



29th session of the Universal Periodic Review – Tonga

Introduction

1. Tonga should continue to affirm the sanctity of life on the part of all human beings, including the unborn, and resist calls to liberalize access to abortion on the grounds that there is no international human right to abortion. It should also address the issue of high levels of maternal mortality and morbidity in the country.

Abortion, Maternal Health

2. Under sections 103 to 105 of the Criminal Offences Act, abortion is illegal without exception in Tonga, with procurement of induced miscarriage carrying up to seven years' imprisonment in the case of a third party and three years' imprisonment in the case of the pregnant mother herself. General principles of criminal law, however, allow a pregnant woman to receive lifesaving medical treatment even where this has the effect of causing the death of her unborn child. Pro-abortion organizations have been calling for further liberalization of abortion laws as a matter of international human rights law and public health.
3. Notwithstanding the medical infrastructure is of an acceptable standard, access to quality health-care services is less available in remote and poor areas. Increasingly high rates of maternal mortality have less to do with the legality of abortion *per se* than with an inability to access obstetric care, lack of information, and lack of health workers. Given the maternal health crisis in the country, Tonga must rather focus its efforts and resources on improving conditions for pregnant women, women undergoing childbirth, and postpartum women, especially those living in remote or rural areas.

Recommendations

4. ADF International suggests the following recommendations be made to Tonga:
 - a. Affirm that there is no international human right to abortion and that the right to life applies from conception until natural death, and as such that the unborn child has the right to protection of his or her life at all points;
 - b. Resist calls to further liberalize abortion, and instead implement laws aimed at protecting the right to life of the unborn;
 - c. Recognize that the legalization of abortion, in a country with high levels of maternal mortality and morbidity and with severe problems with access to proper health-care, will not make pregnancy and childbirth any safer;
 - d. Improve health care infrastructure, access to emergency obstetric care, midwife training, and resources devoted to maternal health; and
 - e. Focus on safely getting mothers and babies through pregnancy and childbirth, with special attention paid to improving health-care access for women from poor and/or rural backgrounds.