**STATEMENT**

**BY THE SOLICITOR GENERAL, MR. SIONE FINAU SISIFA**

**GOVERNMENT OF THE KINGDOM OF TONGA**

**PRESENTING THE KINGDOM OF TONGA’S**

**THIRD UNIVERSAL PERIODIC REVIEW REPORT**

**BEFORE THE HUMAN RIGHTS COUNCIL’S UNIVERSAL PERIODIC REVIEW WORKING GROUP**

**PALAIS DES NATIONS, GENEVA, SWITZERLAND**

**15** **JANUARY 2018**

**I PRELIMINARY REMARKS**

1. Malo e lelei! Greetings from the Kingdom of Tonga!

(2) My name is Sione Finau Sisifa, Solicitor General of the Government of the Kingdom of Tonga, and Head of the Delegation from Tonga, who are here to present Tonga’s Third Universal Periodic Review national report.

(3) Madam Chair, I am being assisted by Ms. Susana Faletau, Chief Executive Officer for our Ministry of Justice, Mr. Sione Sonata Tupou, Acting High Commissioner from our Tongan Embassy in London and Ms. ‘Akanesi Katoa, Assistant Crown Counsel from our Attorney General’s Office.

(4) Madam Chair, Your Excellencies and Distinguished delegates, may I extend the warm greetings and best wishes for the new year 2018 from our Head of State, His Majesty King Tupou VI and also from the Prime Minister, the Honorable Samuela ‘Akilisi Pohiva, his government and the people of the Kingdom of Tonga.

(5) May I also extend from the Tongan Government its sincere congratulations to the Council and its Working Group, in achieving another successful year in 2017, and completing the first two rounds of the Third Cycle of the UPR process.

(6) Tonga would also like to thank the Troika of States appointed to lead Tonga’s review- namely Angola, Slovakia and United Arab Emirates for their tireless efforts in reviewing our third national report.

(7) We also would like to thank the States who provided advance questions to help with the review, namely the United Kingdom of Great Britain and Northern Ireland, Germany, Spain, Slovenia, Liechtenstein, Portugal and Brazil.

(8) I would propose Madam Chair, that I answer the advanced questions during this presentation in accordance with the order of subject matter in Tonga’s report. We are also willing to explore the same questions during the interactive dialogue, if required.

**II INTRODUCTION**

(1) Madam Chair, Your Excellencies, Distinguished Delegates, I have the honour to present Tonga’s Third Universal Periodic Review.

(2) I shall give a brief summary of Tonga’s national report, and then engage with the Distinguished Delegates in dialogue on issues that are of interest, and then finish with some brief concluding remarks for the way forward for Tonga.

(3) The Human Rights Council adopted the outcome of Tonga’s second universal periodic review on 6 June 2013, under HRC Decision number 23/102.

(4) The completion of Tonga’s second review and the adoption of the outcome report on 6 June 2013 was deemed a milestone for Tonga for the reason that it was the second opportunity for Tonga to showcase its work in protecting the fundamental human rights that are enshrined in Tonga’s 143 year old written constitution, the second oldest written constitution in the world.

(5) Since 1862, the founding father of modern Tonga, His Majesty King Siaosi Tupou I, had freed his people from serfdom, and granted them through an Edict of Emancipation, the right to life, the right to freedom and the right to property.

(6) In 1875, King Tupou I granted to his people the Constitution of Tonga. The first part of the Constitution is the Declaration of Rights, which enshrined fundamental human rights that have been devotedly protected since 1875.

(7) These include:

* the declaration of freedom;
* freedom from slavery;
* rights of foreign labourers;
* the right to liberty;
* equality for all before the law, regardless of social rank, nationality and ethnicity;
* freedom of worship;
* freedom of expression and the media;
* freedom to petition the King and the Legislative Assembly to enact laws;
* freedom from arbitrary arrest and detention (*habeas corpus)* ;
* right to a fair trial;
* protection from double jeopardy;
* right to an independent judiciary; freedom from arbitrary search and seizure of property;
* right to an impartial Government;
* right to protection by Government of life, liberty and property; and
* protection from retrospective legislation; right to hold public office; and the right to naturalization.

(8) Furthermore, Tonga was also able to highlight its aspirations to ratify new human rights conventions so that it may offer Tongan citizens and residents the same benefits and protection which are accepted and enforced by free and democratic societies around the world.

