



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the initial report of Tonga*

I. Introduction

1. The Committee considered the initial report of Tonga (CRC/C/TON/1) at its 2373rd and 2374th meetings (see CRC/C/SR.2373 and 2374), held on 14 May, and adopted the present concluding observations at its 2400th meeting, held on 31 May 2019.

2. The Committee welcomes the submission of the initial report of the State party and the written replies to the list of issues (CRC/C/TON/Q/1/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. However, the Committee regrets that the report was submitted with considerable delay, which prevented the Committee from reviewing the implementation of the Convention by Tonga earlier. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the adoption of the Family Protection Act of 2013, the Education Act of 2013, the Domestic Violence Response Policy and the Tonga National Youth Strategy 2014–2019.

III. Main areas of concern and recommendations

4. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention throughout the process of implementing the 2030 Agenda for Sustainable Development. It also urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

5. The Committee welcomes the ongoing legislative amendments, such as the adoption of the Family Protection Act and Education Act in 2013 and the work towards developing comprehensive child protection legislation and policy. However, the Committee is

* Adopted by the Committee at its eighty-first session (13–31 May 2019).



concerned that some domestic laws, such as the Criminal Offences Act, are not consistent with the Convention.

6. The Committee recommends that the State party:

(a) Strengthen its efforts by establishing clear timelines to bring the existing legislation, such as the Criminal Offences Act, into conformity with the Convention;

(b) Develop and adopt a comprehensive child rights law with a budgeted implementation plan;

(c) Take all measures necessary to ensure that the human, technical and financial resources for the implementation the legislation envisaged in subparagraphs (a) and (b) above are adequate and sufficient.

Comprehensive policy and strategy

7. The Committee notes that the Tonga Strategic Development Framework 2015–2025 includes children’s issues. It also takes note of the Tonga National Youth Strategy 2014–2019. However, the Committee is concerned at the lack of a comprehensive national policy for children and at the absence of the impact review of the youth strategy.

8. The Committee recommends that the State party:

(a) Consider developing a comprehensive national policy on children that encompasses all areas covered by the Convention and developing a strategy on the basis of the policy, with the necessary elements for its application, supported by sufficient human, technical and financial resources;

(b) Ensure linkages between the Tonga Strategic Development Framework 2015–2025 and sector-specific strategies and plans for children;

(c) Carry out the impact review of the Tonga National Youth Strategy 2014–2019 and implement a new national youth strategy.

Coordination

9. The Committee notes that the State party established the National Coordinating Committee for Children in 1997. However, the Committee is concerned that the Coordinating Committee operates only on an ad hoc basis and that the budgetary allocation and staffing are very limited, which prevents it from fulfilling its mandate.

10. The Committee recommends that the State party strengthen the National Coordinating Committee for Children and ensure that it has adequate human, technical and financial resources and sufficient authority to coordinate all activities related to the implementation of the Convention, including leading advocacy efforts and raising awareness of child rights, at the cross-sectoral, national, regional and local levels.

Allocation of resources

11. The Committee welcomes the steady budget increases for the education and health sector. However, it is concerned at the heavy reliance on donor funding. It is also concerned that the State party does not stipulate budget allocations for children in the relevant sectors and agencies, provide for indicators and tracking systems at all levels or target budget allocations for children in marginalized and vulnerable situations.

12. Recalling its general comment No. 19 (2016) on public budgeting for the realization of children’s rights, the Committee recommends that, in planning its future budgets, the State party increase the budgetary resources allocated for children to the maximum extent possible, in accordance with article 4 of the Convention, and establish a budgeting process that includes a child rights perspective and specifies clear allocations to children in the relevant sectors and agencies, with specific indicators and a tracking system.

Data collection

13. The Committee takes notes of the 2016 census and the establishment of the National Statistics Committee and notes that the State party's poverty report is disaggregated by age and also includes multidimensional child poverty measures. However, the Committee is concerned that comprehensive data collection on all areas of the Convention is insufficient.

14. **Recalling its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:**

(a) **Strengthen its efforts to develop a comprehensive system of disaggregated data collection covering all areas of the Convention, with a specific focus on children in vulnerable situations, including children living in rural areas and on the outer islands and children with disabilities;**

(b) **Ensure linkages between data collection systems of the line ministries and the central system.**

Independent monitoring

15. The Committee is concerned that there is no national human rights mechanism in the State party with a mandate to monitor children's rights.

