

*Minister for Foreign Affairs*

*Nuku‘alofa*

*Kingdom of Tonga*

OPENING STATEMENT BY H.E HON. FEKITAMOELOA UTOIKAMANU,

MINISTER OF FOREIGN AFFAIRS AND TOURISM

AT THE FOURTH UNIVERSAL PERIODIC REVIEW OF THE KINGDOM OF toNGA

43RD SESSION OF THE UNIVERSAL PERIODIC REVIEW WORKING GROUP HUMAN RIGHTS COUNCIL

PALAIS DES NATIONS, GENEVA, SWITZERLAND

**1 MAY 2023**

i PRELIMINARY REMARKS

Mr. Vice- President, H.E MR. Muhammadou M.O. Kah,

Distinguished Representatives,

Excellencies,

Ladies and Gentlemen,

1. I have the honour to represent the Government of the Kingdom of Tonga at this Fourth Cycle of the Universal Periodic Review.
2. I extend warm greetings to you all from His Majesty, King Tupou VI, Sovereign of the Kingdom of Tonga.
3. And the Honourable Hu‘akavameiliku, Prime Minister of Tonga and the people of the Kingdom of Tonga.
4. At the outset, I would like to take this opportunity to thank the Troika of States appointed to lead Tonga’s review- namely the Republic of Benin, Czech Republic and the Republic of Maldives. We thank you for your efforts in reviewing Tonga’s Fourth National Report.
5. We welcome the advance questions provided by the following States: the Republic of Maldives, Panama, Portugal, United Kingdom, Liechtenstein, United States of America, Germany, Slovenia and Spain.
6. These questions will be addressed in my presentation under the relevant subject matter as set out under Tonga’s Report, and during the interactive dialogue if required.

II INTRODUCTION

**Mr. Vice President,**

1. I herewith present Tonga’s Fourth National Report for the Universal Periodic Review.
2. I will present a summary of Tonga’s national report, and then engage with the Distinguished Representatives in dialogue on issues of interest, and then conclude the presentation with a few remarks on the way forward for Tonga.

**Mr. Vice President,**

1. The Kingdom of Tonga’s Third national report was reviewed by the UPR WG at its 29th Session on 15 January 2018. Tonga received a total of 110 recommendations during the interactive dialogue with the Working Group. Fifty-two recommendations were accepted by Tonga, as Tonga was either currently pursuing those recommendations or Tonga had completed the work on those recommendations. However, fifty-eight recommendations were quite sensitive to Tonga’s circumstances and were deferred to give Tonga adequate time to respond, to which it did subsequently.
2. Tonga’s third national report was adopted by consensus by the Human Rights Council on 28 June 2018 at its 38th Working Session.[[1]](#footnote-2)
3. Tonga’s report today will focus on Tonga’s progress since the third universal periodic review in 2018.
4. Tonga is a small island developing state, dispersed in its island groupings, remote and with special and unique circumstances. The Tongan society is guided by four core values termed golden pillars (*faa’i Kave’ikoula ‘a e Tonga),* which is acknowledging and returning respect *(faka’apa’apa)*, humility, and is open to learning *(anga fakatokilalo/loto to*), keeping the relationship ongoing(*tauhi vaha’a),* alive and well and one’s loyalty and passion *(mamahi’I me’a)*. These four pillars ultimately constitute the foundation of human interactions in Tonga and are also the foundation of how human rights is practiced in Tonga.
5. Tonga continues to encounter the well-known challenges small island developing states share. Tonga is the world’s third most at risk country for natural hazards. It is why we have taken extra measures to address this by developing the first integrated Disaster Risk Management and Climate Change Policy in the region. From 2018 to 2023, two significant natural disasters took place affecting Tonga’s overall progress and development, especially in the field of human rights.
6. The first was the Global Pandemic of COVID-19 which befell the globe since 2020. This resulted in a decision by the Government to close the borders from March 2020 to 1 August 2022. A Public Health Emergency Declaration and a Public Health Emergency Notifiable Condition was issued followed by a Declaration of a State of Emergency in March 2020.
7. On 1 February 2022, after 2 years of keeping COVID-19 at bay through the closure of our borders, Tonga experienced it’s first community outbreak.
8. With the support of development partners and the UN System, Tonga achieved a high level of vaccination for our people so that we were able to open our borders on the First of August 2022.
9. During this difficult time the goal was to reduce impact on the population. This is why the Government provided assistance including cash grants to vulnerable persons, elderly and persons with disabilities, private sector employees and employers, and the informal sectors. This included food and supplies for vulnerable groups, subsidies for electricity, increase in member’s of parliament constituency funds to support vulnerable groups, visa exemptions, free isolation and quarantine for essential workers and travellers.
10. Then, and barely two weeks into the current administration’s being in Office, the Hunga Tonga Hunga Haapai Volcanic eruption and ensuing tsunami occurred on the 15 of January 2022.
11. This one in a thousand year event was the most powerful and devastating disaster known in our recent history. The Hunga Tonga Hunga Haapai eruption was a blast equivalent to four to eighteen megatons. It was violent, it was unforgiving, it left a trail of physical, economic and social destruction.
12. A destruction that we continue to recover from today. The damages were estimated by the World Bank to be approximately equivalent to 36.4% of Tonga’s gross domestic products.
13. The humanitarian component of the recovery included relocation of people from three islands and several villages to temporary shelters in Tongatapu and ‘Eua. The relocation spanned the recovery component which included reconstruction through grant funding to provide a standard house by Government for those that completely lost their homes and a fixed cash grant for those that had major and minor damages
14. Subsequently, Government renewed our national priorities to focus on three thematic areas to build back better and to build national resilience to external threats and risks, improve quality of services and affordability in the community, and achieve progressive and sustainable economic growth.
15. Throughout these major challenges, Tonga remained committed in progressing its human rights responsibilities and obligations to the best of its ability and within its capacity.