(9) Madam Chair and distinguished delegates, may I respectfully remind that Tonga is a small Pacific Island Country and suffers from the challenges of its small size, geographic isolation, natural vulnerability and fragility and limited human and financial resource base which results in high cost for social and community service as well as economic development. Unfortunately the process of ensuring Tonga’s compatibility and compliance with the human rights international treaties presents a huge challenge and demand on its limited capacity.

(10) Tonga is aware of the questions raised relating to non-ratification of some of the fundamental human rights treaties but it is for the reasons I have just stated. Despite these challenges, many of the underlying human rights principles enshrined in the core human rights conventions form the basis of many of our Tongan laws. In addition to this, the Tongan government remains committed in pursuing the ratification of the core human rights conventions, and intends to continue its active participation in the Human Rights Council’s Universal Periodic Review Process.

**III SUMMARY OF TONGA’S THIRD UNIVERSAL PERIODIC REVIEW REPORT**

Madam Chair,

Allow me now to provide a summary of Tonga’s third universal periodic review report. Let me begin by recalling the six thematic recommendations from Tonga’s second Universal Periodic Review, which were:

1. Treaty ratifications, treaty reporting and overall work with human rights mechanisms;
2. Democratization and Law Reform Process;
3. Gender Equality;
4. Thematic Human Rights Issues (prevention of torture, rights of children, freedom of expression, disabilities, and anti-corruption)
5. National Human Rights Mechanism; and
6. Promotion and Protection of Human Rights, Education and Public Awareness.

The progress of implementation of these recommendations are dealt with in detail in Tonga’s recent national report as set out in HRC document number A/HRC/WG.6/29/TON/1 of 3 November 2017. As such, I will briefly highlight the salient points under these six thematic areas.

Madam Chair

**(1)** **Treaty ratification, treaty reporting and overall work with human rights mechanisms**

On the first thematic area relating to treaty ratification, treaty reporting and overall work with human rights mechanisms, may I take this opportunity to refer to the questions from Germany:

**WHEN DOES THE GOVERNMENT OF TONGA PLAN TO RATIFY ICCPR, ICESCR, CEDAW and CAT?**

**(a) ICCPR & ICESCR**

* Firstly, in relation to ICCPR and ICESCR, Tonga still has not made formal commitments to ratify these two conventions due to human and financial resource constraints, as explained earlier.
* However Tongan laws in particular our Constitution enshrines many of the articles espoused in ICCPR. The Tongan courts, also, apply many of the human rights Conventions in the determination of court cases, an example being the case of *R v Vola* [2005] Tonga LR 404 setting an important and binding precedent in preventing the arbitrary application of the death penalty.
* The principles underlying the articles of ICESCR are also incorporated into Tongan laws, which includes laws to access adequate health care, right to education, and the right to a decent home, food, shelter, the right to fair wages and equal remuneration for equal value and right to take part in cultural life.
* This is reflected in Tonga’s 2013 *Education Act* whichsets a new compulsory school age between 4 and 18 years of age.[i] This lowers the minimum compulsory school age which was previously 6 and expands the compulsory leaving age from 13 years to 18 years. It also imposes a legal duty on parents to educate their child. The Act also introduces the principle of inclusive education for children with special needs, and the right of all children under the age of 19 years to access quality education in Tonga, irrespective of the child’s gender, religion, socio-economic status, physical condition and location.[iii]
* Tonga also has in place a *Health Services Act 1991, Medical and Dental Practice Act 2001, Mental Health Act 2001, Public Health Act 2008,* legislation which protects the rights of a person to access medical and health services in the Kingdom. The Ministry of Health is currently reviewing some of these legal provisions to ensure compatibility with international health standards.
* In 2016, Tonga became the 187th member of the International Labour Organization thereby reflecting its commitment to promoting and ensuring a decent work environment and the progressive realization of international labour standards at the national level. An *Employment Relations Bill 2013* has been drafted and it is currently under full public consultation.

The States of Brazil, Slovenia and United Kingdom of Great Britain & Northern Ireland have submitted questions pertaining to treaty ratification of CEDAW and gender equality. I shall address these questions together since they relate to cross-cutting projects of the Tongan Government to achieve the objective of removing discrimination against women and thus promoting gender equality.