16. **Recalling its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:**

(a) **Take measures to expeditiously establish an independent mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner;**

(b) **Guarantee the independence of such a monitoring mechanism, including with regard to its funding, mandate and immunities, so as to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

Dissemination, awareness-raising and training

17. The Committee is concerned that there is insufficient awareness of child protection issues covered by the Convention, including in relation to the environment, among the general public and professionals working with children, particularly those involved in the justice system, such as magistrates, probation officers, social workers, police and prison officers.

18. **The Committee recommends that the State party:**

(a) **Consider reviving the National Coordinating Committee for Children to enable it to take a leading role in raising awareness about all areas covered by the Convention;**

(b) **Strengthen community awareness programmes, campaigns and efforts to ensure that the provisions and principles contained in the Convention, including those related to the environment and children's rights, are widely recognized and understood, and ensure that children, parents, communities and church leaders play a key role in such initiatives;**

(c) **Provide training on the Convention to the professionals working with children, particularly those in the justice system, such as magistrates, probation officers, social workers, police and prison officers.**

B. Definition of the child (art. 1)

19. The Committee is seriously concerned that several laws are not in line with the Convention's definition of a child, such as the Births, Deaths and Marriages Registration Act, which sets the minimum age for marriage at 15 years.

20. The Committee urges the State party to revise all legislation to ensure the definition of a child is in line with the definition in the Convention, and set the minimum age for marriage at 18 years, in line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices.

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

21. The Committee is concerned about:

(a) Section 118 of the Criminal Offences Act, which recognizes only women and girls as potential victims of rape and related offences, and that the protection afforded under the section does not extend to boys;

(b) Discriminatory provisions excluding girls from landownership and inheritance rights;

(c) Discrimination against children born to unmarried parents, who are referred to by the stigmatizing adjective “illegitimate” and who cannot inherit land or title;

(d) Discrimination against children with disabilities.

22. **The Committee recommends that the State party:**

(a) **Amend the Criminal Offences Act to ensure that all victims of rape, boys and girls, are accorded the same protection;**

(b) **Take legislative measures to bring the landownership law into full compliance with the Convention, particularly concerning inheritance and ownership of land in relation to girls and children born to unmarried parents;**

(c) **Take legislative and active measures to end all forms of discrimination against children, including replacing the word “illegitimate” in the law and other texts with the phrase “children of unmarried parents”;**

(d) **Take effective measures to ensure that children with disabilities are not discriminated against with regard to access to education and basic services.**

Best interests of the child

23. The Committee notes that the Guardianship Act provides for the right of the child to have his or her best interests taken as a primary consideration. However, the Committee is concerned that the best interests of the child are not independently assessed and are subsumed into the best interests of the family and the community.

24. **Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that the right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings, as well as in decisions made by officials, especially judiciary, police, health and education professionals, the family and the community.**

Right to life, survival and development

25. The Committee is seriously concerned that:

(a) The Criminal Offences (Amendment) Act sets the minimum age for the death penalty at 15 years;

(b) There is a high rate of road fatalities among children.

26. **The Committee urges the State party to:**

(a) **Amend the Criminal Offences (Amendment) Act to explicitly prohibit the sentencing of children who commit crimes while under 18 years of age to the death penalty;**

(b) **Strengthen its efforts to enhance road safety and reduce the high number of injuries and deaths caused by accidents by adopting necessary legislation and conducting further traffic safety and awareness-raising campaigns and initiatives.**

Respect for the views of the child

27. The Committee welcomes the active Youth Parliament organized by the Tongan National Youth Congress. However, the Committee is concerned that the nature of the traditional society of Tonga makes it difficult for children to participate and to be heard on matters affecting them.