III SUMMARY OF TONGA’S FOURTH UNIVERSAL PERIODIC REVIEW REPORT

**Mr. Vice-President,**

1. Tonga’s Report is divided into five main thematic areas which clustered all the recommendations from Tonga’s third report:

(A) Human rights frameworks[[2]](#footnote-3)

(B) Cross cutting issues[[3]](#footnote-4)

(C) Civil and political rights[[4]](#footnote-5)

(D) Economic, social and cultural rights[[5]](#footnote-6)

(E) Rights of specific groups[[6]](#footnote-7)

1. I shall highlight, under these five thematic areas, the achievements and challenges in the implementation of the recommendations to Tonga. I will also address the advanced questions provided from member States under the thematic areas.

(1) Human Rights Framework

1. The Constitution of Tonga is the supreme law of the country and provides the overarching human rights framework for all Tongan citizens. Tonga has also developed multiple national human rights frameworks to protect the rights of vulnerable groups in the Tongan society.
2. The main purpose of these national frameworks is to empower and provide vulnerable groups with equal opportunities to access their basic social, cultural and economic needs. The national frameworks cover the following thematic areas –

(a) Protection of the rights of older persons which includes the establishment of a Social Welfare Policy to provide older persons with financial support. Tonga has also established care-giver and welfare programs to empower caregivers to provide proper care for older persons.

(b) Protection of the rights of persons with disabilities, which includes the enforcement of policies ensuring accessibility by persons with disabilities to all services. For example, the Supreme Court Disability Policy ensures that all persons with disabilities have access to justice with support. The Ministry of Infrastructure in Tonga has policies in place to ensure that all major projects feature a disability friendly component.

(c) Protection of vulnerable children which includes the establishment of programs to provide them with access to justice and to educational programs. For example the SET (Skills and Employment for Tongans) Project of the World Bank 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. Poverty Elimination Programme with Conditional Cash Transfer to Students of Poor Households - SET Project – commenced in 2019/2020.

(d) Protection of the rights of women by ensuring that appropriate budget is allocated for the promotion of the National Women’s Empowerment and Gender Equality Tonga Policy (WEGET) and Strategic Plan of Action 2019-2023. This is complemented by bilateral, regional and multilateral programs.