**WHAT STEPS HAS TONGA TAKEN TOWARD ACCEDING TO OR RATIFYING CORE HUMAN RIGHTS CONVENTIONS AND, IN PARTICULAR, DOES TONGA INTEND TO BECOME A PARTY TO CEDAW AND/OR RATIFY CRPD? (United Kingdom of Great Britain and Northern Ireland)**

**WITH REGARD TO SLOVENIA’S RECOMMENDATION TO QUICKLY RATIFY CEDAW, WHICH DIDN’T ENJOY THE SUPPORT OF TONGA DURING THE SECOND UPR CYCLE, WE WOULD LIKE TO ASK IF A STRATEGY TO ELIMINATE DISCRIMINATION, HARMFUL PRACTICES AND STEREOTYPES AGAINST WOMEN AND GIRLS (IN LINE WITH THE CEDAW CONVENTION) HAS ALREADY BEEN PUT IN PLACE. (Slovenia)**

**WHICH IMPROVEMENTS HAVE BEEN MADE WITH RESPECT TO GUARANTEEING GENDER EQUALITY? WHICH FURTHER MEASURES ARE PLANNED IN ORDER TO IMPROVE WOMEN’S RIGHTS AND PREVENT DISCRIMINATION? (Germany)**

**PLEASE ELABORATE ON THE MAIN CHALLENGES FOR TONGA IN REALIZING ECONOMIC AND SOCIAL RIGHTS, INCLUDING ON ISSUES SUCH AS GENDER DISCRIMINATION IN TERMS OF WAGES AND WORK CONDITIONS? (Brazil)**

