister in accordance with changes to the constitution enacted that same year.

We remain concerned about the government's failure to adequately combat domestic violence and discrimination against women. While domestic violence can be prosecuted under laws against physical assault, we believe laws that specifically prohibit and penalize domestic violence will be more effective in stemming this problem. We commend Tonga's Police Force and Justice Ministry for the adoption of a "no drop" policy in 2009, ensuring that domestic assault cases, with sufficient evidence, proceed to prosecution.

Additionally, we note that children born out of wedlock can be fully and legally adopted, giving them a permanent, secure home and rights to their adoptive parents' land and property. Conversely, children born in wedlock cannot be legally and fully adopted, even if they have been abandoned by their birth parents. Children and prospective adoptive parents in this situation find that their relationship is legally severed once the child reaches age 18.

Finally, we are concerned about provisions in the Tongan Criminal Offenses Act criminalizing consensual sex between adults of the same gender. While we recognize that there have not been reports of prosecutions directed at LGBT persons under this provision for several years, we believe that such a law is contrary to the human rights of such individuals.

The United States makes the following recommendations:

1. Enact a law criminalizing domestic violence and providing specific penalties for cases of domestic violence;

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2. Give abandoned children born in wedlock the same rights and protections afforded to children born out of wedlock;
3. Repeal the provision of the Tongan Criminal Offenses Act criminalizing consensual sex between adults of the same gender.