28. **Recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Promote meaningful and empowered participation of all children within the family, communities and schools and include children in decision-making on all matters related to children, including environmental matters;**

(b) **Develop mechanisms for the systematic participation of children in the development and implementation of laws, policies and programmes relating to children;**

(c) **Continue supporting the Tongan National Youth Congress by increasing its legitimacy and effectiveness and providing it with the necessary resources.**

D. Civil rights and freedoms (arts. 7, 8 and 13–17)

Birth registration and nationality

29. The Committee welcomes the high rate of birth registration coverage in the State party. However, it is concerned that:

(a) Children who are subject to customary adoption immediately after birth and children living on the outer islands are at risk of not being registered;

(b) Children born to unmarried parents need to be re-registered as a “legitimate child” after the marriage of the parents.

30. **Taking note of target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Improve the efficiency of the registration process to ensure that information is accurate, particularly for births that take place outside of hospital facilities, and ensure the accuracy of registration details for babies born to young or unmarried mothers;**

(b) **Strengthen capacity of health personnel on the outer islands to ensure that all births are accurately recorded;**

(c) **Repeal the reregistration provision in the Legitimacy Act, which requires children born to unmarried parents to be reregistered as a “legitimate child” after the marriage of the parents;**

(d) **Consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

31. The Committee is seriously concerned that, while corporal punishment is prohibited in schools and penal institutions, it is still lawful in the home and in alternative and day-care settings, and that whipping is used as a judicial corporal punishment for a crime.

32. **Recalling its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:**

(a) **Explicitly prohibit corporal punishment in law and in practice in all settings and repeal the right to administer judicial corporal punishment for a crime;**

(b) **Strengthen teacher training on alternative, non-violent forms of discipline and ensure it is part of pre-service and in-service training programmes;**

(c) **Provide programmes for parents and all professionals that work with and for children to encourage the use of alternative, non-violent forms of discipline;**

(d) **Effectively enforce the prohibition against corporal punishment in schools and penal institutions and provide children with a complaints mechanism, especially in schools, so that they can safely and confidentially report teachers and others that continue to use corporal punishment;**

(e) **Strengthen awareness-raising programmes, training and other activities to promote attitudinal change, in particular in schools, within the family and at the community level, with regard to corporal punishment.**

Abuse, neglect and sexual exploitation and abuse

33. The Committee welcomes the positive steps taken to strengthen the legislative framework to protect children against violence, such as the Family Protection Act of 2013 and the Domestic Violence Response Policy. However, the Committee remains seriously concerned at:

(a) The reportedly high level of abuse of children, including domestic violence, sexual abuse and incest, and the significant underreporting of such cases for a variety of reasons, including the fear of stigma;

(b) Inadequate resources to enforce the laws designated to protect children from all forms of abuse;

(c) The fact that children are not sufficiently aware of existing laws and that there are no child-friendly reporting mechanisms;

(d) Inadequate, structures and shelters in place to support child victims of violence, mostly run by non-governmental organizations, and insufficient counselling, psychological, recovery and reintegration services;

(e) The shortage of specialized personnel to handle child victims, particularly in the Police Domestic Violence Unit;

(f) The absence of any statistical data on child sexual exploitation and abuse.

34. **Recalling its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and sexual exploitation;**

(b) **Conduct awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations;**

(c) **Allocate sufficient resources for the effective implementation of laws that protect children from violence, in particular the Criminal Offences Act and the Family Protection Act, and establish child-friendly reporting mechanisms;**

(d) **Investigate and expeditiously prosecute all cases of abuse and sexual exploitation of children;**

(e) **Ensure that child victims of violence and abuse have access to appropriate shelter, counselling and psychological, recovery and reintegration services;**

(f) **Take all necessary measures to ensure that there are adequate human, financial and technical resources, particularly specialized personnel within the Police Domestic Violence Unit and in non-governmental organizations dealing with child victims, to deal with cases of violence against and sexual abuse and exploitation of children;**

(g) **Establish a national database on all cases of domestic violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence.**

Helplines

35. The Committee is concerned that the services of the helpline, Tonga Lifeline, have declined due to insufficient commitment and human and financial resources.

36. **The Committee recommends that the State party urgently re-establish and make available for all children the Tonga Lifeline, a three-digit, toll-free, 24-hour, 7-day-a-week helpline, promote awareness of how children can access it, including by collaborating with relevant non-governmental organizations and community leaders and provide the necessary human, financial and technical resources for its effective functioning.**

F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Family environment

37. The Committee is concerned that there is no formal social welfare service in the State party and no parenting programmes that would encourage both parents to have a more active role in the family. It is also concerned at the low number of day-care centres nationwide.

