
ADVANCE UNEDITED VERSIONDistr.: General
1 May 2026

Original: English

Committee on the Elimination of Racial Discrimination**List of issues prior to submission of the fifteenth report of
Tonga***

1. The State Party is requested to submit in writing the information requested below (21,200 words maximum) by 30 April 2027. The State Party's replies to the list of issues prior to reporting will constitute its fifteenth periodic report under article 9 of the International Covenant on the Elimination of Racial Discrimination.

General information

2. Please outline any significant developments of a legislative, institutional or policy nature that have taken place in the State Party since the previous review, that have contributed to the promotion and protection of human rights, in particular those rights covered by the Convention. Also, please indicate how the Committee's previous concluding observations have been taken into account in introducing these changes and whether civil society organizations have been involved in the process.

3. Please provide disaggregated statistics on the ethnic composition of the State Party's population, in particular on indigenous peoples, ethnic minorities and non-citizens such as asylum seekers, refugees, stateless persons, and migrants, taking into account the Committee's general recommendations No. 8 (1990) and No. 24 (1999) and paragraphs 10 and 12 of its revised reporting guidelines.¹

4. Please provide recent statistics on the socio-economic situation of indigenous peoples, persons of African, Asian, European and Pacific descent, and non-citizens, such as migrants, asylum seekers, refugees and stateless persons, as well as on the effectiveness of the rights conferred on them by article 5 of the Convention, disaggregated, inter alia, by sex, age and ethnic or national origin.

5. Please indicate the status of the Convention in the domestic legal order and indicate, providing examples, whether it has been or can be directly invoked in domestic courts.

6. Please detail actions taken or planned by the State Party to make the optional declaration provided for in article 14 of the Convention.

Article 1

7. Please provide information on existing constitutional and legislative provisions defining racial discrimination and indicate whether the definition and the prohibited grounds of discrimination are fully in line with article 1 of the Convention. Please describe any steps taken to adopt new comprehensive legislation that incorporates the principle of equality and a clear definition of racial discrimination, including structural, direct, indirect and

* Adopted by the Committee at its 117th session (13 April – 1 May 2026).

¹ CERD/C/2007/1

intersecting forms of discrimination, applicable in both the public and private spheres, taking into account the Committee's general recommendations No. 1 (1972) concerning States parties' obligations, No. 7 (1985) relating to the implementation of article 4 and No. 15 (1993) on article 4 of the Convention.

8. Please provide information on whether the legal system of the State Party provides for differential treatment based on citizenship and migration status. Please explain the compliance of any such differentiation with article 1 (2) and (3) of the Convention.

9. Please provide information on whether the State Party's legal system allows for the adoption of special measures to ensure adequate opportunities for individuals and groups protected by the Convention, including migrants, refugees and asylum-seekers.

Article 2

10. Please outline the legal framework, policies, strategies and other measures in place to eliminate racial discrimination and to give effect to the provisions of article 2 of the Convention. Please provide information on steps taken to enact legislation that prohibits and penalizes racial discrimination.

11. Please provide detailed information on cases in which the Convention has been applied or invoked before courts, tribunals or other relevant bodies in the State Party. Please include the number and nature of cases brought, investigations undertaken, convictions made and sentences imposed, and information on any reparation or other remedies provided to victims.

12. Please outline legislation, policies and other measures in place to protect the rights of asylum-seekers, refugees, migrants and stateless persons. Please indicate steps to bring national legislation, in particular, the Immigration Act, into conformity with international standards, the obligations of the State Party and the Convention.

13. Please provide details of applicable provisions and procedures for the processing of asylum applications in domestic law and of the relevant criteria on which the State party bases its decision to accept or refuse them, in the light of applicable international agreements.

14. Please provide information on any consideration given to acceding to the Convention relating to the Status of Refugees and to the Convention on the Reduction of Statelessness.

15. Please provide information on the implementation of sections 136, 139 and 140 of the Penal Code, including statistics and the number of cases brought under these provisions, to help assess the situation of disadvantaged and marginalized groups facing intersectional discrimination.

16. Please provide information on the effectiveness of the legislative and policy framework in place to prevent and combat trafficking in persons, including trafficking in children. Please include statistics on investigations, prosecutions and convictions, as well as information on remedies and assistance provided to victims. Please also provide information on cases involving the exploitation of migrant workers in the fishing and construction sectors and the trafficking of women and girls linked to commercial fishing vessels from abroad.

17. Please provide information on any measures taken to establish an independent national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Article 4

18. Please provide information on the compliance of criminal legislation with the provisions of article 4 of the Convention, with reference to all the grounds outlined in article 1 (1) of the Convention, in particular with regard to the criminalization of:

(a) All dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination;

(b) All acts of violence or incitement to such acts against any group of persons on the grounds of race, colour, descent or national or ethnic origin;

(c) The provision of any assistance to racist activities, including the financing thereof;

(d) Organizations that carry out organized propaganda activities or spread any other type of propaganda to promote or incite racial discrimination, and the recognition of participation in such organizations or activities as an offence punishable by law;

(e) Incitement to or encouragement of racial discrimination by public authorities or public institutions, whether national or local.

