



Convention on the Rights of the Child

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Committee on the Rights of the Child

Eighty-first session

13–31 May 2019

Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the initial report of Tonga

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 February 2019. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

Part I

1. Please provide information on any plans to harmonize all national laws with the Convention. Please provide information on the Tonga National Youth Strategy 2014–2019 and on any plans to enact and implement child protection legislation. Please also advise on measures to strengthen the coordination of national action plans and strategies under the National Coordinating Committee for Children, including budget support for the National Coordinating Committee for Children as well as for the implementation of child-related programmes.
2. Please provide information on measures taken to harmonize the definition of a child across relevant laws in accordance with the definition under the Convention, in particular to amend the Births, Deaths and Marriages Registration Act which sets the minimum age of marriage at 15, and the Criminal Offences (Amendment) Act which sets the minimum age for the death penalty at 15. Please also advise on measures to raise the age of criminal responsibility from 7 years, as it is at present, to an internationally acceptable standard.
3. Please provide information on the targeted measures taken to eliminate all forms of discrimination against children, in particular discrimination against girls and children born to unmarried parents in relation to inheritance, and against boys in relation to legislation that only recognizes rape and other sexual offences in respect of female victims.
4. Please inform the Committee about the measures taken to ensure that the best interests of the child are taken as a primary consideration when drafting, adopting and reviewing legislation concerning children. Please provide information on any steps to ensure that decisions taken in the community and in the family are in the best interests of the child. Please also indicate any measures to promote the views of children in schools, in public discourse and through institutions such as the Tonga National Youth Council.
5. Please explain the steps taken to enforce the prohibition of corporal punishment — including whipping — in practice and in law in all settings, including at home and as a sentence for crime. Please provide information on any legislative and administrative measures taken to combat child abuse, including sexual abuse, at home and at school, as



well as information on activities to change the cultural acceptance thereof. Please provide information on any efforts to strengthen the Tonga Lifeline (helpline).

6. Please inform the Committee about measures taken to expand day care for children. Please also inform the Committee about any plans to develop a formal social welfare structure with guidelines for a referral system. Please also provide an update on the draft adoption law and on any measures to increase awareness about formal adoption.

7. Please inform the Committee about the adoption of the draft Tonga National Policy on Disability-Inclusive Development 2014–2018 and about the implementation of the results of the National Disability Identification Survey. Please indicate steps taken to eliminate discrimination against children with disabilities and to facilitate their full inclusion in society, particularly by ensuring their effective access to health services, to diagnosis and assessment of their disability, to inclusive education and to social and transport services.

8. Please inform the Committee about the steps taken to:

- (a) Address premature birth and the shortage of midwives and obstetricians;
- (b) Reduce pneumonia, meningitis, diabetes and other non-communicable diseases;
- (c) Promote exclusive breastfeeding and address the reduced uptake of vaccinations;
- (d) Tackle adolescent drug and substance abuse, including abuse of alcohol and tobacco;
- (e) Address teenage pregnancy, and improve sexual and reproductive health education and services for adolescents, including by strengthening family planning and safe abortion services.

9. Please indicate the measures taken to address:

- (a) Children with mental health and behavioural issues, in particular alternatives to their placement into mental health units together with adults, the adequacy of such and other facilities, and the training of relevant staff;
- (b) The high rate of teenage suicide and the root causes;
- (c) The high incidence of commercial sexual exploitation of teenage girls;
- (d) Child labour, in particular by young street vendors.

10. Please provide information on the steps taken to make free and quality primary education available for all children, including in remote communities and the outer islands, to address the shortage of trained teachers, to address the drop in primary and secondary enrolment rates, and to scale up early childhood care and education. Please explain the measures taken to introduce human rights education, including environmental education, into the compulsory school curriculum. Please also provide information on steps to improve children's access to safe outdoor spaces.

11. Please inform the Committee about any measures taken to develop a comprehensive juvenile justice system, in particular:

- (a) Addressing the training of judges and all other relevant personnel;
- (b) Providing free legal representation for children at all stages of the juvenile justice process;
- (c) Keeping children separated from adults in detention centres and police stations;
- (d) Promoting the use of diversion and non-custodial measures.

Part II

12. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to:

- (a) New bills or laws, and their respective regulations;
- (b) New institutions (and their mandates) or institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

13. Please provide consolidated information for the past three years on the budget lines regarding children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographic allocation (outer islands) of those resources.

14. Regarding children deprived of a family environment, please provide data, disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location, for the past three years, on the number of children:

- (a) Separated from their parents;
- (b) Orphaned;
- (c) In foster homes;
- (d) Placed in institutions (a mental health unit) or with extended families;
- (e) Adopted.

15. Please provide updated data for the past three years, disaggregated by age, sex, socioeconomic background, national and ethnic origin, and geographic location, on:

- (a) Infant and child mortality;
- (b) Babies with low birth weight;
- (c) Obesity among children;
- (d) Teenage pregnancy and girls receiving medical and professional services for pregnancy and childbirth;
- (e) Abortions;
- (f) Suicides;
- (g) Tobacco, alcohol and drug abuse among children;
- (h) Sexually transmitted infections, including HIV/AIDS.

16. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographic location, for the past three years, on the number of children with disabilities:

- (a) Living with their families;
- (b) Living in institutions;
- (c) Attending regular primary schools;
- (d) Attending regular secondary schools;
- (e) Attending special schools;
- (f) Out of school;

(g) Abandoned by their families.

17. Please provide updated statistical data disaggregated by age, sex, type of offence, ethnic and national origin, geographic location and socioeconomic status, for the past three years, on children in conflict with the law who have been:

- (a) Arrested;
- (b) In pretrial detention;
- (c) In post-trial detention;
- (d) In diversion programmes.

18. Please provide the Committee with an update of any data in the report that may have become outdated by more recent data collected or other new developments.

19. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.