**(b) CEDAW & Gender Equality**

* On the issue of CEDAW ratification, Tonga had announced that it was ready to ratify CEDAW at the 59th session of the Commission on the Status of Women at the UN Headquarters in New York on 12 March 2015. However, due to public protests in Tonga which followed immediately after this announcement, the government of Tonga had to defer the ratification process for CEDAW for further consultation.
* To date, the Government, through targeted and strategic consultations, continues to pursue progress in the CEDAW ratification process. In addition to this, underlying principles of CEDAW are being addressed throughout projects which interrelates with Tonga’s commitments to the 2030 Agenda for Sustainable Development.
* Tonga has one of the most liberal maternity leave policy for the public service with 3 months of paid maternity leave, and 5 working days paternal leave. Tonga supports women’s economic empowerment activities by identification of key Women’s Economic Empowerment priorities for women from the National Community Development Plans, the sourcing of existing training opportunities and identification of funding as well as additional training as required. Further, it will develop an electronic registration system for community women’s development groups, strengthening networks and build partnerships between stakeholder groups and donors and support women entrepreneurs to attend regional festivals and trade fairs. Women’s economic empowerment is a priority issue for Tonga. An important means for eradicating poverty, we believe, is through providing an environment which facilitates and ensures women earn a decent income, are represented in both the formal and informal sectors and are given equal opportunities and education.
* There are current projects which address the issue of domestic violence, which has been identified as a major impediment to gender equality.
* There has been a holistic justice sector review and public consultation in May 2017 which has resulted in the government identifying together with regional organisations (SPC/RRRT) and its bilateral partners (NZAID & AUSAID) the development of projects which will enable women and children and vulnerable members of society and persons with disabilities better access to justice. These projects are at different developmental stages.
* In December 2016, His Majesty’s Cabinet set up a criminal policy sub-committee of Cabinet to examine, analyze and address the issues of violence against vulnerable members of society such as women, children, elderlies and persons with disabilities.
* The ratification of CEDAW is an on-going process and generational change.
* Generally women and men receive equal pay for equal employment levels (e.g. within the public service). His Majesty’s Armed Forces have recently reviewed their employment policies to ensure gender equality.
* Tonga has no discriminatory legislation in relation to participation of women in politics, however the government continues to identify reasons that women are less successful in securing membership in the Legislative Assembly. For example in 2014, 16 of 106 candidates for the General Elections were women. In the 2017 Elections, 15 of the 86 candidates were women. Statistics indicate that a majority of the registered voters are women, for example in 2014, 51% of the registered voters were women, and 49% were men.
* One of the identified weak areas for women becoming members of the Legislative Assembly relates to their techniques in campaigning and lobbying for votes. The Ministry of Internal Affairs is conducting joint programs with various regional organisations to assist with strengthening women campaigning techniques.
* Tonga has a dedicated division to all matters relating to women’s development and empowerment issues under the Ministry of Internal Affairs.
* The Women’s Division is instrumental in working together with all relevant ministries and civil society to oversee and report on the effective implementation of the *Family Protection Act 2013.*
* Tonga is committed to gender equality and women’s empowerment through the implementation of the Family Protection Act and the Revised National Policy on Gender and Development. New initiatives in 2017 included gender mainstreaming activities of key ministries such as the Ministry of Internal Affairs, Public Service Commission and the Ministry of Finance and National Planning.
* In September 2015, the third and Final Report for Tonga and the Millennium Development Goals was submitted to the United Nations the report showed progress and achievements to eliminate gender disparity in primary and secondary education.
* The Tongan Government introduced the Tonga Strategic Development Framework 2015-2025 in 2015 and one of the seven national outcomes is for a more inclusive sustainable and empowering human development with gender equality. This is supported by the following Organizational Outcomes under the Social Pillar:
  + improve gender equality by implementing the government’s gender development policy and ensuring a more balanced and effective engagement by both men and women in decision making and social, economic and political institutions (OO2.1e)[iv]
  + while recognizing the high status of women in Tongan culture, ensure that improved gender balance is built into all policies, plans, laws and initiatives (OO 2.3f)[v]
  + develop an education system that better addresses the needs of both girls and boys and ensures a better gender balance at all stages of schooling (OO 2.4d)[vi]
  + build strong gender awareness, sensitivity to differences in needs in abilities, and other criteria into all programs.(OO 2.7f)[vii]
  + improve understanding of the many ways in which people resident in Tonga and overseas (in particular the Diaspora) interact in beneficial ways, and support the development of institutional arrangements and international agreements which facilitate this interaction - taking account of gender and other differences(OO 2.8a)[viii]
* Tonga was represented on the Promoting Evidence Based Policy Making for Gender Equality: Workshop on Gender training needs and design and Tonga Gender profile information and consultation meeting held in July 2017.
* This was an Asian Development Bank (ADB) project aimed to develop a national capacity for gender mainstreaming in health and discussions on the role of statistics and gender indicators in decision making and identify priorities for training and developing capacity in this area.
* Women are being increasingly represented in managerial and higher administrative positions in both government and private sectors. Since 2013, 13 women have held or currently holding Chief Executive Officer positions in Government.[ix]
* Tongan women also hold diplomatic positions overseas. To date the Ambassador of Tonga to Australia, Ambassador of Tonga to Japan, Tonga Consul General in San Francisco and Honorary Consulate of France, Netherlands and Sweden are women.
* The Public Enterprise Boards have women as Directors, Deputies or members including Tonga Communications Corporation, Tonga Broadcasting Commission, Tonga Water Board, Tonga Post & Fast Print Ltd, Tonga Airports Limited, Tonga Market Ltd and Ports Authority.
* Women also hold prominent roles in the private sector as successful medium to small business owners and managers of retail stores; café and restaurants; hotel, resort and tourist facilities, catering services, handicraft and local produce market stalls, pre-school and day-care child services and more.
* Tongan women also hold leadership roles in the regional and international organizations. For instance a Tongan woman was appointed to the position of United Nations High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLLS) in May 2017. Thus becoming the first Tongan to hold such a senior position in the United Nations.
* In 2014, the Legislative Assembly held the first ever Practice Parliament for Women in Tonga. This event was to increase the potential of women to become effective political leaders. It was to encourage and empower women to achieve their potential as leaders. This was supported by the United Nations Development Programme (UNDP).[x]
* Tonga launched its Revised National Policy on Gender and Development in May 2014.
* This Gender Policy was a result of collective partnership between Government, the Private Sector, Civil Society, the Community, and Development Partners.
* In the recent general elections of 2017, the Legislative Assembly welcomed two successful women candidates into the 26 member legislative assembly.

**(c) CAT**

**In relation to CAT, I will also within this response, reply to the question by** the United Kingdom of Great Britain & Northern Ireland:

**WHAT PROGRESS HAS TONGA MADE IN ADDRESSING THE ISSUE OF POLICE VIOLENCE AND WILL TONGA INITIATE EDUCATION PROGRAMMES FOR ITS POLICE OFFICERS?**