1. Tonga’s Report identified the international conventions in place to ensure the protection and promotion of human rights. Despite Tonga not ratifying all the core human rights conventions, Tonga has national legislation which incorporates the principles of these human rights conventions.
2. A summary of the international frameworks in place includes the following –
   * 1. Tonga successfully submitted its initial national report to the Committee on the Rights of the Child in May 2019. This is Tonga’s first report since it ratified the Convention on the Rights of the Child in 1995.
     2. Tonga has in place different mechanisms to deal with all the core international human rights conventions. For example, Tonga has established a Cabinet Committee to review the Convention against Torture for Tonga’s ratification. The review of the UNCAT was completed by the Cabinet Committee and it is pending final approval.
     3. Tonga has also established a Cabinet Committee to deal with the community issues concerning the ratification of CEDAW. Despite the sensitivity surrounding the ratification of CEDAW in Tonga. Tonga continues to implement legal instruments which enhances the objectives of CEDAW for example the Women’s Empowerment and Gender Equality Tonga (WEGET) National Policy and Strategic Plan of Action 2019-2025 which provides for the promotion of CEDAW. Furthermore, the Legislative Assembly passed an amendment in 2022 to the Criminal Offences Act to expand the definition of “rape” to include “digital rape”.
3. The Social Protection Division of the Ministry of Internal Affairs has undertaken community consultations since 2017 for the ratification of the Convention on the Rights of Persons with Disabilities (CRPD). The consultations are conducted in collaboration with the Persons with Disabilities Advocacy Associations to ensure that all stakeholders fully appreciate the obligations each would be required to undertake under Convention before its ratification.
4. Tonga has not ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), International Convention for the Protection of All Persons from Enforced Disappearance (ICCPPED), International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW). In April 2022, the Pacific Ministers of Culture endorsed the Pacific Regional Cultural Strategy 2022 to 2032. The Government subsequently approved to mainstream culture into Ministries’ and Departments’ activities.
5. The Legislative Assembly in 2020 passed the Employment Relations Act 2020 which provides for the fundamentals of International Covenant on Economic, Social and Cultural Rights (ICESCR) and the prohibition of forced labour.
6. **I would now like to take this opportunity to respond to some of the advance questions relating to this thematic area.**
7. ***Panama’s advance question was - what steps has Tonga taken since its last UPR to establish a National Human Rights Institution? Spain posed a similar question***  *-* ***Will Tonga set up an independent national human rights institution in accordance with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights?***
8. Tonga currently does not have a National Human Rights Institution. However, Tonga has participated in several Pacific Regional Forums including the most recent one on the National Human Rights Institution in February 2023.
9. The Ministry of Justice has been tasked with the follow up process which may lead to options moving forward on a National Human Rights Institution.
10. The Secretariat of the Pacific Community (SPC) and the Asia Pacific Forum also assist Tonga by conducting our first scoping exercise later on this year to identify the model NHRI that will be responsive to Tonga’s local circumstances.
11. Tonga has the independent institutions in place to ensure transparency and integrity in all Government institution and agencies. For example, Anti-Corruption Commissioner Act which provides for the appointment of an Anti-Corruption Commissioner Office to investigate high level corruption within Tonga. The Office of the Ombudsman is responsible for receiving complaints on administrative issues from the general public and to publish recommendations publicly on how those administrative issues can be addressed.
12. Tonga also became a party to the United Nations Convention Against Corruption in 2020 and is currently participating in the Implementation Review cycles established under the Convention.
13. ***Portugal on behalf of the Group of Friends on NMHIRs*** *provided the following advance question-* ***whether the State-under-review describe its national mechanism or process responsible for coordinating the implementation of accepted UPR recommendations and the monitoring of progress and impact?***
14. The Government of Tonga recognized the importance of the implementation of the UPR recommendations by establishing a UPR Working Group in 2012. This UPR Working Group was re-established under a new Terms of Reference in 2020. The main responsibility of the Working Group was to monitor the implementation of the UPR Recommendations by the relevant Ministries, Departments and Agencies. The UPR Working is co-chaired by the Prime Minister’s Office and the Ministry of Foreign Affairs. The other members of the Working Group include the Ministry of Internal Affairs, Attorney General’s Office, Ministry of Justice, Tonga Statistics Department, Ministry of Health, Tonga Police and Ministry of Fisheries.
15. The Working Group meets every two months to keep track of the progress of the implementation of the UPR recommendations. The Working Group also conducts workshops in relation to the UPR process and the implementation of the UPR Working Group.
