



PALAIS DES NATIONS – 1211, GENEVA 10, SWITZERLAND

19 January 2024

Madam,

I have the honour to refer to the fourth cycle review of Tonga by the Universal Periodic Review (UPR) Working Group at its 43rd session in May 2023. The constructive engagement between your Government, my Office, and the UPR mechanism is warmly welcome. As the final outcome report on the review of Tonga was recently adopted by the Human Rights Council at its 54th session, I have also taken note of the efforts of your Government to implement specific recommendations since the previous review.

A matrix of thematically clustered recommendations, starting with those supported by your Government, is available at OHCHR's website (<https://www.ohchr.org/en/hr-bodies/upr/to-index>), and should be considered as part of this letter. The matrix indicates the recommending State and links each recommendation to relevant Sustainable Development Goals (SDGs).

In annex, I have also attached my Office's observations in light of the outcome of the fourth cycle of the UPR. In line with previous practice, I will be sending similar observations to all Member States once their fourth cycle UPR outcome is adopted by the Human Rights Council, with a view to follow-up action in close cooperation with national entities and other stakeholders.

I take this opportunity to draw your attention to the support available through the Voluntary Fund for UPR Implementation, which may be activated at the request and with the consent of a concerned State, along with tools such as the "UPR practical guidance" and the "UN good practices" repository on how the UPR process supports sustainable development, available at <https://www.ohchr.org/en/hr-bodies/upr/upr-main>, with a view to facilitating efforts to implement UPR recommendations in line with the SDGs.

Please accept, Madam, the assurances of my highest consideration.

Volker Türk

Her Excellency
Ms. Fekitamoeloa Katoa 'Utoikamanu
Minister for Foreign Affairs
and Minister for Tourism of Tonga



Observations in light of the outcome of the fourth cycle of the Universal Periodic Review

The commitment of Tonga to ratify core international human rights treaties is welcome. Specifically, the establishment of a Cabinet working group to review, with the aim of ratifying, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well a Cabinet committee to consider the Convention on the Elimination of All Forms of Discrimination Against Women, are welcome. Also noteworthy is Tonga's ongoing consideration of ratification of the Convention on the Rights of Persons with Disabilities, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. It is hoped that these conventions will be ratified in the near future.

Positive note is taken of Tonga's support of the recommendations to establish a national human rights institution in accordance with the Paris Principles. Government efforts to implement environmental-related policies currently undertaken by the Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications are also commended, with a view to protecting human rights from the negative impact of climate change and natural disasters.

Tonga noted all recommendations related to the abolition of the death penalty, which remains an issue of concern. It is hoped that Tonga, as an abolitionist State in practice, will continue its reflections with a view to achieving the complete *de jure* abolition of the death penalty and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights.

The lack of progress in the decriminalization of same-sex relationships also remains of concern. It is important that LGBTIQ+ Tongans enjoy human rights protection on an equal basis with others without discrimination in compliance with international human rights norms and standards.

Tonga is also encouraged to develop an implementation plan in follow up to the UPR outcome, in close consultation and cooperation with all stakeholders, in particular the Legislative Assembly, the judiciary, local and regional governments, and civil society organizations. The matrix referred in the letter may be of use in the development of such an implementation plan. The Government is encouraged to explicitly link each UPR recommendation to corresponding recommendations from other international or regional human rights mechanisms and to the relevant SDG and its targets. This will, in turn, facilitate the creation of synergies between UPR implementation and SDG-related actions and reporting within the context of the Voluntary National Review (VNR).



The Government is further encouraged to further strengthen its national mechanism for reporting and follow-up - the Universal Periodic Review Working Group - with the aim of ensuring a coordinated and effective approach to reporting to international human rights mechanisms, and to implementing the recommendations, in line with the guidance provided by OHCHR following regional consultations and the High Commissioner's report to the Human Rights Council ([A/HRC/50/64](#)). Tonga is encouraged to seek technical cooperation and capacity building support from the OHCHR Pacific Regional Office for the effective follow-up to the UPR outcome and the strengthening of its national mechanism for reporting and follow-up.

Further, an important measure that could positively contribute to follow-up action is voluntary mid-term UPR reporting. All Member States are encouraged to submit a voluntary mid-term UPR report some two years after the adoption of the UPR outcome. In this regard, the Government of Tonga may wish to consider submitting a mid-term report on follow-up to the fourth cycle UPR recommendations by 2025, detailing both implementation efforts as well as challenges to implementation, including the possible need for technical or capacity-building assistance.

OHCHR
19 January 2024