

## RECOMMENDATIONS FOR LAW REFORM BASED ON DISTRICT CONSULTATIONS

1. Repeal without any replacement of Section 81(5) from the Criminal Offences Act 2016
2. Amend Section 136 of the Criminal Offences Act to insert the words “against minors or sexual assault”.

Notwithstanding the proposal above, the TLA feel that it is still vital to completely remove references to sodomy in the Criminal Offences Act 2016. In turn, an amendment should be made to Section 118 so that rape victims are not limited to females. The use of gender neutral terms in the Criminal Offences Act 2016 is therefore vital. Indecent assault on a child is already addressed in Section 125.

That sodomy is coupled with bestiality in the law harks of a bygone era when diverse sexual orientations were neither understood nor visible. As a society we have evolved and while there is still a struggle to be more inclusive, the Kingdom of Tonga has a responsibility and obligation as signatory to various international legal instruments, to ensure our laws by letter or implication, are not discriminatory to a particular group in society.