16. The Attorney General’s Office recently established an International Law Division to focus on assisting Government Ministries with their treaty ratification, negotiations, and reporting obligations.
17. *Portugal on behalf of the Group of Friends on NMHIRs further asked -* ***Has the State-under-review established a dedicated ‘national mechanism for implementation, reporting and follow-up’ (NMIRF) covering UPR recommendations, but also recommendations/observations generated by the UN human rights Treaty Bodies, the Special Procedures and relevant regional mechanisms, which, inter alia, clusters all the above, manages them in national databases, coordinates implementation actions across government, monitors progress and impact, and then streamline reporting procedures back to the UN? If so, could the State-under-review briefly share its experience on creating such mechanism, including challenges faced and lessons learnt, as well as any plans or needs to strengthen the NMIRF in the future?***
18. We would like to highlight that Tonga’s current national mechanism for implementation, reporting and follow up is being facilitated by the National Planning Division in the Prime Minister’s Office. This process ensures that the work of Government Ministries, Departments and Agencies is in line with the Government Priorities and it is monitored every six months through the Monitoring and Evaluation process.
19. This existing mechanism can also be utilized for the implementation of the UPR recommendations, by tracking the implementation progress through the use of the Monitoring and Evaluation matrix.
20. The UPR Working Group was established specifically for monitoring the recommendations from the UPR Reviews. However, ad hoc Committees are established by Cabinet with the appropriate stakeholders as members to overlook a Convention or Treaty. Examples include the establishment of the Cabinet Committee on the Convention Against Torture and Inhuman Behaviour and the establishment of a National Taskforce to review Tonga’s obligations under the Convention on the Rights of a Child.
21. *Maldives provided the following recommendation for Tonga -* ***Ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.***
22. Tonga recognizes the importance of the ratification of the UNCAT. As previously mentioned, a Cabinet Committee was formed to review the U.N. CAT and conduct an in-depth gap analysis of the Convention. Tonga remains hopeful to ratify this Convention before the end of this year.
23. ***Panama and the United Kingdom provided the following recommendation - What is the state of play of the ratification process of the Convention on the Rights of Persons with Disabilities?***
24. The Social Protection Division of the Ministry of Internal Affairs overlooks the review and the ratification of the CRPD. To date, consultations are still ongoing with the goal to build more community awareness before Tonga ratifies this very important Convention.
25. ***The United Kingdom posed a question on what steps is Tonga taking to ratify the International Covenant on Civil and Political Rights (ICCPR)?***
26. Tonga’s efforts have been placed in prioritizing the ratification of CEDAW, CRPD and UNCAT in addition to updating its reporting obligations.
27. As mentioned earlier, despite the fact that Tonga has not ratified the ICCPR, the Tongan Supreme court takes guidance from human rights covenants. This was evident in the case of R v Vola [2005] Tonga LR 404 where the Tongan courts applied the principles of the ICCPR resulting in these principles forming part of Tongan Common law.
28. More recently, 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 ratify more human rights treaties such as the ICCPR and the ICESCR.
29. ***Liechtenstein provided an advance question - What steps has Tonga taken to ratify the Rome Statute in its 2010 version?***
30. Despite the fact that Tonga has not ratified the Rome Statute, Tonga was part of the 7 Pacific Island countries which actively participated in the Roundtable on the Ratification and Implementation of the Rome Statute, 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 2019. This is a reflection of the support of the Tongan Government to such initiatives and one of the Statutes under consideration.
31. ***Liechtenstein also posed another question- What steps has Tonga taken to ratify the International Covenant on Civil and Political Rights and its Options Protocols, the International Covenant on Economic, Social and Cultural Rights~~,~~ the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Convention against torture and other Cruel, Inhuman or Degrading Treatment of Punishment and its Optional Protocol, as well as the Optional Protocols of the Convention on the Rights of the Child?***
32. Tonga would like reiterate its previous responses to similar questions raised by the United Kingdom.
33. *Liechtenstein provided the following advance question -* ***What steps has Tonga taken to ratify the Protocols to the United Nations Convention against Transnational Organized Crime?***
34. Tonga has a comprehensive national legislation, the Counter Terrorism and Transnational Organized Crime Act , which gives effect to the Kingdom’s international obligations concerning certain United Nations Counter Terrorism Conventions and instruments and the Transnational Organized crime convention and protocols.
35. *The USA provided the following advance question -* ***Does Tonga intend to become a party to the International Covenant on Civil and Political Rights?***
36. Tonga would like to reiterate its previous responses to similar questions raised by United Kingdom.