38. **The Committee recommends that the State party establish a network of services for children and a functioning social welfare service, and that it provide more support for and strengthen partnership with non-governmental organizations that provide day-care services. The Committee also recommends that the State party raise awareness on parental responsibilities.**

Children deprived of a family environment

39. The Committee notes the care children receive from the extended family. However it is concerned that:

(a) There are no alternative care options, such as foster care, available in cases where the extended family does not take care of children;

(b) There is no legal framework, policy or set of minimum standards in place regulating the alternative care of children and no support is provided for children placed with the extended family.

40. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:**

- (a) **Set up a formal alternative care system, develop an alternative care policy and minimum standards for regulating alternative care for children and take children's views into consideration when making any decisions about alternative care;**
- (b) **Provide all necessary resources, social welfare services and support for children in kinship or extended family care;**
- (c) **Establish a legal framework, a policy and a set of minimum standards for supporting and monitoring family-based care for children.**

Adoption

41. The Committee notes that most adoptions in the State party occur through customary practices and that the State party is developing a draft adoption law. It is concerned, however, that there is currently no comprehensive adoption law in the State party and that there are no proper guidelines for the adoption process.

42. **The Committee recommends that the State party:**

- (a) **Enact the draft adoption law, formalize guidelines for the adoption process and establish an adequately resourced unit to oversee the formal adoption process;**
- (b) **Increase awareness of formal adoption at the community level and promote and encourage formal domestic adoptions;**
- (c) **Establish mechanisms to register, regulate and monitor adoptions;**
- (d) **Consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.**

Children of imprisoned parents

43. The Committee is concerned about the situation of children of imprisoned parents or of mothers facing imprisonment, including with respect to the lack of childcare services.

44. **The Committee recommends that the State party:**

- (a) **Ensure that living conditions for children in prison with their mothers, including access to health and early childhood development services, are adequate for the child's physical, mental, moral and social development;**
- (b) **Seek alternative measures to the imprisonment of pregnant women and mothers with small children, wherever possible, ensuring that the best interests of the child are carefully and independently considered by competent child professionals prior to sentencing pregnant women and mothers with small children and during the stay of children with their detained mothers.**

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)

Children with disabilities

45. The Committee notes the monthly cash transfers to children with disabilities, the draft national policy on disability-inclusive development and the establishment of the Social Protection Disability Unit. However, the Committee is seriously concerned at:

- (a) The absence of a comprehensive disability law in the State party;
- (b) The limited access of children with disabilities to inclusive education, health care, transportation and all public buildings and spaces, and at the situation regarding service delivery in all areas;
- (c) The limited access of children with disabilities to rehabilitation, early identification and referral programmes, as well as the limited nature of the funding and technical support provided to parents of children with disabilities and service providers.

46. **Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:**

- (a) **Adopt a human rights-based approach to disability;**
- (b) **Adopt a comprehensive law on disability and the draft national policy on disability-inclusive development;**
- (c) **Ensure that children with disabilities have effective access to public services and spaces and improve physical access to all public and private buildings, spaces, service delivery and transportation in all areas, especially in rural communities and on the outer islands;**
- (d) **Ensure that all children with all types of disability enjoy inclusive education, including through international cooperation, and that teaching staff are adequately trained;**
- (e) **Strengthen health-care services for children with disabilities;**
- (f) **Expand community-based rehabilitation, early identification and referral programmes to cover all children with disabilities, provide technical support to service providers and to families of children with disabilities and increase the financial support to families of children with disabilities;**
- (g) **Consider ratifying the Convention on the Rights of Persons with Disabilities.**

Health and health services

47. The Committee takes notes of the Tonga Health Promotion Foundation and the National Strategy to Prevent and Control Non-Communicable Diseases. However, it is concerned about:

- (a) The weak primary health-care system, which is unable to deal with chronic cases and non-communicable diseases, particularly in remote areas and on the outer islands;
- (b) The high infant and under-5 mortality rate due to perinatal and neonatal causes, as well as child mortality due to non-communicable diseases;
- (c) The reported low vaccination coverage, particularly in rural areas and on the outer islands;
- (d) The high prevalence of non-communicable diseases among children related to an unhealthy lifestyle, particularly obesity, diabetes and cardiovascular disease;
- (e) Inadequate funding, the insufficient number of well-trained health workers for children and pregnant women and the poor accessibility of health-care services, particularly in rural and remote areas and on the outer islands;
- (f) The low level of exclusive breastfeeding after the first three months;
- (g) The unregulated traditional healing carried out by practitioners who are not professional health providers;
- (h) Air pollution due to improper waste disposal and rubbish burning and its negative effects on children's health.