* In June 2017, His Majesty’s Cabinet established a Committee comprised of relevant Ministries, Department and Agencies to consider the ratification of CAT and to review relevant legislation.[xi]
* Tonga has actively participated in workshops in the region e.g. the Convention against Torture Initiative (CTI) Regional Workshop held in Fiji in October 2016 and the Roundtable Meeting with the CTI and OHCHR in October 2017.
* Despite the fact that Tonga has legal provisions for whipping as a form of sanction, whipping is no longer considered an option for sentencing, refer to the case of *Fangupo v R* [2010] Tonga LR 124.
* The *Education (Schools and General Provisions) Regulations 2002* prohibits a teacher from inflicting corporal punishment on any student. [xiii]
* The *Family Protection Act 2013* also protects women and children from abuse and domestic violence.
* The Tongan Government unequivocally states that the Kingdom does not tolerate police brutality. Since the enactment of the *Tonga Police Act 2010* there has been a decrease in the rate of civil cases against the Tonga Police. This is mainly due to the internal disciplinary processes and procedures within the Act, which facilitates the laying of complaints and investigations of violent or illegal practices of police officers. The Ombudsman office has also provided an effective external mechanism within the political framework to deal with complaints against the police, which include police brutality.
* The Government of Tonga continues to receive assistance from New Zealand and Australia on providing police awareness and educational programs to stem the practice of police brutality.

With regards to the Convention on the Rights of Persons with Disabilities, may I refer to the question from Germany:

**WHAT KIND OF LEGAL IMPROVEMENTS HAVE BEEN MADE IN ORDER TO MEET THE NEEDS OF PERSONS WITH DISABILITIES AND WHICH FURTHER MEASURES ARE PLANNED? IS THERE A TIMEFRAME FOR THE RATIFICATION OF CRPD?**

**I would like to address this question together with a similar question from Spain, which reads:**

**WHAT MEASURES IS THE GOVERNMENT OF TONGA TAKING IN ORDER TO IMPROVE THE LIVING CONDITIONS OF PEOPLE WITH DISABILITIES AND TO ELIMINATE ALL FORMS OF DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES? WHAT EXPECTED TIMEFRAME AND CONCRETE STEPS DO THE TONGAN AUTHORITIES CONSIDER TAKING IN ORDER TO RATIFY THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES?**

* On 6 June 2014 His Majesty’s Cabinet approved the Tonga National Policy on Disability Inclusive Development 2014-2018 and for the Tongan Government to ratify CRPD
* On 20 January 2015, the Social Protection and Disability Division was established under the Ministry of Internal Affairs as a focal point for persons with disabilities.
* In 2016 the Social Protection and Disability Division worked together with the Attorney General’s Office to review legislation to expedite the ratification of CRPD.
* In 2017 the Social Protection and Disability Division conducted public consultations to create awareness before ratification.
* In June 2017, the Social Protection and Disability Division engaged technical assistance from the Pacific Islands Forums Secretariat and the UNESCAP Pacific Office to examine the CRPD ratification and legislative implementation.
* The Attorney General’s Office used its 2016 Law Week as a public awareness programme to highlight the Rights of Persons with Disabilities.
* There are already legal provisions to enable persons with disabilities to participate in political and social rights of all citizens.

**With regards to the ratification of the Rome Statute, I would like to refer to two advanced questions from Liechtenstein:**

**LIECHTENSTEIN RECOGNIZES TONGA’S COMMITMENT TO INTERNATIONAL CRIMINAL JUSTICE, AS EVIDENCED BY ITS RATIFICATION OF THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT (ICC)? and**

**WHAT STEPS HAS TONGA TAKEN TO RATIFY THE KAMPALA AMENDMENTS TO THE ROME STATUTE ON THE CRIME OF AGGRESSION?**

* **Madam Chair, and distinguished delegates, may I respectfully correct the question made by Lichentenstein, in that Tonga has not ratified the Rome Statute of the ICC .There are certain provisions within the ICC which are incompatible with Tonga’s founding Constitution.**

**(2) Democratization and Law Reform Process**

* Madam Chair, the Tongan Government continues to review and revise the Tongan Constitution to ensure that recognized international principles of democracy and good governance are enshrined within the Constitution. Reference is made to the Government’s Constitutional review projects which have been technically and financially assisted by the Commonwealth Secretariat.
* The Legislative Assembly have now established a formal procedure for the vote of no confidence in 2016 to avoid the difficulties and time-consuming processes of the first vote of no confidence in 2012 which delayed the substantive work of the Legislative Assembly in processing legislation.
* In November 2014, Tonga had its second national election held under the 2010 electoral system.
* On 29 December 2014, Hon. Samuela ‘Akilisi Pohiva, was appointed by His Majesty as Tonga’s second elected Prime Minister under the new 2010 political reforms. Hon. Samuela ‘Akilisi Pohiva became the first commoner to be democratically elected by a predominantly elected Parliament.
* A further general election was held on 16 November 2017, and the *Paati Temokalati ‘o e ‘Otumotu Anga’ofa (PTOA)* lead by Hon.Samuela ‘Akilisi Pohiva was re-elected and Hon. Samuela ‘Akilisi Pohiva was re-elected as Tonga’s third Hon. Prime Minister under the 2010 electoral changes.