2 Cross Cutting Issues

1. tonga’s main cross-cutting issues includes equality and non-discrimination, right to development, environmental and Climate change issues.
2. The Constitution of Tonga provides that all persons are subject to the same laws and no laws shall be enacted for a specific class. Hence the Constitution of Tonga recognizes equality for all persons.
3. Tonga continues to introduce policies and legal frameworks to promote inclusiveness and ensure that the rights of persons with disabilities are respected and considered.
4. Tonga may not expressly have an anti-discrimination legislation for the protection of vulnerable groups, but it is our Tongan cultural norms and practices which inherently promote equality and respect for all persons as part of one Tongan communal family.
5. **I would now like to take this opportunity to respond to some of the advanced questions relating to this thematic area.**
6. ***The UK posed a question - What concrete steps is Tonga taking to address the prevalence of sexual and gender-based violence? A similar question was raised by the USA by providing the following advance question - Given high rates of sexual assault, does the Government of Tonga intend to expand laws criminalizing sexual assault?***
7. Tonga continues to have multiple programs inter alia supported at bilateral, regional and multilateral level to deal with sexual and gender- based violence. A lot of investments have been made together with our development partners to deal with this complex issue including legal, inter-generational and behavioural issues.
8. *Spain asked the following advance question -* ***Taking into account the special vulnerability of Tonga to climate change and volcano activity, what measures does the Government plan to take to minimize the impact that climate change and volcano activity have in the human right to safe drinking water and sanitation*?**
9. The Emergency Act establishes a National Emergency Committee. The Committee has several clusters to address important basic needs like Water. The Water Sanitation and Hygiene (WASH) cluster is chaired by the Ministry of Health and its supports climate change and disaster priorities to improve storage facility for water.
10. Tonga has enacted the Water Resources Act which establishes the National Water Resources Committee. This Committee is responsible for ensuring that there is effective monitoring of water resources, its quality by the responsible ministries and agencies and that records of such monitoring are maintained and made accessible.
11. There are several water and sanitation projects currently being implemented including-
    1. **National Water Project**

The National Water Tank project is managed by the ministry responsible for environment in partnership with local communities. It aims to install water tanks in over 6,000 households throughout Tonga targeting the most vulnerable in the community including the elderly, those with disabilities, women and children. This National Water Project is supported by several development partners and non-government organisations including the Tonga Red Cross.

* 1. **Live & Learn Environmental Education Program**

The Live and Learn Environmental Education Programme implemented in Tonga with the target to provide 11,000 children and 2,900 households with access to improved water. This include providing safe water tanks all the schools to ensure the accessibility of safe water for students.

* 1. **World Bank**

The World Bank focuses on provision of toilets and easily accessible water supply systems to provide women and children with security and dignity.

1. **Germany posed the advance questions on what improvements have been made in terms of gender equality and which further measures are planned to protect women from violence and discrimination?**
2. Tonga has established the following frameworks and policies to support the protection of women from violence and discrimination –
   * 1. Establishment of the Family Protection Legal Aid Centre in 2018 to assist victims of Domestic violence. The Family Protection Legal Aid became a part of the Ministry of Justice in 2022 with Government funding its operations.
     2. The availability of online platforms where possible given connectivity limitations to assist victims of domestic violence to incidents of domestic violence utilize and report the domestic violence.

(c) Tonga is dedicated to ensure that efforts aimed at achieving gender equality and protecting women from all forms of violence and discrimination are consistently monitored and evaluated. Among others, this is done through a series of National Surveys that are collaboratively carried out by the Tonga Statistics Department in collaboration with Ministry of Health with technical support of Ministry of Internal Affairs – Women’s Affairs and Gender Equality Division (WAGED) and other key Government Ministries, with UNICEF, UNFPA, UN Women, the Pacific Community (SPC) and other partners.

(d) These National Surveys comprise of the following: - Demographic Health Survey (DHS) 2012, - Multiple Indicators Cluster Survey (MICS) 2019, - Equality Insights Rapid Survey 2022, - Gender and Environment Survey 2022. The outcomes of these surveys consistently feed into the planning and execution of actions towards achieving gender equality and protecting women from all forms of violence and discrimination.