48. **Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Strengthen primary health care for children, particularly in remote areas and on the outer islands;**
- (b) **Take measures to reduce infant and under-5 mortality due to perinatal and neonatal conditions;**

(c) **Scale up immunization, particularly in rural areas and on the outer islands, and provide sufficient investment in suitable technologies, such as drone delivery, and human resource capacities for immunization services;**

(d) **Increase efforts to improve access to basic health-care services for all children, particularly in rural and remote areas and on the outer islands, and provide more resources to the mobile clinics so that they are more frequently available and reach a wider population;**

(e) **Take measures to reduce child mortality due to non-communicable diseases by focusing on both prevention and management;**

(f) **Reduce the risk of non-communicable diseases later in life by increasing early childhood obesity prevention interventions that are informed by reliable disaggregated data on children;**

(g) **Further develop school-based policies for healthy eating and physical education, promote nutritionally balanced meals, including larger amounts of fruits and vegetables in school meals, and continue to discourage school canteens from serving “fizzy” drinks, junk food and food high in sugar;**

(h) **Strengthen breast-feeding initiatives such as baby-friendly hospitals and encourage mothers to follow the recommended infant and young child feeding practices;**

(i) **Strengthen data collection on breast-feeding according to World Health Organization indicators and fully incorporate the standards of the International Code of Marketing of Breast-milk Substitutes;**

(j) **Implement recommendations of the National Health Accounts to regulate traditional healing;**

(k) **Strengthen and strictly implement fines for improper waste management, such as burning rubbish, to prevent pollution-related health risks for children.**

Mental health

49. The Committee is concerned at the high rates of suicidal thoughts and behaviour among adolescents. It is also concerned that children aged 17 or above with intellectual, psychosocial and behavioural problems can be placed in wards together with adults.

50. **Taking note of target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Take urgent action to strengthen efforts to prevent suicidal behaviour among children and adolescents, including by increasing available psychological counselling services and the number of social workers in schools and communities;**

(b) **Undertake a study and develop a national strategy to address the issue of suicide, in cooperation with civil society and taking into account the views of children;**

(c) **Ensure that community-based mental health services, including specialized counselling, are readily available and are used as an alternative to institutionalizing children with intellectual, psychosocial and behavioural problems, and take all the necessary steps to ensure children are not placed together with adults in mental health facilities.**

Adolescent health

51. The Committee is concerned that:

(a) The rate of teenage pregnancies is high and pregnant girls and young mothers are stigmatized;

(b) Teenage girls have limited access to safe reproductive and sexual health services and education, especially in rural areas and on the outer islands, and to methods of birth control, also due to fear of stigmatization;

(c) Abortion is a criminal offence, without any exceptions for cases of rape or incest, and that the prohibition leads teenage girls to have recourse to unsafe abortions, with consequent risks for their life and health;

(d) There is a lack of policy, action plans and concrete measures to stop alcohol consumption, smoking and substance abuse among adolescents and limited programmes and services available for those affected.

52. Recalling its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence and taking note of target 5.6 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) **Adopt a comprehensive sexual and reproductive health policy for adolescents, and ensure that sexual and reproductive health education is part of the mandatory school curriculum and is targeted at adolescent girls and boys, with special attention placed on preventing early pregnancy and sexually transmitted infections;**

(b) **Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat discrimination against them;**

(c) **Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process;**

(d) **Address the incidence of alcohol and drug use by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information on the harmful effects of alcohol, drug and substance abuse, as well as life skills education on preventing substance abuse – including tobacco and alcohol dependence – and develop accessible and youth-friendly drug dependence treatment and harm reduction services.**

Impact of climate change on the rights of the child

53. Noting that the State party is among the most vulnerable countries in terms of exposure to natural hazards and risk, the Committee welcomes the revised Joint National Action Plan on Climate Change and Disaster Risk Management of 2018. However, the Committee is concerned that:

(a) More could be done to include the special needs of children, including children with disabilities, in planning disaster risk reduction preparedness, response and recovery;

(b) School infrastructure, particularly in remote areas, is not resilient, reliable and accessible in case of natural disaster.