**(3)** **GENDER EQUALITY**

**With regards to the rights of LGBTQIs in Tonga, may I refer you to an advanced question from Spain:**

**WHAT MEASURES HAS THE GOVERNMENT OF TONGA TAKEN TO COMBAT DISCRIMINATION AGAINST THE “LEITI” COMMUNITY?**

* The Tongan Government acknowledges the rights of the Tonga Leiti Community to raise public awareness, educate and organize programs and projects to highlight the concerns and issues of the LGBTIQ. However, Tonga’s historical cultural and religious beliefs, although tolerant, do not recognize this legal relationship status.
* The LGBTIQ have a registered Tonga Leiti Association. The Tonga Leiti’s Association was established in 1992 with a focus on improving the rights and celebrating the contribution of Leitis in Tonga and to respond to the HIV epidemic. The Association launched their Strategic Plan 2016-2020 in 2016. The vision of the Plan was for Tonga to respect and uphold the rights of person with diverse sexual orientations and gender identities. One of the main goals of the Plan was to reduce stigma and discrimination against Leitis and People Living with HIV. The Plan also aims to educate and advocate on international human rights law, recent international developments and agreed principles such as the Yogyakarta Principles.[xiv]

**(4)** **THEMATIC HUMAN RIGHTS ISSUES (PREVENTION OF TORTURE, RIGHTS OF CHILDREN, FREEDOM OF EXPRESSION, DISABILITIES, ANTI-CORRUPTION)**

Under the thematic human rights issues, Tonga’s third national report covers Tonga’s responses to the recommendations regarding:

1. Paying increased attention to rights of children, ensure equal public participation, nationality and rights of children born out of wedlock;
2. Take measures to reinforce protections for freedom of expression;
3. Promote human rights education through international and regional cooperation;
4. Consider signing and ratifying CEDAW and consider issues relating to equal right of women to administer property and the equal right to ownership, acquisition, management, enjoyment and disposal of property;
5. Consider the implementation of recommendations by special procedures so that there are institutional safeguards against harsh treatment by police and security forces;
6. Consider national, regional and international support to the promotion of potable water and sanitation.

**Pay increased attention to rights of children, ensure equal public participation, nationality and rights of children born out of wedlock;**

**With regards to the rights of children, may I refer to the question from the United Kingdom of Great Britain & Northern Ireland:**

**WHAT ASSESSMENT HAS THE GOVERNMENT OF TONGA MADE ON THE EFFECTIVENESS OF THE “LET GIRLS BE GIRLS” CAMPAIGN IN HELPING TO REVERSE THE GROWING TREND OF CHILD MARRIAGE AND SHIFT SOCIETAL ATTITUDES?**

* The number of child marriages has dropped since the launch of the Talitha project “Let Girls be Girls” campaign in May 2017. The analysis of the figures for 2016 and 2017 during the same period (May to December) indicate that the number of young persons getting married below the ages of 18 years has dropped by almost 50 percent. The public awareness programs run by the Ministry of Justice, Talitha Project and other civil society organisations have contributed to this decrease.
* One of the challenges faced by the Government of Tonga in consultations relating to legislative changes in this area relates to Tonga’s fundamental Christian and cultural beliefs. The Talitha project and the efforts of the Ministry of Justice and Civil Society in Tonga continue to promote through public awareness programs, the detriments suffered by young people who do not fully understand the extent of this serious relationship commitment.