3 Civil and Political rights

1. The civil and political rights provided by Tonga’s reports respond to the right to life, right to liberty and security of the person, administration of justice and rule of law, freedom of opinion and expression, participation in public and political life, prohibition of forced labour, trafficking and all forms of slavery.
2. **I would now like to take this opportunity to respond to some of the advance questions relating to this thematic area.**
3. ***UK posed a question on what steps has Tonga taken towards the full and legal abolition of the death penalty? Liechtenstein also raised the same issue - What steps has Tonga taken towards the full and legal abolition of the death penalty? Germany posed a question*** whether Tonga plan to abolish the death penalty and de-criminalize consensual same-sex relations between adults?
4. The death penalty remains the ultimate criminal sanction lawfully available to the State. However, this has only been imposed in the most heinous cases the last of which was 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.
5. The decriminalization of consensual sex between same sex adults is an issue which Tonga wishes to still consider further, it requires thorough, robust, and comprehensive dialogue against the backdrop of cultural sensitivities and conservative Christian values of the Tongan society.

4 Economic, Social and Cultural rights

1. This includes the Right to work and to just and favourable conditions of work in Tonga, right to social security, right to health and the right to education.
2. I would now like to take this opportunity to respond to some of the advance questions relating to this thematic area.
3. ***The USA advance question - How does Tonga, as host of the Pacific Islands Forum Leaders Meeting in 2024, plan to promote the wellbeing, health, safety, and security of all people in the Pacific?***
4. The Pacific Forum Leaders have endorsed a 2050 Strategy for the Blue Pacific Continent. This is our shared blue print to advance pacific regionalism for the next three decades. This spells out the region’s long term vision, values and thematic priorities. It is based on a firm recognition of the strategic, cultural, and economic value that our Blue Pacific region holds with our shared commitment to protect and leverage these values.
5. *The*Government of Tonga has localized the "2050 Strategy for the Blue Pacific Continent" through its national development strategy, "Tonga Strategic Development Framework II" as well as the Government Priority Agenda (GPA). Out of the 9 GPAs, key areas identified in the recommendations (wellbeing, health, safety, and security) respond to the following:
   1. GPA 2: Reducing relative poverty and increasing quality of services for social protection
   2. GPA 3: Mobilizing National and International response to effectively reduce supply and the use of Illicit Drugs, and Address harms reduction processes
   3. GPA 4: Improving Education for all, focusing on safer schools, addressing drop-outs, gender equality and increasing employable trainings for both local and overseas opportunities
   4. GPA 5: Improving access to quality and affordable healthcare system focusing on COVID 19, Non-Communicable Diseases and preventative measures
   5. GPA 7: Creation of trade opportunities from regional and international trade agreements focusing on agriculture, fisheries, handicrafts, tourism, and promoting of value addition and product diversification and simultaneously reduce technical barriers to private sector development and heavy reliance on imports