54. The Committee draws attention to targets 13.1, 13.3 and 13.b of the Sustainable Development Goals, and recommends that the State party:

(a) **Fully implement and support with adequate resources the revised Joint National Action Plan on Climate Change and Disaster Risk Management, including addressing key gaps identified from the implementation of the previous plan;**

(b) **Continue building children's awareness and preparedness for climate change and natural disasters;**

(c) **Review emergency protocols to include assistance and other support for all children, particularly those with disabilities, during emergencies and natural disasters;**

(d) **Improve data and assessments to have an evidence base for risk reduction and preparedness, particularly for the distinct needs and priorities of children with disabilities;**

- (e) **Invest sufficient human, technical and financial resources in health care, given the potential major public health burden of climate change-related health risks.**

H. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

55. The Committee is seriously concerned that:

- (a) Primary education is not free by law;
- (b) Enrolment rates have dropped in primary and secondary schools;
- (c) Children are underachieving in primary education, particularly in literacy and numeracy; school facilities, teacher quality and learning resources are inadequate; and there is poor access to schools, especially in rural areas and on the outer islands and for children with disabilities;
- (d) There is no comprehensive environmental education in the school curriculum;
- (e) The enrolment rate in early childhood education is low and there is limited accessibility, particularly on the outer islands and in rural areas, and inadequate financial support for early childhood education.

56. **Recalling its general comment No. 1 (2001) on the aims of education and taking note of target 4.1 of the Sustainable Development Goals, the Committee urges the State party to:**

- (a) **Make primary education free and ensure that all girls and boys complete equitable and quality primary and secondary education leading to relevant and effective learning outcomes;**
- (b) **Analyse the root causes for the drop in enrolment in primary and secondary schools and implement appropriate actions to remedy it;**
- (c) **Take the necessary measures, including by providing adequate human, financial and technical resources, to improve the accessibility and quality of education, particularly for children with disabilities, provide quality training for teachers and scale-up school facilities and learning resources, with particular emphasis on rural areas and the outer islands;**
- (d) **Update curricula to be responsive to the rapidly changing environment and encourage direct participation of children in environmental protection as a component of their learning process;**
- (e) **Encourage parents to enrol their children in early childhood education and allocate sufficient financial resources for its development and expansion, based on a comprehensive and holistic policy of early childhood care and development.**

Rest, leisure, recreation and cultural and artistic activities

57. The Committee is concerned at the lack of specific programmes on the right to play and to leisure and at the lack of safe playgrounds for children.

58. **Recalling its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and arts, the Committee recommends that the State party strengthen the promotion of the right to play and to leisure, including through the provision of safe playgrounds and physical education and sports programmes in schools.**

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Economic exploitation, including child labour

59. The Committee notes with serious concern that the employment relations bill of 2013, which explicitly prohibits the worst forms of child labour and establishes the minimum age for hazardous and non-hazardous work, has not been adopted. The Committee is also concerned that:

- (a) There is currently no law in the State party that prohibits child labour and establishes the minimum age for hazardous and non-hazardous work, and no data on the prevalence of child labour;
- (b) The hazardous child labour list has not yet been adopted;
- (c) Children are reportedly engaged in the worst forms of child labour, including commercial sexual exploitation;
- (d) Street vending by children and non-attendance in school remain a challenge and are often linked to economic hardship;
- (e) Children are extensively involved in non-economic activities within the household, which reduces time for leisure.