**Take measures to reinforce protections for freedom of expression;**

**With regards to the protection for freedom of expression, may I refer to an advanced question from Spain:**

**IN 2012 FREEDOM OF INFORMATION POLICY REINFORCED FREEDOM OF PRESS AS RECOGNIZED IN ARTICLE 7 OF THE TONGAN CONSTITUTION. WHAT MEASURES HAVE THE TONGAN AUTHORITIES TAKEN TO ENSURE THAT THE MEDIA CAN CONTINUE TO EXERCISE THEIR RESPONSIBILITIES AS GUARANTORS OF FREEDOM OF INFORMATION AND PRESS WITH FULL INDEPENDENCE?**

* The Freedom of Information (FOI) Policy approved by His Majesty’s Cabinet in 2012, strengthens the Freedom of Speech, Expression and the Press that are guaranteed in Clause 7 of the Constitution of Tonga.
* The FOI Unit was established within the Ministry of Information and Communications to coordinate all the information disclosure and dissemination within the Public Service, providing policy advice and guidelines for compliance and the implementation of the FOI Policy that was formally launched on 28 June 2012. [xvi]
* In support of the FOI Policy, systems and structures, such as the FOI Unit and the Cabinet Steering Committee, were established to manage a phased process of implementation.
* One of the challenges in the development of a Freedom of Information Bill is the Tongan government’s lack of administrative capacity to store and maintain the large number of physical records (both current and historical) in each Government Ministry. This issue is being addressed by Government Ministries and organizations at the same time as the policy for the legislation, to ensure that when the law comes into effect, Government is able to provide the relevant documents.
* Thus the Government has developed administrative and archival projects to ensure safe storage and preservation of records. For example the Ministry of Justice’s digitization project of all civil registry information (developed together with the assistance of the Commonwealth Secretariat) and its current project to publish historical birth records that are over 100 years. Other Ministries continue to provide access to information on their Ministries by use of the Internet and the development of websites for example, the AGO’s office has a comprehensive website publishing all the laws of Tonga, gazettes and judgments of the Courts. MEIDECC has a social media page on Facebook informing of Government initiatives and workshops. Furthermore there are plans afoot to develop E Government in the Kingdom with the assistance of the World Bank and the Asian Development Bank.
* These archival processes must be in place before the FOI legislation can be effectively implemented and enforced.

**Promote human rights education through international and regional cooperation;**

Madam Chair**, the Tongan Government continues to provide free Primary Education for Tongan children who attend the Government Primary Schools.**

* Efforts have been made to strengthen human rights education, training of public officials and the participation of civil society in the promotion and protection of human rights through international and regional cooperation.

**(5) NATIONAL HUMAN RIGHTS MECHANISM**

**With regards to the establishment of a National Human Rights Mechanism, may I refer to an advanced question from the United Kingdom of Great Britain & Northern Ireland:**

**WHAT STEPS IS THE GOVERNMENT OF TONGA TAKING TO ESTABLISH A NATIONAL HUMAN RIGHTS INSTITUTION IN ACCORDANCE WITH PARIS PRINCIPLES?**

* The government of Tonga does not have the necessary resources at this point to facilitate a national human rights institution in accordance with the Paris Principles.
* For small islands states including Tonga, the establishment of a national human rights institution is still not feasible financially and technically.
* However several actions taken by the Government are in line with the Paris Principles.
* The Legislative Assembly passed an amendment to the *Commissioner for Public Relations Act 2001 in* 2016. This amendment re-named the Commissioner of Public Relations as the Ombudsman, this change is to ensure that Tonga is in line with international references to the ombudsman.
* The Ombudsman’s Office is now working on public awareness, this is by conducting community outreach programs and television programs all throughout Tonga. The success of this public awareness programme is reflected in the increase of complaints received and successfully actioned by the Office of the Ombudsman. One advantage of Tonga’s small community is the fact that access to Government Ministers, Members of the Legislative Assembly and the Constitutional right to petition the King, on human rights abuses, is still a feasible and easily accessible option for the Tongan people.

**(6)** **PROMOTION AND PROTECTION OF HUMAN RIGHTS , EDUCATION AND PUBLIC AWARENESS**

Madam Chair, in 2016 the Government of Tonga initiated the A’u ki ai cash assistance to persons with disabilities. This form of assistance is to promote social and economic development to eliminate poverty.

Non-government Organisations have initiated programs through Tonga Youth Employment and Entrepeneurship (TYEE) to encourage youth employment and support.

Many Human Rights are enshrined in current institutional frameworks and projects of Tonga. For instance the Climate Finance and Risk Governance Assessment has a Gender and Social Inclusion analysis.

With regards to the implementation of the Universal Periodic Review Process in Tonga may I refer to two questions from Portugal:

**COULD 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?**

And

**HAD 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? 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?**

Tonga’s implementation plan is as follows:

* The UPR recommendations are reported to His Majesty’s Cabinet and the respective ministries responsible for implementation are mandated to examine the feasibility of incorporating these into their Corporate and Annual Management plans. Progress on the whole of the Ministries mandate, including the relevant UPR recommendation(s) is monitored at quarterly and 6 monthly timeframes resulting in an Annual Report which is presented and approved by the Legislative Assembly before publication.