5 Rights of specific groups

1. The rights of specific groups in Tonga include the rights of women, children and persons with disabilities.
2. Tonga continues to support and empower the participation of women in senior government and political positions.
3. Report for the Public Service Commission in 2021 revealed that women consistently earn a higher proportion of the salary earnings at a ratio of 62 percent to 38 percent, compared to 61 percent to 39 percent in 2020. This trend has been maintained since 2018, demonstrating that women continue to occupy a larger share of the workforce.
4. Additionally, the report highlighted an upward trajectory in the proportion of women at the Chief Executive Officers (CEO) level, increasing from 23 percent in 2019 to 24 percent in 2020 and 30 percent in 2021, respectively. A similar trend was observed in the proportion of women at the Deputy CEO level, with an increase from 50 percent in 2019 and 2020 to 52 percent in 2021.
5. Tonga established a dedicated Tonga National Child Protection Policy Committee in 2021 to deliver a Child Policy for the protection of children including children with disabilities.
6. **I would now like to take this opportunity to respond to some of the advance questions relating to this thematic area.**
7. ***Spain posed a question - Which are the main results of the application of the National Women’s Empowerment and Gender Equality Tonga 2019-2025 Policy and the Tonga’s National Service Delivery Protocol for Responding to Gender Based Violence?***
8. The Women’s Affairs Division of the Ministry of Internal Affairs is responsible for the implementation of the WEGET in collaboration with multiple stakeholders.
9. The implementation of the WEGET will be completed in 2025. The impact of the application of the WEGET can already be seen in the increase in the number of capacity building initiatives to address gender issues. The Women’s Affairs Division has facilitated multiple trainings on gender issues with Government Ministries and the civil society.
10. The Women’s Affairs Division is responsible for ensuring that all government programs and policies include a gender perspective. The implementation of the WEGET is on-going and the next UPR review can identify the results of the implementation of the WEGET.
11. ***Panama posed a question on what measures are being implemented to ensure universal birth registration in Tonga and to provide access to Tongan nationality for children born in the territory who would otherwise be stateless?***
12. The Nationality Act was amended in 2006 to expand the definition of a “Tongan” to include a child born to a “Tonga mother”, irrespective of the nationality of the father, the child can still be considered a Tongan national.
13. Tonga currently has a sufficient legal framework to provide all children born in Tonga with a birth certificate.
14. Non- Tongan children can be naturalized under Tongan laws on humanitarian grounds. This process is accessible to any non- Tongan in Tonga.
15. The Ministry of Foreign Affairs through its Consulates and Embassies holding consular functions provide Tongans abroad with passport related services and re-admission of Tongan nationality and naturalization.
16. ***UK’s posed a question on what steps is Tonga taking to further protect the rights of children, including introducing legislation prohibiting child labour and specifying a minimum age for employment?***
17. Tonga recently ratified the ILO Convention No. 182 on the Worst Forms of Child Labour on 4 August 2020.
18. The Employment Relations Act was passed in 2020 and is currently pending Royal Assent. This Act establishes a Hazardous Child Labour List.
19. The Employment Relations Act provides that a child aged 15 to 18 years , whether on a full time or part time basis must not be employed in any capacity, except in non- hazardous work.
20. The Employment Relations Act provides a minimum age for employment of 15 years of age. An employer who employs a child that is between 15 to 18 years must keep a register of the child’s name and details.
21. The Labour Division in the Ministry of Trade and Economic Development is currently working towards the ratification of the ILO Minimum Age Convention.
22. **Slovenia’s advance question – what measures are in place to combat ageism and eliminate age discrimination in all its forms and to protect human rights of older persons.**
23. In response to Slovenia, Tonga currently has a Social Welfare Policy including monetary benefits for Tongan older persons from ages 70 and above.
24. The National Retirement Benefits Scheme provides a monthly stipend of TOP$65.00 per month for old persons who are not employed.
25. The Tongan Government has increased the age of retirement for chief executive officers and are reviewing the retirement age from 60 to 65 .

V CONCLUSION

1. Mr. Vice-President, Your Excellencies, Distinguished Delegates, this brings us to the conclusion of the presentation of Tonga’s fourth Universal Periodic Review Report.
2. I thank Member States for their support to Tonga and its people during Tonga’s on-going journey to advance human rights in its small island jurisdiction.
3. Tonga remains committed to improving the level of its human rights obligations in harmony with its unique culture and traditions. Tonga sees the values of the fundamental principles of human rights for Tonga and especially for vulnerable and marginalized groups in society. It is important to highlight that most of the Tongan national legislative and regulatory frameworks do reflect and act on the principles of human rights. This is a clear expression of Tonga’s national support for human rights issues.
4. On behalf of the Tongan delegation, I close by thanking you Mr. Vice-President, Your Excellencies and Distinguished Delegates for your kind attention and consideration of Tonga’s UPR report.
5. My delegation and I look forward to meaningful dialogue with Distinguished Delegates with regards to Tonga’s national report.
6. Thank you very much for your attention.

1. A/HRC/DEC/38/102 [↑](#footnote-ref-2)
2. National frameworks and International frameworks. [↑](#footnote-ref-3)
3. Equality and non-discrimination, Right to development and Environmental issues [↑](#footnote-ref-4)
4. Right to life, Right to liberty and security of the person, Administration of justice and rule of law, Freedom of opinion and expression, Participation in public and political life, Prohibition of forced labour, trafficking and all forms of slavery. [↑](#footnote-ref-5)
5. Right to work and to just and favourable conditions of work, Right to social security, Right to health, Right to education. [↑](#footnote-ref-6)
6. Women, Children, Persons with disabilities. [↑](#footnote-ref-7)