60. **The Committee urges the State party to:**

- (a) **Adopt without delay the employment relations bill of 2013;**
- (b) **Review and amend the Criminal Offences Act to ensure that children are explicitly protected from commercial sexual exploitation, including pornography, and explicitly prohibit the involvement of children in illicit activities, such as the producing and trafficking of drugs;**
- (c) **Develop and implement the hazardous child labour list, develop a strategy for the elimination of the worst forms of child labour and the enforcement of child labour laws, provide training for labour inspectors to enforce child labour laws and provide sufficient resources for the implementation of those laws;**
- (d) **Determine the conditions in which light work may be permitted and the number of hours during which such employment of children may be undertaken, ensuring that children have sufficient leisure time and do not miss school;**
- (e) **Collect data on the nature and extent of and trends in the worst forms of child labour, including commercial sexual exploitation, in order to inform current and future policies and strategies.**

Sale, trafficking and abduction

61. The Committee is concerned that:

- (a) Current legislation does not explicitly criminalize the sale and abduction of all children;
- (b) There is a lack of formal procedures to identify child victims of trafficking, and no trafficking prosecutions have been initiated or perpetrators brought to justice;
- (c) Guidance and measures in place for the protection, rehabilitation and support of child victims of trafficking are insufficient.

62. **The Committee recommends that the State party:**

- (a) **Criminalize the sale, trafficking and abduction of children, and apply appropriate sanctions commensurate with the gravity of such crimes;**
- (b) **Develop and implement procedures for proactive identification of child victims of trafficking, sale and abduction and increase efforts to prosecute trafficking crimes, including child sex trafficking;**

(c) **Increase resources and strengthen efforts to ensure that child victims of trafficking, sale and abduction have access to protective and support services, physical and psychological recovery and social reintegration;**

(d) **Increase awareness of trafficking, sale and abduction and the active involvement of communities and parents in preventive strategies.**

Administration of juvenile justice

63. The Committee notes that the State party is developing a youth diversion scheme as an alternative to a formal child justice system. However, the Committee is seriously concerned that:

- (a) The Criminal Offences Act sets the age of criminal responsibility at 7 years of age;
- (b) There is no law governing the administration of juvenile justice;
- (c) There is no time limit for pretrial detention of children;
- (d) Children appearing in court generally do not have legal representation;
- (e) Judges and magistrates are not aware of the provisions of the Convention;
- (f) Due to budgetary constraints, there is no separate juvenile detention facility and children are mixed with adults;
- (g) Whipping can be administered as a punishment for boys below the age of 16;
- (h) There are limited diversion options currently available.

64. **Recalling its general comment No. 10 (2007) on children’s rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

- (a) **Develop and adopt a youth diversion scheme, with clear timelines for its implementation;**
- (b) **Raise the minimum age of criminal responsibility to acceptable international standards for all cases, adopt legislation for the administration of juvenile justice and ensure that children under the age of 18 are accorded all proper legal safeguards;**
- (c) **Establish specialized procedures with adequate human, technical and financial resources, designate specially trained judges for children and ensure other relevant personnel receive appropriate education and training;**
- (d) **Ensure that any necessary pretrial deprivation of liberty is used as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis with a view to its withdrawal;**
- (e) **Ensure the provision of free, qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;**
- (f) **In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services;**
- (g) **Promote non-judicial and non-violent measures, such as diversion, mediation and counselling, for children accused of criminal offences and, wherever possible, the use of non-custodial sentences for children, such as probation or community service.**

J. Ratification of the Optional Protocol on a communications procedure

65. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol on a communications procedure.

K. Ratification of the Optional Protocols to the Convention

66. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography.

L. Ratification of international human rights instruments

67. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments:

- (a) The International Covenant on Civil and Political Rights;
- (b) The International Covenant on Economic, Social and Cultural Rights;
- (c) The Convention on the Elimination of All Forms of Discrimination against Women;
- (d) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (e) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- (f) The International Convention for the Protection of all Persons from Enforced Disappearance.

M. Cooperation with regional bodies

68. The Committee recommends that the State party cooperate, among others, with regional organizations such as the Pacific Community and the Pacific Islands Forum.

IV. Implementation and reporting**A. Follow-up and dissemination**

69. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the initial report, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. National Mechanism for Reporting and Follow-up

70. The Committee recommends that the State party establish a standing government structure to coordinate and prepare reports to and engage with international and regional human rights mechanisms, and to coordinate and track national follow-up to and implementation of treaty obligations and the recommendations and decisions emanating from the mechanisms. The Committee

emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with civil society.

C. Next report

71. The Committee invites the State party to submit its combined second to sixth periodic reports by 5 December 2023 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

72. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.