With regards to promoting the implementation of the UPR recommendations, may I refer to an advanced question from Brazil:

**HOW DOES YOUR COUNTRY ENVISAGE PROMOTING SYNERGIES IN IMPLEMENTING THE UPR RECOMMENDATIONS AND THE SUSTAINABLE DEVELOPMENT GOALS, UNDER THE 2030 AGENDA?**

* The Tongan Government has committed to the implementation of the UPR recommendations and SDGs in our national plan entitled the Tonga Strategic Development Framework II 2015 – 2025.
* The TSDF II themed “a more progressive Tonga: enhancing our inheritance” presents the Kingdom’s new development framework, and mainstreams these UPR recommendations and the goals set out under the 2030 Agenda for Sustainable Development into national outcomes. Where recommendations have been approved by Government and are not yet incorporated, a procedure exists to adapt the TSDF II, including a relevant Ministry’s corporate and annual management plan to implement recommendations. A significant contribution to the achievement of these outcomes relies on the strong cooperation received by Government through its relationship with development partners.
* As I noted earlier, a robust and vigorous process of monitoring and evaluation takes place within quarterly, half yearly and annual reporting systems, which are undertaken by the Ministry of Finance, the Prime Minister’s Department of National Planning and the Public Service Commission.

**V CONCLUSION**

Madam Chair, Your Excellencies, Distinguished Delegates, this brings me to the conclusion of the presentation of Tonga’s Third Universal Periodic Review Report.

I would now like to conclude this presentation by saying that:

1. Tonga remains committed to improving the level of its human rights obligations.
2. Tonga humbly requests Member States to understand and appreciate the unique circumstances that it faces when advancing human rights protection, such as resources, strong cultural values, predominant Christian faith and the growth of liberal ideologies;
3. Tonga respectfully requests Member States to assist and support Tonga in its journey to advance human rights, particularly prioritizing those human rights that promote the rights of all vulnerable members of our society.

On behalf of the Tongan delegation, may I close by thanking you Madam Chair, Your Excellencies and Distinguished Delegates for your kind attention and consideration of Tonga’s UPR report.

My delegation and I look forward to meaningful dialogue with Distinguished Delegates with regards to Tonga’s national report.

Thank you very much for your attention.

Malo ‘aupito mo e tu’a ‘ofa atu

[i] s.98 *Education Act 2013* (Tonga).

[ii] s. 99 *Education Act 2013* (Tonga).

[iii] s.111 *Education Act 2013* (Tonga).

[iv] Tonga Strategic Development Framework II, Ministry of Finance & National Planning, Government of Tonga (TSDF II) p.118

[v] TSDF II p.119

[vi] TSDF II p.119

[vii] TSDF II p. 120

[viii] TSDF II p.120

[ix] Chief Secretary and Secretary to Cabinet, Prime Ministers Office; CEO, Ministry of Finance and National Planning; CEO, Ministry of Lands and Natural Resources; CEO, Ministry of Internal Affairs; CEO, Ministry of Justice; CEO, Office of the Public Service Commission; CEO, Ministry of Tourism; (former) CEO, Ministry of Commerce, Consumer Affairs, Trade Innovation and Labour; CEO, Ministry of Agriculture, Forests, Fisheries and Food; Clerk of Parliament, Legislative Assembly; Lord Chamberlain, Office of the Lord Chamberlain.

[x] ‘Practice Parliament for Women aspires women to be political leaders’ (7 April 2014)<http://www.parliament.gov.to/media-centre/latest-news/latest-news-in-english/225-practice-parliament-for-women-aspires-women-to-be-political-leaders-hm-queen-says> (Accessed 18 October 2017).

[xi] Cabinet Decision No. 598 of 14 June 2017.

[xii] *Rex v Hala’ufia & ors* (Unreported, CR35,36,91,92,93-13, Cato J).

[xiii] Regulation 40(4) *Education (Schools and General Provisions) Regulations 2002* (Tonga).

[xiv] Tonga Leitis’ Association Strategic Plan 2016- 2020 (2016) 3.

[xv] Tonga Leitis’ Association Strategic Plan 2016- 2020 (2016) 3.

[xvi] *Tonga launched its Freedom of Information Policy,* 04 July 2012, Ministry of Information and Communication