19. Please explain steps taken to ensure that racial motives, including all grounds outlined in article 1 (1) of the Convention, are considered an aggravating circumstance under domestic criminal legislation.

20. Please provide detailed statistics on complaints filed, investigations carried out, prosecutions undertaken, decisions taken and sentences passed by national tribunals and other State institutions regarding acts of racial discrimination, in particular offences under article 4 of the Convention. Please provide information on any reparation or other remedies provided to victims of such acts.

21. Please indicate which mechanisms have been established for monitoring and collecting data on racist incidents, including acts of racist violence and hate speech, including online, in the State party, and information on the statistics collected through such mechanisms.

Article 5

22. Please provide information on the enjoyment of the rights enshrined in article 5 of the Convention by non-citizens residing in the territory of the State Party, including migrants, refugees, asylum-seekers and stateless persons.

23. Concerning migrants, please provide statistics, disaggregated by age, sex and nationality, on the number of migrants who have been detained or deported for violations of immigration laws. Please also provide information on the measures in place to strengthen inspection of the working conditions of non-citizens, in particular measures aimed at guaranteeing that migrant workers, especially women, are not subjected to physical abuse, confiscation of passports, lower wages, non-payment of salaries and wage theft, paying particular attention to the construction, tourism and commercial fishing sectors.

24. Please provide details of efforts made to prevent and combat trafficking in persons, in particular:

(a) Measures to establish shelters or long-term accommodation and to provide support for victims of trafficking with rehabilitation, access to care and reintegration or repatriation;

(b) Education and awareness-raising campaigns on the risks and the criminal nature of trafficking, aimed at migrant workers, among others, and trafficking-specific training provided to law enforcement officials, border guards, judges, prosecutors, labour inspectors, teachers, healthcare providers and social services personnel;

(c) Remedies provided and protection measures offered to victims of trafficking, including legal, medical and psychosocial assistance, and protection from retaliation;

(d) Statistics on cases of trafficking that have been addressed by national or local authorities, including investigations, prosecutions, convictions and sentences pronounced against those responsible, including officials complicit in trafficking crimes, and the remedies and protection offered to the victims.

25. With regard to ethnic minorities in the State Party, including persons of African, Asian, European and Pacific descent in Tonga, please provide information on:

(a) Measures in place to ensure access to civil and political rights without distinction as to race, colour, or national or ethnic origin, as outlined in article 5 of the Convention, including the rights to nationality, to own property and to inherit;

(b) Measures in place to ensure access to economic, social and cultural rights without distinction as to race, colour, or national or ethnic origin, as outlined in article 5 of the Convention, including the rights to housing, health and education.

26. Please provide information on multiple or intersectional forms of racial discrimination, with respect to discrimination based on sex, sexual orientation and gender identity.

Article 6

27. Please outline the legislative, judicial, administrative or other measures in place to implement the provisions of article 6 of the Convention. Please provide information about the steps taken by the State Party to educate and inform the public about their rights under the Convention, the laws prohibiting racism and racial discrimination, and the availability of redress mechanisms and remedies in relation to such acts.

28. With regard to cases relating to racial discrimination, please provide detailed information on any complaints received, investigations conducted and recommendations made by legislative, judicial and administrative bodies. Please also provide information on the burden of proof required in civil proceedings in cases involving racial discrimination.

29. Please indicate measures taken to provide capacity-building for law enforcement, immigration and judicial officials to ensure respect and protection for human dignity without discrimination on the grounds of race, colour or national or ethnic origin in their work.

30. Please outline the training provided for judicial and law enforcement officials on the investigation and prosecution of cases of discrimination and violence, in particular hate motivated crimes against all disadvantaged and marginalized groups.

Article 7

31. Please provide information on measures that have been taken to implement article 7 of the Convention, in particular on steps to disseminate information to promote mutual understanding, tolerance, dialogue and friendship among the ethnic groups in the country.

32. Please provide details of the action taken to preserve diverse cultures and languages and to promote access to and participation in cultural heritage and creative expressions by diverse ethnic groups.

33. Please provide information on measures taken to encourage organizations working on the elimination of racial discrimination and to support the activities organized by those associations.

34. Please provide information on human rights education in the State Party, including in relation to the rights contained in the Convention, both in school curricula and for the population in general.

35. Please provide information on action taken to raise awareness among media professionals of their particular responsibility to avoid prejudiced, racial, discriminatory or biased language and to avoid reporting incidents involving members of groups protected by the Convention in a way that blames such groups as a whole.